

By: Leach

H.B. No. 1761

Substitute the following for H.B. No. 1761:

By: Schofield

C.S.H.B. No. 1761

A BILL TO BE ENTITLED

AN ACT

relating to the discipline of judges by the State Commission on Judicial Conduct, notice of certain reprimands, judicial compensation and related retirement benefits, and the reporting of certain judicial transparency information; authorizing an administrative penalty.

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

SECTION 1. Section 22.302(a), Government Code, is amended to read as follows:

(a) At the discretion of its chief justice or presiding judge, the supreme court, the court of criminal appeals, or a court of appeals may order that oral argument be presented through the use of teleconferencing technology. The ~~[court and the]~~ parties or their attorneys may participate in oral argument from any location through the use of teleconferencing technology. Unless exigent circumstances require otherwise, the court shall participate in oral argument presented through teleconferencing technology from a courtroom or other facility provided to the court by this state.

SECTION 2. Subchapter D, Chapter 23, Government Code, is amended by adding Section 23.303 to read as follows:

Sec. 23.303. PROCEDURES RELATED TO MOTIONS FOR SUMMARY JUDGMENT; ANNUAL REPORT. (a) The business court, a district court, or a statutory county court shall, with respect to a motion for summary judgment:

1 (1) hear oral argument on the motion or consider the
2 motion without oral argument not later than the 45th day after the
3 date the response to the motion was filed; and

4 (2) file with the clerk of the court and provide to the
5 parties a written ruling on the motion not later than the 90th day
6 after the date the motion was argued or considered.

7 (b) If a motion for summary judgment is considered by a
8 court described by Subsection (a) without oral argument, the court
9 shall record in the docket the date the motion was considered
10 without argument.

11 (c) A clerk of a court described by Subsection (a) shall
12 report the court's compliance with the times prescribed by this
13 section to the Office of Court Administration of the Texas Judicial
14 System not less than once per quarter using the procedure the office
15 prescribes for the submission of reports under this subsection.

16 (d) The Office of Court Administration of the Texas Judicial
17 System shall prepare an annual report regarding compliance of
18 courts and clerks with the requirements of this section during the
19 preceding state fiscal year. Not later than December 31 of each
20 year, the office shall submit the report prepared under this
21 section to the governor, lieutenant governor, and speaker of the
22 house of representatives and make the report publicly available.

23 (e) Notwithstanding Section [22.004](#), Subsection (a) or (b)
24 may not be modified or repealed by supreme court rule.

25 SECTION 3. Section [33.001](#)(a), Government Code, is amended
26 by amending Subdivision (8) and adding Subdivision (8-a) to read as
27 follows:

(8) "Judge" means a justice, judge, master, magistrate, justice of the peace, or retired or former judge as described by Section 1-a, Article V, Texas Constitution, or other person who performs the functions of the justice, judge, master, magistrate, justice of the peace, or retired or former judge.

(8-a) "Official misconduct" has the meaning assigned by Article 3.04, Code of Criminal Procedure.

SECTION 4. Effective January 1, 2026, Section 33.001(a)(10), Government Code, is amended to read as follows:

(10) "Sanction" means an order issued by the commission under Section 1-a(8), Article V, Texas Constitution, providing for a [~~private or~~] public admonition, warning, or reprimand or requiring that a person obtain additional training or education.

SECTION 5. Section 33.001(b), Government Code, is amended to read as follows:

(b) For purposes of Section 1-a, Article V, Texas Constitution, "wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties" includes:

(1) wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business, including failure to meet deadlines, performance measures or standards, or clearance rate requirements set by statute, administrative rule, or binding court order;

(2) wilful violation of a provision of the Texas penal

1 statutes or the Code of Judicial Conduct;

2 (3) persistent or wilful violation of the rules
3 promulgated by the supreme court;

4 (4) incompetence in the performance of the duties of
5 the office;

6 (5) failure to cooperate with the commission; ~~[or]~~

7 (6) violation of any provision of a voluntary
8 agreement to resign from judicial office in lieu of disciplinary
9 action by the commission;

10 (7) persistent or wilful violation of Article 17.15,
11 Code of Criminal Procedure; or

12 (8) persistent or wilful violation of Section
13 22.302(a).

14 SECTION 6. Section 33.0211, Government Code, is amended by
15 amending Subsection (a) and adding Subsection (a-1) to read as
16 follows:

17 (a) The commission shall maintain a file on each written
18 complaint filed with the commission. The file must include:

19 (1) the name of the person who filed the complaint;

20 (2) the date the complaint is received by the
21 commission;

22 (3) the subject matter of the complaint;

23 (4) additional documentation supporting the complaint
24 submitted under Subsection (a-1);

25 (5) the name of each person contacted in relation to
26 the complaint;

27 (6) ~~[(5)]~~ a summary of the results of the review or

1 investigation of the complaint; and

2 (7) [~~(6)~~] an explanation of the reason the file was
3 closed, if the commission closed the file without taking action
4 other than to investigate the complaint.

