

SENATE CONCURRENT RESOLUTION No. 117

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Senators CARDINALE and SCOTT

1 A CONCURRENT RESOLUTION proposing an amendment to Article VI of the  
2 Constitution of the State of New Jersey to establish a Citizens' Judicial  
3 Inquiry Commission to investigate and hear complaints against members of  
4 the Judiciary.

5

6 **BE IT RESOLVED** by the Senate of the State of New Jersey (the General  
7 Assembly concurring):

8

9 1. The following proposed amendment to the Constitution of the State of  
10 New Jersey is hereby agreed to:

11 a. Amend Article VI, section VI, paragraph 4 to read as follows:

12 4. The Justices of the Supreme Court and the Judges of the Superior  
13 Court shall be subject to impeachment, and any judicial officer impeached  
14 shall not exercise his office until acquitted. The Judges of the Superior Court  
15 shall also be subject to removal from office by the Supreme Court for such  
16 causes and in such manner as shall be provided by law. Justices of the  
17 Supreme Court and Judges of the Superior Court shall also be subject to the  
18 jurisdiction of the Citizens' Judicial Inquiry Commission as provided in Article  
19 VI, section IX.

20 b. Amend Article VI, section VI, paragraph 5 to read as follows:

21 5. Whenever the Supreme Court shall certify to the [Governor] Citizens'  
22 Judicial Inquiry Commission that it appears that any Justice of the Supreme  
23 Court or Judge of the Superior Court is so incapacitated as substantially to  
24 prevent him from performing his judicial duties, [the Governor shall appoint a  
25 commission of three persons to inquire into the circumstances; and, on their]  
26 on the Commission's recommendation, the Governor may retire the justice or  
27 judge from office, on pension as may be provided by law.

28 c. Amend Article VI by the addition of the following:

29

30

Section IX

31

32 There is hereby established a Citizens' Judicial Inquiry Commission which

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

Matter underlined thus is new matter.

1 shall consist of nine members, no more than five of whom shall be of the same  
2 political party, who shall serve for a term of five years and until the  
3 appointment and qualification of their successors. Members of the Citizens'  
4 Judicial Inquiry Commission shall be appointed as follows: five by the  
5 Governor with the advice and consent of the Senate, no more than three of  
6 whom shall be of the same political party; two persons appointed by the  
7 President of the Senate, no more than one of whom shall be of the same  
8 political party and two persons appointed by the Speaker of the General  
9 Assembly, no more than one of whom shall be of the same political party.  
10 One of the members appointed by the President of the Senate and one of the  
11 members appointed by the Speaker of the General Assembly may be an  
12 attorney. None of the members appointed by the Governor shall be attorneys.  
13

14 2. Of the persons initially appointed to the Commission, two of the  
15 members appointed by the Governor and one of the members appointed by  
16 the Senate President shall serve a five year term; two members appointed by  
17 the Governor and one of the members appointed by the Speaker of the  
18 General Assembly shall serve four year terms. The remaining members shall  
19 serve three year terms. Any vacancy occurring in the membership of the  
20 commission shall be filled in the same manner as the original appointment but  
21 for the unexpired term only.  
22

23 3. a. The Citizens' Judicial Inquiry Commission shall have the authority to  
24 conduct investigations, and receive or initiate complaints concerning any  
25 Supreme Court Justice or any judge. Seven members of the commission shall  
26 constitute a quorum.

27 b. If the Commission determines by a majority vote of the members in  
28 attendance at a meeting that a justice or judge has violated any canon of  
29 judicial ethics, committed misconduct in office, failed to perform his duties or  
30 is physically or mentally unable to perform his duties, the Commission is  
31 authorized to remove or suspend the justice or judge from office, order  
32 changes or re-education in relation to the judicial performance of the justice  
33 or judge or make any other disposition which the commission deems  
34 appropriate including a salary reduction or other monetary penalty.

35 c. Any findings and all proceedings of the Commission shall become public  
36 at the conclusion of each matter.

