**BILL ANALYSIS**

|  |  |
| --- | --- |
| Senate Research Center | S.J.R. 27 |
| 89R6039 AMF-D | By: Huffman |
|  | State Affairs |
|  | 3/26/2025 |
|  | As Filed |

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

S.J.R. 27, if approved by the Texas voters, would amend Article V, Section 1-a, of our state Constitution to adjust the membership of the State Commission on Judicial Conduct. Additionally, the joint resolution adjusts the authority of the commission and Texas Supreme Court to more effectively sanction judges for judicial misconduct.

As proposed, S.J.R. 27 proposes a constitutional amendment regarding the membership of the State Commission on Judicial Conduct and the authority of the commission and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct.

**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, Article V, Texas Constitution, by amending Subdivisions (2), (3), and (8) and adding Subdivisions (2-a) and (2-b), as follows:

(2) Provides that the State Commission on Judicial Conduct (SCJC) consists of the following 13 members:

(i) two individuals who serve as a Justice or Judge, of the Court of Criminal Appeals, a Court of Appeals, a District Court, a County Court at Law, or a Constitutional County Court and are appointed by the Supreme Court of Texas (supreme court) with advice and consent of the Senate;

(ii) two members of the State Bar, appointed by the Board of Directors of the State Bar under rules prescribed by the Supreme Court with advice and consent of the Senate, who have each respectively practiced as such for over 10 consecutive years next preceding their selection, rather than one district judge;

(iii) seven, rather than five, citizens appointed by the Governor with advice and consent of the Senate, who are each at least 30 years of age, are not licensed to practice law, and do not hold a salaried public office of employment; and

(iv) two individuals who serve as a Justice of the Peace or a Judge of a Municipal Court appointed by the supreme court with the advice and consent of the Senate, rather than one justice of the peace and one judge of a municipal court.

Makes nonsubstantive changes to this subdivision.

Deletes existing text including one Judge of a County Court at Law and one Judge of a Constitutional County Court among the members of SCJC. Deletes existing text prohibiting certain Commissioners from being in the same court of appeals district as another member of SCJC.

(2-a) Creates this subdivision from existing text. Prohibits a person from being appointed or remaining a member of SCJC who does not maintain physical residence within this State or who has ceased to retain the qualifications above specified for that person's appointment. Makes nonsubstantive changes.

(2-b) Creates this subdivision from existing text. Prohibits a person appointed under Subsection (2)(i) of this Section from being a judge or justice in the same type of court as another member of SCJC. Makes conforming and nonsubstantive changes.

(3) Authorizes Commissioners to succeed themselves in office only if the commissioner has, rather than having, served less than three consecutive years. Deletes existing text requiring certain initial members of SCJC to be chosen for terms of four and six years, and certain initial members for terms of two, four, and six years. Makes nonsubstantive changes.

(8) Authorizes SCJC, after such investigation as it deems necessary, to in its discretion issue a public, rather than a private or public, admonition, warning, reprimand, or requirement that the person obtain additional training or education. Deletes existing text requiring SCJC, after a formal hearing, or after considering the record and report of a Master, to recommend to a review tribunal the removal or retirement, as the case may be, of the person and to thereupon file with the tribunal the entire record before SCJC.

SECTION 2. Amends Section 1-a(6)(A), Article V, Texas Constitution, as follows:

(6) Requires, rather than authorizes, any person holding an office specified in this subsection to be suspended from office with or without pay by SCJC immediately on being indicted by a State or Federal grand jury for a felony offense or charged with a misdemeanor involving official misconduct. Provides that, on the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the supreme court, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of the person's duties or casts public discredit on the judiciary or on the administration of justice, SCJC, after giving the person notice and an opportunity to appear and be heard before SCJC, is required to recommend to the supreme court the suspension of such person from office with or without pay, rather than recommend to the supreme court the suspension of such person from office.

SECTION 3. Adds the following temporary provision to the Texas Constitution:

TEMPORARY PROVISION. (a) Provides that this temporary provision applies to the constitutional amendment proposed by the 89th Legislature, Regular Session, 2025, regarding the membership of the State Commission on Judicial Conduct and the authority of the commission and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct. Provides that the constitutional amendment takes effect January 1, 2026.

(b) Requires the commissioners of SCJC serving on the date the amendment described by Subsection (a) of this section is approved by the voters as shown by the official canvass of returns, unless otherwise removed as provided by law, to continue in officer as the members of SCJC under the former law that governed the composition of SCJC, and provides that the former law is continued in effect for that purpose. Requires new commissioners of the SCJC to be chosen as vacancies occur.

(c) Provides that this temporary provision expires January 1, 2031.

SECTION 4. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 4, 2025. Sets forth the required language of the ballot.