

BILL ANALYSIS

Senate Research Center
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H.J.R. 107
By: Price et al. (Hinojosa)
Jurisprudence
5/8/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law currently requires judges and justices to retire at the age of 75. However, given today's longer life expectancies, H.J.R. 107 proposes an amendment to the Texas Constitution to increase the mandatory retirement age of state justices and judges from 75 years of age to 79 years of age. The bill also would remove a provision stating that judges may serve until December 31 of their fourth year in office if they reach the age of 75 in the first four years of their term.

H.J.R. 107 proposes a constitutional amendment to increase the mandatory age of retirement for state justices and judges.

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 1-a(1), Article V, Texas Constitution, as follows:

(1) Requires the office of every Appellate Court and District and Criminal District Court Justice or Judge to become vacant on the expiration of the term during which the incumbent reaches the age of 79 years or such earlier age, not less than 75 years, as the Legislature is authorized to prescribe. Deletes existing text requiring the office of every such Justice and Judge to become vacant on the expiration of the term during which the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature is authorized to prescribe, except that if a Justice or Judge elected to serve or fill the remainder of a six-year term reaches the age of seventy-five (75) years during the first four years of the term, the office of that Justice or Judge is required to become vacant on December 31 of the fourth year of the term to which the Justice or Judge was elected.

SECTION 2. Requires that this proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2023. Sets forth the required language of the ballot.