37 d. The Commission shall have subpoena power and the authority to  
38 appoint and direct its staff.

39 e. As used in this section:

40 a. "Judge" means any judge of the Superior Court, Tax Court or a  
41 municipal court.

42 b. "Misconduct in office" shall include but not be limited to rendering  
43 any decision which improperly infringes on powers reserved to the

1 Legislature.

2

3 4. When this proposed amendment to the Constitution is finally agreed to  
4 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted  
5 to the people at the next general election occurring more than three months  
6 after the final agreement and shall be published at least once in at least one  
7 newspaper of each county designated by the President of the Senate, the  
8 Speaker of the General Assembly and the Secretary of State, not less than  
9 three months prior to the general election.

10

11 5. This proposed amendment to the Constitution shall be submitted to the  
12 people at that election in the following manner and form:

13 There shall be printed on each official ballot to be used at the general  
14 election, the following:

15 a. In every municipality in which voting machines are not used, a legend  
16 which shall immediately precede the question, as follows:

17 If you favor the proposition printed below make a cross (X), plus (+) or  
18 check (T) in the square opposite the word "Yes" If you are opposed thereto  
19 make a cross (X), plus (+) or check (T) in the square opposite the word"  
20 No."

21 b. In every municipality the following question:

1		ESTABLISHMENT OF JUDICIAL INQUIRY
2		COMMISSION FOR THE PURPOSE OF
3		INVESTIGATING AND RULING ON
4		COMPLAINTS AGAINST SUPREME
5		COURT JUSTICES AND STATE AND
6		OTHER JUDGES IN THE COURT SYSTEM.
7		
8		Shall the amendment to Article VI of the State
9		Constitution, agreed to by the Legislature,
10	YES	establishing a Citizens' Judicial Inquiry Commission
11		as a method for investigating and ruling on
12		complaints against members of the Judiciary, be
13		approved?
14		INTERPRETIVE STATEMENT
15		This amendment would establish a nine member
16		bipartisan Citizens' Judicial Inquiry Commission.
17		This Commission would investigate and hear
18		complaints against members of the Judiciary. If the
19		commission finds that a judge committed
20		misconduct or an ethical violation, failed to perform
21		his duties or is incapable of performing his duties,
22		the commission could remove or suspend the judge
23		from office, order changes or re-education with
24		regard to the judge's performance or make any
25		other disposition. No more than two members of
26	NO	the commission could be attorneys. Presently,
27		Supreme Court Justices and Superior Court Judges
28		may be removed from office, however, no
29		impeachment proceedings have been instituted
30		since the Constitution of 1947 was adopted.
31		Superior Court judges, Tax Court judges and
32		municipal court judges may also be removed
33		pursuant to a proceeding instituted by the Supreme
34		Court.
35		
36		

37

38

39

STATEMENT

40

41 This amendment would establish a nine member bipartisan Citizens'

42 Judicial Inquiry Commission. This commission would be authorized to

1 investigate and hear complaints against members of the Judiciary. If the  
2 commission determines that a member of the Judiciary committed misconduct  
3 or an ethical violation, failed to perform his duties or is incapable of performing  
4 his duties, the commission is empowered to remove or suspend the judge from  
5 office, order changes or re-education with regard to the judge's performance  
6 or make any other disposition which the commission deems appropriate. The  
7 Governor would appoint five members to the commission and the President  
8 of the Senate and the Speaker of the General Assembly would each appoint  
9 two members. No more than two of the members could be attorneys.  
10 Presently, Supreme Court Justices and Superior Court Judges may be  
11 removed from office through impeachment proceedings. Superior Court  
12 Judges, Tax Court judges and municipal court judges may also be removed  
13 from office pursuant to a statutory proceeding instituted by the Supreme  
14 Court.

15

16

17

18

19 Establishes a Citizens' Judicial Inquiry Commission to investigate and hear  
20 complaints against members of the Judiciary.