

By: Huffman, et al.
(Dutton)

S.J.R. No. 42

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment relating to expanding the
3 types of sanctions that may be assessed against a judge or justice
4 following a formal proceeding instituted by the State Commission on
5 Judicial Conduct.

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

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

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

1 record and report of a Master, the Commission finds good cause
2 therefor, it shall issue an order of public admonition, warning,
3 reprimand, censure, or requirement that the person holding an
4 office or position specified in Subsection (6) of this Section
5 obtain additional training or education, or it shall recommend to a
6 review tribunal the removal or retirement, as the case may be, of
7 the person [~~in question holding an office or position specified in~~
8 ~~Subsection (6) of this Section~~] and shall thereupon file with the
9 tribunal the entire record before the Commission.

10 SECTION 2. The following temporary provision is added to
11 the Texas Constitution:

12 TEMPORARY PROVISION. (a) This temporary provision applies
13 to the constitutional amendment proposed by the 83rd Legislature,
14 Regular Session, 2013, relating to the sanctions that may be
15 assessed against a judge or justice following a formal proceeding
16 instituted by the State Commission on Judicial Conduct.

17 (b) The amendment to Section 1-a(8), Article V, of this
18 constitution takes effect January 1, 2014, and applies only to a
19 formal proceeding instituted by the State Commission on Judicial
20 Conduct on or after that date.

21 (c) This temporary provision expires January 1, 2016.

22 SECTION 3. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 5, 2013.
24 The ballot shall be printed to permit voting for or against the
25 proposition: "The constitutional amendment relating to expanding
26 the types of sanctions that may be assessed against a judge or
27 justice following a formal proceeding instituted by the State

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1 Commission on Judicial Conduct."