5 (a-1) Not later than the 45th day after the date a person
6 files a complaint with the commission, the person may submit to the
7 commission additional documentation to support the complaint.

8 SECTION 7. Subchapter B, Chapter 33, Government Code, is
9 amended by adding Sections 33.02111 and 33.02115 to read as
10 follows:

11 Sec. 33.02111. STATUTE OF LIMITATIONS. (a) Except as
12 provided by Subsection (b), the commission may not investigate and
13 shall dismiss a complaint filed on or after the seventh anniversary
14 of the date:

15 (1) the alleged misconduct occurred; or

16 (2) the complainant knew, or with the exercise of
17 reasonable diligence should have known, of the alleged misconduct.

18 (b) The commission may investigate and not dismiss a
19 complaint described by Subsection (a) if the commission determines
20 good cause exists for investigating the complaint.

21 Sec. 33.02115. FALSE COMPLAINT; ADMINISTRATIVE PENALTY.

22 (a) The commission may impose administrative sanctions, including
23 an administrative penalty under Subsection (b), against a person
24 who knowingly files a false complaint with the commission under
25 this subchapter.

26 (b) The commission may impose on a person described by
27 Subsection (a) an administrative penalty in the amount of:

1 (1) not more than \$500 for the first false complaint;
2 (2) not more than \$2,500 for the second false
3 complaint; and
4 (3) not less than \$5,000 but not more than \$10,000 for
5 each false complaint filed subsequent to the second.

6 (c) An order imposing an administrative penalty or other
7 sanction under this section is a public record. The commission
8 shall publish notice of the penalty or other sanction on the
9 commission's Internet website.

10 SECTION 8. Section 33.0212, Government Code, is amended to
11 read as follows:

12 Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED
13 COMPLAINTS. (a) As soon as practicable after a complaint is filed
14 with the commission, commission staff shall conduct a preliminary
15 investigation of the filed complaint and draft recommendations for
16 commission action.

17 (a-1) If, after completing a preliminary investigation
18 under Subsection (a), commission staff determines that given the
19 content of a complaint a full investigation is necessary before the
20 next commission meeting, commission staff may commence the
21 investigation. Not less than seven business days after the date
22 commission staff commences a full investigation under this
23 subsection, the staff shall provide written notice of the full
24 investigation to the judge who is the subject of the complaint.
25 Notice provided under this subsection shall comply with the
26 requirements of Section 33.022(c)(1)(B).

27 (a-2) Not later than the 10th day before a scheduled

1 commission meeting [~~120th day after the date a complaint is filed~~
2 ~~with the commission~~], commission staff shall prepare and file with
3 each member of the commission a report detailing:

4 (1) each complaint for which a preliminary
5 investigation has been conducted under Subsection (a) but for which
6 the investigation report has not been finalized under Subsection
7 (b);

8 (2) the results of the preliminary investigation of
9 the complaint, including whether commission staff commenced a full
10 investigation under Subsection (a-1); and

11 (3) the commission staff's recommendations for
12 commission action regarding the complaint, including any
13 recommendation for further investigation or termination of the
14 investigation and dismissal of the complaint.

15 (b) Not later than the 120th [~~90th~~] day following the date
16 of the first commission meeting at which a complaint is included in
17 the report filed with the commission under Subsection (a-2) [~~staff~~
18 ~~files with the commission the report required by Subsection (a)] ,
19 the commission shall finalize the investigation report and
20 determine any action to be taken regarding the complaint,
21 including:~~

- 22 (1) a public sanction;
23 (2) a private sanction;
24 (3) a suspension;
25 (4) an order of education;
26 (5) an acceptance of resignation in lieu of
27 discipline;

1 (6) a dismissal; or

2 (7) an initiation of formal proceedings.

3 (b-1) After the commission meeting at which an
4 investigation report is finalized and an action is determined under
5 Subsection (b), the commission shall provide to the judge who is the
6 subject of a complaint:

7 (1) written notice of the action to be taken regarding
8 the complaint not more than:

9 (A) five business days after the commission
10 meeting if the commission determines no further action will be
11 taken on the complaint; or

12 (B) seven business days after the commission
13 meeting if the commission determines to take any further action on
14 the complaint, including by pursuing further investigation; and

15 (2) as the commission determines appropriate,
16 published notice of the action to be taken by posting the notice on
17 the commission's Internet website not less than five business days
18 after notice is provided under Subdivision (1).

