

## SENATE SUBSTITUTE TO HR 1113

## AS PASSED SENATE

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to abolish the existing Judicial  
 2 Qualifications Commission; to require the General Assembly to create and provide by  
 3 general law for the composition, manner of appointment, and governance of a new Judicial  
 4 Qualifications Commission, with such commission having the power to discipline, remove,  
 5 and cause involuntary retirement of judges; to require the Judicial Qualifications  
 6 Commission to have procedures that provide for due process of law; to provide for Supreme  
 7 Court review of Judicial Qualifications Commission advisory opinions and procedures; to  
 8 provide for the General Assembly by general law to allow the Judicial Qualifications  
 9 Commission to be open to the public in some manner in conducting its business; to provide  
 10 for the submission of this amendment for ratification or rejection; and for other purposes.

11 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

12 Section VII of Article VI of the Constitution is amended by revising Paragraph VI as  
 13 follows:  
 14

15 "Paragraph VI. *Judicial Qualifications Commission; power; composition.* (a) The  
 16 General Assembly shall by general law create and provide for the composition, manner of  
 17 appointment, and governance of a Judicial Qualifications Commission, with such  
 18 commission having the power to discipline, remove, and cause involuntary retirement of  
 19 judges as provided by this Article shall be vested in the Judicial Qualifications  
 20 Commission. It shall consist of seven members, as follows:

21 (1) ~~Two judges of any court of record, selected by the Supreme Court;~~

22 (2) ~~Three members of the State Bar of Georgia who shall have been active status~~  
 23 ~~members of the state bar for at least ten years and who shall be elected by the board of~~  
 24 ~~governors of the state bar; and~~

25 (3) ~~Two citizens, neither of whom shall be a member of the state bar, who shall be~~  
 26 ~~appointed by the Governor. Appointments to the Judicial Qualifications Commission~~  
 27 ~~shall be subject to confirmation by the Senate as provided for by general law."~~

28 (b) The procedures of the Judicial Qualifications Commission shall comport with due  
 29 process. Such procedures and advisory opinions issued by the Judicial Qualifications  
 30 Commission shall be subject to review by the Supreme Court.

31 (c) The Judicial Qualifications Commission which existed on June 30, 2017, is hereby  
 32 abolished."

33 **SECTION 2.**

34 Article VI, Section VII, Paragraph VII of the Constitution is amended by revising  
 35 subparagraph (4) of subparagraph (b) as follows:

36 "(4)(A) The findings and records of the commission and the fact that the public  
 37 official has or has not been suspended shall not be admissible in evidence in any court  
 38 for any purpose.

39 (B) The findings and records of the commission shall not be open to the public except  
 40 as provided by the General Assembly by general law."

41 **SECTION 3.**

42 The above proposed amendment to the Constitution shall be published and submitted as  
 43 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
 44 above proposed amendment shall have written or printed thereon the following:

45 "( ) YES Shall the Constitution of Georgia be amended so as to abolish the existing  
 46 Judicial Qualifications Commission; require the General Assembly to create  
 47 and provide by general law for the composition, manner of appointment,  
 48 and governance of a new Judicial Qualifications Commission, with such  
 49 commission having the power to discipline, remove, and cause involuntary  
 50 ( ) NO retirement of judges; require the Judicial Qualifications Commission to have  
 51 procedures that provide for due process of law and review by the Supreme  
 52 Court of its advisory opinions; and allow the Judicial Qualifications  
 53 Commission to be open to the public in some manner?"

54 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
 55 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
 56 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
 57 become a part of the Constitution of this state.