

2020 Regular Session

SENATE BILL NO. 276

BY SENATOR JACKSON

JUDGES. Constitutional amendment to remove the mandatory retirement age for judges and to prohibit a mandatory retirement age for public office holders and public employment.  
(2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article V, Section 23 of the Constitution of Louisiana and to add Article  
3 X, Section 31 of the Constitution of Louisiana, relative to public office and  
4 employment; to provide relative to the holding of public office or public  
5 employment; to provide relative to age; to provide for the elimination of the  
6 mandatory retirement age for judges; to provide for an effective date; and to specify  
7 an election for submission of the proposition to electors and provide a ballot  
8 proposition.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
10 elected to each house concurring, that there shall be submitted to the electors of the state, for  
11 their approval or rejection in the manner provided by law, a proposal to amend Article V,  
12 Section 23 of the Constitution of Louisiana, to read as follows:

13 §23. Judges; Retirement

14 Section 23.~~(A)~~ Retirement System. Within two years after the effective date  
15 of this constitution, the legislature shall provide for a retirement system for judges  
16 which shall apply to a judge taking office after the effective date of the law enacting  
17 the system and in which a judge in office at that time may elect to become a member,

1 with credit for all prior years of judicial service and without contribution therefor.

2 The retirement benefits and judicial service rights of a judge in office or retired on  
3 the effective date of this constitution shall not be diminished, nor shall the benefits  
4 to which a surviving spouse is entitled be reduced.

5 ~~(B) Mandatory Retirement. Except as otherwise provided in this Section, a~~  
6 ~~judge shall not remain in office beyond his seventieth birthday. A judge who attains~~  
7 ~~seventy years of age while serving a term of office shall be allowed to complete that~~  
8 ~~term of office.~~

9 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
10 elected to each house concurring, that there shall be submitted to the electors of the state, for  
11 their approval or rejection in the manner provided by law, a proposal to add Article X,  
12 Section 31 of the Constitution of Louisiana, to read as follows:

13 **§31. Public office or employment; age**

14 **Section 31. No person shall be denied the right to hold public office or**  
15 **public employment based solely on age.**

16 Section 3. Be it further resolved that this proposed amendment shall be submitted  
17 to the electors of the state of Louisiana at the statewide election to be held on November 3,  
18 2020.

19 Section 4. Be it further resolved that the provisions of this amendment shall become  
20 effective on January 1, 2021.

21 Section 5. Be it further resolved that on the official ballot to be used at said election  
22 there shall be printed a proposition, upon which the electors of the state shall be permitted  
23 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
24 follows:

25 Do you support an amendment to remove the mandatory retirement age for  
26 judges and to prohibit a mandatory retirement age for public office holders  
27 and public employees?

28 (Effective January 1, 2021)

29 (Amends Article V, Section 23; Adds Article X, Section 31)

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

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DIGEST

SB 276 Original                      2020 Regular Session                      Jackson

Present constitution requires that no judge may remain in office beyond his 70th birthday.

Proposed constitutional amendment repeals the mandatory retirement age of judges.

Proposed constitutional amendment provides that no person shall be denied the right to hold public office or public employment based solely on age.

Proposed constitutional amendment provides for an effective date of January 1, 2021.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 3, 2020.

(Amends Const. Article V, §23; adds Const. Article X, §31)