

By: Holt

H.J.R. No. 140

A JOINT RESOLUTION

1 proposing a constitutional amendment regarding the membership of
2 the State Commission on Judicial Conduct and the authority of the
3 commission and the Texas Supreme Court to more effectively sanction
4 judges and justices for judicial misconduct.

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

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

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

11 (i) four individuals who serve as a Justice or
12 Judge [~~one (1) Justice~~] of the Court of Criminal Appeals, a Court of
13 Appeals, a District Court, a County Court at Law, a Constitutional
14 County Court, a Municipal Court, or a Justice Court, two of whom are
15 appointed by the Supreme Court with advice and consent of the Senate
16 and two of whom are appointed by the Court of Criminal Appeals with
17 the advice and consent of the Senate; and

18 (ii) [~~one (1) District Judge, (iii) two (2)~~
19 ~~members of the State Bar, who have respectively practiced as such~~
20 ~~for over ten (10) consecutive years next preceding their selection,~~
21 ~~(iv)] five [~~(5)~~] citizens appointed by the Governor with advice and
22 consent of the Senate, who are each at least 30 [~~thirty (30)~~] years
23 of age, may be [~~not~~] licensed to practice law, and do not hold a [~~nor~~
24 ~~holding any~~] salaried public office or employment. [~~, (v) one (1)~~~~

1 ~~Justice of the Peace; (vi) one (1) Judge of a Municipal Court;~~

2 (2-a) A [~~(vii) one (1) Judge of a County Court at Law;~~
3 ~~and (viii) one (1) Judge of a Constitutional County Court;~~
4 ~~provided that no]~~ person may not be appointed [~~shall be]~~ or remain a
5 member of the Commission~~[7]~~ who does not maintain physical
6 residence within this State~~[7]~~ or who has [~~shall have]~~ ceased to
7 retain the qualifications above specified for that person's
8 appointment.

9 (2-b) A person appointed under Subsection (2)(i) of
10 this Section [~~respective class of membership, and provided that a~~
11 ~~Commissioner of class (i), (ii), (iii), (vii), or (viii)] may not be~~
12 a judge or justice [~~reside or hold a judgeship]~~ in the same type of
13 court [~~of appeals district]~~ as another member of the Commission.
14 [~~Commissioners of classes (i), (ii), (vii), and (viii) above shall~~
15 ~~be chosen by the Supreme Court with advice and consent of the~~
16 ~~Senate, those of class (iii) by the Board of Directors of the State~~
17 ~~Bar under regulations to be prescribed by the Supreme Court with~~
18 ~~advice and consent of the Senate, those of class (iv) by appointment~~
19 ~~of the Governor with advice and consent of the Senate, and the~~
20 ~~commissioners of classes (v) and (vi) by appointment of the Supreme~~
21 ~~Court as provided by law, with the advice and consent of the~~
22 ~~Senate.~~]

23 (3) The regular term of office of Commissioners shall
24 be six [~~(6)~~] years~~[, but the initial members of each of classes (i),~~
25 ~~(ii) and (iii) shall respectively be chosen for terms of four (4)~~
26 ~~and six (6) years, and the initial members of class (iiii) for~~
27 ~~respective terms of two (2), four (4) and six (6) years]. Interim~~

1 vacancies shall be filled in the same manner as vacancies due to
2 expiration of a full term, but only for the unexpired portion of the
3 term in question. Commissioners may succeed themselves in office
4 only if the commissioner has ~~having~~ served less than three ~~(3)~~
5 consecutive years.

6 (8) After such investigation as it deems necessary,
7 the Commission may in its discretion issue a ~~private or~~ public
8 admonition, warning, reprimand, or requirement that the person
9 obtain additional training or education, or if the Commission
10 determines that the situation merits such action, it may institute
11 formal proceedings and order a formal hearing to be held before it
12 concerning a person holding an office or position specified in
13 Subsection (6) of this Section, or it may in its discretion request
14 the Supreme Court to appoint an active or retired District Judge or
15 Justice of a Court of Appeals, or retired Judge or Justice of the
16 Court of Criminal Appeals or the Supreme Court, as a Master to hear
17 and take evidence in the matter, and to report thereon to the
18 Commission. The Master shall have all the power of a District Judge
19 in the enforcement of orders pertaining to witnesses, evidence, and
20 procedure. If, after formal hearing, or after considering the
21 record and report of a Master, the Commission finds good cause
22 therefor, it shall issue an order of public admonition, warning,
23 reprimand, censure, or requirement that the person holding an
24 office or position specified in Subsection (6) of this Section
25 obtain additional training or education~~[, or it shall recommend to~~
26 ~~a review tribunal the removal or retirement, as the case may be, of~~
27 ~~the person and shall thereupon file with the tribunal the entire~~

1 ~~record before the Commission]~~.

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

4 (6) A. Any Justice or Judge of the courts established
5 by this Constitution or created by the Legislature as provided in
6 Section 1, Article V, of this Constitution, may, subject to the
7 other provisions hereof, be removed from office for willful or
8 persistent violation of rules promulgated by the Supreme Court of
9 Texas, incompetence in performing the duties of the office, willful
10 violation of the Code of Judicial Conduct, or willful or persistent
11 conduct that is clearly inconsistent with the proper performance of
12 the person's [~~his~~] duties or casts public discredit upon the
13 judiciary or administration of justice. Any person holding such
14 office may be disciplined or censured, in lieu of removal from
15 office, as provided by this section. Any person holding an office
16 specified in this subsection shall [~~may~~] be suspended from office
17 with or without pay by the Commission immediately on being indicted
18 by a State or Federal grand jury for a felony offense or charged
19 with a misdemeanor involving official misconduct. On the filing of
20 a sworn complaint charging a person holding such office with
21 willful or persistent violation of rules promulgated by the Supreme
22 Court of Texas, incompetence in performing the duties of the
23 office, willful violation of the Code of Judicial Conduct, or
24 willful and persistent conduct that is clearly inconsistent with
25 the proper performance of the person's [~~his~~] duties or casts public
26 discredit on the judiciary or on the administration of justice, the
27 Commission, after giving the person notice and an opportunity to

1 appear and be heard before the Commission, may recommend to the
2 Supreme Court the suspension of such person from office with or
3 without pay. The Supreme Court, after considering the record of
4 such appearance and the recommendation of the Commission, may
5 suspend the person from office with or without pay, pending final
6 disposition of the charge.

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

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

16 (b) Unless otherwise removed as provided by law, the
17 commissioners of the State Commission on Judicial Conduct serving
18 on the date the amendment described by Subsection (a) of this
19 section is approved by the voters as shown by the official canvass
20 of returns shall continue in office as the members of the State
21 Commission on Judicial Conduct under the former law that governed
22 the composition of the State Commission on Judicial Conduct, and
23 the former law is continued in effect for that purpose. New
24 commissioners of the State Commission on Judicial Conduct shall be
25 chosen as vacancies occur.

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

27 SECTION 4. This proposed constitutional amendment shall be

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1 submitted to the voters at an election to be held November 4, 2025.
2 The ballot shall be printed to provide for voting for or against the
3 proposition: "The constitutional amendment regarding the
4 membership of the State Commission on Judicial Conduct and the
5 authority of the commission and the Texas Supreme Court to more
6 effectively sanction judges and justices for judicial misconduct."