

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 82

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WYATT (Sponsor), CURTMAN, BURLISON, HAEFNER,  
KOENIG AND LEACH (Co-sponsors).

5779L.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 24 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the commission on retirement, removal, and discipline.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article V of the Constitution of the state of Missouri:

Section A. Section 24, article V, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 24, to read as follows:

Section 24. 1. There shall be a commission on retirement, removal, and discipline, composed of [two] **three** citizens who are not members of the bar, appointed by the governor, [two lawyers] **one lawyer** appointed by the board of governors of The Missouri Bar, one judge of the court of appeals to be selected by a majority of the judges of the court of appeals, and one judge of the [circuit courts] **supreme court** to be selected by a majority of the [circuit judges of this state] **supreme court judges**. The commission shall receive and investigate all requests and suggestions for retirement for disability, and all complaints concerning misconduct of all judges, members of the judicial commissions, and of this commission. No member of the commission shall participate in any matter in which he has a personal interest. If a member is disqualified to participate in any matter before the commission, the respective selecting authority shall select

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 a substitute to sit during such disqualification. Of the members first appointed, each of the  
12 citizen members shall be appointed for a term of two years and each of the lawyer members for  
13 a term of four years, and each of the judge members for a term of six years; and thereafter  
14 members shall be appointed for a term of six years.

15 2. Upon recommendation by an affirmative vote of at least four members of the  
16 commission, the supreme court en banc shall retire from office any judge or any member of any  
17 judicial commission or any member of this commission who is found to be unable to discharge  
18 the duties of his office with efficiency because of permanent sickness or physical or mental  
19 infirmity. A judge, except a municipal judge so retired shall receive one-half of his regular  
20 compensation during the remainder of his term of office. Where a judge subject to retirement  
21 under other provisions of law, has been retired under the provisions of this section, the time  
22 during which he was retired for disability under this section shall count as time served for  
23 purposes of retirement under other provisions of this constitution or of law.

24 3. Upon recommendation by an affirmative vote of at least four members of the  
25 commission, the supreme court en banc, upon concurring with such recommendation, shall  
26 remove, suspend, discipline or reprimand any judge of any court or any member of any judicial  
27 commission or of this commission, for the commission of a crime, or for misconduct, habitual  
28 drunkenness, willful neglect of duty, corruption in office, incompetency or any offense involving  
29 moral turpitude, or oppression in office. No action taken under this section shall be a bar to or  
30 prevent any other action authorized by law.

31 4. A judge is disqualified from acting as a judicial officer while there is pending an  
32 indictment or information charging him in any court in the United States with a crime punishable  
33 as a felony under the laws of Missouri or the United States, or a recommendation to the supreme  
34 court by the commission for his removal, or retirement, or after articles of impeachment have  
35 been voted by the house of representatives. A judge so disqualified shall continue to receive his  
36 salary.

37 5. On recommendation of the commission, the supreme court shall suspend a judge from  
38 office without salary when in any court in the United States he pleads guilty or no contest to, or  
39 is found guilty of, an offense punishable as a felony under the laws of Missouri or the United  
40 States, or of any other offense that involves moral turpitude. If he is suspended and his  
41 conviction becomes final the supreme court shall remove him from office. If his conviction is  
42 reversed and he is discharged from that charge by order of court or of the prosecuting officer,  
43 whether without further trial or after further trial and a finding of not guilty, his suspension  
44 terminates and he shall be paid his salary for the period of suspension.

45           6. Recommendations to the supreme court by the commission shall be made only after  
46 notice and hearing. Rules for the administration of this section and for the procedures thereunder  
47 shall be prescribed by supreme court rule unless otherwise provided by law.

48           7. Members of the commission shall be reimbursed for their actual and necessary  
49 expenses incurred in the performance of their duties.

50           8. Additional duties shall not be imposed by law or supreme court rule upon the  
51 commission on retirement, removal and discipline.

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