

## **BILL ANALYSIS**

Senate Research Center  
88R20173 AMF-F

C.S.S.J.R. 54  
By: Middleton  
State Affairs  
3/28/2023  
Committee Report (Substituted)

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

Currently the state constitution allows for per curiam or silent decisions. That is, there is no public record of how each judge voted. In the case of the Texas Supreme Court, if 6 or more judges agree they can issue a per curiam decision. In recent years there has been increased calls for transparency throughout all levels of government. S.J.R. 54 helps bring more transparency to court decisions in the state by eliminating per curiam decisions and treating them as public information. Texas judges are elected to their positions. Voters have a say in who is serving them on the bench. Texans elect district and appellate judges, which includes the Texas Supreme Court. The per curiam decision has become a shield that prevents voters from knowing who authored certain opinions. Judges should not be able to prevent accountability by hiding the author's identity with a per curiam decision.

S.J.R. 54 is necessary to ensure the enforcement of S.B. 930.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.J.R. 54 proposes a constitutional amendment to prohibit a court from issuing an opinion without disclosing the judge who authored the opinion.

### **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 Article V, Texas Constitution, by adding Section 1-b, as follows:

Sec. 1-b. Provides that the authorship of an opinion published by a court is public information. Requires a court to list the authors of any opinion published by the court.

SECTION 2. Requires that the 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.