

1 relating to his official duty, willful and persistent failure to perform his duty,
 2 persistent and public conduct prejudicial to the administration of justice that brings
 3 the judicial office into disrepute, **malfeasance while in office**, conduct while in
 4 office which would constitute a felony, or conviction of a felony. ~~On~~
 5 ~~recommendation of the judiciary commission, the~~ **The** supreme court may, **after an**
 6 **investigation by the judiciary commission, which shall be instituted on**
 7 **recommendation by the judiciary commission or by directive of a majority of**
 8 **the supreme court**, disqualify a judge from exercising any judicial function, without
 9 loss of salary, during pendency of proceedings in the supreme court. ~~On~~
 10 ~~recommendation of the judiciary commission, the~~ **The** supreme court may, **after an**
 11 **investigation by the judiciary commission, which shall be instituted on**
 12 **recommendation by the judiciary commission or by directive of a majority of**
 13 **the supreme court**, retire involuntarily a judge for disability that seriously interferes
 14 with the performance of his duties and that is or is likely to become permanent. The
 15 supreme court shall make rules implementing this Section ~~and providing for~~
 16 ~~confidentiality and privilege of commission proceedings.~~

17 * * *

18 Section 2. Be it further resolved that this proposed amendment shall be submitted to
 19 the electors of the state of Louisiana at the statewide election to be held on November 5,
 20 2024.

21 Section 3. Be it further resolved that on the official ballot to be used at said election
 22 there shall be printed a proposition, upon which the electors of the state shall be permitted
 23 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 24 follows:

25 Do you support an amendment to require the judiciary commission, at the
 26 direction of the supreme court or on recommendation by the judiciary
 27 commission, to investigate sitting judges prior to enforcement of certain
 28 disciplinary actions for cause?

29 (Amends Article V, Section 25(A) and (C))

The original instrument was prepared by Jonathon Wagner. The following digest, which does not constitute a part of the legislative instrument, was prepared by Hanna Gettys.

DIGEST

SB 177 Engrossed

2024 Regular Session

Morris

Present constitutional amendment allows the supreme court to discipline a sitting judge for cause after receiving a recommendation from the judiciary commission.

Proposed constitutional amendment adds "malfeasance while in office" to the list of specified actions for which the supreme court may pursue disciplinary action against a sitting judge.

Proposed constitutional amendment requires the judiciary commission, after receiving a directive from the supreme court or on recommendation by the judiciary commission, to investigate a sitting judge prior to the supreme court taking disciplinary action against a sitting judge for cause.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 5, 2024.

(Amends Const. Art. V, Sec. 25(C))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Removes the proposed changes to the composition of the judiciary commission.
2. Adds that an investigation by the judiciary commission may be instituted by either a majority of the supreme court or by recommendation by the judiciary commission.
3. Changes ballot language to include "or on recommendation by the judiciary commission".