

By: Huffman, Nichols

S.J.R. No. 42

A JOINT RESOLUTION

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

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

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

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

8 SECTION 2. The following temporary provision is added to  
9 the Texas Constitution:

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

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

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

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