

By: Huffman, et al.
(Leach)

S.J.R. No. 27

Substitute the following for S.J.R. No. 27:

By: Leach

C.S.S.J.R. No. 27

A JOINT RESOLUTION

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

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

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

11 (2) The State Commission on Judicial Conduct consists
12 of the following 13 [~~thirteen (13)~~] members [~~7, to wit~~]:

13 (i) six individuals appointed by the Supreme
14 Court with the advice and consent of the Senate [~~one (1) Justice of~~
15 ~~a Court of Appeals~~]; and

16 (ii) seven [~~one (1) District Judge~~, (iii) ~~two~~
17 ~~(2) members of the State Bar, who have respectively practiced as~~
18 ~~such for over ten (10) consecutive years next preceding their~~
19 ~~selection~~, (iv) ~~five (5)~~] citizens appointed by the Governor with
20 the advice and consent of the Senate, who are [~~7~~] at least 35
21 [~~thirty (30)~~] years of age.

22 (2-a) A [~~7, not licensed to practice law nor holding any~~
23 ~~salaried public office or employment~~, (v) ~~one (1) Justice of the~~
24 ~~Peace~~, (vi) ~~one (1) Judge of a Municipal Court~~, (vii) ~~one (1)~~

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

8 (2-b) A person appointed under Subsection (2) of this
 9 Section who is a judge or justice ~~[respective class of membership,~~
 10 ~~and provided that a Commissioner of class (i), (ii), (iii), (vii),~~
 11 ~~or (viii)]~~ may not be a judge or justice ~~[reside or hold a~~
 12 ~~judgeship]~~ in the same type of court ~~[of appeals district]~~ as
 13 another member of the Commission who is a judge or justice.
 14 ~~[Commissioners of classes (i), (ii), (vii), and (viii) above shall~~
 15 ~~be chosen by the Supreme Court with advice and consent of the~~
 16 ~~Senate, those of class (iii) by the Board of Directors of the State~~
 17 ~~Bar under regulations to be prescribed by the Supreme Court with~~
 18 ~~advice and consent of the Senate, those of class (iv) by appointment~~
 19 ~~of the Governor with advice and consent of the Senate, and the~~
 20 ~~commissioners of classes (v) and (vi) by appointment of the Supreme~~
 21 ~~Court as provided by law, with the advice and consent of the~~
 22 ~~Senate.]~~

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

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

6 (8) After such investigation as it deems necessary,
7 the Commission may in its discretion issue a private or public
8 admonition, warning, reprimand, or requirement that the person
9 obtain additional training or education, or if the Commission
10 determines that the situation merits such action, it may institute
11 formal proceedings and order a formal hearing to be held before it
12 concerning a person holding an office or position specified in
13 Subsection (6) of this Section, or it may in its discretion request
14 the Supreme Court to appoint an active or retired District Judge or
15 Justice of a Court of Appeals, or retired Judge or Justice of the
16 Court of Criminal Appeals or the Supreme Court, as a Master to hear
17 and take evidence in the matter, and to report thereon to the
18 Commission and to the Supreme Court. The Master shall have all the
19 power of a District Judge in the enforcement of orders pertaining to
20 witnesses, evidence, and procedure. If, after formal hearing, or
21 after considering the record and report of a Master, the Commission
22 finds the person engaged in wilful or persistent conduct that is
23 clearly inconsistent with the proper performance of a judge's
24 duties or other good cause therefor, the Commission:

25 (i) unless issuing an order under Subparagraph
26 (ii) of this subsection, ~~[it]~~ shall issue for the person an order of
27 public admonition, warning, reprimand, censure, or requirement

1 that the person holding an office or position specified in
2 Subsection (6) of this Section obtain additional training or
3 education;

4 (ii) for a person holding an office or position
5 specified in Subsection (6) of this Section who has never been
6 issued an order under this subparagraph and in response to a
7 complaint or report other than a complaint or report alleging the
8 person engaged in conduct constituting a criminal offense, may
9 issue an order of private admonition, warning, reprimand, censure,
10 or requirement that the person obtain additional training or
11 education; [7] or

12 (iii) may ~~[it shall]~~ recommend to a review
13 tribunal the removal or retirement~~[, as the case may be,]~~ of the
14 person and shall ~~[thereupon]~~ file with the tribunal the entire
15 record before the Commission.

