

By: Birdwell, et al.

S.B. No. 2051

A BILL TO BE ENTITLED

AN ACT

relating to the impeachment or removal from office of certain public officers, including procedures governing the impeachment, trial on impeachment, and disqualification of state officers, and to the grounds for which certain public officers may be removed from office.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 665, Government Code, is amended by adding Sections 665.008, 665.009, 665.010, and 665.011 to read as follows:

Sec. 665.008. TESTIMONY IN IMPEACHMENT PROCEEDING. (a) All witness testimony in an impeachment proceeding, including testimony by the officer who is the subject of the proceeding, must be given:

(1) under oath; and

(2) in a session open to all members of the house or, if the proceeding is conducted by a committee, to all members of the committee.

(b) The presiding officer of a committee that conducts an investigation in an impeachment proceeding shall allow, but may not require, the officer who is the subject of the proceeding to testify before the committee in the officer's defense and have legal counsel present during the officer's testimony. This subsection may not be construed to allow the officer who is the subject of an

1 impeachment proceeding to cross-examine other witnesses in the  
2 impeachment proceeding.

3 Sec. 665.009. REVIEW OF COMMITTEE MATERIALS. (a) This  
4 section applies to an impeachment proceeding in which an  
5 investigation or other portion of the proceeding is conducted by a  
6 committee.

7 (b) The committee must provide to each member of the house  
8 the committee's report and other materials related to the  
9 impeachment at least 72 hours before the house begins deliberating  
10 on the impeachment.

11 (c) To allow members of the house an opportunity to review  
12 the committee's report and other materials related to the  
13 impeachment, the house may not vote on the impeachment during the 72  
14 hours after the conclusion of the house's deliberations on the  
15 impeachment.

16 Sec. 665.010. INELIGIBILITY TO VOTE IN PROCEEDING INVOLVING  
17 FAMILY MEMBER. A member of the house is ineligible to vote in an  
18 impeachment proceeding, including in a portion of the proceeding  
19 conducted by a committee, if the member is:

20 (1) related within the third degree by consanguinity  
21 or affinity as determined under Subchapter B, Chapter 573, to the  
22 officer who is the subject of the proceeding; or

23 (2) the former spouse of the officer who is the subject  
24 of the proceeding.

25 Sec. 665.011. REPORT OF COSTS OF IMPEACHMENT PROCEEDING.

26 (a) The house shall keep an accounting of all costs incurred by the  
27 house in connection with an impeachment proceeding, including

1 investigative costs and costs incurred during the trial by the  
2 senate, if applicable.

3 (b) Not later than the 60th day after the conclusion of an  
4 impeachment proceeding by the house, the house shall deliver a  
5 report of the costs described by Subsection (a) incurred in  
6 connection with the proceedings to the comptroller, lieutenant  
7 governor, speaker of the house, Legislative Budget Board, chair of  
8 the senate committee on finance, and chair of the house committee on  
9 appropriations. If the senate conducts a trial on the impeachment,  
10 the house shall update the report to include the additional costs  
11 incurred by the house during the trial and deliver the updated  
12 report to those entities not later than the 60th day after the  
13 conclusion of the trial.

14 SECTION 2. Subchapter B, Chapter 665, Government Code, is  
15 amended by adding Sections 665.029, 665.030, 665.031, and 665.032  
16 to read as follows:

17 Sec. 665.029. PRESIDING OFFICER IN TRIAL OF GOVERNOR OR  
18 LIEUTENANT GOVERNOR. The presiding officer for the court of  
19 impeachment in a trial of the governor or lieutenant governor is:

20 (1) the chief justice of the Supreme Court of Texas;  
21 (2) if the chief justice of the supreme court recuses  
22 himself or herself or is otherwise unavailable, the presiding judge  
23 of the Court of Criminal Appeals of Texas;

24 (3) if both the chief justice of the supreme court and  
25 the presiding judge of the court of criminal appeals recuse  
26 themselves or are otherwise unavailable, the chief justice of the  
27 Court of Appeals for the Fifteenth Court of Appeals District; or

1           (4) if the chief justice of the supreme court, the  
2 presiding judge of the court of criminal appeals, and the chief  
3 justice of the Fifteenth Court of Appeals each recuse themselves or  
4 are otherwise unavailable, a current or former appellate judge  
5 chosen by the senate from a list of five current or former appellate  
6 judges submitted by the chief justice of the supreme court.

