

By: Huffman, et al.

S.J.R. No. 47

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment changing the eligibility
3 requirements for certain judicial offices.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2(b), Article V, Texas Constitution, is
6 amended to read as follows:

7 (b) No person shall be eligible to serve in the office of
8 Chief Justice or Justice of the Supreme Court unless the person:

9 (1) is licensed to practice law in the State of Texas;

10 (2) [~~this state and~~] is, at the time of election, a
11 citizen of the United States and a resident of the State of Texas;

12 (3) [~~this state, and~~] has attained the age of
13 thirty-five years;

14 (4) [~~, and~~] has been either:

15 (A) a practicing lawyer licensed in the State of
16 Texas for at least ten years; [~~7~~] or

17 (B) a practicing lawyer licensed in the State of
18 Texas and judge of a state court or county court established by the
19 Legislature by statute for a combined total of [~~court of record~~
20 ~~together~~] at least ten years; and

21 (5) during the time required by Subdivision (4) of
22 this subsection has not had the person's license to practice law
23 revoked, suspended, or subject to a probated suspension.

24 SECTION 2. Section 7, Article V, Texas Constitution, is

1 amended to read as follows:

2 Sec. 7. (a) The State shall be divided into judicial
3 districts, with each district having one or more Judges as may be
4 provided by law or by this Constitution.

5 (b) Each district judge shall be elected by the qualified
6 voters at a General Election. To be eligible for appointment or
7 election as a district judge, a person must:

8 (1) [and shall] be a citizen of the United States and a
9 resident of this State;
10

11 (2) be ~~[, who is]~~ licensed to practice law in this
12 State;
13

14 (3) have ~~[and has]~~ been a practicing lawyer or a Judge
15 of a Court in this State, or both combined, for eight ~~[four (4)]~~
16 years next preceding the judge's ~~[his]~~ election, during which time
17 the judge's license to practice law has not been revoked,
18 suspended, or subject to a probated suspension;

19 (4) have ~~[who has]~~ resided in the district in which the
20 judge ~~[he]~~ was elected for two ~~[(2)]~~ years next preceding the ~~[his]~~
21 election; ~~[7]~~ and

22 (5) [who shall] reside in the ~~[his]~~ district during
23 the judge's ~~[his]~~ term of office.

24 (c) A district judge shall ~~[and]~~ hold the ~~[his]~~ office for
25 the term ~~[period]~~ of four ~~[(4)]~~ years ~~[7]~~ and ~~[who]~~ shall receive for
26 the judge's ~~[his]~~ services an annual salary to be fixed by the
27 Legislature.

28 (d) A District ~~[The]~~ Court shall conduct its proceedings at
29 the county seat of the county in which the case is pending, except

1 as otherwise provided by law. The Court [~~He~~] shall hold the regular
2 terms [~~of his Court~~] at the County Seat of each County in the
3 Court's [~~his~~] district in such manner as may be prescribed by law.
4 The Legislature shall have power by General or Special Laws to make
5 such provisions concerning the terms or sessions of each District
6 Court as it may deem necessary.

7 (e) The Legislature shall also provide for the holding of
8 District Court when the Judge thereof is absent, or is from any
9 cause disabled or disqualified from presiding.

10 SECTION 3. The following temporary provision is added to
11 the Texas Constitution:

12 TEMPORARY PROVISION. (a) This temporary provision applies
13 to the constitutional amendment proposed by the 87th Legislature,
14 Regular Session, 2021, changing the eligibility requirements for a
15 justice of the supreme court, a judge of the court of criminal
16 appeals, a justice of a court of appeals, and a district judge.

17 (b) The amendment to Section 2(b), Article V, of this
18 constitution takes effect January 1, 2022, and applies only to a
19 chief justice or other justice of the supreme court, a presiding
20 judge or other judge of the court of criminal appeals, or a chief
21 justice or other justice of a court of appeals who is first elected
22 for a term that begins on or after January 1, 2025, or who is
23 appointed on or after that date.

24 (c) The amendment to Section 7, Article V, of this
25 constitution takes effect January 1, 2022, and applies only to a
26 district judge who is first elected for a term that begins on or
27 after January 1, 2025, or who is appointed on or after that date.

1 (d) This temporary provision expires January 1, 2026.

2 SECTION 4. This proposed constitutional amendment shall be
3 submitted to the voters at an election to be held November 2, 2021.
4 The ballot shall be printed to provide for voting for or against the
5 proposition: "The constitutional amendment changing the
6 eligibility requirements for a justice of the supreme court, a
7 judge of the court of criminal appeals, a justice of a court of
8 appeals, and a district judge."