

Bill No. SJR 1234

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Dudley moved the following amendment:

Senate Amendment

Delete everything after the resolving clause

and insert:

That the following amendment to Section 2 of Article V of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V
JUDICIARY

SECTION 2. Administration; practice and procedure.--

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought.

Bill No. SJR 1234

Amendment No. ____

1 These rules may be repealed by general law enacted by
 2 two-thirds vote of the membership of each house of the
 3 legislature, except for rules of criminal procedure. Any rule
 4 or provision of a rule of criminal procedure adopted by the
 5 supreme court may be repealed by general law enacted by a
 6 three-fifths vote of the membership of each house of the
 7 legislature. Notwithstanding any other provision of this
 8 constitution, the legislature may, by a three-fifths vote of
 9 the membership of each house of the legislature, enact a law
 10 relating to criminal procedure. A rule of criminal procedure
 11 or a provision of such a rule prevails over any conflicting
 12 law.

13 (b) The chief justice of the supreme court shall be
 14 chosen by a majority of the members of the court. He shall be
 15 the chief administrative officer of the judicial system. He
 16 shall have the power to assign justices or judges, including
 17 consenting retired justices or judges, to temporary duty in
 18 any court for which the judge is qualified and to delegate to
 19 a chief judge of a judicial circuit the power to assign judges
 20 for duty in his respective circuit.

21 (c) A chief judge for each district court of appeal
 22 shall be chosen by a majority of the judges thereof or, if
 23 there is no majority, by the chief justice. The chief judge
 24 shall be responsible for the administrative supervision of the
 25 court.

26 (d) A chief judge in each circuit shall be chosen from
 27 among the circuit judges as provided by supreme court rule.
 28 The chief judge shall be responsible for the administrative
 29 supervision of the circuit courts and county courts in his
 30 circuit.

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1 BE IT FURTHER RESOLVED that the following statement be placed
2 on the ballot:

3 CONSTITUTIONAL AMENDMENT

4 ARTICLE V, SECTION 2

5 RULES OF CRIMINAL PROCEDURE.--Proposing an amendment to
6 the State Constitution to allow the Legislature to repeal, by
7 general law enacted by a three-fifths vote of the membership
8 of each house, rules of criminal procedure adopted by the
9 State Supreme Court and to enact a law relating to criminal
10 procedure. Provides that a rule of criminal procedure prevails
11 over any conflicting law relating to criminal procedure.

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