

1-1 By: Huffman S.J.R. No. 27
 1-2 (In the Senate - Filed December 2, 2024; February 3, 2025,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 7, 2025, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 7, 2025, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | | | X | |
| 1-17 | | | X | |
| 1-18 | X | | | |

1-19 SENATE JOINT RESOLUTION

1-20 proposing a constitutional amendment regarding the membership of
 1-21 the State Commission on Judicial Conduct and the authority of the
 1-22 commission and the Texas Supreme Court to more effectively sanction
 1-23 judges and justices for judicial misconduct.

1-24 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 1-a, Article V, Texas Constitution, is
 1-26 amended by amending Subdivisions (2), (3), and (8) and adding
 1-27 Subdivisions (2-a) and (2-b) to read as follows:

1-28 (2) The State Commission on Judicial Conduct consists
 1-29 of the following 13 [~~thirteen (13)~~] members [~~, to wit~~]:

1-30 (i) two individuals who serve as a Justice or
 1-31 Judge [one (1) Justice] of the Court of Criminal Appeals, a Court of
 1-32 Appeals, a District Court, a County Court at Law, or a
 1-33 Constitutional County Court and are appointed by the Supreme Court
 1-34 with advice and consent of the Senate;

1-35 (ii) [~~one (1) District Judge, (iii)~~] two [(2)]
 1-36 members of the State Bar appointed by the Board of Directors of the
 1-37 State Bar under rules prescribed by the Supreme Court with advice
 1-38 and consent of the Senate, who have each respectively practiced as
 1-39 such for over 10 [~~ten (10)~~] consecutive years next preceding their
 1-40 selection;

1-41 (iii) seven [(iv) five (5)] citizens appointed by
 1-42 the Governor with advice and consent of the Senate, who are each at
 1-43 least 30 [~~thirty (30)~~] years of age, are not licensed to practice
 1-44 law, and do not hold a [nor holding any] salaried public office or
 1-45 employment; and

1-46 (iv) two individuals who serve as a [(v) one (1)]
 1-47 Justice of the Peace or a [(vi) one (1)] Judge of a Municipal
 1-48 Court appointed by the Supreme Court with the advice and consent of
 1-49 the Senate.

1-50 (2-a) A [(vii) one (1) Judge of a County Court at Law,
 1-51 and (viii) one (1) Judge of a Constitutional County Court, provided
 1-52 that no] person may not be appointed [shall be] or remain a member
 1-53 of the Commission[7] who does not maintain physical residence
 1-54 within this State[7] or who has [shall have] ceased to retain the
 1-55 qualifications above specified for that person's appointment.

1-56 (2-b) A person appointed under Subsection (2)(i) of
 1-57 this Section [respective class of membership, and provided that a
 1-58 Commissioner of class (i), (ii), (iii), (vii), or (viii)] may not be
 1-59 a judge or justice [reside or hold a judgeship] in the same type of
 1-60 court [of appeals district] as another member of the Commission.
 1-61 [Commissioners of classes (i), (ii), (vii), and (viii) above shall

2-1 ~~be chosen by the Supreme Court with advice and consent of the~~
 2-2 ~~Senate, those of class (iii) by the Board of Directors of the State~~
 2-3 ~~Bar under regulations to be prescribed by the Supreme Court with~~
 2-4 ~~advice and consent of the Senate, those of class (iv) by appointment~~
 2-5 ~~of the Governor with advice and consent of the Senate, and the~~
 2-6 ~~commissioners of classes (v) and (vi) by appointment of the Supreme~~
 2-7 ~~Court as provided by law, with the advice and consent of the~~
 2-8 ~~Senate.]~~

2-9 (3) The regular term of office of Commissioners shall
 2-10 be six [~~(6)~~] years[, ~~but the initial members of each of classes (i),~~
 2-11 ~~(ii) and (iii) shall respectively be chosen for terms of four (4)~~
 2-12 ~~and six (6) years, and the initial members of class (iiii) for~~
 2-13 ~~respective terms of two (2), four (4) and six (6) years]. Interim~~
 2-14 vacancies shall be filled in the same manner as vacancies due to
 2-15 expiration of a full term, but only for the unexpired portion of the
 2-16 term in question. Commissioners may succeed themselves in office
 2-17 only if the commissioner has [~~having~~] served less than three [~~(3)~~]
 2-18 consecutive years.

