

1-1 By: Huffman S.B. No. 293
1-2 (In the Senate - Filed November 12, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Finance;
1-4 March 10, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 15, Nays 0; March 10, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Huffman	X			
1-10	Hinojosa of Hidalgo	X			
1-11	Alvarado	X			
1-12	Bettencourt	X			
1-13	Campbell	X			
1-14	Creighton	X			
1-15	Flores	X			
1-16	Hall	X			
1-17	Kolkhorst	X			
1-18	Nichols	X			
1-19	Paxton	X			
1-20	Perry	X			
1-21	Schwertner	X			
1-22	West	X			
1-23	Zaffirini	X			

1-24 COMMITTEE SUBSTITUTE FOR S.B. No. 293 By: Huffman

1-25 A BILL TO BE ENTITLED
1-26 AN ACT

1-27 relating to the discipline of judges by the State Commission on
1-28 Judicial Conduct, notice of certain reprimands, judicial
1-29 compensation and related retirement benefits, and the reporting of
1-30 certain judicial transparency information; authorizing an
1-31 administrative penalty.

1-32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-33 SECTION 1. Section 33.001(a), Government Code, is amended
1-34 by amending Subdivision (8) and adding Subdivision (8-a) to read as
1-35 follows:

1-36 (8) "Judge" means a justice, judge, master,
1-37 magistrate, justice of the peace, or retired or former judge as
1-38 described by Section 1-a, Article V, Texas Constitution, or other
1-39 person who performs the functions of the justice, judge, master,
1-40 magistrate, justice of the peace, or retired or former judge.

1-41 (8-a) "Official misconduct" has the meaning assigned
1-42 by Article 3.04, Code of Criminal Procedure.

1-43 SECTION 2. Effective January 1, 2026, Section
1-44 33.001(a)(10), Government Code, is amended to read as follows:

1-45 (10) "Sanction" means an order issued by the
1-46 commission under Section 1-a(8), Article V, Texas Constitution,
1-47 providing for a ~~private or~~ public admonition, warning, or
1-48 reprimand or requiring that a person obtain additional training or
1-49 education.

1-50 SECTION 3. Section 33.001(b), Government Code, is amended
1-51 to read as follows:

1-52 (b) For purposes of Section 1-a, Article V, Texas
1-53 Constitution, "wilful or persistent conduct that is clearly
1-54 inconsistent with the proper performance of a judge's duties"
1-55 includes:

1-56 (1) wilful, persistent, and unjustifiable failure to
1-57 timely execute the business of the court, considering the quantity
1-58 and complexity of the business, including failure to meet deadlines
1-59 set by statute or binding court order;

1-60 (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; or

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

SECTION 4. 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 closed, if the commission closed the file without taking action other than to investigate the complaint.

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

SECTION 5. Subchapter B, Chapter 33, Government Code, is amended by adding Sections 33.02111 and 33.02115 to read as follows:

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

(1) the alleged misconduct occurred; or
 (2) the complainant knew, or with the exercise of reasonable diligence should have known, of the alleged misconduct.

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

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

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

(1) not more than \$500 for the first false complaint;
 (2) not more than \$2,500 for the second false complaint; and

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

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

SECTION 6. Section 33.0212, Government Code, is amended to read as follows:

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

(a-1) If, after completing a preliminary investigation

under Subsection (a), commission staff determines that given the content of a complaint a full investigation is necessary before the next commission meeting, commission staff may commence the investigation. Not less than seven business days after the date commission staff commences a full investigation under this subsection, the staff shall provide written notice of the full investigation to the judge who is the subject of the complaint. Notice provided under this subsection shall comply with the requirements of Section 33.022(c)(1)(B).

(a-2) Not later than the 10th day before a scheduled commission meeting ~~[120th day after the date a complaint is filed 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.

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

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

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

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

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

(c) If, because of extenuating circumstances, the commission ~~[staff]~~ is unable to finalize an investigation report and determine the action to be taken regarding a complaint under Subsection (b) ~~[provide an investigation report and recommendation to the commission]~~ before the 120th day following 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 may order an 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) 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 7. Effective January 1, 2026, Section 33.0212(b), Government Code, is amended to read as follows:

(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;
- (3) [(-4)] an order of education;
- (4) [(-5)] an acceptance of resignation in lieu of discipline;
- (5) [(-6)] a dismissal; or
- (6) [(-7)] an initiation of formal proceedings.

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; ~~[and]~~

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

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

(2) may:

(A) order the judge to:

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

(ii) appear informally before the commission;

(B) order the deposition of any person; or

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

SECTION 10. Effective January 1, 2026, Section 33.032(d), Government Code, is amended to read as follows:

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

SECTION 11. Effective January 1, 2026, Section 33.033(b), Government Code, is amended to read as follows:

(b) The communication shall inform the complainant that:

(1) the case has been dismissed;

(2) an ~~[a private sanction or]~~ order of additional 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 12. Section 33.023, Government Code, is amended to read as follows:

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

(b) If, after reviewing the results of the preliminary

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) ~~[(e)]~~ 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) ~~[(a)]~~ 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 13. 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 14. 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 15. 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.

