HCS HJRs 153 & 119 -- JUDGES

SPONSOR: Chappell

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 8 to 6. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 7 to 1.

The following is a summary of the House Committee Substitute for HJR 153.

Upon voter approval, this constitutional amendment requires Missouri Supreme Court judges and judges of the Court of Appeals to be appointed by the Governor, by and with the advice and consent of a joint committee of the House and Senate, rather than being selected by the Governor from one of three names given to him or her by the Nonpartisan Judicial Commission or elected by the county.

This constitutional amendment establishes a "Joint Committee on Judicial Appointments." The Committee will included five members appointed by the Speaker of the House and five members appointed by the Senate Pro Tem. This Committee will evaluate judicial appointments made by the Governor.

The bill bars judges from both the direct or indirect accepting of gifts from lobbyists.

This bill raises the mandatory retirement age of judges from 70 to 75 years of age.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the current system for selecting judges has become the foxes guarding the hen house. The current commission is anything but partisan. This only effects how judges are selected. Missourians haven't been asked about this issue in a long time, and the original intent of the nonpartisan plan has been lost. The pool of people that the Governor has to choose from shouldn't be narrow. The Federal selection model is a good model. Many states have already changed their versions of the Missouri Plan.

Testifying in person for the bill were Representative Chappell; Americans For Prosperity; Campaign Life Missouri; Associated Industries of Missouri; Liberty Link Missouri; and Jacquie Thorstensen.

OPPONENTS: Those who oppose the bill say that the existing Missouri plan is a structured process that gives accountability to the voters. The proposed plan is a portion of the Federal model, but it is not a match. This would reintroduce things that the original Missouri Plan was designed to stop. Injecting politics into the judiciary will be disastrous. Over 38 states have some version of the Missouri Plan. No plan is absolutely perfect. Judges are generally fair and people lose cases sometimes.

Testifying in person against the bill were Missouri Circuit Judges' Association; American Civil Liberties Union Of Missouri; Missouri Organization of Deference Lawyers; Missouri Association of Criminal Defense Lawyers; The Missouri Bar; Arnie C. Dienoff; Eric D. Jennings, Judicial Conference of Missouri; and Michael Sudekum, Missouri Assoc of Trial Attorneys.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.