19 (c) If, because of extenuating circumstances, the
20 commission [staff] is unable to finalize an investigation report
21 and determine the action to be taken regarding a complaint under
22 Subsection (b) [provide an investigation report and recommendation
23 to the commission] before the 120th day following the date of the
24 first [the complaint was filed with the] commission meeting at
25 which a complaint is included in the report filed with the
26 commission under Subsection (a-2), the commission may order an
27 extension [the staff shall notify the commission and propose the

~~number of days required for the commission and commission staff to complete the investigation report and recommendations and finalize the complaint. The staff may request an extension]~~ of not more than 240 ~~[270]~~ days from the date of the first ~~[the complaint was filed with the]~~ commission meeting at which a complaint is included in the report filed with the commission under Subsection (a-2). ~~[The commission shall finalize the complaint not later than the 270th day following the date the complaint was filed with the commission.]~~

(c-1) If a complaint against a judge alleges multiple instances of misconduct or the commission determines multiple complaints have been submitted against the judge, the commission may order an additional extension of not more than 90 days after the date the extension under Subsection (c) expires.

(c-2) Each member of the commission shall certify an investigation report finalized in accordance with this section by signing the report. The signature required under this subsection may be electronic.

~~(d) [The executive director may request that the chairperson grant an additional 120 days to the time provided under Subsection (c) for the commission and commission staff to complete the investigation report and recommendations and finalize the complaint.]~~

~~[(e)]~~ If the commission orders an extension of time under Subsection (c) or (c-1) ~~[chairperson grants additional time under Subsection (d)]~~, the commission must timely inform the following ~~[legislature]~~ of the extension:

1 (1) the governor;
2 (2) the lieutenant governor;
3 (3) the speaker of the house of representatives;
4 (4) the presiding officer of each legislative standing
5 committee with primary jurisdiction over the judiciary;
6 (5) the chief justice of the supreme court;
7 (6) the Office of Court Administration of the Texas
8 Judicial System; and
9 (7) the presiding judge of the administrative judicial
10 region in which is located the court the judge who is the subject of
11 the complaint serves.

12 (e) The commission may not disclose to a person informed
13 under Subsection (d) [the legislature] any confidential
14 information regarding the complaint.

15 SECTION 9. Effective January 1, 2026, Section 33.0212(b),
16 Government Code, is amended to read as follows:

17 (b) Not later than the 120th ~~[90th]~~ day following the date
18 of the first commission meeting at which a complaint is included in
19 the report filed with the commission under Subsection (a-2) [staff
20 ~~files with the commission the report required by Subsection (a)]~~,
21 the commission shall finalize the investigation report and
22 determine any action to be taken regarding the complaint,
23 including:

- 24 (1) a public sanction;
25 (2) ~~[a private sanction,~~
26 ~~[3]]~~ a suspension;
27 (3) [4]] an order of education;

1 (4) ~~[(5)]~~ an acceptance of resignation in lieu of
2 discipline;

3 (5) ~~[(6)]~~ a dismissal; or

4 (6) ~~[(7)]~~ an initiation of formal proceedings.

5 SECTION 10. Section 33.0213, Government Code, is amended to
6 read as follows:

7 Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY
8 INVESTIGATION. On notice by any law enforcement agency
9 investigating an action for which a complaint has been filed with
10 the commission, the commission:

11 (1) may place the commission's complaint file on hold
12 and decline any further investigation that would jeopardize the law
13 enforcement agency's investigation; or

14 (2) shall ~~["The commission may"]~~ continue an
15 investigation that would not jeopardize a law enforcement
16 investigation regarding the conduct subject to the complaint and
17 may issue a censure or sanction based on the complaint.

18 SECTION 11. Section 33.022, Government Code, is amended by
19 amending Subsections (b) and (c) and adding Subsections (b-1) and
20 (b-2) to read as follows:

21 (b) If, after conducting a preliminary investigation under
22 this section, ~~[the]~~ commission staff determine ~~[determines]~~ that an
23 allegation or appearance of misconduct or disability is unfounded
24 or frivolous, ~~[the]~~ commission staff shall recommend the commission
25 [shall] terminate the investigation and dismiss the complaint.

26 (b-1) If, after conducting a preliminary investigation
27 under this section, commission staff determine administrative

1 deficiencies in the complaint preclude further investigation,
2 commission staff may terminate the investigation and dismiss the
3 complaint without action by the commission.

4 (b-2) If a complaint is dismissed under Subsection (b) or
5 (b-1), the commission shall notify the judge in writing of the
6 dismissal not more than five business days after the dismissal
7 date.

8 (c) If, after conducting a preliminary investigation under
9 this section, the commission does not determine that an allegation
10 or appearance of misconduct or disability is unfounded or
11 frivolous, the commission:

12 (1) shall:

13 (A) conduct a full investigation of the
14 circumstances surrounding the allegation or appearance of
15 misconduct or disability; and

16 (B) not more than seven business days after the
17 commission staff commences a full investigation under this
18 subsection, notify the judge in writing of:

19 (i) the commencement of the investigation;
20 ~~and~~

21 (ii) the nature of the allegation or
22 appearance of misconduct or disability being investigated; and

23 (iii) the judge's right to attend each
24 commission meeting at which the complaint is included in the report
25 filed with commission members under Section 33.0212(a-2); and

26 (2) may:

27 (A) order the judge to:

1 (i) submit a written response to the
2 allegation or appearance of misconduct or disability; or

3 (ii) appear informally before the
4 commission;

5 (B) order the deposition of any person; or

6 (C) request the complainant to appear informally
7 before the commission.

