

BILL ANALYSIS

Senate Research Center

S.J.R. 27
By: Huffman
State Affairs
7/21/2025
Enrolled

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.

S.J.R. 27 proposes a constitutional amendment regarding the membership of the State Commission on Judicial Conduct, the membership of the tribunal to review the commission's recommendations, and the authority of the commission, the tribunal, 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), (8), and (9) and adding Subdivisions (2-a), (2-b), and (8-a), as follows:

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

(i) six judges or justices of courts in this state appointed by the Supreme Court of Texas (supreme court) with the advice and consent of the Senate, two of whom are required to be trial court judges; and

(ii) seven citizens appointed by the governor with the advice and consent of the Senate, who are at least 35 years of age.

Deletes existing text providing that SCJC consists of thirteen members, to wit, one Justice of a Court of Appeals; one District Judge; two members of the State Bar, who have respectively practiced as such for over ten consecutive years next preceding their selection; five citizens, at least thirty years of age, not licensed to practice law nor holding any salaried public office or employment, one Justice of the Peace; and certain judges, provided that no person shall be or remain a member of SCJC, who does not maintain physical residence within this State, or who is required to have ceased to retain the qualifications above specified for that person's respective class of membership, and provided that a commissioner of certain classes is prohibited from residing or holding a judgeship in the same court of appeals district as another member of the SCJC. Deletes existing text requiring certain Commissioners of classes above to be chosen by certain entities.

(2-a) Creates this subdivision from existing text. Prohibits a person from being appointed to or remaining a member of SCJC if the person does not maintain physical residence within this State or has ceased to retain the qualifications specified in Subsection (2) of

Section 1-a (Retirement, Compensation, Discipline, and Removal of Justices and Judges; State Commission on Judicial Conduct) for that person's appointment.

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

(3) Requires that the regular term of office of Commissioners be six years, rather than be six years, but the initial members of each of certain classes are required to respectively be chosen for terms of four and six years, and the initial members of a certain class for respective terms of two, four and six years. Provides that commissioners are authorized to succeed themselves in office only if the commissioner has served less than three consecutive years. Makes nonsubstantive changes.

(8) Authorizes SCJC, after such investigation as it deems necessary, in its discretion:

(i) for a person holding an office or position specified in Subsection (6) of this Section who has never been issued an order under this subparagraph and in response to a complaint or report other than a complaint or report alleging the person engaged in conduct constituting a criminal offense, issued an order of private admonition, warning, reprimand, censure, or requirement that the person obtain additional training or education;

(ii) issue a private admonition, rather than private or public admonition, warning, reprimand, or requirement that the person obtain additional training or education; or

(iii) if SCJC determines that the situation merits such action, institute formal proceedings and order a formal hearing to be held before it concerning a person holding an office or position specified in Subsection (6) of this Section, or it is authorized to in its discretion request the supreme court to appoint an active or retire District Judge or Justice of a Court of Appeals, or retired Judge or Justice of the Court of Criminal Appeals or the supreme court, as a Master to hear and take evidence in the matter, and to report thereon to SCJC and to the supreme court.

Makes nonsubstantive changes to this subdivision.

(8-a) Creates this subsection from existing text. Requires a Master, rather than the Master, appointed under Subsection (8)(iii) of this Section to have all the power of a District Judge in the enforcement of orders pertaining to witnesses, evidence, and procedure. Provides that, if, after formal hearing under Subsection (8)(iii) of this Section, or after considering the record and report of a Master appointed under Subsection (8)(iii) of this Section, SCJC finds the person engaged in wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties or other good cause therefor, SCJC is:

(i) required to issue for the person an order of public admonition, warning, reprimand, censure, or requirement that the person holding an office or position specified in Subsection (6) of this Section obtain additional training or education; or

(ii) authorized, rather than required, to recommend to a review tribunal the removal or retirement, rather than the removal and retirement, as the case may be, of the person and is required to file with the tribunal the entire record before SCJC.

Makes nonsubstantive changes to this Subdivision.

(9) Requires that service on a tribunal to review SCJC's recommendation for the removal or retirement of a person holding an office or position specified in Subsection (6) of this

Section be considered part of the official duties of a justice, rather than a judge, and provides that no additional compensation is authorized to be paid for such service. Requires the review tribunal, within 90 days after the date on which the record is filed with the review tribunal, to order public censure, suspension without pay for a specified period, retirement or removal, as it finds just and proper, or wholly reject the recommendation. Requires, rather than authorizes, the review tribunal, in an order for involuntary retirement for disability or an order for removal, prohibit such person from holding judicial office in the future. Requires that the rights of a person, rather than the rights of an incumbent, so retired to retirement benefits be the same as if the person's retirement had been voluntary. Makes a nonsubstantive change.

Deletes existing text providing that the tribunal is composed of seven Judges of the Court of Appeals who are selected by a lot by the Chief Justice of the supreme court. Deletes existing text requiring each Court of Appeals to designate one of its members for inclusion in the list from which the selection is made.

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

(6) A. 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 authorized to recommend to the supreme court the suspension of such person from office with or without pay, pending final disposition of the charge. Makes conforming and nonsubstantive changes.

Deletes existing text authorizing the supreme court, after considering the record of such appearances of SCJC, to suspend the person from office with or without pay, pending final disposition of the charge.

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 SCJC, the membership of the tribunal to review SCJC's recommendations, and the authority of SCJC, the tribunal, and the supreme court to more effectively sanction judges and justices for judicial misconduct. Provides that the constitutional amendment takes effect January 1, 2026.

(b) Provides that, notwithstanding any other law, the terms of the commissioners serving before January 1, 2026, expire July 1, 2026.

(c) Requires the supreme court, notwithstanding any other law, with the advice and consent of the Senate, to appoint additional commissioners to SCJC to serve staggered terms beginning January 1, 2026, as follows: two commissioners to serve six-year terms, two commissioners to serve four-year terms, and two commissioners to serve two-year terms.

(d) Requires the governor, notwithstanding any other law, to appoint additional commissioners to SCJC to serve staggered terms beginning January 1, 2026, as follows: three commissioners to serve six-year terms, two commissioners to serve four-year terms, and two commissioners to serve two-year terms.

(e) Requires that a complaint submitted to SCJC before January 1, 2026, notwithstanding any other law and except as otherwise provided by this subsection, be reviewed by the commissioners appointed before January 1, 2026, unless the complaint has not been resolved by July 1, 2026, in which event the complaint be reviewed by the commissioners appointed on or after that date.

(f) Requires that a complaint submitted to SCJC on or after January 1, 2026, notwithstanding any other law, be reviewed by the commissioners of SCJC appointed on or after that date.

(g) 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.