

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 31

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1132S.02I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 12, 20, 25(a), and 25(d) of article V of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the judiciary.

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

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article V of the
7 Constitution of the state of Missouri:

Section A. Sections 12, 20, 25(a), and 25(d), article V,
2 Constitution of Missouri, are repealed and five new sections
3 adopted in lieu thereof, to be known as sections 12, 20, 20(a),
4 25(a), and 25(d), to read as follows:

Section 12. The opinions of the supreme court and
2 court of appeals and all divisions or districts of said
3 courts shall be in writing and filed in the respective
4 causes, and shall become a part of the records of the court,
5 be available for publication, and shall be public records.
6 The supreme court and the court of appeals may issue
7 memorandum decisions or dispose of a cause by order pursuant
8 to and as authorized by supreme court rule. **Judicial**
9 **records shall be public records and subject to generally**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 applicable state laws governing public access to public
11 records, including the Sunshine Law. Judicial records
12 include, but are not limited to, all records in whatever
13 form or format, of the official acts of the supreme court
14 and court of appeals and all divisions or districts of said
15 courts, of the official acts of the individual judges, of
16 the conduct of judicial business, and all records that are
17 created, stored, or distributed through judicial branch
18 facilities, equipment, or mechanisms, including electronic.

Section 20. All judges shall receive as salary the
2 total amount of their present compensation until otherwise
3 provided by law, but no judge's salary shall be diminished
4 during his term of office. No judge shall receive any other
5 or additional compensation for any public service. No
6 supreme, appellate, circuit or associate circuit judge shall
7 practice law or do law business. **No supreme, appellate,**
8 **circuit, or associate circuit judge shall act or serve as a**
9 **paid lobbyist, register as a paid lobbyist, or solicit**
10 **prospective employers or clients to represent as a paid**
11 **lobbyist until the expiration of two calendar years after**
12 **the conclusion of any term of office for which such judge**
13 **was elected, appointed, or retained.** Judges may receive
14 reasonable traveling and other expenses allowed by law.

Section 20(a). **No person serving as a judge shall**
2 **accept directly or indirectly a gift of any tangible or**
3 **intangible item, service, or thing of value from any paid**
4 **lobbyist or lobbyist principal. Except as provided in**
5 **section 25(f) of this article for those judges appointed or**
6 **retained in office in the manner prescribed in sections**
7 **25(a)-(g), this section shall not prevent candidates for a**
8 **judicial position, including candidates for reelection, from**
9 **accepting campaign contributions consistent with applicable**

10 law. Nothing in this section shall prevent judges from
11 receiving gifts, family support, or anything of value from
12 those related to them within the fourth degree by blood or
13 marriage.

Section 25(a). Whenever a vacancy shall occur in the
2 office of judge of the supreme court or the court of
3 appeals, the governor, by and with the advice and consent of
4 the senate, shall appoint one person possessing the
5 qualifications for such office to fill such vacancy.

6 Whenever a vacancy shall occur [in the office of judge of
7 any of the following courts of this state, to wit: The
8 supreme court, the court of appeals, or] in the office of
9 circuit or associate circuit judge within the city of St.
10 Louis and Jackson county, the governor shall fill such
11 vacancy by appointing one of three persons possessing the
12 qualifications for such office, who shall be nominated and
13 whose names shall be submitted to the governor by a
14 nonpartisan judicial commission established and organized as
15 hereinafter provided. If the governor fails to appoint any
16 of the nominees within sixty days after the list of nominees
17 is submitted, the nonpartisan judicial commission making the
18 nomination shall appoint one of the nominees to fill the
19 vacancy. **If a list of nominees is submitted less than sixty
20 days before the Tuesday next following the first Monday in
21 November of a gubernatorial election year until the
22 beginning of the term of the successive governor, a nominee
23 shall not be appointed until the governor-elect begins his
24 or her term, unless the governor elected is currently
25 serving as governor and has been elected to serve a second
26 term in which case the governor shall fill the appointment
27 within sixty days of the results of the election being
28 ascertained and proclaimed by the secretary of state.**

Section 25(d). Nonpartisan judicial commissions whose
2 duty it shall be to nominate and submit to the governor
3 names of persons for appointment as provided by sections
4 25(a)-(g) are hereby established and shall be organized on
5 the following basis: For [vacancies in the office of judge
6 of the supreme court or of the court of appeals, there shall
7 be one such commission, to be known as "The Appellate
8 Judicial Commission"; for] vacancies in the office of
9 circuit judge or associate circuit judge of any circuit
10 court subject to the provisions of sections 25(a)-(g) there
11 shall be one such commission, to be known as "The _____
12 Circuit Judicial Commission", for each judicial circuit
13 which shall be subject to the provisions of sections 25(a)-
14 (g) [; the appellate judicial commission shall consist of a
15 judge of the supreme court selected by the members of the
16 supreme court, and the remaining members shall be chosen in
17 the following manner: The members of the bar of this state
18 residing in each court of appeals district shall elect one
19 of their number to serve as a member of said commission, and
20 the governor shall appoint one citizen, not a member of the
21 bar, from among the residents of each court of appeals
22 district, to serve as a member of said commission, and the
23 members of the commission shall select one of their number
24 to serve as chairman]. Each circuit judicial commission
25 shall consist of five members, one of whom shall be the
26 chief judge of the district of the court of appeals within
27 which the judicial circuit of such commission, or the major
28 portion of the population of said circuit is situated and
29 the remaining four members shall be chosen in the following
30 manner: The members of the bar of this state residing in the
31 judicial circuit of such commission shall elect two of their
32 number to serve as members of said commission, and the

33 governor shall appoint two citizens, not members of the bar,
34 from among the residents of said judicial circuit to serve
35 as members of said commission, the members of the commission
36 shall select one of their number to serve as chairman; and
37 the terms of office of the members of such commission shall
38 be fixed by law, but no law shall increase or diminish the
39 term of any member then in office. No member of any such
40 commission other than a judge shall hold any public office,
41 and no member shall hold any official position in a
42 political party. **No member of the bar on a nonpartisan**
43 **judicial commission shall be actively engaged in the same**
44 **area of practice as another member of the bar serving on the**
45 **same commission.** Every such commission may act only by the
46 concurrence of a majority of its members. The members of
47 such commission shall receive no salary or other
48 compensation for their services but they shall receive their
49 necessary traveling and other expenses incurred while
50 actually engaged in the discharge of their official duties.
51 All such commissions shall be administered, and all
52 elections provided for under this section shall be held and
53 regulated, under such rules as the supreme court shall
54 promulgate.

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