7           Sec. 665.030. TESTIMONY IN IMPEACHMENT TRIAL. All witness  
8 testimony in a trial on impeachment, including testimony by the  
9 officer who is the subject of the trial, must be given:

10           (1) under oath; and

11           (2) in a session open to all members of the senate.

12           Sec. 665.031. INELIGIBILITY TO VOTE IN TRIAL INVOLVING  
13 FAMILY MEMBER. A member of the senate is ineligible to vote on the  
14 removal of an individual from office following impeachment or the  
15 disqualification of an individual from holding any office of honor,  
16 trust, or profit under this state if the member of the senate is:

17           (1) related to the individual within the third degree  
18 by consanguinity or affinity as determined under Subchapter B,  
19 Chapter 573; or

20           (2) the former spouse of the individual.

21           Sec. 665.032. REPORT OF COSTS OF TRIAL. (a) The senate  
22 shall keep an accounting of all costs incurred by the senate in  
23 connection with the trial of an impeachment, including any costs  
24 incurred during the house impeachment proceeding.

25           (b) Not later than the 60th day after the conclusion of the  
26 trial of an impeachment, the senate shall deliver a report of all  
27 costs described by Subsection (a) to the comptroller, lieutenant

1 governor, speaker of the house, Legislative Budget Board, chair of  
2 the senate committee on finance, and chair of the house committee on  
3 appropriations.

4 SECTION 3. Section 665.081, Government Code, is amended to  
5 read as follows:

6 Sec. 665.081. ~~[NO]~~ REMOVAL ONLY FOR ACTS COMMITTED WHILE  
7 HOLDING ~~[BEFORE ELECTION TO]~~ OFFICE. (a) An officer in this state  
8 is subject to removal ~~[may not be removed]~~ from office only for an  
9 act the officer ~~[may have]~~ committed while holding an elected or  
10 appointed ~~[before the officer's election to]~~ office.

11 (b) The prohibition against the removal from office for an  
12 act the officer commits while not an officeholder ~~[before the~~  
13 ~~officer's election]~~ is covered by:

14 (1) Section 21.024 ~~[21.002]~~, Local Government Code,  
15 for a mayor or alderman of a general law municipality; or

16 (2) Chapter 87, Local Government Code, for a county or  
17 precinct officer.

18 SECTION 4. Section 21.024, Local Government Code, is  
19 amended to read as follows:

20 Sec. 21.024. ~~[NO]~~ REMOVAL ONLY FOR ACTS COMMITTED WHILE  
21 HOLDING OFFICE ~~[BEFORE ACTION]~~. An officer is subject to removal  
22 ~~[may not be removed]~~ under this subchapter only for an act the  
23 officer committed while holding an elected or appointed ~~[before~~  
24 ~~election to]~~ office ~~[if the act was a matter of public record or~~  
25 ~~otherwise known to the voters]~~.

26 SECTION 5. Section 87.001, Local Government Code, is  
27 amended to read as follows:

1           Sec. 87.001. [~~NO~~] REMOVAL ONLY FOR ACTS COMMITTED WHILE  
2 HOLDING OFFICE [~~PRIOR ACTION~~]. An officer is subject to removal  
3 [~~may not be removed~~] under this chapter only for an act the officer  
4 committed while holding an elected or appointed [~~before election~~  
5 ~~to~~] office.

6           SECTION 6. The changes in law made by this Act apply only to  
7 an impeachment proceeding, trial, or other removal proceeding  
8 commenced on or after the effective date of this Act. A proceeding  
9 or trial commenced before the effective date of this Act is governed  
10 by the law in effect when the proceeding was commenced, and the  
11 former law is continued in effect for that purpose.

12          SECTION 7. This Act takes effect January 1, 2026, but only  
13 if the constitutional amendment proposed by the 89th Legislature,  
14 Regular Session, 2025, clarifying and implementing certain  
15 provisions governing the impeachment, trial, removal from office,  
16 and disqualification of public officers is approved by the  
17 voters. If that amendment is not approved by the voters, this Act  
18 has no effect.