

By: Huffman

S.J.R. No. 27

A JOINT RESOLUTION

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

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

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

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

11 (i) two individuals who serve as a Justice or
12 Judge [~~one (1) Justice~~] of the Court of Criminal Appeals, a Court of
13 Appeals, a District Court, a County Court at Law, or a
14 Constitutional County Court and are appointed by the Supreme Court
15 with advice and consent of the Senate;

16 (ii) [~~one (1) District Judge, (iii)~~] two [~~(2)~~]
17 members of the State Bar appointed by the Board of Directors of the
18 State Bar under rules prescribed by the Supreme Court with advice
19 and consent of the Senate, who have each respectively practiced as
20 such for over 10 [~~ten (10)~~] consecutive years next preceding their
21 selection;

22 (iii) seven [~~(iv) five (5)~~] citizens appointed by
23 the Governor with advice and consent of the Senate, who are each at
24 least 30 [~~thirty (30)~~] years of age, are not licensed to practice

1 law, and do not hold a [~~nor holding any~~] salaried public office or
2 employment; and

3 (iv) two individuals who serve as a [~~(v) one (1)~~]
4 Justice of the Peace or a [~~(vi) one (1)~~] Judge of a Municipal
5 Court appointed by the Supreme Court with the advice and consent of
6 the Senate.

7 (2-a) A [~~(vii) one (1) Judge of a County Court at~~
8 ~~Law; and (viii) one (1) Judge of a Constitutional County Court;~~
9 ~~provided that no]~~ person may not be appointed [~~shall be~~] or remain a
10 member of the Commission[~~7~~] who does not maintain physical
11 residence within this State[~~7~~] or who has [~~shall have~~] ceased to
12 retain the qualifications above specified for that person's
13 appointment.

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

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

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

1 reprimand, censure, or requirement that the person holding an
2 office or position specified in Subsection (6) of this Section
3 obtain additional training or education~~[, or it shall recommend to~~
4 ~~a review tribunal the removal or retirement, as the case may be, of~~
5 ~~the person and shall thereupon file with the tribunal the entire~~
6 ~~record before the Commission]~~.

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

9 (6) A. Any Justice or Judge of the courts established
10 by this Constitution or created by the Legislature as provided in
11 Section 1, Article V, of this Constitution, may, subject to the
12 other provisions hereof, be removed from office for willful or
13 persistent violation of rules promulgated by the Supreme Court of
14 Texas, incompetence in performing the duties of the office, willful
15 violation of the Code of Judicial Conduct, or willful or persistent
16 conduct that is clearly inconsistent with the proper performance of
17 the person's ~~[his]~~ duties or casts public discredit upon the
18 judiciary or administration of justice. Any person holding such
19 office may be disciplined or censured, in lieu of removal from
20 office, as provided by this section. Any person holding an office
21 specified in this subsection shall ~~[may]~~ be suspended from office
22 with or without pay by the Commission immediately on being indicted
23 by a State or Federal grand jury for a felony offense or charged
24 with a misdemeanor involving official misconduct. On the filing of
25 a sworn complaint charging a person holding such office with
26 willful or persistent violation of rules promulgated by the Supreme
27 Court of Texas, incompetence in performing the duties of the

1 office, willful violation of the Code of Judicial Conduct, or
2 willful and persistent conduct that is clearly inconsistent with
3 the proper performance of the person's [~~his~~] duties or casts public
4 discredit on the judiciary or on the administration of justice, the
5 Commission, after giving the person notice and an opportunity to
6 appear and be heard before the Commission, may recommend to the
7 Supreme Court the suspension of such person from office with or
8 without pay. The Supreme Court, after considering the record of
9 such appearance and the recommendation of the Commission, may
10 suspend the person from office with or without pay, pending final
11 disposition of the charge.

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

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

21 (b) Unless otherwise removed as provided by law, the
22 commissioners of the State Commission on Judicial Conduct serving
23 on the date the amendment described by Subsection (a) of this
24 section is approved by the voters as shown by the official canvass
25 of returns shall continue in office as the members of the State
26 Commission on Judicial Conduct under the former law that governed
27 the composition of the State Commission on Judicial Conduct, and

1 the former law is continued in effect for that purpose. New
2 commissioners of the State Commission on Judicial Conduct shall be
3 chosen as vacancies occur.

4 (c) This temporary provision expires January 1, 2031.

5 SECTION 4. This proposed constitutional amendment shall be
6 submitted to the voters at an election to be held November 4, 2025.
7 The ballot shall be printed to provide for voting for or against the
8 proposition: "The constitutional amendment regarding the
9 membership of the State Commission on Judicial Conduct and the
10 authority of the commission and the Texas Supreme Court to more
11 effectively sanction judges and justices for judicial misconduct."