

1-1 By: Birdwell, Hall S.B. No. 2051
1-2 (In the Senate - Filed March 7, 2025; March 17, 2025, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 14, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 14, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Hughes	X			
1-10	Paxton	X			
1-11	Bettencourt	X			
1-12	Birdwell	X			
1-13	Hall	X			
1-14	Hinojosa of Nueces	X			
1-15	Middleton	X			
1-16	Parker			X	
1-17	Perry	X			
1-18	Schwertner			X	
1-19	Zaffirini	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2051 By: Birdwell

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the impeachment or removal from office of certain
1-24 public officers, including procedures governing the impeachment,
1-25 trial on impeachment, and disqualification of state officers, and
1-26 to the grounds for which certain public officers may be removed from
1-27 office.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Subchapter A, Chapter 665, Government Code, is
1-30 amended by adding Sections 665.008, 665.009, 665.010, and 665.011
1-31 to read as follows:

1-32 Sec. 665.008. TESTIMONY IN IMPEACHMENT PROCEEDING. (a) All
1-33 witness testimony in an impeachment proceeding, including
1-34 testimony by the officer who is the subject of the proceeding, must
1-35 be given:

- 1-36 (1) under oath; and
1-37 (2) in a session open to all members of the house or,
1-38 if the proceeding is conducted by a committee, to all members of the
1-39 committee.

1-40 (b) The presiding officer of a committee that conducts an
1-41 investigation in an impeachment proceeding shall allow, but may not
1-42 require, the officer who is the subject of the proceeding to testify
1-43 before the committee in the officer's defense and have legal
1-44 counsel present during the officer's testimony. This subsection
1-45 may not be construed to allow the officer who is the subject of an
1-46 impeachment proceeding to cross-examine other witnesses in the
1-47 impeachment proceeding.

1-48 Sec. 665.009. REVIEW OF COMMITTEE MATERIALS. (a) This
1-49 section applies to an impeachment proceeding in which an
1-50 investigation or other portion of the proceeding is conducted by a
1-51 committee.

1-52 (b) The committee must provide to each member of the house
1-53 the committee's report and other materials related to the
1-54 impeachment at least 72 hours before the house begins deliberating
1-55 on the impeachment.

1-56 (c) To allow members of the house an opportunity to review
1-57 the committee's report and other materials related to the
1-58 impeachment, the house may not vote on the impeachment during the 72
1-59 hours after the conclusion of the house's deliberations on the
1-60 impeachment.

2-1 Sec. 665.010. INELIGIBILITY TO VOTE IN PROCEEDING INVOLVING
 2-2 FAMILY MEMBER. A member of the house is ineligible to vote in an
 2-3 impeachment proceeding, including in a portion of the proceeding
 2-4 conducted by a committee, if the member is related within the third
 2-5 degree by consanguinity or affinity as determined under Subchapter
 2-6 B, Chapter 573, to the officer who is the subject of the proceeding.

2-7 Sec. 665.011. REPORT OF COSTS OF IMPEACHMENT PROCEEDING.
 2-8 (a) The house shall keep an accounting of all costs incurred by the
 2-9 house in connection with an impeachment proceeding, including
 2-10 investigative costs and costs incurred during the trial by the
 2-11 senate, if applicable.

2-12 (b) Not later than the 60th day after the conclusion of an
 2-13 impeachment proceeding by the house, the house shall deliver a
 2-14 report of the costs described by Subsection (a) incurred in
 2-15 connection with the proceedings to the comptroller, lieutenant
 2-16 governor, speaker of the house, Legislative Budget Board, chair of
 2-17 the senate committee on finance, and chair of the house committee on
 2-18 appropriations. If the senate conducts a trial on the impeachment,
 2-19 the house shall update the report to include the additional costs
 2-20 incurred by the house during the trial and deliver the updated
 2-21 report to those entities not later than the 60th day after the
 2-22 conclusion of the trial.

2-23 SECTION 2. Subchapter B, Chapter 665, Government Code, is
 2-24 amended by adding Sections 665.029, 665.030, 665.031, and 665.032
 2-25 to read as follows:

2-26 Sec. 665.029. PRESIDING OFFICER IN TRIAL OF GOVERNOR OR
 2-27 LIEUTENANT GOVERNOR. The presiding officer for the court of
 2-28 impeachment in a trial of the governor or lieutenant governor is:

2-29 (1) the chief justice of the Supreme Court of Texas;
 2-30 (2) if the chief justice of the supreme court recuses
 2-31 himself or herself or is otherwise unavailable, the presiding judge
 2-32 of the Court of Criminal Appeals of Texas; or

2-33 (3) if both the chief justice of the supreme court and
 2-34 the presiding judge of the court of criminal appeals recuse
 2-35 themselves or are otherwise unavailable, a former appellate judge
 2-36 described by Section 75.003(a) assigned by the chief justice of the
 2-37 supreme court.

2-38 Sec. 665.030. TESTIMONY IN IMPEACHMENT TRIAL. All witness
 2-39 testimony in a trial on impeachment, including testimony by the
 2-40 officer who is the subject of the trial, must be given:

2-41 (1) under oath; and
 2-42 (2) in a session open to all members of the senate.

2-43 Sec. 665.031. INELIGIBILITY TO VOTE IN TRIAL INVOLVING
 2-44 FAMILY MEMBER. A member of the senate is ineligible to vote on the
 2-45 removal of an individual from office following impeachment or the
 2-46 disqualification of an individual from holding any office of honor,
 2-47 trust, or profit under this state if the member of the senate is
 2-48 related to the individual within the third degree by consanguinity
 2-49 or affinity as determined under Subchapter B, Chapter 573.

2-50 Sec. 665.032. REPORT OF COSTS OF TRIAL. (a) The senate
 2-51 shall keep an accounting of all costs incurred by the senate in
 2-52 connection with the trial of an impeachment, including any costs
 2-53 incurred during the house impeachment proceeding.

2-54 (b) Not later than the 60th day after the conclusion of the
 2-55 trial of an impeachment, the senate shall deliver a report of all
 2-56 costs described by Subsection (a) to the comptroller, lieutenant
 2-57 governor, speaker of the house, Legislative Budget Board, chair of
 2-58 the senate committee on finance, and chair of the house committee on
 2-59 appropriations.

2-60 SECTION 3. Section 665.081, Government Code, is amended to
 2-61 read as follows:

2-62 Sec. 665.081. ~~[NO]~~ REMOVAL ONLY FOR ACTS COMMITTED WHILE
 2-63 HOLDING ~~[BEFORE ELECTION TO]~~ OFFICE. (a) An officer in this state
 2-64 is subject to removal ~~[may not be removed]~~ from office only for an
 2-65 act the officer ~~[may have]~~ committed while holding an elected or
 2-66 appointed ~~[before the officer's election to]~~ office.

2-67 (b) The prohibition against the removal from office for an
 2-68 act the officer commits while not an officeholder ~~[before the~~
 2-69 officer's election] is covered by:

(1) Section 21.024 [~~21.002~~], Local Government Code,
for a mayor or alderman of a general law municipality; or
(2) Chapter 87, Local Government Code, for a county or
precinct officer.

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

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

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

Sec. 87.001. [~~NO~~] REMOVAL ONLY FOR ACTS COMMITTED WHILE
HOLDING OFFICE [PRIOR ACTION]. An officer is subject to removal
~~[may not be removed]~~ under this chapter only for an act the officer
committed while holding an elected or appointed ~~[before election~~
~~to]~~ office.

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

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

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