8 SECTION 12. Section 33.023, Government Code, is amended to
9 read as follows:

10 Sec. 33.023. SUBSTANCE ABUSE; PHYSICAL OR MENTAL INCAPACITY
11 OF JUDGE; SUSPENSION. (a) For each filed complaint alleging
12 substance abuse by, or the physical or mental incapacity of, a judge
13 and questioning the judge's ability to perform the judge's official
14 duties, the commission shall conduct a preliminary investigation of
15 the complaint and present the results of the preliminary
16 investigation to each member of the commission not later than the
17 30th day after the date the complaint is filed.

18 (b) If, after reviewing the results of the preliminary
19 investigation, the commission determines the judge's alleged
20 substance abuse or physical or mental incapacity brings into
21 question the judge's ability to perform the judge's official
22 duties, the commission shall provide the judge written notice of
23 the complaint and subpoena the judge to appear before the
24 commission at the commission's next regularly scheduled meeting.

25 (c) If, following the judge's appearance before the
26 commission at the next regularly scheduled meeting, the commission
27 decides to require the judge to submit to a physical or mental

1 examination, the commission shall:

2 (1) suspend the judge from office with pay for a period
3 not to exceed 90 days;

4 (2) provide the judge written notice of the
5 suspension;

6 (3) [~~In any investigation or proceeding that involves~~
7 ~~the physical or mental incapacity of a judge, the commission may]~~
8 order the judge to submit to a physical or mental examination by one
9 or more qualified physicians or a mental examination by one or more
10 qualified psychologists selected and paid for by the commission;
11 and

12 (4) provide[~~-~~

13 [~~(b) The commission shall give~~] the judge written notice of
14 the examination not later than 10 days before the date of the
15 examination.

16 (d) The notice provided under Subsection (c)(4) must
17 include the physician's name and the date, time, and place of the
18 examination.

19 (e) [~~(c)~~] Each examining physician shall file a written
20 report of the examination with the commission and the report shall
21 be received as evidence without further formality. On request of
22 the judge or the judge's attorney, the commission shall give the
23 judge a copy of the report. The physician's oral or deposition
24 testimony concerning the report may be required by the commission
25 or by written demand of the judge.

26 (f) If, after receiving the written report of an examining
27 physician or the physician's deposition testimony concerning the

1 report, the commission determines the judge is unable to perform
2 the judge's official duties because of substance abuse or physical
3 or mental incapacity, the commission shall:

4 (1) recommend to the supreme court suspension of the
5 judge from office; or

6 (2) enter into an indefinite voluntary agreement with
7 the judge for suspension of the judge with pay until the commission
8 determines the judge is physically and mentally competent to resume
9 the judge's official duties.

10 (g) [(d)] If a judge refuses to submit to a physical or
11 mental examination ordered by the commission under this section,
12 the commission may petition a district court for an order
13 compelling the judge to submit to the physical or mental
14 examination and recommend to the supreme court suspension of the
15 judge from office.

16 SECTION 13. Effective January 1, 2026, Section 33.032(d),
17 Government Code, is amended to read as follows:

18 (d) The disciplinary record of a judge~~[, including any~~
19 ~~private sanctions,~~] is admissible in a subsequent proceeding before
20 the commission, a special master, a special court of review, or a
21 review tribunal.

22 SECTION 14. Effective January 1, 2026, Section 33.033(b),
23 Government Code, is amended to read as follows:

24 (b) The communication shall inform the complainant that:

25 (1) the case has been dismissed;

26 (2) an ~~[a private sanction or]~~ order of additional
27 education has been issued by the commission;

(3) a public sanction has been issued by the commission;

(4) formal proceedings have been instituted; or

(5) a judge has resigned from judicial office in lieu of disciplinary action by the commission.

SECTION 15. Section 33.034, Government Code, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) A judge who receives from the commission a sanction or censure issued by the commission under Section 1-a(8), Article V, Texas Constitution, may request ~~[or any other type of sanction is entitled to]~~ a review of the commission's decision as provided by this section. This section does not apply to a decision by the commission to institute formal proceedings.

(j) If the commission issues a public reprimand of a judge based on the judge's persistent or wilful violation of Article 17.15, Code of Criminal Procedure, the commission shall send notice of the reprimand to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives;

(4) the presiding officer of each legislative standing committee with primary jurisdiction over the judiciary;

(5) the chief justice of the supreme court;

(6) the Office of Court Administration of the Texas Judicial System;

(7) the presiding judge of the administrative judicial

region in which is located the court the reprimanded judge serves;
and

(8) each judge of a constitutional county court in the
geographic region in which the reprimanded judge serves.

