

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 Subdivisions (8) and (9) and adding Subdivision (8-a)
27 to read as 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.

(9) "Review tribunal" means a panel of seven justices of the courts of appeal selected [~~by lot~~] by the chief justice of the supreme court to review a recommendation of the commission for the removal or retirement of a judge under Section 1-a(9), Article V, Texas Constitution.

SECTION 4. 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 statutes or the Code of Judicial Conduct;

(3) persistent or wilful violation of the rules

promulgated by the supreme court;

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

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

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

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

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

SECTION 5. Section 33.0211, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

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

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

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

(3) the subject matter of the complaint;

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

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

(6) ~~(5)~~ a summary of the results of the review or investigation of the complaint; and

(7) ~~(6)~~ an explanation of the reason the file was

1 closed, if the commission closed the file without taking action
2 other than to investigate the complaint.

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

6 SECTION 6. Subchapter B, Chapter 33, Government Code, is
7 amended by adding Sections 33.02111 and 33.02115 to read as
8 follows:

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

13 (1) the alleged misconduct occurred; or

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

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

19 Sec. 33.02115. FALSE COMPLAINT; ADMINISTRATIVE PENALTY.
20 (a) The commission may impose administrative sanctions, including
21 an administrative penalty under Subsection (b), against a person
22 who knowingly files a false complaint with the commission under
23 this subchapter.

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

26 (1) not more than \$500 for the first false complaint;

27 (2) not more than \$2,500 for the second false

1 complaint; and

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

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

8 SECTION 7. Section 33.0212, Government Code, is amended to
9 read as follows:

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

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

25 (a-2) Not later than the 10th day before a scheduled
26 commission meeting [~~120th day after the date a complaint is filed~~
27 ~~with the commission~~], commission staff shall prepare and file with

each member of the commission a report detailing:

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

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

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

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

(1) a public sanction;

(2) a private sanction;

(3) a suspension;

(4) an order of education;

(5) an acceptance of resignation in lieu of discipline;

(6) a dismissal; or

(7) an initiation of formal proceedings.

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

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

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

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

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

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

(7) the presiding judge of the administrative judicial region in which is located the court the judge who is the subject of the complaint serves.

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

SECTION 8. Section 33.0213, Government Code, is amended to read as follows:

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

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

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

SECTION 9. Section 33.022, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1) and

(b-2) to read as follows:

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

(b-1) If, after conducting a preliminary investigation under this section, commission staff determine administrative deficiencies in the complaint preclude further investigation, commission staff may terminate the investigation and dismiss the complaint without action by the commission.

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

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

(1) shall:

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

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

(i) the commencement of the investigation;

1 ~~and~~

2 (ii) the nature of the allegation or
3 appearance of misconduct or disability being investigated; and

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

7 (2) may:

8 (A) order the judge to:

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

11 (ii) appear informally before the
12 commission;

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

14 (C) request the complainant to appear informally
15 before the commission.

16 SECTION 10. Section 33.023, Government Code, is amended to
17 read as follows:

18 Sec. 33.023. SUBSTANCE ABUSE; PHYSICAL OR MENTAL INCAPACITY
19 OF JUDGE; SUSPENSION. (a) For each filed complaint alleging
20 substance abuse by, or the physical or mental incapacity of, a judge
21 and questioning the judge's ability to perform the judge's official
22 duties, the commission shall conduct a preliminary investigation of
23 the complaint and present the results of the preliminary
24 investigation to each member of the commission not later than the
25 30th day after the date the complaint is filed.

26 (b) If, after reviewing the results of the preliminary
27 investigation, the commission determines the judge's alleged

substance abuse or physical or mental incapacity brings into question the judge's ability to perform the judge's official duties, the commission shall provide the judge written notice of the complaint and subpoena the judge to appear before the commission at the commission's next regularly scheduled meeting.

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

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

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

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

(4) provide[~~-~~

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

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

(e) [~~(c)~~] Each examining physician shall file a written

report of the examination with the commission and the report shall be received as evidence without further formality. On request of the judge or the judge's attorney, the commission shall give the judge a copy of the report. The physician's oral or deposition testimony concerning the report may be required by the commission or by written demand of the judge.

