

By: Huffman, Zaffirini

S.J.R. No. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment regarding the membership of the State Commission on Judicial Conduct and the authority of the commission and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct.

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

SECTION 1. Section 1-a, Article V, Texas Constitution, is amended by amending Subdivisions (2), (3), and (8) and adding Subdivisions (2-a), (2-b), and (2-c) to read as follows:

(2) The State Commission on Judicial Conduct consists of the following 13 [~~thirteen (13)~~] members[~~, to wit~~]:

(i) four individuals who serve as a Justice or Judge [one (1) Justice] of a Court of Appeals, a District Court, a County Court at Law, or a Constitutional County Court and are appointed by the Supreme Court with advice and consent of the Senate;

(ii) seven [~~one (1) District Judge, (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection, (iv) five (5)]~~] citizens appointed by the Governor with advice and consent of the Senate, who are each at least 30 [~~thirty (30)]~~] years of age and do not hold a [~~, not licensed to practice law nor holding any~~] salaried public office or employment; and

(iii) two judicial officers, one who serves as a

~~[(v) one (1)]~~ Justice of the Peace and one who serves as a  
~~(vi) one (1)]~~ Judge of a Municipal Court, appointed by the Supreme  
Court with the advice and consent of the Senate.

(2-a) A~~[(vii) one (1) Judge of a County Court at Law,~~  
~~and (viii) one (1) Judge of a Constitutional County Court, provided~~  
~~that no]~~ person shall not be appointed or remain a member of the  
Commission if the person~~[, who]~~ does not maintain physical  
residence within this State~~[,]~~ or has ~~[who shall have]~~ ceased to  
retain the qualifications ~~[above]~~ specified in Subsection (2) of  
this Section for that person's appointment.

(2-b) A person appointed under Subsection (2)(i) of  
this Section ~~[respective class of membership, and provided that a~~  
~~Commissioner of class (i), (ii), (iii), (vii), or (viii)]~~ may not be  
a judge or justice ~~[reside or hold a judgeship]~~ in the same type of  
court ~~[of appeals district]~~ as another member of the Commission.  
~~[Commissioners of classes (i), (ii), (vii), and (viii) above shall~~  
~~be chosen by the Supreme Court with advice and consent of the~~  
~~Senate, those of class (iii) by the Board of Directors of the State~~  
~~Bar under regulations to be prescribed by the Supreme Court with~~  
~~advice and consent of the Senate, those of class (iv) by appointment~~  
~~of the Governor with advice and consent of the Senate, and the~~  
~~commissioners of classes (v) and (vi) by appointment of the Supreme~~  
~~Court as provided by law, with the advice and consent of the~~  
~~Senate.]~~

(2-c) Not more than two persons appointed under  
Subsection (2)(ii) of this Section may be licensed to practice law.  
A person licensed to practice law who is appointed under Subsection

1 (2)(ii) of this Section must have practiced law for at least 10  
2 consecutive years preceding the person's appointment.

3 (3) The regular term of office of Commissioners shall  
4 be six [~~(6)~~] years[, ~~but the initial members of each of classes (i),~~  
5 ~~(ii) and (iii) shall respectively be chosen for terms of four (4)~~  
6 ~~and six (6) years, and the initial members of class (iiii) for~~  
7 ~~respective terms of two (2), four (4) and six (6) years]~~. Interim  
8 vacancies shall be filled in the same manner as vacancies due to  
9 expiration of a full term, but only for the unexpired portion of the  
10 term in question. Commissioners may succeed themselves in office  
11 only if the commissioner has [~~having~~] served less than three [~~(3)~~]  
12 consecutive years.