SECTION 16. Section 33.037, Government Code, is amended to
read as follows:

Sec. 33.037. SUSPENSION FROM OFFICE [~~PENDING APPEAL~~]. (a)
If a judge who is convicted of a felony or a misdemeanor involving
official misconduct appeals the conviction, the commission shall
suspend the judge from office without pay pending final disposition
of the appeal.

(b) Not later than the 21st day after the date the
commission initiates formal proceedings against a judge based on
the judge's persistent or wilful violation of Article 17.15, Code
of Criminal Procedure, the commission shall recommend to the
supreme court that the judge be suspended from office pursuant to
Section 1-a, Article V, Texas Constitution.

SECTION 17. Subchapter B, Chapter 33, Government Code, is
amended by adding Section 33.041 to read as follows:

Sec. 33.041. JUDICIAL DIRECTORY; NOTICE. (a) The Office of
Court Administration of the Texas Judicial System shall:

(1) establish a judicial directory that contains the
contact information, including the e-mail address, for each judge
in this state; and

(2) provide the commission with access to the
directory for the purpose of providing to a judge written notice
required by this subchapter.

1 (b) Written notice required by this subchapter may be
2 provided to a judge by e-mail.

3 SECTION 18. Subchapter C, Chapter 72, Government Code, is
4 amended by adding Section 72.0396 to read as follows:

5 Sec. 72.0396. JUDICIAL TRANSPARENCY INFORMATION. (a) Each
6 district court judge required to submit information under rules
7 adopted under Subsection (e) shall submit to the presiding judge of
8 the administrative judicial region in which the judge's court sits
9 not later than the 20th day of each calendar quarter information for
10 the preceding quarter in which the judge attests to:

11 (1) the number of hours the judge presided over the
12 judge's court at the courthouse or another court facility; and

13 (2) the number of hours the judge performed judicial
14 duties other than those described by Subdivision (1), including the
15 number of hours the judge:

16 (A) performed case-related duties;

17 (B) performed administrative tasks; and

18 (C) completed continuing education.

19 (b) The presiding judge of each administrative judicial
20 region shall submit the information submitted under Subsection (a)
21 to the office in the manner prescribed by the supreme court.

22 (c) The office shall provide administrative support for the
23 submission and collection of information under Subsection (a),
24 including providing a system for electronic submission of the
25 information.

26 (d) Not later than December 1 of each year, the office shall
27 prepare and submit to the governor, the lieutenant governor, the

1 speaker of the house of representatives, and each presiding officer
2 of a legislative standing committee with primary jurisdiction over
3 the judiciary a written report compiling the information submitted
4 under Subsection (b).

5 (e) The supreme court shall adopt rules to implement the
6 reporting of information under Subsection (a), including rules:

7 (1) establishing eligibility criteria for a judge
8 required to submit information based on performance measures
9 reported under Section 72.083 and other measures the court
10 considers appropriate;

11 (2) establishing a penalty for the failure to submit
12 required information and the submission of false information; and

13 (3) providing guidance on the form and manner of
14 reporting.

15 SECTION 19. Section 73.003(e), Government Code, is amended
16 to read as follows:

17 (e) At the discretion of its chief justice, a court to which
18 a case is transferred may hear oral argument through the use of
19 teleconferencing technology as provided by Section 22.302. ~~[The~~
20 ~~court and the parties or their attorneys may participate in oral~~
21 ~~argument from any location through the use of teleconferencing~~
22 ~~technology.]~~ The actual and necessary expenses of the court in
23 hearing an oral argument through the use of teleconferencing
24 technology shall be paid by the state from funds appropriated for
25 the transfer of case, as specified in Subsection (d).

26 SECTION 20. Section 74.055(c), Government Code, is amended
27 to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as an active judge for at least 96 months in a district, statutory probate, statutory county, or appellate court;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has never been publicly reprimanded or censured by the State Commission on Judicial Conduct, excluding any reprimand or censure reviewed and rescinded by a special court of review under Section 33.034;

(B) the judge has not received more than one of any other type of public sanction, excluding any sanction reviewed and rescinded by a special court of review under Section 33.034; and

(C) [~~(B)~~] the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation; or

(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation;

1 (5) annually demonstrate that the judge has completed
2 in the past state fiscal year the educational requirements for
3 active district, statutory probate, and statutory county court
4 judges; and

5 (6) certify to the presiding judge a willingness not
6 to appear and plead as an attorney in any court in this state for a
7 period of two years.

