

HCS SS SCS SB 9 -- IMPEACHMENT

SPONSOR: Emery

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 13 to 3. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 3.

Currently, the impeachment of certain public officials are tried before the Missouri Supreme Court, except that the impeachment of a Governor or member of the Missouri Supreme Court is tried before a special commission. This bill provides that all impeachments shall be tried by the Missouri Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice of the Missouri Supreme Court shall preside over the trial before the Senate. At least two-thirds of the Senators elected for trials of judges, or at least three-fourths of the Senators elected for trials of statewide elected officials, must concur in the judgment or sentence of conviction.

The provisions of this bill are contingent upon the passage of a Constitutional amendment that provides for the same changes to impeachment trials.

This bill is similar to SB 566 (2018) and SB 143 (2017).

PROPOSERS: Supporters say that this moves impeachment trials back to the Senate, where they were held for 145 years before they were changed. It changes conduct that is impeachable, and it provides for some oaths and affirmations. The high percentage of a vote required in the Senate means a person will not be impeached strictly because of political bias.

Testifying for the bill was Senator Emery.

OPPOSERS: Those who oppose the bill say that the changes that occurred in 1945 occurred because the people of Missouri lost faith in the Senate to be efficient and effective, and the change was not hasty. While the Missouri Bar does not take positions on policy decisions, it does take a position when judges would be affected negatively. Others strictly opposed the varying thresholds depending on the type of official being impeached.

Testifying against the bill were The Missouri Bar; Judicial Conference of Missouri; and Missouri Circuit Judges Association.

INFORMATIONAL: Others testifying on the bill say that this would help restore the fundamental concepts in a republic. Rolling it back to how it was before 1945 would be good.

Testifying for informational purposes was Ron Calzone.