89R6039 AMF-D

By:  Huffman S.J.R. No. 27

A JOINT RESOLUTION

proposing 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.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 1-a, Article V, Texas Constitution, is amended by amending Subdivisions (2), (3), and (8) and adding Subdivisions (2-a) and (2-b) to read as follows:

(2)  The State Commission on Judicial Conduct consists of the following 13 [~~thirteen (13)~~] members[~~, to wit~~]:

(i)  two individuals who serve as a Justice or Judge [~~one (1) Justice~~] 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 with advice and consent of the Senate;

(ii)  [~~one (1) District Judge; (iii)~~] two [~~(2)~~] 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 [~~ten (10)~~] consecutive years next preceding their selection;

(iii)  seven [~~(iv) five (5)~~] citizens appointed by the Governor with advice and consent of the Senate, who are each at least 30 [~~thirty (30)~~] years of age, are not licensed to practice law, and do not hold a [~~nor holding any~~] salaried public office or employment; and

(iv)  two individuals who serve as a [~~(v) one (1)~~] Justice of the Peace or a[~~; (vi) one (1)~~] Judge of a Municipal Court appointed by the Supreme Court with the advice and consent of the Senate.

(2-a)  A [~~; (vii) one (1) Judge of a County Court at Law; and (viii) one (1) Judge of a Constitutional County Court; provided that no~~] person may not be appointed [~~shall be~~] or remain a member of the Commission[~~,~~] who does not maintain physical residence within this State[~~,~~] or who has [~~shall have~~] ceased to retain the qualifications above specified for that person's appointment.

(2-b)  A person appointed under Subsection (2)(i) of this Section [~~respective class of membership, and provided that a Commissioner of class (i), (ii), (iii), (vii), or (viii)~~] may not be a judge or justice [~~reside or hold a judgeship~~] in the same type of court [~~of appeals district~~] as another member of the Commission. [~~Commissioners of classes (i), (ii), (vii), and (viii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, those of class (iv) by appointment of the Governor with advice and consent of the Senate, and the commissioners of classes (v) and (vi) by appointment of the Supreme Court as provided by law, with the advice and consent of the Senate.~~]

(3)  The regular term of office of Commissioners shall be six [~~(6)~~] years[~~; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years~~]. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if the commissioner has [~~having~~] served less than three [~~(3)~~] consecutive years.

(8)  After such investigation as it deems necessary, the Commission may in its discretion issue a [~~private or~~] public admonition, warning, reprimand, or requirement that the person obtain additional training or education, or if the Commission determines that the situation merits such action, it may 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 may in its discretion request the Supreme Court to appoint an active or retired 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 the Commission. The Master shall have all the power of a District Judge in the enforcement of orders pertaining to witnesses, evidence, and procedure. If, after formal hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue 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 it shall recommend to a review tribunal the removal or retirement, as the case may be, of the person and shall thereupon file with the tribunal the entire record before the Commission~~].

SECTION 2.  Section 1-a(6)(A), Article V, Texas Constitution, is amended to read as follows:

(6)  A. Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of the person's [~~his~~] duties or casts public discredit upon the judiciary or administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section. Any person holding an office specified in this subsection shall [~~may~~] be suspended from office with or without pay by the Commission immediately on being indicted by a State or Federal grand jury for a felony offense or charged with a misdemeanor involving official misconduct. 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 of Texas, 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 [~~his~~] duties or casts public discredit on the judiciary or on the administration of justice, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office with or without pay. The Supreme Court, after considering the record of such appearance and the recommendation of the Commission, may suspend the person from office with or without pay, pending final disposition of the charge.

SECTION 3.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION.  (a) 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. The constitutional amendment takes effect January 1, 2026.

(b)  Unless otherwise removed as provided by law, the commissioners of the State Commission on Judicial Conduct 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 shall continue in office as the members of the State Commission on Judicial Conduct under the former law that governed the composition of the State Commission on Judicial Conduct, and the former law is continued in effect for that purpose. New commissioners of the State Commission on Judicial Conduct shall be chosen as vacancies occur.

(c)  This temporary provision expires January 1, 2031.

SECTION 4.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2025. The ballot shall be printed to provide for voting for or against the proposition: "The 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."