

APPENDIX B

AMENDMENT 66. JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

(a) **COMMISSION:** Under the judicial power of the State, a Judicial Discipline and Disability Commission is established and shall be comprised of nine persons: three justices or judges appointed by the Supreme Court; three licensed attorneys in good standing who are not justices or judges, one appointed by the Attorney General, one by the President of the Senate, and one by the Speaker of the House; and three members appointed by the Governor. The members appointed by the Governor shall not be justices or judges, retired justices or judges, or attorneys. Alternate members shall be selected and vacancies filled in the same manner.

(b) **DISCIPLINE, SUSPENSION, LEAVE AND REMOVAL:** The Commission may initiate, and shall receive and investigate, complaints concerning misconduct of all justices and judges, and requests and suggestions of involuntary disability retirement. Any judge or justice may voluntarily request that the Commission recommend suspension because of pending disciplinary action or leave because of mental or physical disability. Grounds for sanctions imposed by the Commission or recommendations made by the Commission shall be violations of the professional and ethical standards governing judicial officers, conviction of a felony, or physical or mental disability that prevents the proper performance of judicial duties. Grounds for suspension, leave, or removal from office shall be determined by legislative enactment.

(c) **DISCIPLINE:** If after notice and hearing, the Commission by majority vote of the membership determines that grounds exist for the discipline of a judge or justice, it may reprimand or censure the judge or justice, who may appeal to the Supreme Court. The Commission may, if it determines that grounds exist, after notice and hearing, and by majority vote of the membership, recommend to the Supreme Court that a judge or justice be suspended, with or without pay or be removed, and the Supreme Court, en banc, may take such action. Under this amendment, a judge who also has executive or legislative responsibilities shall be suspended or removed only from judicial duties. In any hearing involving a Supreme Court justice, all Supreme Court justices shall be disqualified from participation.

(d) **LEAVE AND RETIREMENT:** If, after notice and hearing, the Commission by majority vote of the membership determines that a judge or justice is unable because of physical or mental disability to perform the duties of office, the justice may recommend to the Supreme Court that the judge or justice be granted leave, with pay, or be retired, and the Supreme Court, in banc, may take such action. A judge or justice retired by the Supreme Court shall be considered to have retired voluntarily as provided by law.

(e) **VACANCIES:** Vacancies created by suspension, the granting of leave or the removing of a judge or justice, or vacancies created by disqualification of justices, shall be filled as provided by law.

(f) RULES: The Supreme Court shall make procedural rules implementing this amendment and setting the length of terms on the Commission.

(g) CUMULATIVE NATURE: This amendment is alternative to, and cumulative with, impeachment and address authorized by this Constitution.