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

SECTION 16. Subchapter C, Chapter 72, Government Code, is
 amended by adding Section 72.0396 to read as follows:

Sec. 72.0396. JUDICIAL TRANSPARENCY INFORMATION. (a) Each
 district court judge shall submit to the presiding judge of the
 administrative judicial region in which the judge's court sits not
 later than the 20th day of each calendar quarter information for the
 preceding quarter in which the judge attests to:

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

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

(A) performed case-related duties;

(B) performed administrative tasks; and

(C) completed continuing education.

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

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

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

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

(1) establishing a penalty for the submission of false
 information under Subsection (a); and

(2) providing guidance on the form and manner of
 reporting under Subsection (a).

SECTION 17. Section 74.055(c), Government Code, is amended

8-1 to read as follows:

8-2 (c) To be eligible to be named on the list, a retired or
8-3 former judge must:

8-4 (1) have served as an active judge for at least 96
8-5 months in a district, statutory probate, statutory county, or
8-6 appellate court;

8-7 (2) have developed substantial experience in the
8-8 judge's area of specialty;

8-9 (3) not have been removed from office;

8-10 (4) certify under oath to the presiding judge, on a
8-11 form prescribed by the state board of regional judges, that:

8-12 (A) the judge has never been publicly reprimanded
8-13 or censured by the State Commission on Judicial Conduct, excluding
8-14 any reprimand or censure reviewed and rescinded by a special court
8-15 of review under Section 33.034;

8-16 (B) the judge has not received more than one of
8-17 any other type of public sanction, excluding any sanction reviewed
8-18 and rescinded by a special court of review under Section 33.034; and

8-19 (C) ~~[(B)]~~ the judge:

8-20 (i) did not resign or retire from office
8-21 after the State Commission on Judicial Conduct notified the judge
8-22 of the commencement of a full investigation into an allegation or
8-23 appearance of misconduct or disability of the judge as provided in
8-24 Section 33.022 and before the final disposition of that
8-25 investigation; or

8-26 (ii) if the judge did resign from office
8-27 under circumstances described by Subparagraph (i), was not publicly
8-28 reprimanded or censured as a result of the investigation;

8-29 (5) annually demonstrate that the judge has completed
8-30 in the past state fiscal year the educational requirements for
8-31 active district, statutory probate, and statutory county court
8-32 judges; and

8-33 (6) certify to the presiding judge a willingness not
8-34 to appear and plead as an attorney in any court in this state for a
8-35 period of two years.

8-36 SECTION 18. Section 659.012, Government Code, is amended by
8-37 amending Subsections (a) and (d) and adding Subsection (d-1) to
8-38 read as follows:

8-39 (a) Notwithstanding Section 659.011 and subject to
8-40 Subsections (b) and (b-1):

8-41 (1) a judge of a district court or a division of the
8-42 business court is entitled to an annual base salary from the state
8-43 as set by the General Appropriations Act in an amount equal to at
8-44 least \$161,000 ~~[\$140,000]~~, except that the combined base salary of
8-45 a district judge or judge of a division of the business court from
8-46 all state and county sources, including compensation for any
8-47 extrajudicial services performed on behalf of the county, may not
8-48 exceed the amount that is \$5,000 less than the maximum combined base
8-49 salary from all state and county sources for a justice of a court of
8-50 appeals other than a chief justice as determined under this
8-51 subsection;

8-52 (2) except as provided by Subdivision (3), a justice
8-53 of a court of appeals other than the chief justice is entitled to an
8-54 annual base salary from the state in the amount equal to 110 percent
8-55 of the state base salary of a district judge as set by the General
8-56 Appropriations Act, except that the combined base salary of a
8-57 justice of the court of appeals other than the chief justice from
8-58 all state and county sources, including compensation for any
8-59 extrajudicial services performed on behalf of the county, may not
8-60 exceed the amount that is \$5,000 less than the base salary for a
8-61 justice of the supreme court as determined under this subsection;

8-62 (3) a justice of the Court of Appeals for the Fifteenth
8-63 Court of Appeals District other than the chief justice is entitled
8-64 to an annual base salary from the state in the amount equal to
8-65 \$5,000 less than 120 percent of the state base salary of a district
8-66 judge as set by the General Appropriations Act;

8-67 (4) a justice of the supreme court other than the chief
8-68 justice or a judge of the court of criminal appeals other than the
8-69 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 an annual base salary from the state in the amount equal to 107 percent of [\$2,500 more than] the state base salary provided for the other justices or judges of the court and may not receive additional compensation from county sources~~[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].~~

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

SECTION 19. Section 665.052(b), Government Code, is amended to read as follows:

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

(1) gross ignorance of official duties;

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

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

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

SECTION 20. Section 814.103, Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Notwithstanding Subsection (a) or (a-1) 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 standard service retirement annuity computed under this section for 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.

(e) 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 (d), this subsection and Subsection (d) expire.

