

HOUSE JOINT RESOLUTION

FOR A PROPOSED CONSTITUTIONAL AMENDMENT TO ESTABLISH A
COMMISSION FOR JUDICIAL DISCIPLINE, SUSPENSION, REMOVAL, AND
DISABILITY RETIREMENT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARKANSAS
AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE
AGREEING THERETO:

THAT the following is hereby proposed as an amendment to the Constitution
of the State of Arkansas, and upon being submitted to the electors of the
State for approval or rejection at the next general election for
Representatives and Senators, if a majority of the electors voting thereon, at
such an election, adopt such amendment, the same shall become a part of the
Constitution of the State of Arkansas, to wit:

"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 ini-
tiate, and shall receive and investigate, complaints concerning misconduct of
all justices and judges, and requests and suggestions for leave or involuntary
disability retirement. Any judge or justice may voluntarily request that the
Commission recommend suspension because of pending disciplinary action or
leave because of a 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 law.

(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 Commission may recommend to the Supreme Court that the judge or justice be granted leave with pay or be retired, and the Supreme Court, en 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 removal 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."

BE IT FURTHER RESOLVED that the Popular Name of this Amendment shall be:

"COMMISSION FOR JUDICIAL DISCIPLINE, SUSPENSION, REMOVAL,
AND DISABILITY RETIREMENT."

BE IT FURTHER RESOLVED that the Ballot Title of this Amendment shall be:

"AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARKANSAS CREATING A COMMISSION ON JUDICIAL DISCIPLINE AND DISABILITY, SETTING THE MEMBERSHIP, PROVIDING FOR THE ESTABLISHMENT OF GROUNDS OF MISCONDUCT, PROVIDING FOR DISCIPLINARY SANCTIONS, SUSPENSIONS, REMOVAL, LEAVE AND INVOLUNTARY DISABILITY RETIREMENT, AND GIVING THE SUPREME COURT POWER TO MAKE PROCEDURAL RULES AND THE GENERAL ASSEMBLY POWER TO ESTABLISH GROUNDS FOR SUSPENSION AND REMOVAL. "