

SENATE JOINT RESOLUTION

proposing a constitutional amendment regarding the membership of the State Commission on Judicial Conduct, the membership of the tribunal to review the commission's recommendations, and the authority of the commission, the tribunal, and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct.

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

SECTION 1. Section 1-a, Article V, Texas Constitution, is amended by amending Subdivisions (2), (3), (8), and (9) and adding Subdivisions (2-a), (2-b), and (8-a) to read as follows:

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

(i) six judges or justices of courts in this state appointed by the Supreme Court with the advice and consent of the Senate, two of whom must be trial court judges ~~[one (1) Justice of a Court of Appeals]~~; and

(ii) seven ~~[one (1) District Judge, (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection, (iv) five (5)]~~ citizens appointed by the Governor with the advice and consent of the Senate, who are~~[,]~~ at least 35 ~~[thirty (30)]~~ years of age.

(2-a) A~~[, not licensed to practice law nor holding any~~

1 ~~salaries public office or employment; (v) one (1) Justice of the~~
 2 ~~Peace; (vi) one (1) Judge of a Municipal Court; (vii) one (1)~~
 3 ~~Judge of a County Court at Law; and (viii) one (1) Judge of a~~
 4 ~~Constitutional County Court; provided that no] person may not~~
 5 ~~[shall]~~ be appointed to or remain a member of the Commission if the
 6 person~~[, who]~~ does not maintain physical residence within this
 7 State~~[,]~~ or has ~~[who shall have]~~ ceased to retain the
 8 qualifications ~~[above]~~ specified in Subsection (2) of this Section
 9 for that person's appointment.

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

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

1 ~~and six (6) years, and the initial members of class (iiii) for~~
 2 ~~respective terms of two (2), four (4) and six (6) years].~~ Interim
 3 vacancies shall be filled in the same manner as vacancies due to
 4 expiration of a full term, but only for the unexpired portion of the
 5 term in question. Commissioners may succeed themselves in office
 6 only if the commissioner has ~~[having]~~ served less than three ~~[(3)]~~
 7 consecutive years.

8 (8) After such investigation as it deems necessary,
 9 the Commission may, in its discretion:

10 (i) for a person holding an office or position
 11 specified in Subsection (6) of this Section who has never been
 12 issued an order under this subparagraph and in response to a
 13 complaint or report other than a complaint or report alleging the
 14 person engaged in conduct constituting a criminal offense, issue an
 15 order of private admonition, warning, reprimand, censure, or
 16 requirement that the person obtain additional training or
 17 education;

18 (ii) issue a ~~[private or]~~ public admonition,
 19 warning, reprimand, or requirement that the person obtain
 20 additional training or education; ~~[7]~~ or

21 (iii) if the Commission determines that the
 22 situation merits such action, [it may] institute formal proceedings
 23 and order a formal hearing to be held before it concerning a person
 24 holding an office or position specified in Subsection (6) of this
 25 Section, or it may in its discretion request the Supreme Court to
 26 appoint an active or retired District Judge or Justice of a Court of
 27 Appeals, or retired Judge or Justice of the Court of Criminal

1 Appeals or the Supreme Court, as a Master to hear and take evidence
2 in the matter, and to report thereon to the Commission and to the
3 Supreme Court.

4 (8-a) A ~~[The]~~ Master appointed under Subsection
5 (8)(iii) of this Section shall have all the power of a District
6 Judge in the enforcement of orders pertaining to witnesses,
7 evidence, and procedure. If, after formal hearing under Subsection
8 (8)(iii) of this Section, or after considering the record and
9 report of a Master appointed under Subsection (8)(iii) of this
10 Section, the Commission finds the person engaged in wilful or
11 persistent conduct that is clearly inconsistent with the proper
12 performance of a judge's duties or other good cause therefor, the
13 Commission:

14 (i) ~~[it]~~ shall issue for the person an order of
15 public admonition, warning, reprimand, censure, or requirement
16 that the person holding an office or position specified in
17 Subsection (6) of this Section obtain additional training or
18 education; ~~[7]~~ or

19 (ii) may ~~[it shall]~~ recommend to a review
20 tribunal the removal or retirement~~[, as the case may be,]~~ of the
21 person and shall ~~[thereupon]~~ file with the tribunal the entire
22 record before the Commission.