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

11-1 accumulated member contributions made during the person's period of
 11-2 resumed service.

11-3 (c-2) If, at the time of the person's original retirement, a
 11-4 [the] person described by Subsection (c) or (c-1) selected an
 11-5 optional retirement annuity payable under Section 839.103(a)(3) or
 11-6 (4), the retirement system shall reduce the number of months of
 11-7 payments by the number of months for which the annuity was paid
 11-8 before the person resumed service.

11-9 SECTION 24. Section 840.1025(b), Government Code, is
 11-10 amended to read as follows:

11-11 (b) A member who elects to make contributions under
 11-12 Subsection (a) shall contribute 9.5 [six] percent of the member's
 11-13 state compensation for each payroll period in the manner provided
 11-14 by Sections 840.102(b)-(f).

11-15 SECTION 25. Section 840.1027(b), Government Code, is
 11-16 amended to read as follows:

11-17 (b) A member who elects to make contributions under
 11-18 Subsection (a) shall contribute 9.5 [six] percent of the member's
 11-19 state compensation for each payroll period in the manner provided
 11-20 by Sections 840.102(b)-(f).

11-21 SECTION 26. Section 837.103(e), Government Code, is
 11-22 repealed.

11-23 SECTION 27. As soon as practicable after September 1, 2025,
 11-24 the State Commission on Judicial Conduct shall adopt rules to
 11-25 implement Section 33.001(b), Government Code, as amended by this
 11-26 Act.

11-27 SECTION 28. Sections 33.001(b) and 665.052(b), Government
 11-28 Code, as amended by this Act, apply only to an allegation of
 11-29 judicial misconduct received by the State Commission on Judicial
 11-30 Conduct on or after September 1, 2025, regardless of whether the
 11-31 conduct or act that is the subject of the allegation occurred or was
 11-32 committed before, on, or after September 1, 2025.

11-33 SECTION 29. Section 33.02111, Government Code, as added by
 11-34 this Act, and Section 33.023, Government Code, as amended by this
 11-35 Act, apply only to a complaint filed with the State Commission on
 11-36 Judicial Conduct on or after September 1, 2025.

11-37 SECTION 30. As soon as practicable after the effective date
 11-38 of this Act, the Office of Court Administration of the Texas
 11-39 Judicial System shall establish the judicial directory required by
 11-40 Section 33.041, Government Code, as added by this Act.

11-41 SECTION 31. As soon as practicable after September 1, 2025,
 11-42 the Texas Supreme Court shall adopt rules for purposes of Section
 11-43 72.0396, Government Code, as added by this Act.

11-44 SECTION 32. A former or retired judge on a list maintained
 11-45 by a presiding judge under Section 74.055(a), Government Code, who
 11-46 is ineligible to be named on the list under Section 74.055(c),
 11-47 Government Code, as amended by this Act, shall be struck from the
 11-48 list on September 1, 2025, and may not be assigned to any court on or
 11-49 after September 1, 2025.

11-50 SECTION 33. (a) Except as provided by Subsection (c) of
 11-51 this section, Sections 837.102 and 837.103, Government Code, as
 11-52 amended by this Act, apply only to:

11-53 (1) a former retiree of the Judicial Retirement System
 11-54 of Texas Plan Two who, on the effective date of this Act, holds a
 11-55 judicial office and has resumed membership in the retirement
 11-56 system; or

11-57 (2) a retiree who, on or after the effective date of
 11-58 this Act, resumes service as a judicial officer holding a judicial
 11-59 office included in the membership of the retirement system.

11-60 (b) A person described by Subsection (a)(1) of this section
 11-61 may purchase service credit for resumed judicial service performed
 11-62 before the effective date of this Act, including service performed
 11-63 before June 18, 2023, by depositing with the Judicial Retirement
 11-64 System of Texas Plan Two, for each month of service credit, member
 11-65 contributions calculated by multiplying 9.5 percent by the person's
 11-66 monthly judicial state salary on the effective date of this Act.
 11-67 Not later than September 1, 2027, the person must purchase service
 11-68 credit under this subsection and make the required deposits.

11-69 (c) Section 837.103(b-1)(1), Government Code, as added by

this Act, applies only to an election to rejoin the Judicial Retirement System of Texas Plan Two under Section 837.103, Government Code, made on or after the effective date of this Act.

SECTION 34. (a) Sections 2, 7, 10, and 11 of this Act apply only to a sanction issued by the State Commission on Judicial Conduct on or after January 1, 2026.

(b) Sections 2, 7, 10, and 11 of this Act take effect January 1, 2026, but only if the constitutional amendment proposed by the 89th Legislature, Regular Session, 2025, regarding the membership of the State Commission on Judicial Conduct and the authority of the commission and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct is approved by the voters. If that amendment is not approved by the voters, Sections 2, 7, 10, and 11 of this Act have no effect.

SECTION 35. Section 26 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 26 has no effect.

SECTION 36. Except as otherwise provided by this Act, this Act takes effect September 1, 2025.

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