

1-1 By: Huffman, Nichols S.J.R. No. 42
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 17, 2013, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	West	X		
1-9	Rodriguez	X		
1-10	Campbell	X		
1-11	Carona		X	
1-12	Garcia	X		
1-13	Hancock	X		
1-14	Paxton		X	

1-15 SENATE JOINT RESOLUTION

1-16 proposing a constitutional amendment relating to the sanctions that
1-17 may be assessed against a judge or justice following a formal
1-18 proceeding instituted by the State Commission on Judicial Conduct.

1-19 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subdivision (8), Section 1-a, Article V, Texas
1-21 Constitution, is amended to read as follows:

1-22 (8) After such investigation as it deems necessary,
1-23 the Commission may in its discretion issue a private or public
1-24 admonition, warning, reprimand, or requirement that the person
1-25 obtain additional training or education, or if the Commission
1-26 determines that the situation merits such action, it may institute
1-27 formal proceedings and order a formal hearing to be held before it
1-28 concerning ~~[the public censure, removal, or retirement of]~~ a person
1-29 holding an office or position specified in Subsection (6) of this
1-30 Section, or it may in its discretion request the Supreme Court to
1-31 appoint an active or retired District Judge or Justice of a Court of
1-32 Appeals, or retired Judge or Justice of the Court of Criminal
1-33 Appeals or the Supreme Court, as a Master to hear and take evidence
1-34 in the ~~[any such]~~ matter, and to report thereon to the Commission.
1-35 The Master shall have all the power of a District Judge in the
1-36 enforcement of orders pertaining to witnesses, evidence, and
1-37 procedure. If, after formal hearing, or after considering the
1-38 record and report of a Master, the Commission finds good cause
1-39 therefor, it shall issue an order of public admonition, warning,
1-40 reprimand, censure, or requirement that the person holding an
1-41 office or position specified in Subsection (6) of this Section
1-42 obtain additional training or education, or it shall recommend to a
1-43 review tribunal the removal or retirement, as the case may be, of
1-44 the person [in question holding an office or position specified in
1-45 Subsection (6) of this Section] and shall thereupon file with the
1-46 tribunal the entire record before the Commission.

1-47 SECTION 2. The following temporary provision is added to
1-48 the Texas Constitution:

1-49 TEMPORARY PROVISION. (a) This temporary provision applies
1-50 to the constitutional amendment proposed by the 83rd Legislature,
1-51 Regular Session, 2013, relating to the sanctions that may be
1-52 assessed against a judge or justice following a formal proceeding
1-53 instituted by the State Commission on Judicial Conduct.

1-54 (b) The amendment to Section 1-a(8), Article V, of this
1-55 constitution takes effect January 1, 2014, and applies only to a
1-56 formal proceeding instituted by the State Commission on Judicial
1-57 Conduct on or after that date.

1-58 (c) This temporary provision expires January 1, 2016.

1-59 SECTION 3. This proposed constitutional amendment shall be
1-60 submitted to the voters at an election to be held November 5, 2013.
1-61 The ballot shall be printed to permit voting for or against the

2-1 proposition: "The constitutional amendment relating to the
2-2 sanctions that may be assessed against a judge or justice following
2-3 a formal proceeding instituted by the State Commission on Judicial
2-4 Conduct."

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