

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 33

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3248S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 1 and 2 of article VII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the impeachment process.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2020, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article VII of the Constitution of the state of Missouri:

Section A. Sections 1 and 2, article VII, Constitution of Missouri, are
2 repealed and two new sections adopted in lieu thereof, to be known as sections
3 1 and 2, to read as follows:

Section 1. All elective executive officials of the state, and judges of the
2 supreme court, courts of appeals and circuit courts shall be liable to impeachment
3 for [crimes, misconduct, habitual drunkenness, willful neglect of duty, corruption
4 in office, incompetency, or any offense involving moral turpitude or oppression]
5 **corruption or crime** in office.

Section 2. The house of representatives shall have the sole power of
2 impeachment. All impeachments shall be tried before the supreme court, except
3 that the governor or a member of the supreme court shall be tried by a special
4 commission of seven eminent jurists to be elected by the senate. The supreme
5 court or special commission shall take an oath to try impartially the person
6 impeached, and no person shall be convicted without the concurrence of
7 five-sevenths of the court or special commission. **Beginning January 1, 2021,**

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

8 **all impeachments shall be tried by the senate; and when sitting for that**
9 **purpose, the senators shall be on oath or affirmation to do justice**
10 **according to law and the evidence. When the governor or lieutenant**
11 **governor shall be tried, the chief justice of the supreme court shall**
12 **preside; and no judge shall be convicted without the concurrence of**
13 **two-thirds of all the senators elected and no elective executive official**
14 **of the state shall be convicted without the concurrence of three-fourths**
15 **of all senators elected.**

Section B. Pursuant to chapter 116, and other applicable constitutional
2 provisions and laws of this state allowing the general assembly to adopt ballot
3 language for the submission of this joint resolution to the voters of this state, the
4 official summary statement of this resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to provide that,
6 beginning January 1, 2021, all impeachment trials are tried by the
7 Senate; to establish a super-majority vote necessary to convict a
8 judge or statewide elected official after impeachment, and to
9 provide that such judges and officials shall be liable to
10 impeachment for corruption and crime in office?"

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