HOUSE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 177A, MISSISSIPPI CONSTITUTION OF 1890, TO REVISE THE MEMBERSHIP OF THE COMMISSION ON JUDICIAL PERFORMANCE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the following amendment to the Mississippi Constitution of 1890 is proposed to the qualified electors of the state:

Amend Section 177A, Mississippi Constitution of 1890, to read as follows:

"Section 177A. There shall be a Commission on Judicial Performance of the State of Mississippi, to be composed of five (5) members; two (2) of whom shall be practicing attorneys appointed by the governing board of The Mississippi Bar; two (2) of whom shall be practicing attorneys appointed by the governing board of the Magnolia Bar Association; and one (1) practicing attorney who shall be appointed by the Attorney General. Restrictions on the members of the commission may be imposed by statute. Members of the Commission on Judicial Performance not subject to impeachment shall be subject to removal from the commission by two-thirds (2/3) vote of the Supreme Court sitting en banc.

On recommendation of the Commission on Judicial Performance, the Supreme Court may remove from office, suspend, fine or publicly censure or reprimand any justice or judge of this state for: (a) actual conviction of a felony in a court other than a court of the State of Mississippi; (b) willful misconduct in office; (c) willful and persistent failure to perform his duties;
(d) habitual intemperance in the use of alcohol or other drugs; or
(e) conduct prejudicial to the administration of justice which
brings the judicial office into disrepute; and may retire
involuntarily any justice or judge for physical or mental
disability seriously interfering with the performance of his
duties, which disability is or is likely to become of a permanent
character.

A recommendation of the Commission on Judicial Performance
for the censure, removal or retirement of a justice of the Supreme
Court shall be determined by a tribunal of seven (7) judges
selected by lot from a list consisting of all the circuit and
chancery judges at a public drawing of the Secretary of State.
The vote of the tribunal to censure, remove or retire a justice of
the Supreme Court shall be by secret ballot and only upon
two-thirds (2/3) vote of the tribunal.

All proceedings before the commission shall be confidential,
except upon unanimous vote of the commission. After a
recommendation of removal or public reprimand of any justice or
judge is filed with the Clerk of the Supreme Court, the charges
and recommendations of the commission shall be made public. The
commission may, with two-thirds (2/3) of the members concurring,
recommend to the Supreme Court the temporary suspension of any
justice or judge against whom formal charges are pending. All
proceedings before the Supreme Court under this section any final
decisions made by the Supreme Court shall be made public as in
other cases at law."

BE IT FURTHER RESOLVED, That this proposed amendment shall be
submitted by the Secretary of State to the qualified electors at
an election to be held on the first Tuesday after the first Monday
of November 2001, as provided by Section 273 of the Constitution
and by general law.

BE IT FURTHER RESOLVED, That the explanation of this proposed
amendment for the ballot shall read as follows: "This proposed
constitutional amendment will change the membership of the Commission on Judicial Performance by reducing its membership from seven to five. Two members will be appointed by The Mississippi Bar, two members will be appointed by the Magnolia Bar and one will be appointed by the Attorney General."