13 (8) After such investigation as it deems necessary,  
14 the Commission may in its discretion issue a [~~private or~~] public  
15 admonition, warning, reprimand, or requirement that the person  
16 obtain additional training or education, or if the Commission  
17 determines that the situation merits such action, it may institute  
18 formal proceedings and order a formal hearing to be held before it  
19 concerning a person holding an office or position specified in  
20 Subsection (6) of this Section, or it may in its discretion request  
21 the Supreme Court to appoint an active or retired District Judge or  
22 Justice of a Court of Appeals, or retired Judge or Justice of the  
23 Court of Criminal Appeals or the Supreme Court, as a Master to hear  
24 and take evidence in the matter, and to report thereon to the  
25 Commission. The Master shall have all the power of a District Judge  
26 in the enforcement of orders pertaining to witnesses, evidence, and  
27 procedure. If, after formal hearing, or after considering the

1 record and report of a Master, the Commission finds good cause  
2 therefor, it shall issue an order of public admonition, warning,  
3 reprimand, censure, or requirement that the person holding an  
4 office or position specified in Subsection (6) of this Section  
5 obtain additional training or education, or it shall recommend to a  
6 review tribunal the removal or retirement~~[, as the case may be,]~~ of  
7 the person and shall ~~[thereupon]~~ file with the tribunal the entire  
8 record before the Commission.

9 SECTION 2. Section ~~1-a~~(6)(A), Article V, Texas  
10 Constitution, is amended to read as follows:

11 (6) A. Any Justice or Judge of the courts established  
12 by this Constitution or created by the Legislature as provided in  
13 Section ~~1~~, Article V, of this Constitution, may, subject to the  
14 other provisions hereof, be removed from office for willful or  
15 persistent violation of rules promulgated by the Supreme Court of  
16 Texas, incompetence in performing the duties of the office, willful  
17 violation of the Code of Judicial Conduct, or willful or persistent  
18 conduct that is clearly inconsistent with the proper performance of  
19 the person's ~~[his]~~ duties or casts public discredit upon the  
20 judiciary or administration of justice. Any person holding such  
21 office may be disciplined or censured, in lieu of removal from  
22 office, as provided by this section. Any person holding an office  
23 specified in this subsection may be suspended from office with or  
24 without pay by the Commission immediately on being indicted by a  
25 State or Federal grand jury for a felony offense or charged with a  
26 misdemeanor involving official misconduct. On the filing of a  
27 sworn complaint charging a person holding such office with willful

1 or persistent violation of rules promulgated by the Supreme Court  
2 of Texas, incompetence in performing the duties of the office,  
3 willful violation of the Code of Judicial Conduct, or willful and  
4 persistent conduct that is clearly inconsistent with the proper  
5 performance of the person's ~~[his]~~ duties or casts public discredit  
6 on the judiciary or on the administration of justice, the  
7 Commission, after giving the person notice and an opportunity to  
8 appear and be heard before the Commission, may recommend to the  
9 Supreme Court the suspension of such person from office with or  
10 without pay. The Supreme Court, after considering the record of  
11 such appearance and the recommendation of the Commission, may  
12 suspend the person from office with or without pay, pending final  
13 disposition of the charge.

14 SECTION 3. The following temporary provision is added to  
15 the Texas Constitution:

16 TEMPORARY PROVISION. (a) This temporary provision applies  
17 to the constitutional amendment proposed by the 89th Legislature,  
18 Regular Session, 2025, regarding the membership of the State  
19 Commission on Judicial Conduct and the authority of the commission  
20 and the Texas Supreme Court to more effectively sanction judges and  
21 justices for judicial misconduct. The constitutional amendment  
22 takes effect January 1, 2026.

23 (b) Unless otherwise removed as provided by law, the  
24 commissioners of the State Commission on Judicial Conduct serving  
25 on the date the amendment described by Subsection (a) of this  
26 section is approved by the voters as shown by the official canvass  
27 of returns shall continue in office as the members of the State

1 Commission on Judicial Conduct under the former law that governed  
2 the composition of the State Commission on Judicial Conduct, and  
3 the former law is continued in effect for that purpose. New  
4 commissioners of the State Commission on Judicial Conduct shall be  
5 appointed as vacancies occur.

6 (c) This temporary provision expires January 1, 2031.

7 SECTION 4. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held November 4, 2025.  
9 The ballot shall be printed to provide for voting for or against the  
10 proposition: "The constitutional amendment regarding the  
11 membership of the State Commission on Judicial Conduct and the  
12 authority of the commission and the Texas Supreme Court to more  
13 effectively sanction judges and justices for judicial misconduct."