

By: Representative Morris

To: Judiciary A

HOUSE BILL NO. 125

1 AN ACT TO AMEND SECTION 9-19-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE MEMBERSHIP OF THE COMMISSION ON JUDICIAL PERFORMANCE;
3 TO BRING FORWARD SECTION 9-19-3, MISSISSIPPI CODE OF 1972, FOR
4 PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 9-19-1, Mississippi Code of 1972, is
7 amended as follows:

8 9-19-1. The Commission on Judicial Performance shall consist
9 of the following members:

10 (a) One (1) circuit court judge to be appointed by the
11 Conference of Circuit Court Judges;

12 (b) One (1) chancellor to be appointed by the
13 Conference of Chancery Court Judges;

14 (c) One (1) county court judge to be appointed by the
15 Conference of County Court Judges;

16 (d) One (1) justice court judge to be appointed by the
17 Mississippi Justice Court Officers Association;

18 (e) One (1) municipal court judge to be appointed by
19 the Mississippi Municipal Judges Association;

20 (f) One (1) practicing attorney to be appointed by the
21 Governing Board of the Mississippi State Bar Association; and

22 (g) Two (2) lay persons who shall not be residents of
23 the same Supreme Court district to be appointed by the Chief
24 Justice of the Supreme Court of Mississippi. One of such lay
25 persons shall be appointed from a list submitted by the
26 Mississippi Trial Lawyers Association and one (1) of such lay
27 persons shall be appointed from a list submitted by the

28 Mississippi Prosecutors Association. Each of such lists shall
29 contain the names of three (3) or more qualified persons.

30 An alternate for each member shall be selected at the time
31 and in the manner prescribed for initial appointments in each
32 representative class to replace those members who might be
33 disqualified or absent.

34 SECTION 2. Section 9-19-3, Mississippi Code of 1972, is
35 brought forward as follows:

36 9-19-3. The terms of office of the commission members shall
37 be for six (6) years, except that the initial terms of office
38 shall be as follows: the circuit court judge member for six (6)
39 years, the chancellor member for five (5) years, the county court
40 judge member for five (5) years, the justice court judge member
41 for four (4) years, one (1) of the lay members for three (3)
42 years, the other lay member for two (2) years, and the attorney
43 member for one (1) year. Members shall not be allowed to succeed
44 themselves after serving a full term. Commission membership
45 terminates if a member ceases to hold the position that qualified
46 the member for appointment. A vacancy shall be filled by the
47 appointing power for the remainder of the term.

48 No member of the commission, except a justice or judge, shall
49 be eligible for state judicial office so long as he is a member of
50 the commission and for a period of two (2) years thereafter. No
51 member of the commission shall hold office in a political party or
52 participate in any campaign for judicial office and hold public
53 office; provided that a judge may participate in his own campaign
54 for judicial office and hold that office. The commission shall
55 elect one (1) of its members as its chairman.

56 SECTION 3. This act shall take effect and be in force from
57 and after July 1, 1999.