16 (9) A tribunal to review the Commission's
17 recommendation for the removal or retirement of a person holding an
18 office or position specified in Subsection (6) of this Section is
19 composed of seven ~~[(7)]~~ Justices ~~[or Judges]~~ of the Courts of
20 Appeals who are selected ~~[by lot]~~ by the Chief Justice of the
21 Supreme Court. ~~[Each Court of Appeals shall designate one of its~~
22 ~~members for inclusion in the list from which the selection is made.]~~
23 Service on the tribunal shall be considered part of the official
24 duties of a justice ~~[judge]~~, and no additional compensation may be
25 paid for such service. The review tribunal shall review the record
26 of the proceedings on the law and facts and in its discretion may,
27 for good cause shown, permit the introduction of additional

1 evidence. Within 90 days after the date on which the record is
2 filed with the review tribunal, it shall order public censure,
3 suspension without pay for a specified period, retirement or
4 removal, as it finds just and proper, or wholly reject the
5 recommendation. A Justice, Judge, Master, or Magistrate may appeal
6 a decision of the review tribunal to the Supreme Court under the
7 substantial evidence rule. Upon an order for involuntary
8 retirement for disability or an order for removal, the office in
9 question shall become vacant. The review tribunal, in an order for
10 involuntary retirement for disability or an order for removal,
11 shall ~~may~~ prohibit such person from holding judicial office in
12 the future. The rights of a person ~~[an incumbent]~~ so retired to
13 retirement benefits shall be the same as if the person's ~~[his]~~
14 retirement had been voluntary.

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

17 (6) A. Any Justice or Judge of the courts established
18 by this Constitution or created by the Legislature as provided in
19 Section 1, Article V, of this Constitution, may, subject to the
20 other provisions hereof, be removed from office for willful or
21 persistent violation of rules promulgated by the Supreme Court of
22 Texas, incompetence in performing the duties of the office, willful
23 violation of the Code of Judicial Conduct, or willful or persistent
24 conduct that is clearly inconsistent with the proper performance of
25 the person's ~~[his]~~ duties or casts public discredit upon the
26 judiciary or administration of justice. Any person holding such
27 office may be disciplined or censured, in lieu of removal from

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

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

23 TEMPORARY PROVISION. (a) This temporary provision applies
24 to the constitutional amendment proposed by the 89th Legislature,
25 Regular Session, 2025, regarding the membership of the State
26 Commission on Judicial Conduct, the membership of the tribunal to
27 review the commission's recommendations, and the authority of the

1 commission, the tribunal, and the Texas Supreme Court to more
2 effectively sanction judges and justices for judicial misconduct.
3 The constitutional amendment takes effect January 1, 2026.

4 (b) Notwithstanding any other law, the terms of the
5 commissioners of the State Commission on Judicial Conduct serving
6 before January 1, 2026, expire December 31, 2025.

7 (c) The Texas Supreme Court, with the advice and consent of
8 the Senate, shall appoint initial commissioners to the State
9 Commission on Judicial Conduct to serve staggered terms beginning
10 January 1, 2026, as follows:

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

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

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

14 (d) The governor shall appoint initial commissioners to the
15 State Commission on Judicial Conduct to serve staggered terms
16 beginning January 1, 2026, as follows:

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

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

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

20 (e) This temporary provision expires January 1, 2031.

21 SECTION 4. This proposed constitutional amendment shall be
22 submitted to the voters at an election to be held November 4, 2025.
23 The ballot shall be printed to provide for voting for or against the
24 proposition: "The constitutional amendment regarding the
25 membership of the State Commission on Judicial Conduct, the
26 membership of the tribunal to review the commission's
27 recommendations, and the authority of the commission, the tribunal,

1 and the Texas Supreme Court to more effectively sanction judges and
2 justices for judicial misconduct."