(f) If, after receiving the written report of an examining physician or the physician's deposition testimony concerning the report, the commission determines the judge is unable to perform the judge's official duties because of substance abuse or physical or mental incapacity, the commission shall:

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

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

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

SECTION 11. 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 12. 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

1 suspend the judge from office without pay pending final disposition
2 of the appeal.

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

9 SECTION 13. Subchapter B, Chapter 33, Government Code, is
10 amended by adding Section 33.041 to read as follows:

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

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

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

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

21 SECTION 14. Subchapter C, Chapter 72, Government Code, is
22 amended by adding Section 72.0396 to read as follows:

23 Sec. 72.0396. JUDICIAL TRANSPARENCY INFORMATION. (a) Each
24 district court judge shall submit to the presiding judge of the
25 administrative judicial region in which the judge's court sits not
26 later than July 20 or January 20, as applicable, information for the
27 preceding six-month period in which the judge attests to:

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

3 (2) the number of hours the judge performed judicial
4 duties other than those described by Subdivision (1), including the
5 number of hours the judge:

6 (A) performed case-related duties;

7 (B) performed administrative tasks; and

8 (C) completed continuing education.

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

12 (c) The office shall provide administrative support for the
13 submission and collection of information under Subsection (a),
14 including providing a system for electronic submission of the
15 information.

16 (d) Not later than December 1 of each year, the office shall
17 prepare and submit to the governor, the lieutenant governor, the
18 speaker of the house of representatives, and each presiding officer
19 of a legislative standing committee with primary jurisdiction over
20 the judiciary a written report compiling the information submitted
21 under Subsection (b).

22 (e) The supreme court shall adopt rules establishing
23 guidelines and providing instructions regarding the submission of
24 information under Subsection (a), including rules:

25 (1) establishing a penalty for the submission of false
26 information under that subsection; and

27 (2) providing guidance on the form and manner of

1 submitting information under that subsection.

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

4 (e) At the discretion of its chief justice, a court to which
5 a case is transferred may hear oral argument through the use of
6 teleconferencing technology as provided by Section 22.302. [~~The~~
7 ~~court and the parties or their attorneys may participate in oral~~
8 ~~argument from any location through the use of teleconferencing~~
9 ~~technology.~~] The actual and necessary expenses of the court in
10 hearing an oral argument through the use of teleconferencing
11 technology shall be paid by the state from funds appropriated for
12 the transfer of case, as specified in Subsection (d).

13 SECTION 16. Section 74.055(c), Government Code, is amended
14 to read as follows:

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

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

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

22 (3) not have been removed from office;

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

25 (A) the judge has never been publicly reprimanded
26 or censured by the State Commission on Judicial Conduct, excluding
27 any reprimand or censure reviewed and rescinded by a special court

1 of review under Section 33.034;

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

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

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

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

15 (5) annually demonstrate that the judge has completed
16 in the past state fiscal year the educational requirements for
17 active district, statutory probate, and statutory county court
18 judges; and

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

22 SECTION 17. Section 659.012, Government Code, is amended by
23 amending Subsections (a) and (d) and adding Subsections (b-2) and
24 (d-1) to read as follows:

25 (a) Notwithstanding Section 659.011 and subject to
26 Subsections (b) and (b-1):

27 (1) a judge of a district court or a division of the

1 business court is entitled to an annual base salary from the state
2 as set by the General Appropriations Act in an amount equal to at
3 least \$175,000 [~~\$140,000~~], except that the combined base salary of
4 a district judge or judge of a division of the business court from
5 all state and county sources, including compensation for any
6 extrajudicial services performed on behalf of the county, may not
7 exceed the amount that is \$5,000 less than the maximum combined base
8 salary from all state and county sources for a justice of a court of
9 appeals other than a chief justice as determined under this
10 subsection;

