

2026 Regular Session

SENATE BILL NO. 123

BY SENATOR MORRIS

GOVERNOR. Constitutional amendment to require the governor to certify a legislative address removing certain judges for cause. (2/3 - CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article IV, Section 5(I) of the Constitution of Louisiana, relative to gubernatorial powers and duties; to require gubernatorial certification of the removal by legislative address of certain judges or a Louisiana Supreme Court justice; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article IV, Section 5(I) of the Constitution of Louisiana, to read as follows:

§5. Governor; Powers and Duties

Section 5.(A) * * *

(I) Removal Power **and Duties**. The governor ~~may remove from office a:~~

(1) May remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

(2) Upon receipt of a joint legislative address, shall certify the removal of an elected or temporarily appointed district, juvenile, family, parish,

1 municipal, or court of appeal judge, or a Louisiana Supreme Court justice for
 2 malfeasance, gross misconduct, or incompetence committed while in office if:

3 (a) The cause for removal was stated and entered in the journal of the
 4 house of the legislature in which the address originated and a copy thereof was
 5 served on the judge prior to removal.

6 (b) A trial by the Senate, with senators under oath or affirmation for the
 7 trial, is conducted, at which the judge may present his defense to the stated
 8 cause for removal.

9 (c) The legislative address received a favorable vote of a majority of the
 10 elected members of the House of Representatives and a two-thirds majority of
 11 the elected members of the Senate.

12 (3) The removed judge is permanently barred from seeking any judicial
 13 office in the state of Louisiana.

14 (4) Nothing in Subparagraph (2) of this Paragraph shall be construed
 15 as precluding removal of a judge by impeachment pursuant to Article X,
 16 Section 24 of this constitution or by the supreme court pursuant to Article V,
 17 Section 25 of this constitution.

18 * * *

19 Section 2. Be it further resolved that this proposed amendment shall be submitted to
 20 the electors of the state of Louisiana at the statewide election to be held on April 17, 2027,
 21 as authorized by law.

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

26 Do you support an amendment requiring the governor to certify the removal
 27 of an elected or temporarily appointed district, juvenile, family, parish,
 28 municipal, or court of appeal judge, or a Louisiana Supreme Court justice
 29 for malfeasance, gross misconduct, or incompetence while in office, after a

1 trial in the Senate and after a vote to remove by a majority of the elected
 2 members of the House of Representatives and a two-thirds majority of the
 3 elected members of the Senate?

4 (Amends Article IV, Section 5(I))

5 Section 4. This Act shall be known and may be cited as the "Jacob Carter Act."

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 123 Engrossed

2026 Regular Session

Morris

Present constitution allows the governor to remove from office a person he appointed unless that person is appointed for a term fixed by either present constitution or present law.

Proposed constitutional amendment retains present constitution.

Proposed constitutional amendment requires the governor, on receiving a joint legislative address, to certify the removal of an elected or temporarily appointed district, juvenile, family, parish, municipal, or court of appeal judge, or La. Supreme Court justice for malfeasance, gross misconduct, or incompetence committed while in office if:

- (1) The cause for removal was stated and entered in the journal of the house of the legislature in which the address originated and a copy thereof was served on the judge.
- (2) A trial by the Senate, with senators under oath or affirmation for the trial, is conducted at which the judge may present a defense to the stated cause for removal.
- (3) The address received a favorable vote of a majority of the elected members of the House of Representatives and a 2/3 majority of the elected members of the Senate.

Proposed constitutional amendment prohibits a judge removed by legislative address from seeking any judicial office in La.

Proposed constitutional amendment does not preclude either impeachment or disciplinary action against a judge.

Specifies submission of the amendment to the voters at the statewide election to be held on April 17, 2027, as authorized by law.

(Amends Const. Art. IV, Sec. 5(I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide for legislative address to remove certain judges.

2. Require the governor to certify a legislative address in certain circumstances.
3. Limit removal by legislative address to certain judges and to supreme court justices.