

By: Senator(s) Mettetal

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 537

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 177A, MISSISSIPPI CONSTITUTION OF 1890, TO ADD A MUNICIPAL JUDGE
3 TO THE MEMBERSHIP OF THE COMMISSION ON JUDICIAL PERFORMANCE.

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

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

10 Section 177A. There shall be a Commission on Judicial
11 Performance of the State of Mississippi, to be composed of eight
12 (8) members; three (3) of whom shall be judges of courts of record
13 in the state which are trial courts of original jurisdiction,
14 other than justice and municipal courts; one (1) member shall be a
15 justice court judge; one (1) member shall be a municipal court
16 judge; two (2) lay persons who reside in the state and who have
17 never held judicial office or been members of the bar of
18 Mississippi; and one (1) practicing attorney who has practiced law
19 in the state for at least ten (10) years. All judicial members
20 are to be appointed by the judiciary of the State of Mississippi
21 as provided by law. Restrictions on the members of the commission
22 may be imposed by statute. Members of the Commission on Judicial
23 Performance not subject to impeachment shall be subject to removal
24 from the commission by two-thirds (2/3) vote of the Supreme Court
25 sitting en banc.

26 On recommendation of the Commission on Judicial Performance,
27 the Supreme Court may remove from office, suspend, fine or

28 publicly censure or reprimand any justice or judge of this state
29 for: (a) actual conviction of a felony in a court other than a
30 court of the State of Mississippi; (b) willful misconduct in
31 office; (c) willful and persistent failure to perform his duties;
32 (d) habitual intemperance in the use of alcohol or other drugs; or
33 (e) conduct prejudicial to the administration of justice which
34 brings the judicial office into disrepute; and may retire
35 involuntarily any justice or judge for physical or mental
36 disability seriously interfering with the performance of his
37 duties, which disability is or is likely to become of a permanent
38 character.

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

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

58 BE IT FURTHER RESOLVED, That this amendment shall be
59 submitted to the qualified electors at an election to be held on

60 the first Tuesday after the first Monday in November 2002, as
61 provided by Section 273 of the Constitution and by law.

62 BE IT FURTHER RESOLVED, That the explanation of the amendment
63 for the ballot shall read as follows: "This proposed amendment
64 adds a municipal court judge to the Commission on Judicial
65 Performance."