8 SECTION 21. Section 659.012, Government Code, is amended by
9 amending Subsections (a) and (d) and adding Subsections (b-2) and
10 (d-1) to read as follows:

11 (a) Notwithstanding Section 659.011 and subject to
12 Subsections (b) and (b-1):

13 (1) a judge of a district court or a division of the
14 business court is entitled to an annual base salary from the state
15 as set by the General Appropriations Act in an amount equal to at
16 least \$182,000 [~~\$140,000~~], except that the combined base salary of
17 a district judge or judge of a division of the business court from
18 all state and county sources, including compensation for any
19 extrajudicial services performed on behalf of the county, may not
20 exceed the amount that is \$5,000 less than the maximum combined base
21 salary from all state and county sources for a justice of a court of
22 appeals other than a chief justice as determined under this
23 subsection;

24 (2) except as provided by Subdivision (3), a justice
25 of a court of appeals [~~other than the chief justice~~] is entitled to
26 an annual base salary from the state in the amount equal to 110
27 percent of the state base salary of a district judge as set by the

1 General Appropriations Act, except that the combined base salary of
2 a justice of the court of appeals [~~other than the chief justice~~]
3 from all state and county sources, including compensation for any
4 extrajudicial services performed on behalf of the county, may not
5 exceed the amount that is \$5,000 less than the base salary for a
6 justice of the supreme court as determined under this subsection;

7 (3) a justice of the Court of Appeals for the Fifteenth
8 Court of Appeals District [~~other than the chief justice~~] is
9 entitled to an annual base salary from the state in the amount equal
10 to \$5,000 less than 120 percent of the state base salary of a
11 district judge as set by the General Appropriations Act;

12 (4) a justice of the supreme court [~~other than the~~
13 ~~chief justice~~] or a judge of the court of criminal appeals [~~other~~
14 ~~than the presiding judge~~] is entitled to an annual base salary from
15 the state in the amount equal to 120 percent of the state base
16 salary of a district judge as set by the General Appropriations Act;
17 and

18 (5) the chief justice or presiding judge of an
19 appellate court is entitled to additional compensation [~~an annual~~
20 ~~base salary~~] from the state in the amount equal to seven percent of
21 [~~\$2,500 more than~~] the state base salary provided for the other
22 justices or judges of the court[, ~~except that the combined base~~
23 ~~salary of the chief justice of a court of appeals from all state and~~
24 ~~county sources may not exceed the amount equal to \$2,500 less than~~
25 ~~the base salary for a justice of the supreme court as determined~~
26 ~~under this subsection~~].

27 (b-2) Notwithstanding any other provision of this section,

the additional compensation from the state paid to a chief justice or presiding judge of an appellate court in accordance with Subsection (a)(5) is not included as part of the judge's or justice's combined base salary from all state and county sources for purposes of determining whether the judge's or justice's salary exceeds the limitation.

(d) Notwithstanding any other provision in this section or other law, ~~[in a county with more than five district courts,]~~ a district judge who serves as a local administrative district judge under Section 74.091 is entitled to an annual base salary from the state in the amount provided under Subsection (a) or (b) and an additional annual ~~[in the]~~ amount from the state equal to:

(1) in a county with three or four district courts, three percent of the annual base ~~[\$5,000 more than the maximum]~~ salary for a judge of a district court ~~[from the state to which the judge is otherwise entitled]~~ under Subsection (a);

(2) in a county with more than four but fewer than 10 district courts, five percent of the annual base salary for a judge of a district court under Subsection (a); or

(3) in a county with 10 or more district courts, seven percent of the annual base salary for a judge of a district court under Subsection (a) ~~[or (b)]~~.

(d-1) Notwithstanding any other provision in this section or other law, a judge of a division of the business court who serves as administrative presiding judge under Section 25A.009 is entitled to an annual base salary from the state in the amount provided under Subsection (a) or (b) and an additional annual amount equal to the

1 amount provided under Subsection (d)(3).

2 SECTION 22. Section 665.052(b), Government Code, is amended
3 to read as follows:

4 (b) In this section, "incompetency" means:

5 (1) gross ignorance of official duties;

6 (2) gross carelessness in the discharge of official
7 duties; ~~[or]~~

8 (3) inability or unfitness to discharge promptly and
9 properly official duties because of a serious physical or mental
10 defect that did not exist at the time of the officer's election; or

11 (4) persistent or wilful violation of Article 17.15,
12 Code of Criminal Procedure.

13 SECTION 23. Sections 814.103(a), (a-1), and (b), Government
14 Code, are amended to read as follows:

15 (a) Except as provided by Subsection (a-1) or (b), the
16 standard service retirement annuity for service credited in the
17 elected class of membership is an amount equal to the number of
18 years of service credit in that class, times 2.3 percent of \$140,000
19 ~~[the state base salary, excluding longevity pay payable under~~
20 ~~Section 659.0445 and as adjusted from time to time, being paid to a~~
21 ~~district judge as set by the General Appropriations Act in~~
22 ~~accordance with Section 659.012(a)].~~

23 (a-1) Except as provided by Subsection (b), the standard
24 service retirement annuity for service credited in the elected
25 class of membership for a member of the class under Section
26 812.002(a)(3) whose effective date of retirement is on or after
27 September 1, 2019, is an amount equal to the number of years of

1 service credit in that class, times 2.3 percent of the state salary,
2 excluding longevity pay payable under Section 659.0445 [~~and as~~
3 ~~adjusted from time to time~~], being paid in accordance with Section
4 659.012 to a district judge who has the same number of years of
5 contributing service credit as the member on the member's last day
6 of service as a district or criminal district attorney, as
7 applicable.