11 (2) except as provided by Subdivision (3), a justice
12 of a court of appeals [~~other than the chief justice~~] is entitled to
13 an annual base salary from the state in the amount equal to 110
14 percent of the state base salary of a district judge as set by the
15 General Appropriations Act, except that the combined base salary of
16 a justice of the court of appeals [~~other than the chief justice~~]
17 from all state and county sources, including compensation for any
18 extrajudicial services performed on behalf of the county, may not
19 exceed the amount that is \$5,000 less than the base salary for a
20 justice of the supreme court as determined under this subsection;

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

26 (4) a justice of the supreme court [~~other than the~~
27 ~~chief justice~~] or a judge of the court of criminal appeals [~~other~~

~~than the presiding judge]~~ is entitled to an annual base salary from the state in the amount equal to 120 percent of the state base salary of a district judge as set by the General Appropriations Act; and

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

(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,

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

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

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

10 (d-1) Notwithstanding any other provision in this section
11 or other law, a judge of a division of the business court who serves
12 as administrative presiding judge under Section 25A.009 is entitled
13 to an annual base salary from the state in the amount provided under
14 Subsection (a) or (b) and an additional annual amount equal to the
15 amount provided under Subsection (d)(3).

16 SECTION 18. Section 665.052(b), Government Code, is amended
17 to read as follows:

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

19 (1) gross ignorance of official duties;
20 (2) gross carelessness in the discharge of official
21 duties; [~~or~~]

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

25 (4) persistent or wilful violation of Article 17.15,
26 Code of Criminal Procedure.

27 SECTION 19. Section 814.103, Government Code, is amended by

amending Subsections (a), (a-1), and (b) and adding Subsections (a-2) and (a-3) to read as follows:

(a) Except as provided by Subsection (a-1) or (b) and subject to Subsection (a-2), the standard service retirement annuity for service credited in the elected class of membership is an amount equal to the number of years of service credit in that class, times 2.3 percent of \$175,000 ~~[the state base salary, excluding longevity pay payable under Section 659.0445 and as adjusted from time to time, being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a)]~~.

(a-1) Except as provided by Subsection (b), the standard service retirement annuity for service credited in the elected class of membership for a member of the class under Section 812.002(a)(3) whose effective date of retirement is on or after September 1, 2019, is an amount equal to the number of years of service credit in that class, times 2.3 percent of the state salary, excluding longevity pay payable under Section 659.0445 ~~[and as adjusted from time to time]~~, being paid in accordance with Section 659.012 to a district judge who has the same number of years of contributing service credit as the member on the member's last day of service as a district or criminal district attorney, as applicable.

(a-2) Beginning August 31, 2030, and every fifth anniversary of that date, the Texas Ethics Commission shall consider an equitable increase in the dollar amount on which the standard service retirement annuity is based under Subsection (a)

and increase the dollar amount as the commission considers appropriate. When determining an equitable increase in the dollar amount, the Texas Ethics Commission may consider any increase in compensation for elected officials and officers for salaries included in the General Appropriations Act.

(a-3) The Texas Ethics Commission shall develop, adopt, and make public a methodology for adjusting the dollar amount on which the standard service retirement annuity is computed under Subsection (a) not later than September 1, 2026, and apply the methodology for each equitable adjustment under Subsection (a-2).

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

(1) the dollar amount on which the annuity is based under Subsection (a), subject to adjustment under Subsection (a-2);
or

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

SECTION 20. Section [820.053](#)(c), Government Code, is amended to read as follows:

(c) For purposes of this section, a member of the elected class of membership under Section [812.002](#)(a)(2) shall have the member's accumulated account balance computed as if the contributions to the account were based on the dollar amount on which the standard service retirement annuity is based under Section [814.103](#)(a), subject to adjustment under Section [814.103](#)(a-2) [~~the state base salary, excluding longevity pay~~

~~payable under Section 659.0445, being paid a district judge as set by the General Appropriations Act in accordance with Sections 659.012(a)] .~~

SECTION 21. Section 834.102, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

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

(1) any increase in the state base salary being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012 by the 89th Legislature, Regular Session, 2025, does not apply to a service retirement annuity computed under this section of a retiree or beneficiary if the retiree on whose service the annuity is based retired before September 1, 2025; and

