

By: Raymond

H.J.R. No. 61

Substitute the following for H.J.R. No. 61:

By: Hartnett

C.S.H.J.R. No. 61

A JOINT RESOLUTION

1 proposing a constitutional amendment changing the terms of office
2 of a district judge.

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. The State shall be divided into judicial districts,
7 with each district having one or more Judges as may be provided by
8 law or by this Constitution. Each district judge shall be elected
9 by the qualified voters at a General Election and shall be a citizen
10 of the United States and of this State, who is licensed to practice
11 law in this State and has been a practicing lawyer or a Judge of a
12 Court in this State, or both combined, for four (4) years next
13 preceding the judge's [~~his~~] election, who has resided in the
14 district in which the judge [~~he~~] was elected for two (2) years next
15 preceding the [~~his~~] election, and who shall reside in the [~~his~~]
16 district during the judge's [~~his~~] term of office and hold the [~~his~~]
17 office for the period of six (6) [~~four (4)~~] years, and who shall
18 receive for the judge's [~~his~~] services an annual salary to be fixed
19 by the Legislature. The Court shall conduct its proceedings at the
20 county seat of the county in which the case is pending, except as
21 otherwise provided by law. The judge [~~He~~] shall hold the regular
22 terms of the judge's [~~his~~] Court at the County Seat of each County
23 in the [~~his~~] district in such manner as may be prescribed by law.
24 The Legislature shall have power by General or Special Laws to make

1 such provisions concerning the terms or sessions of each Court as it
2 may deem necessary.

3 The Legislature shall also provide for the holding of
4 District Court when the Judge thereof is absent, or is from any
5 cause disabled or disqualified from presiding.

6 SECTION 2. Section 28, Article V, Texas Constitution, is
7 amended by amending Subsection (a) and adding Subsection (c) to
8 read as follows:

9 (a) A vacancy in the office of Chief Justice, Justice, or
10 Judge of the Supreme Court, the Court of Criminal Appeals, or the
11 Court of Appeals [~~, or the District Courts~~] shall be filled by the
12 Governor until the next succeeding General Election for state
13 officers, and at that election the voters shall fill the vacancy for
14 the unexpired term.

15 (c) A vacancy in the office of Judge of a District Court
16 shall be filled by the Governor until the next succeeding General
17 Election for state officers, and at that election the voters shall
18 fill the vacancy for a full term, as specified by Section 7, Article
19 V, of this constitution.

20 SECTION 3. The following temporary provision is added to
21 the Texas Constitution:

22 TEMPORARY PROVISION. (a) This temporary provision applies
23 to the constitutional amendment proposed by the 82nd Legislature,
24 Regular Session, 2011, providing a six-year term for a district
25 judge and providing that a person elected to fill a vacancy in the
26 office of judge of a district court serves a full term.

27 (b) The amendments to Sections 7 and 28, Article V, of this

1 constitution take effect January 1, 2012. The amendment to Section
2 7 applies only to the term of a district judge that begins on or
3 after January 1, 2012. The term of a district judge who was elected
4 or appointed before January 1, 2012, expires, unless the judge is
5 otherwise removed as provided by law, at the end of the term to
6 which the judge was elected or appointed. On the expiration of that
7 term, the length of the next elected term for the judge of that
8 district is six years.

9 (c) This temporary provision expires January 1, 2016.

10 SECTION 4. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held November 8, 2011.
12 The ballot shall be printed to permit voting for or against the
13 proposition: "The constitutional amendment to increase the term
14 of a district judge to six years and to provide that a person
15 elected to fill a vacancy in the office of judge of a district court
16 serves a full term."