23 (9) A tribunal to review the Commission's
24 recommendation for the removal or retirement of a person holding an
25 office or position specified in Subsection (6) of this Section is
26 composed of seven ~~[(7)]~~ Justices ~~[or Judges]~~ of the Courts of
27 Appeals who are selected ~~[by lot]~~ by the Chief Justice of the

1 Supreme Court. ~~[Each Court of Appeals shall designate one of its~~
2 ~~members for inclusion in the list from which the selection is made.]~~
3 Service on the tribunal shall be considered part of the official
4 duties of a justice ~~[judge]~~, and no additional compensation may be
5 paid for such service. The review tribunal shall review the record
6 of the proceedings on the law and facts and in its discretion may,
7 for good cause shown, permit the introduction of additional
8 evidence. Within 90 days after the date on which the record is
9 filed with the review tribunal, it shall order public censure,
10 suspension without pay for a specified period, retirement or
11 removal, as it finds just and proper, or wholly reject the
12 recommendation. A Justice, Judge, Master, or Magistrate may appeal
13 a decision of the review tribunal to the Supreme Court under the
14 substantial evidence rule. Upon an order for involuntary
15 retirement for disability or an order for removal, the office in
16 question shall become vacant. The review tribunal, in an order for
17 involuntary retirement for disability or an order for removal,
18 shall ~~[may]~~ prohibit such person from holding judicial office in
19 the future. The rights of a person ~~[an incumbent]~~ so retired to
20 retirement benefits shall be the same as if the person's ~~[his]~~
21 retirement had been voluntary.

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

24 (6) A. Any Justice or Judge of the courts established
25 by this Constitution or created by the Legislature as provided in
26 Section 1, Article V, of this Constitution, may, subject to the
27 other provisions hereof, be removed from office for willful or

1 persistent violation of rules promulgated by the Supreme Court of
2 Texas, incompetence in performing the duties of the office, willful
3 violation of the Code of Judicial Conduct, or willful or persistent
4 conduct that is clearly inconsistent with the proper performance of
5 the person's ~~[his]~~ duties or casts public discredit upon the
6 judiciary or administration of justice. Any person holding such
7 office may be disciplined or censured, in lieu of removal from
8 office, as provided by this section. Any person holding an office
9 specified in this subsection may be suspended from office with or
10 without pay by the Commission immediately on being indicted by a
11 State or Federal grand jury for a felony offense or charged with a
12 misdemeanor involving official misconduct. On the filing of a
13 sworn complaint charging a person holding such office with willful
14 or persistent violation of rules promulgated by the Supreme Court
15 of Texas, incompetence in performing the duties of the office,
16 willful violation of the Code of Judicial Conduct, or willful and
17 persistent conduct that is clearly inconsistent with the proper
18 performance of the person's ~~[his]~~ duties or casts public discredit
19 on the judiciary or on the administration of justice, the
20 Commission, after giving the person notice and an opportunity to
21 appear and be heard before the Commission, may recommend to the
22 Supreme Court the suspension of such person from office with or
23 without pay, pending final disposition of the charge. The Supreme
24 Court, after considering ~~[the record of such appearance and]~~ the
25 recommendation of the Commission, may suspend the person from
26 office with or without pay, pending final disposition of the
27 charge.

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

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

(b) Notwithstanding any other law, the terms of the commissioners of the State Commission on Judicial Conduct serving before January 1, 2026, expire July 1, 2026.

(c) Notwithstanding any other law, the Texas Supreme Court, with the advice and consent of the Senate, shall appoint additional commissioners to the State Commission on Judicial Conduct to serve staggered terms beginning January 1, 2026, as follows:

(1) two commissioners to serve six-year terms;

(2) two commissioners to serve four-year terms; and

(3) two commissioners to serve two-year terms.

(d) Notwithstanding any other law, the governor shall appoint additional commissioners to the State Commission on Judicial Conduct to serve staggered terms beginning January 1, 2026, as follows:

(1) three commissioners to serve six-year terms;

(2) two commissioners to serve four-year terms; and

(3) two commissioners to serve two-year terms.

1 (e) Notwithstanding any other law and except as otherwise
2 provided by this subsection, a complaint submitted to the State
3 Commission on Judicial Conduct before January 1, 2026, shall be
4 reviewed by the commissioners of the State Commission on Judicial
5 Conduct appointed before January 1, 2026, unless the complaint has
6 not been resolved by July 1, 2026, in which event the complaint
7 shall be reviewed by the commissioners appointed on or after that
8 date.

9 (f) Notwithstanding any other law, a complaint submitted to
10 the State Commission on Judicial Conduct on or after January 1,
11 2026, shall be reviewed by the commissioners of the State
12 Commission on Judicial Conduct appointed on or after that date.

13 (g) This temporary provision expires January 1, 2031.

14 SECTION 4. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 4, 2025.
16 The ballot shall be printed to provide for voting for or against the
17 proposition: "The constitutional amendment regarding the
18 membership of the State Commission on Judicial Conduct, the
19 membership of the tribunal to review the commission's
20 recommendations, and the authority of the commission, the tribunal,
21 and the Texas Supreme Court to more effectively sanction judges and
22 justices for judicial misconduct."

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 27 was adopted by the Senate on April 14, 2025, by the following vote: Yeas 27, Nays 4; and that the Senate concurred in House amendments on May 30, 2025, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.J.R. No. 27 was adopted by the House, with amendments, on May 26, 2025, by the following vote: Yeas 119, Nays 17, four present not voting.

Chief Clerk of the House

Received:

Date

Secretary of State