

By: Huffman, Lucio

S.B. No. 1728

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to an interim study by the Texas Commission on Judicial  
3 Selection regarding the method by which certain trial and appellate  
4 judges are selected.

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

6 SECTION 1. COMMISSION; STUDY. (a) The Texas Commission on  
7 Judicial Selection is established to study and review the method by  
8 which the following judges and justices are selected for office in  
9 this state:

10 (1) statutory county court judges, including probate  
11 court judges;

12 (2) district judges; and

13 (3) appellate justices and judges.

14 (b) The study conducted under this section must consider:

15 (1) the fairness, effectiveness, and desirability of  
16 selecting a judicial officer described in Subsection (a) of this  
17 section through partisan elections;

18 (2) the fairness, effectiveness, and desirability of  
19 judicial selection methods proposed or adopted by other states;

20 (3) the relative merits of alternative methods for  
21 selecting a judicial officer described in Subsection (a) of this  
22 section, including:

23 (A) lifetime appointment;

24 (B) appointment for a term;

1 (C) appointment for a term, followed by a  
2 partisan election;

3 (D) appointment for a term, followed by a  
4 nonpartisan election;

5 (E) appointment for a term, followed by a  
6 nonpartisan retention election;

7 (F) partisan election for an open seat, followed  
8 by a nonpartisan retention election for incumbents; and

9 (G) any other method or combination of methods  
10 for selecting a judicial officer described in Subsection (a) of  
11 this section; and

12 (4) the merits of using a public member board to  
13 nominate or assess the qualifications of candidates for judicial  
14 office.

15 (c) The Texas Commission on Judicial Selection consists of  
16 15 members appointed as follows:

17 (1) four members appointed by the governor;

18 (2) four members appointed by the lieutenant governor,  
19 including three senators, with at least:

20 (A) one senator who is a member of the political  
21 party with which the lieutenant governor is affiliated; and

22 (B) one senator who is a member of a political  
23 party other than the political party with which the lieutenant  
24 governor is affiliated;

25 (3) four members appointed by the speaker of the house  
26 of representatives, including three members of the house of  
27 representatives, with at least:

1           (A) one representative who is a member of the  
2 political party with which the speaker of the house is affiliated;  
3 and

4           (B) one representative who is a member of a  
5 political party other than the political party with which the  
6 speaker of the house is affiliated;

7           (4) one member appointed by the chief justice of the  
8 Supreme Court of Texas;

9           (5) one member appointed by the presiding judge of the  
10 Texas Court of Criminal Appeals; and

11           (6) one member appointed by the board of directors of  
12 the State Bar of Texas.

13           (d) The governor, lieutenant governor, and speaker of the  
14 house of representatives shall coordinate to ensure that the  
15 members appointed to the Texas Commission on Judicial Selection  
16 reflect, to the extent practicable, the racial, ethnic, and  
17 geographic diversity of this state and include individuals who are  
18 attorneys and individuals who are not attorneys.

19           (e) The governor shall designate the presiding officer of  
20 the Texas Commission on Judicial Selection.

21           (f) The Texas Commission on Judicial Selection shall  
22 convene at the call of the presiding officer.

23           (g) A member of the Texas Commission on Judicial Selection  
24 is not entitled to compensation but is entitled to reimbursement  
25 for actual and necessary expenses incurred in serving as a member of  
26 the commission.

27           (h) The Office of Court Administration of the Texas Judicial

1 System shall provide necessary administrative support to the Texas  
2 Commission on Judicial Selection.

3 (i) Not later than December 31, 2020, the Texas Commission  
4 on Judicial Selection shall submit to the governor and the  
5 legislature a report on the commission's findings and  
6 recommendations on a method or methods for selecting for office  
7 judges listed in Subsection (a) of this section that ensure a fair,  
8 impartial, qualified, competent, and stable judiciary. The  
9 commission shall include in its recommendations specific  
10 constitutional and statutory changes that appear necessary from the  
11 results of the commission's study.

12 SECTION 2. ABOLITION OF COMMISSION. The Texas Commission  
13 on Judicial Selection is abolished and this Act expires January 2,  
14 2021.

15 SECTION 3. The Office of Court Administration of the Texas  
16 Judicial System is required to implement a provision of this Act  
17 only if the legislature appropriates money specifically for that  
18 purpose. If the legislature does not appropriate money  
19 specifically for that purpose, the Office of Court Administration  
20 of the Texas Judicial System may, but is not required to, implement  
21 a provision of this Act using other appropriations available for  
22 that purpose.

23 SECTION 4. EFFECTIVE DATE. This Act takes effect  
24 immediately if it receives a vote of two-thirds of all the members  
25 elected to each house, as provided by Section 39, Article III, Texas  
26 Constitution. If this Act does not receive the vote necessary for  
27 immediate effect, this Act takes effect September 1, 2019.