

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 60

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HILL.

2537H.02I

DANA RADEMAN MILLER, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 19, 20, 25(a), and 25(d) of Article V of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to judges.

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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, 2022, 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Section A. Sections 19, 20, 25(a), and 25(d), Article V, Constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as Sections 19, 20, 25(a), and 25(d), to read as follows:

Section 19. Judges of the supreme court ~~[and]~~ **shall be selected for terms of sixteen years and shall be limited to serving one term.** Judges of the court of appeals shall be selected for terms of ~~[twelve]~~ **sixteen** years~~;~~ **and shall be limited to serving one term.** Judges of the circuit courts **shall serve** for terms of six years, and associate circuit judges **shall serve** for terms of four years.

Section 20. All judges shall receive as salary the total amount of their present compensation until otherwise provided by law, but no judge's salary shall be diminished during his term of office. No judge shall receive any other or additional compensation for any public service. **No judge shall accept directly or indirectly any gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal. Nothing in this**

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.

6 **section shall be construed to prevent judges or judicial candidates from accepting**  
7 **campaign contributions consistent with this article and all other provisions of law. Nothing**  
8 **in this section shall prevent individuals from receiving gifts, family support, or anything**  
9 **of value from those related to them within the fourth degree of consanguinity or affinity.**  
10 No supreme, appellate, circuit or associate circuit judge shall practice law or do law business.  
11 Judges may receive reasonable traveling and other expenses allowed by law.

Section 25(a). Whenever a vacancy shall occur in the office of judge of any of the  
2 following courts of this state, to wit: The supreme court, the court of appeals, or in the office of  
3 circuit or associate circuit judge within the city of St. Louis and Jackson county, the governor  
4 shall fill such vacancy by appointing one of three persons possessing the qualifications for such  
5 office, who shall be nominated and whose names shall be submitted to the governor by a  
6 nonpartisan judicial commission established and organized as hereinafter provided. If the  
7 governor fails to appoint any of the nominees within sixty days after the list of nominees is  
8 submitted, the nonpartisan judicial commission making the nomination shall appoint one of the  
9 nominees to fill the vacancy. **Whenever a vacancy shall occur in the office of judge of the**  
10 **supreme court or the court of appeals, the governor's appointment shall require the advice**  
11 **and consent of the senate.**

Section 25(d). Nonpartisan judicial commissions whose duty it shall be to nominate and  
2 submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are  
3 hereby established and shall be organized on the following basis: For vacancies in the office of  
4 judge of the supreme court or of the court of appeals, there shall be one such commission, to be  
5 known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or  
6 associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there  
7 shall be one such commission, to be known as "The \_\_\_\_\_ Circuit Judicial Commission",  
8 for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g); the  
9 appellate judicial commission shall consist of a judge of the supreme court selected by the  
10 members of the supreme court, and the remaining members shall be chosen in the following  
11 manner: ~~[The members of the bar of this state residing in each court of appeals district shall elect~~  
12 ~~one of their number to serve as a member of said commission, and the governor shall appoint one~~  
13 ~~citizen, not a member of the bar, from among the residents of each court of appeals district, to~~  
14 ~~serve as a member of said commission, and]~~ **The speaker of the house of representatives shall**  
15 **select two members, one of whom is an attorney in good standing and one of whom is a**  
16 **nonattorney citizen, both of whom reside within the jurisdiction of the western district**  
17 **court of appeals; the president pro tempore of the senate shall select two members, one of**  
18 **whom is an attorney in good standing and one of whom is a nonattorney citizen, both of**  
19 **whom reside within the jurisdiction of the eastern district court of appeals; and the**

20 **governor shall select two members, one of whom is an attorney in good standing and one**  
21 **of whom is a nonattorney citizen, both of whom reside within the jurisdiction of the**  
22 **southern district court of appeals.** The members of the commission shall select one of their  
23 number to serve as chairman. Each circuit judicial commission shall consist of five members,  
24 one of whom shall be the chief judge of the district of the court of appeals within which the  
25 judicial circuit of such commission, or the major portion of the population of said circuit is  
26 situated and the remaining four members shall be chosen in the following manner: ~~[The members~~  
27 ~~of the bar of this state residing in the judicial circuit of such commission shall elect two of their~~  
28 ~~number to serve as members of said commission, and the governor shall appoint two citizens,~~  
29 ~~not members of the bar, from among the residents of said judicial circuit to serve as members~~  
30 ~~of said commission.]~~ **The speaker of the house of representatives and the president pro**  
31 **tempore of the senate shall each select one member who is an attorney in good standing**  
32 **who resides in such judicial circuit; and the governor shall appoint two nonattorney**  
33 **citizens who reside in such judicial circuit as members of such commission.** The members  
34 of the commission shall select one of their number to serve as chairman; and the terms of office  
35 of the members of such commission shall be fixed by law, but no law shall increase or diminish  
36 the term of any member then in office. No member of any such commission other than a judge  
37 shall hold any public office, and no member shall hold any official position in a political party.  
38 Every such commission may act only by the concurrence of a majority of its members. The  
39 members of such commission shall receive no salary or other compensation for their services but  
40 they shall receive their necessary traveling and other expenses incurred while actually engaged  
41 in the discharge of their official duties. All such commissions shall be administered, and all  
42 elections provided for under this section shall be held and regulated, under such rules as the  
43 supreme court shall promulgate.

Section B. Under chapter 116, RSMo, and other applicable constitutional provisions and  
2 laws of this state allowing the general assembly to adopt ballot language for the submission of  
3 a joint resolution to the voters of this state, the official ballot title of the amendment proposed  
4 in section A shall be as follows:

5 "Shall the Missouri Constitution be amended to:  
6 - Establish term limits for certain judges;  
7 - Prohibit gifts to judges from paid lobbyists;  
8 - Require senate confirmation of supreme court and appellate court judges; and  
9 - Allow appointment of certain nonpartisan judicial commission members by the  
10 speaker of the house of representatives and president pro tempore of the senate?"

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