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

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

SECTION 22. Section 837.102(a), Government Code, is amended

to read as follows:

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

SECTION 23. 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 person while holding a judicial office included within the membership of the retirement system; and

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

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

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

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

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

1 SECTION 24. Section 840.1025(b), Government Code, is
2 amended to read as follows:

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

7 SECTION 25. Section 840.1027(b), Government Code, is
8 amended to read as follows:

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

13 SECTION 26. Section 837.103(e), Government Code, is
14 repealed.

15 SECTION 27. Section 23.303, Government Code, as added by
16 this Act, applies only to a motion for summary judgment filed on or
17 after the effective date of this Act. A motion for summary judgment
18 filed before the effective date of this Act is governed by the law
19 in effect on the date the motion was filed, and that law is
20 continued in effect for that purpose.

21 SECTION 28. Not later than March 1, 2026, the Texas Supreme
22 Court and the Texas Court of Criminal Appeals shall adopt rules
23 necessary to implement Section 22.302(a), Government Code, as
24 amended by this Act, and Section 23.303, Government Code, as added
25 by this Act.

26 SECTION 29. As soon as practicable after September 1, 2025,
27 the State Commission on Judicial Conduct shall adopt rules to

1 implement Section 33.001(b), Government Code, as amended by this
2 Act.

3 SECTION 30. Sections 33.001(b) and 665.052(b), Government
4 Code, as amended by this Act, apply only to an allegation of
5 judicial misconduct received by the State Commission on Judicial
6 Conduct on or after September 1, 2025, regardless of whether the
7 conduct or act that is the subject of the allegation occurred or was
8 committed before, on, or after September 1, 2025.

9 SECTION 31. Section 33.02111, Government Code, as added by
10 this Act, and Section 33.023, Government Code, as amended by this
11 Act, apply only to a complaint filed with the State Commission on
12 Judicial Conduct on or after September 1, 2025.

13 SECTION 32. As soon as practicable after the effective date
14 of this Act, the Office of Court Administration of the Texas
15 Judicial System shall:

16 (1) prescribe procedures as required by Section
17 23.303(c), Government Code, as added by this Act; and

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

20 SECTION 33. As soon as practicable after September 1, 2025,
21 the Texas Supreme Court shall adopt rules for purposes of Section
22 72.0396, Government Code, as added by this Act.

23 SECTION 34. A former or retired judge on a list maintained
24 by a presiding judge under Section 74.055(a), Government Code, who
25 is ineligible to be named on the list under Section 74.055(c),
26 Government Code, as amended by this Act, shall be struck from the
27 list on September 1, 2025, and may not be assigned to any court on or

1 after September 1, 2025.

2 SECTION 35. (a) Except as provided by Subsection (c) of
3 this section, Sections 837.102 and 837.103, Government Code, as
4 amended by this Act, apply only to:

5 (1) a former retiree of the Judicial Retirement System
6 of Texas Plan Two who, on the effective date of this Act, holds a
7 judicial office and has resumed membership in the retirement
8 system; or

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

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

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

25 SECTION 36. Section 30 of this Act takes effect immediately
26 if this Act receives a vote of two-thirds of all the members elected
27 to each house, as provided by Section 39, Article III, Texas

1 Constitution. If this Act does not receive the vote necessary for
2 immediate effect, Section 30 of this Act has no effect.

3 SECTION 37. Except as otherwise provided by this Act, this
4 Act takes effect September 1, 2025.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 293 passed the Senate on March 12, 2025, by the following vote: Yeas 30, Nays 1; May 30, 2025, Senate concurred in part and refused to concur in part in House amendments; June 1, 2025, Senate requested appointment of Conference Committee; June 1, 2025, House granted request of the Senate; June 2, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 293 passed the House, with amendments, on May 27, 2025, by the following vote: Yeas 128, Nays 4, one present not voting; June 1, 2025, House granted request of the Senate for appointment of Conference Committee; June 2, 2025, House adopted Conference Committee Report by the following vote: Yeas 114, Nays 26, four present not voting.

Chief Clerk of the House

Approved:

Date

Governor