SENATE CONCURRENT RESOLUTION NO. 537

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 177A, MISSISSIPPI CONSTITUTION OF 1890, TO ADD A MUNICIPAL JUDGE TO 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 eight (8) members; three (3) of whom shall be judges of courts of record in the state which are trial courts of original jurisdiction, other than justice and municipal courts; one (1) member shall be a justice court judge; one (1) member shall be a municipal court judge; two (2) lay persons who reside in the state and who have never held judicial office or been members of the bar of Mississippi; and one (1) practicing attorney who has practiced law in the state for at least ten (10) years. All judicial members are to be appointed by the judiciary of the State of Mississippi as provided by law. 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 by 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 and any final decisions made by the Supreme Court shall be made public as in other cases at law.

BE IT FURTHER RESOLVED, That this amendment shall be submitted to the qualified electors at an election to be held on
the first Tuesday after the first Monday in November 2002, as
provided by Section 273 of the Constitution and by law.
BE IT FURTHER RESOLVED, That the explanation of the amendment
for the ballot shall read as follows: "This proposed amendment
adds a municipal court judge to the Commission on Judicial
Performance."