

HJR 12 -- IMPEACHMENT TRIALS

SPONSOR: Emery

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 5 to 2.

Upon voter approval, this proposed constitutional amendment requires impeachments to be tried by the Senate. If the Governor is to be tried, the Chief Justice of the Missouri Supreme Court will preside. No person will be convicted without a two-thirds vote by all senators present. Currently, impeachments are tried before the Missouri Supreme Court or a special commission of seven jurists selected by the Senate.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill restores the concept of checks and balances in state government. Impeachment should be a tool for the legislature and not dependent on the judiciary. Until 1945, Missouri's Constitution mirrored the federal one and required impeachments to be tried by the Missouri Senate. The change to judicially tried impeachments occurred in 1945 because of a decision by the Senate in its 1931 impeachment of State Treasurer and former senator, Larry Brunk. The change in 1945 was short-sighted and a detriment to the principles of constitutional governance.

Testifying for the bill were Representative Emery; John McGinnis; and William Placke.

OPPOSERS: Those who oppose the bill say that there is no crisis in the impeachment process in Missouri. Nothing has changed since 1945 to believe that the judiciary's part in the impeachment process is flawed; and, in fact, there have been successful impeachments on several occasions since the 1945 constitution. The judiciary should keep its impeachment power since it is the only impartial branch of state government. If the legislature tried impeachments, it could use it as a political weapon and not a constitutionally principle exercise of power.

Testifying against the bill were Patrick McLarney; and Judicial Conference of Missouri.