

By: Senator(s) Burton (By Request)

To: Judiciary

SENATE BILL NO. 2016

1 AN ACT TO PROVIDE FOR THE REMOVAL OF AN INADEQUATE JUDGE; AND
2 FOR RELATED PURPOSES.

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

4 SECTION 1. Definitions: The term "inadequate" will be
5 applied to a judge that has not fulfilled the duties that are
6 expected of a judge. The term "total verdicts" will be defined as
7 the number of final verdicts returned by a judge in any particular
8 case.

9 SECTION 2. Judges who are decided to be inadequate will
10 immediately be removed from their positions.

11 SECTION 3. The Mississippi Commission of Judicial
12 Performance will evaluate the judges.

13 SECTION 4. If the Mississippi Commission of Judicial
14 Performance determines that more than fifteen percent (15%) of a
15 judge's total verdicts have been overturned by the Mississippi
16 Supreme Court, that judge will undergo a further evaluation by the
17 Mississippi Commission of Judicial Performance. The Mississippi
18 Commission of Judicial Performance will then determine if the
19 judge is inadequate.

20 SECTION 5. Judges are evaluated over a one-year period
21 beginning on January 1 of each year and ending on December 31 of
22 that same year. Evaluation takes place each year of a judge's
23 term in office.

24 SECTION 6. The replacement of the removed judge will be as
25 follows: If there is more than fifty percent (50%) of the removed
26 judge's term in office remaining, a special election as otherwise

27 provided by law will be called to elect a new judge. If there is
28 less than fifty percent (50%) of the removed judge's term in
29 office remaining, the Governor of the State of Mississippi will
30 appoint a new judge to take his or her place as otherwise provided
31 by law.

32 SECTION 7. The Attorney General of the State of Mississippi
33 is hereby directed to submit this act, immediately upon approval
34 by the Governor, or upon approval by the Legislature subsequent to
35 a veto, to the Attorney General of the United States or to the
36 United States District Court for the District of Columbia in
37 accordance with the provisions of the Voting Rights Act of 1965,
38 as amended and extended.

39 SECTION 8. This act shall take effect and be in force from
40 and after the date it is effectuated under Section 5 of the Voting
41 Rights Act of 1965, as amended and extended.