8 (b) The standard service retirement annuity for service
9 credited in the elected class may not exceed at any time 100 percent
10 of, as applicable:

11 (1) the dollar amount on which the annuity is based
12 under Subsection (a); or

13 (2) the state salary of a district judge on which the
14 annuity is based under Subsection [(a) or] (a-1) [~~, as applicable~~].

15 SECTION 24. Section 820.053(c), Government Code, is amended
16 to read as follows:

17 (c) For purposes of this section, a member of the elected
18 class of membership under Section 812.002(a)(2) shall have the
19 member's accumulated account balance computed as if the
20 contributions to the account were based on an annual [~~the state~~
21 ~~base~~] salary of \$140,000 [~~, excluding longevity pay payable under~~
22 ~~Section 659.0445, being paid a district judge as set by the General~~
23 ~~Appropriations Act in accordance with Section 659.012(a)].~~

24 SECTION 25. Section 834.102, Government Code, is amended by
25 adding Subsections (e) and (f) to read as follows:

26 (e) Notwithstanding Subsection (a) or (d) or any other law:

27 (1) any increase in the state base salary being paid to

1 a district judge as set by the General Appropriations Act in
2 accordance with Section 659.012 by the 89th Legislature, Regular
3 Session, 2025, does not apply to a service retirement annuity
4 computed under this section of a retiree or beneficiary if the
5 retiree on whose service the annuity is based retired before
6 September 1, 2025; and

7 (2) the amount of the state base salary being paid to a
8 district judge as set by Chapter 1170 (H.B. 1), Acts of the 88th
9 Legislature, Regular Session, 2023 (the General Appropriations
10 Act), for the fiscal year ending August 31, 2025, in accordance with
11 Section 659.012 continues to apply to the annuities described by
12 Subdivision (1) until the effective date of legislation the 90th
13 Legislature or a later legislature enacts that increases the state
14 base salary paid to a district judge as set by the General
15 Appropriations Act in accordance with Section 659.012.

16 (f) On the effective date of legislation the 90th
17 Legislature or a later legislature enacts that increases the state
18 base salary paid to a district judge, as described by Subsection
19 (e), this subsection and Subsection (e) expire.

20 SECTION 26. Section 837.102(a), Government Code, is amended
21 to read as follows:

22 (a) A retiree who resumes service as a judicial officer
23 other than by assignment described in Section 837.101 may not
24 rejoin or receive credit in the retirement system for the resumed
25 service, except ~~[unless an election is made]~~ as provided by Section
26 837.103.

27 SECTION 27. Section 837.103, Government Code, is amended by

amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), (c-1), and (c-2) to read as follows:

(b) Notwithstanding Sections 837.001(c) and 837.002(2) and subject to the requirements of this section [~~Subsection (d)~~], a retiree who resumes full-time service as a judicial officer other than by assignment described in Section 837.101 [~~described by Section 837.102(a)~~] may elect to rejoin the retirement system as a member [~~and receive service credit in the system for resuming service as a judicial officer~~] if, before taking the oath of office, the retiree has been separated from judicial service for at least six full consecutive months.

(b-1) The retiree shall provide notice of an [~~the~~] election to rejoin the retirement system under this section:

(1) not later than the 60th day after the date the retiree takes the oath of office; and

(2) in the form and manner prescribed by the system.

(b-2) A person who rejoins the retirement system under this section shall resume making member contributions at the rate of 9.5 percent of the person's state compensation.

(c) For a person who rejoins the retirement system [~~makes an election~~] under this section and completes at least 24 months of resumed judicial service, on the person's subsequent retirement from resumed service [~~the resumption of annuity payments that have been suspended under Section 837.102~~], the retirement system shall recompute the annuity selected at the time of the person's original retirement to reflect:

(1) the highest annual state salary earned by the

1 person while holding a judicial office included within the
2 membership of the retirement system; and

3 (2) [to—include] the [person's] additional service
4 credit established during the person's period of resumed service
5 [membership under this section].

6 (c-1) For a person who rejoins the retirement system under
7 this section but who does not complete at least 24 months of resumed
8 service, on the person's subsequent retirement from resumed
9 service, the retirement system shall:

10 (1) resume annuity payments suspended under Section
11 837.102; and

12 (2) issue the person a refund of the person's
13 accumulated member contributions made during the person's period of
14 resumed service.

15 (c-2) If, at the time of the person's original retirement, a
16 [the] person described by Subsection (c) or (c-1) selected an
17 optional retirement annuity payable under Section 839.103(a)(3) or
18 (4), the retirement system shall reduce the number of months of
19 payments by the number of months for which the annuity was paid
20 before the person resumed service.

21 SECTION 28. Section 840.1025(b), Government Code, is
22 amended to read as follows:

23 (b) A member who elects to make contributions under
24 Subsection (a) shall contribute 9.5 ~~six~~ percent of the member's
25 state compensation for each payroll period in the manner provided
26 by Sections 840.102(b)-(f).

