

By: Nixon

H.J.R. No. 42

A JOINT RESOLUTION

1 proposing a constitutional amendment changing the requirements for
2 persons serving as district judges.

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

4 SECTION 1. Section 7, Article V, Texas Constitution, is
5 amended to read as follows:

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

9 (b) Except as provided by Subsection (f) of this section,
10 each [Each] district judge shall be elected by the qualified voters
11 at a General Election and shall be a citizen of the United States
12 and of this State, who is licensed to practice law in this State,
13 who has been licensed to practice law in one or more states,
14 districts, or territories of the United States for a total of ten
15 (10) years before taking office, who [and] has been a practicing
16 lawyer or a Judge [of a Court in this State], or both combined, for
17 ten (10) [four (4)] years before taking office [next preceding his
18 election], who has resided in this State for one (1) year before
19 taking office [the district in which he was elected for two (2)
20 years next preceding his election], and who shall reside in the
21 [his] district during the judge's [his] term of office and hold
22 [his] office for the period of four (4) years, and who shall receive
23 for the judge's [his] services an annual salary to be fixed by the
24 Legislature.

1 (c) The Court shall conduct its proceedings at the county
2 seat of the county in which the case is pending, except as otherwise
3 provided by law.

4 (d) The district judge [~~He~~] shall hold the regular terms of
5 [~~his~~] Court at the County Seat of each County in the [~~his~~] district
6 in such manner as may be prescribed by law. The Legislature shall
7 have power by General or Special Laws to make such provisions
8 concerning the terms or sessions of each Court as it may deem
9 necessary.

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

13 (f) A person serving in the office of district judge on
14 January 1, 2004, to be eligible to serve as a district judge, must
15 be elected by the qualified voters at a General Election, be a
16 citizen of the United States and of this State, be licensed to
17 practice law in this State, have been a practicing lawyer or a Judge
18 of a Court in this State, or both combined, for four (4) years next
19 preceding the judge's election, have resided in the district in
20 which elected for two (2) years next preceding election, and reside
21 in the district during the judge's term of office.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 4, 2003.
24 The ballot shall be printed to permit voting for or against the
25 following proposition: "The constitutional amendment to require
26 that judges of the district courts have practiced law for 10 years
27 before taking office and have resided in the state for one year

1 before taking office."