

By: Birdwell

S.B. No. 2051

A BILL TO BE ENTITLED

AN ACT

relating to the impeachment or removal from office of certain public officers, including procedures governing the impeachment, trial on impeachment, and disqualification of state officers, and to the grounds for which certain public officers may be removed from office.

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

SECTION 1. Subchapter A, Chapter 665, Government Code, is amended by adding Sections 665.008, 665.009, 665.010, and 665.011 to read as follows:

Sec. 665.008. TESTIMONY IN IMPEACHMENT PROCEEDING. All witness testimony in an impeachment proceeding, including testimony by the officer who is the subject of the proceeding, must be given:

(1) under oath; and

(2) in a session open to all members of the house or, if the proceeding is conducted by a committee, to all members of the committee.

Sec. 665.009. REVIEW OF COMMITTEE MATERIALS. (a) This section applies to an impeachment proceeding in which an investigation or other portion of the proceeding is conducted by a committee.

(b) The committee must provide to each member of the house the committee's report and other materials related to the

impeachment at least 48 hours before the house begins deliberating or votes on the impeachment.

Sec. 665.010. INELIGIBILITY TO VOTE IN PROCEEDING INVOLVING FAMILY MEMBER. A member of the house is ineligible to vote in an impeachment proceeding, including in a portion of the proceeding conducted by a committee, if the member is related within the third degree by consanguinity or affinity as determined under Subchapter B, Chapter 573, to the officer who is the subject of the proceeding.

Sec. 665.011. REPORT OF COSTS OF IMPEACHMENT PROCEEDING.

(a) The house shall keep an accounting of all costs incurred by the house in connection with an impeachment proceeding, including investigative costs and costs incurred during the trial by the senate, if applicable.

(b) Not later than the 60th day after the conclusion of an impeachment proceeding by the house, the house shall deliver a report of the costs described by Subsection (a) incurred in connection with the proceedings to the comptroller, lieutenant governor, speaker of the house, Legislative Budget Board, chair of the senate committee on finance, and chair of the house committee on appropriations. If the senate conducts a trial on the impeachment, the house shall update the report to include the additional costs incurred by the house during the trial and deliver the updated report to those entities not later than the 60th day after the conclusion of the trial.

SECTION 2. Subchapter B, Chapter 665, Government Code, is amended by adding Sections 665.029, 665.030, 665.031, and 665.032 to read as follows:

1 Sec. 665.029. PRESIDING OFFICER IN TRIAL OF GOVERNOR OR
2 LIEUTENANT GOVERNOR. The presiding officer for the court of
3 impeachment in a trial of the governor or lieutenant governor is:

4 (1) the chief justice of the Supreme Court of Texas; or
5 (2) if the chief justice recuses himself or herself,
6 the presiding judge of the Court of Criminal Appeals of Texas.

7 Sec. 665.030. TESTIMONY IN IMPEACHMENT TRIAL. All witness
8 testimony in a trial on impeachment, including testimony by the
9 officer who is the subject of the trial, must be given:

10 (1) under oath; and
11 (2) in a session open to all members of the senate.

12 Sec. 665.031. INELIGIBILITY TO VOTE IN TRIAL INVOLVING
13 FAMILY MEMBER. A member of the senate is ineligible to vote on the
14 removal of an individual from office following impeachment or the
15 disqualification of an individual from holding any office of honor,
16 trust, or profit under this state if the member of the senate is
17 related to the individual within the third degree by consanguinity
18 or affinity as determined under Subchapter B, Chapter 573.

19 Sec. 665.032. REPORT OF COSTS OF TRIAL. (a) The senate
20 shall keep an accounting of all costs incurred by the senate in
21 connection with the trial of an impeachment, including any costs
22 incurred during the house impeachment proceeding.

23 (b) Not later than the 60th day after the conclusion of the
24 trial of an impeachment, the senate shall deliver a report of all
25 costs described by Subsection (a) to the comptroller, lieutenant
26 governor, speaker of the house, Legislative Budget Board, chair of
27 the senate committee on finance, and chair of the house committee on

1 appropriations.

2 SECTION 3. Section 665.081, Government Code, is amended to
3 read as follows:

4 Sec. 665.081. ~~[NO]~~ REMOVAL ONLY FOR ACTS COMMITTED WHILE
5 HOLDING ~~[BEFORE ELECTION TO]~~ OFFICE. (a) An officer in this state
6 is subject to removal ~~[may not be removed]~~ from office only for an
7 act the officer ~~[may have]~~ committed while holding an elected or
8 appointed ~~[before the officer's election to]~~ office.

9 (b) The prohibition against the removal from office for an
10 act the officer commits while not an officeholder ~~[before the~~
11 ~~officer's election]~~ is covered by:

12 (1) Section 21.024 ~~[21.002]~~, Local Government Code,
13 for a mayor or alderman of a general law municipality; or

14 (2) Chapter 87, Local Government Code, for a county or
15 precinct officer.

16 SECTION 4. Section 21.024, Local Government Code, is
17 amended to read as follows:

18 Sec. 21.024. ~~[NO]~~ REMOVAL ONLY FOR ACTS COMMITTED WHILE
19 HOLDING OFFICE ~~[BEFORE ACTION]~~. An officer is subject to removal
20 ~~[may not be removed]~~ under this subchapter only for an act the
21 officer committed while holding an elected or appointed ~~[before~~
22 ~~election to]~~ office ~~[if the act was a matter of public record or~~
23 ~~otherwise known to the voters]~~.

24 SECTION 5. Section 87.001, Local Government Code, is
25 amended to read as follows:

26 Sec. 87.001. ~~[NO]~~ REMOVAL ONLY FOR ACTS COMMITTED WHILE
27 HOLDING OFFICE ~~[PRIOR ACTION]~~. An officer is subject to removal

1 ~~[may not be removed]~~ under this chapter only for an act the officer
2 committed while holding an elected or appointed ~~[before election~~
3 ~~to]~~ office.

4 SECTION 6. The changes in law made by this Act apply only to
5 an impeachment proceeding, trial, or other removal proceeding
6 commenced on or after the effective date of this Act. A proceeding
7 or trial commenced before the effective date of this Act is governed
8 by the law in effect when the proceeding was commenced, and the
9 former law is continued in effect for that purpose.

10 SECTION 7. This Act takes effect January 1, 2026, but only
11 if the constitutional amendment proposed by the 89th Legislature,
12 Regular Session, 2025, clarifying and implementing certain
13 provisions governing the impeachment, trial, removal from office,
14 and disqualification of public officers is approved by the
15 voters. If that amendment is not approved by the voters, this Act
16 has no effect.