

By: Wilson

H.J.R. No. 48

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the removal of  
2 justices of the peace by the legislature and specifying when the  
3 house and the senate may consider the removal of justices of the  
4 peace and other officers.

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

6 SECTION 1. Section 1, Article XV, Texas Constitution, is  
7 amended to read as follows:

8 Sec. 1. (a) The power of impeachment shall be vested in the  
9 House of Representatives.

10 (b) The House of Representatives may exercise the power of  
11 impeachment at any regular or special session. When the Legislature  
12 is not in session the Speaker of the House of Representatives may  
13 convene the House for that purpose for a period of time prescribed  
14 by the Speaker.

15 SECTION 2. Section 2, Article XV, Texas Constitution, is  
16 amended to read as follows:

17 Sec. 2. (a) Impeachment of the Governor, Lieutenant  
18 Governor, Attorney General, Commissioner of the General Land  
19 Office, Comptroller, ~~and~~ the Judges of the Supreme Court, Court  
20 of Appeals, and District Court, and justices of the peace shall be  
21 tried by the Senate.

22 (b) The Senate may try the impeachment of an officer at any  
23 regular or special session. When the Legislature is not in session  
24 and the House of Representatives has preferred articles of

1 impeachment against an officer, the Lieutenant Governor may convene  
2 the Senate to try the impeachment.

3 SECTION 3. Section 5, Article XV, Texas Constitution, is  
4 amended to read as follows:

5 Sec. 5. All officers against whom articles of impeachment  
6 may be preferred shall be suspended from the exercise of the duties  
7 of their office, during the pendency of such impeachment. The  
8 Governor, or the commissioners court of a county if the House of  
9 Representatives has preferred articles of impeachment against a  
10 justice of the peace in the county, may make a provisional  
11 appointment to fill the vacancy occasioned by the suspension of an  
12 officer until the decision on the impeachment.

13 SECTION 4. Section 8, Article XV, Texas Constitution, is  
14 amended to read as follows:

15 Sec. 8. (a) The Judges of the Supreme Court, Court of  
16 Appeals, and District Courts, and justices of the peace shall be  
17 removed by the Governor on the address of two-thirds of each House  
18 of the Legislature, for wilful neglect of duty, incompetency,  
19 habitual drunkenness, oppression in office, or other reasonable  
20 cause which shall not be sufficient ground for impeachment;  
21 provided, however, that the cause or causes for which such removal  
22 shall be required, shall be stated at length in such address and  
23 entered on the journals of each House; and provided further, that  
24 the cause or causes shall be notified to the judge or justice so  
25 intended to be removed, and the judge or justice [~~he~~] shall be  
26 admitted to a hearing in the judge's or justice's [~~his~~] own defense  
27 before any vote for such address shall pass, and in all such cases,

1 the vote shall be taken by yeas and nays and entered on the journals  
2 of each House respectively.

3 (b) The Legislature may address the Governor under this  
4 section at any regular or special session. When the Legislature is  
5 not in session, the Speaker of the House of Representatives and the  
6 Lieutenant Governor may jointly convene the Legislature for a  
7 period of time jointly prescribed by those officers to consider  
8 whether to address the Governor to remove a judge or justice of the  
9 peace under this section.

10 SECTION 5. This proposed constitutional amendment shall be  
11 submitted to the voters at an election to be held November 4, 2003.  
12 The ballot shall be printed to permit voting for or against the  
13 proposition: "The constitutional amendment to allow the  
14 legislature to remove a justice of the peace for misconduct or other  
15 cause and authorizing the house of representatives and senate when  
16 not in session to convene to consider removing a public officer."