27 SECTION 29. Section 840.1027(b), Government Code, is

1 amended to read as follows:

2 (b) A member who elects to make contributions under
3 Subsection (a) shall contribute 9.5 ~~[six]~~ percent of the member's
4 state compensation for each payroll period in the manner provided
5 by Sections 840.102(b)-(f).

6 SECTION 30. Section 837.103(e), Government Code, is
7 repealed.

8 SECTION 31. Section 23.303, Government Code, as added by
9 this Act, applies only to a motion for summary judgment filed on or
10 after the effective date of this Act. A motion for summary judgment
11 filed before the effective date of this Act is governed by the law
12 in effect on the date the motion was filed, and that law is
13 continued in effect for that purpose.

14 SECTION 32. Not later than March 1, 2026, the Texas Supreme
15 Court and the Texas Court of Criminal Appeals shall adopt rules
16 necessary to implement Section 22.302(a), Government Code, as
17 amended by this Act, and Section 23.303, Government Code, as added
18 by this Act.

19 SECTION 33. As soon as practicable after September 1, 2025,
20 the State Commission on Judicial Conduct shall adopt rules to
21 implement Section 33.001(b), Government Code, as amended by this
22 Act.

23 SECTION 34. Sections 33.001(b) and 665.052(b), Government
24 Code, as amended by this Act, apply only to an allegation of
25 judicial misconduct received by the State Commission on Judicial
26 Conduct on or after September 1, 2025, regardless of whether the
27 conduct or act that is the subject of the allegation occurred or was

1 committed before, on, or after September 1, 2025.

2 SECTION 35. Section 33.02111, Government Code, as added by
3 this Act, and Section 33.023, Government Code, as amended by this
4 Act, apply only to a complaint filed with the State Commission on
5 Judicial Conduct on or after September 1, 2025.

6 SECTION 36. As soon as practicable after the effective date
7 of this Act, the Office of Court Administration of the Texas
8 Judicial System shall:

9 (1) prescribe procedures as required by Section
10 23.303(c), Government Code, as added by this Act; and

11 (2) establish the judicial directory required by
12 Section 33.041, Government Code, as added by this Act.

13 SECTION 37. As soon as practicable after September 1, 2025,
14 the Texas Supreme Court shall adopt rules for purposes of Section
15 72.0396, Government Code, as added by this Act.

16 SECTION 38. A former or retired judge on a list maintained
17 by a presiding judge under Section 74.055(a), Government Code, who
18 is ineligible to be named on the list under Section 74.055(c),
19 Government Code, as amended by this Act, shall be struck from the
20 list on September 1, 2025, and may not be assigned to any court on or
21 after September 1, 2025.

22 SECTION 39. (a) Except as provided by Subsection (c) of
23 this section, Sections 837.102 and 837.103, Government Code, as
24 amended by this Act, apply only to:

25 (1) a former retiree of the Judicial Retirement System
26 of Texas Plan Two who, on the effective date of this Act, holds a
27 judicial office and has resumed membership in the retirement

1 system; or

2 (2) a retiree who, on or after the effective date of
3 this Act, resumes service as a judicial officer holding a judicial
4 office included in the membership of the retirement system.

5 (b) A person described by Subsection (a)(1) of this section
6 may purchase service credit for resumed judicial service performed
7 before the effective date of this Act, including service performed
8 before June 18, 2023, by depositing with the Judicial Retirement
9 System of Texas Plan Two, for each month of service credit, member
10 contributions calculated by multiplying 9.5 percent by the person's
11 monthly judicial state salary on the effective date of this Act.
12 Not later than September 1, 2027, the person must purchase service
13 credit under this subsection and make the required deposits.

14 (c) Section 837.103(b-1)(1), Government Code, as added by
15 this Act, applies only to an election to rejoin the Judicial
16 Retirement System of Texas Plan Two under Section 837.103,
17 Government Code, made on or after the effective date of this Act.

18 SECTION 40. (a) Sections 4, 9, 13, and 14 of this Act apply
19 only to a sanction issued by the State Commission on Judicial
20 Conduct on or after January 1, 2026.

21 (b) Sections 4, 9, 13, and 14 of this Act take effect January
22 1, 2026, but only if the constitutional amendment proposed by the
23 89th Legislature, Regular Session, 2025, regarding the membership
24 of the State Commission on Judicial Conduct and the authority of the
25 commission and the Texas Supreme Court to more effectively sanction
26 judges and justices for judicial misconduct is approved by the
27 voters. If that amendment is not approved by the voters, Sections

1 4, 9, 13, and 14 of this Act have no effect.

2 SECTION 41. Section 30 of this Act takes effect immediately
3 if this Act receives a vote of two-thirds of all the members elected
4 to each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 immediate effect, Section 30 of this Act has no effect.

7 SECTION 42. Except as otherwise provided by this Act, this
8 Act takes effect September 1, 2025.