

## **BILL ANALYSIS**

Senate Research Center

H.J.R. 10  
By: Smithee (Huffman)  
State Affairs  
5/17/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that the required qualifications for certain judicial offices should be strengthened to ensure the quality of the state's judicial system. H.J.R. 10 seeks to present this issue to Texas voters.

H.J.R. 10 proposes a constitutional amendment changing the eligibility requirements for certain judicial offices.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2(b), Article V, Texas Constitution, as follows:

(b) Requires that no person be eligible to serve in the office of Chief Justice or Justice of the Texas Supreme Court (supreme court) unless the person is licensed to practice law in the State of Texas and is, at the time of election, a citizen of the United States (U.S.) and of the State of Texas, and has attained the age of thirty-five years, and has been a practicing lawyer licensed in the State of Texas for at least ten years, or has been a practicing layer licensed in the State of Texas and judge of a state court or county court established by the Legislature by statute for a combined total of at least ten years, during which time the person's license to practice law has not been revoked, suspended, or subject to a probated suspension, rather than requires no person to be eligible to serve in the office of Chief Justice or Justice of the supreme court unless the person is licensed to practice law in this state, and is, at the time of election, a citizen of the U.S. and of this state, and has attained the age of thirty-five years, and has been a practicing lawyer or a lawyer and judge of a court of record together at least ten years.

SECTION 2. Amends Section 7, Article V, Texas Constitution, as follows:

Sec. 7. Requires each district judge to be elected by the qualified voters at a General Election and to be a citizen of the U.S. and of this State, who is licensed to practice law in this State and has been a practicing lawyer or a Judge of a Court in this State, or both combined, for six years next preceding the judge's election, rather than four years next preceding his election, during which time the judge's license to practice law has not been revoked, suspended, or subject to a probated suspension, and who meets other requirements. Makes conforming and nonsubstantive changes.

SECTION 3. Provides that the following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) Provides that this temporary provision applies to the constitutional amendment proposed by the 85th Legislature, Regular Session, 2017, changing the eligibility requirements for a justice of the supreme court, a judge of the Texas court of criminal appeals (CCA), a justice of a court of appeals, and a district judge.

(b) Provides that the amendment to Section 2(b), Article V, of this constitution takes effect January 1, 2018, and applies only to a chief justice or other justice of the supreme court, a presiding judge or other judge of the CCA or a chief justice or other justice of a court of appeals who is first elected for a term that begins on or after January 1, 2021, or who is appointed on or after that date.

(c) Provides that the amendment to Section 7, Article V, of this constitution takes effect January 1, 2018, and applies only to a district judge who is first elected for a term that begins on or after January 1, 2021, or who is appointed on or after that date.

(d) Provides that this temporary provision expires January 1, 2022.

SECTION 4. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2017. Sets forth the required language of the ballot.