2-19 (8) After such investigation as it deems necessary,
 2-20 the Commission may in its discretion issue a [~~private or~~] public
 2-21 admonition, warning, reprimand, or requirement that the person
 2-22 obtain additional training or education, or if the Commission
 2-23 determines that the situation merits such action, it may institute
 2-24 formal proceedings and order a formal hearing to be held before it
 2-25 concerning a person holding an office or position specified in
 2-26 Subsection (6) of this Section, or it may in its discretion request
 2-27 the Supreme Court to appoint an active or retired District Judge or
 2-28 Justice of a Court of Appeals, or retired Judge or Justice of the
 2-29 Court of Criminal Appeals or the Supreme Court, as a Master to hear
 2-30 and take evidence in the matter, and to report thereon to the
 2-31 Commission. The Master shall have all the power of a District Judge
 2-32 in the enforcement of orders pertaining to witnesses, evidence, and
 2-33 procedure. If, after formal hearing, or after considering the
 2-34 record and report of a Master, the Commission finds good cause
 2-35 therefor, it shall issue an order of public admonition, warning,
 2-36 reprimand, censure, or requirement that the person holding an
 2-37 office or position specified in Subsection (6) of this Section
 2-38 obtain additional training or education[, ~~or it shall recommend to~~
 2-39 ~~a review tribunal the removal or retirement, as the case may be, of~~
 2-40 ~~the person and shall thereupon file with the tribunal the entire~~
 2-41 ~~record before the Commission].~~

2-42 SECTION 2. Section 1-a(6)(A), Article V, Texas
 2-43 Constitution, is amended to read as follows:

2-44 (6) A. Any Justice or Judge of the courts established
 2-45 by this Constitution or created by the Legislature as provided in
 2-46 Section 1, Article V, of this Constitution, may, subject to the
 2-47 other provisions hereof, be removed from office for willful or
 2-48 persistent violation of rules promulgated by the Supreme Court of
 2-49 Texas, incompetence in performing the duties of the office, willful
 2-50 violation of the Code of Judicial Conduct, or willful or persistent
 2-51 conduct that is clearly inconsistent with the proper performance of
 2-52 the person's [~~his~~] duties or casts public discredit upon the
 2-53 judiciary or administration of justice. Any person holding such
 2-54 office may be disciplined or censured, in lieu of removal from
 2-55 office, as provided by this section. Any person holding an office
 2-56 specified in this subsection shall [~~may~~] be suspended from office
 2-57 with or without pay by the Commission immediately on being indicted
 2-58 by a State or Federal grand jury for a felony offense or charged
 2-59 with a misdemeanor involving official misconduct. On the filing of
 2-60 a sworn complaint charging a person holding such office with
 2-61 willful or persistent violation of rules promulgated by the Supreme
 2-62 Court of Texas, incompetence in performing the duties of the
 2-63 office, willful violation of the Code of Judicial Conduct, or
 2-64 willful and persistent conduct that is clearly inconsistent with
 2-65 the proper performance of the person's [~~his~~] duties or casts public
 2-66 discredit on the judiciary or on the administration of justice, the
 2-67 Commission, after giving the person notice and an opportunity to
 2-68 appear and be heard before the Commission, may recommend to the
 2-69 Supreme Court the suspension of such person from office with or

3-1 without pay. The Supreme Court, after considering the record of
3-2 such appearance and the recommendation of the Commission, may
3-3 suspend the person from office with or without pay, pending final
3-4 disposition of the charge.

3-5 SECTION 3. The following temporary provision is added to
3-6 the Texas Constitution:

3-7 TEMPORARY PROVISION. (a) This temporary provision applies
3-8 to the constitutional amendment proposed by the 89th Legislature,
3-9 Regular Session, 2025, regarding the membership of the State
3-10 Commission on Judicial Conduct and the authority of the commission
3-11 and the Texas Supreme Court to more effectively sanction judges and
3-12 justices for judicial misconduct. The constitutional amendment
3-13 takes effect January 1, 2026.

3-14 (b) Unless otherwise removed as provided by law, the
3-15 commissioners of the State Commission on Judicial Conduct serving
3-16 on the date the amendment described by Subsection (a) of this
3-17 section is approved by the voters as shown by the official canvass
3-18 of returns shall continue in office as the members of the State
3-19 Commission on Judicial Conduct under the former law that governed
3-20 the composition of the State Commission on Judicial Conduct, and
3-21 the former law is continued in effect for that purpose. New
3-22 commissioners of the State Commission on Judicial Conduct shall be
3-23 chosen as vacancies occur.

3-24 (c) This temporary provision expires January 1, 2031.

3-25 SECTION 4. This proposed constitutional amendment shall be
3-26 submitted to the voters at an election to be held November 4, 2025.
3-27 The ballot shall be printed to provide for voting for or against the
3-28 proposition: "The constitutional amendment regarding the
3-29 membership of the State Commission on Judicial Conduct and the
3-30 authority of the commission and the Texas Supreme Court to more
3-31 effectively sanction judges and justices for judicial misconduct."

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