

**SUBJECT:** Proposed constitutional amendment on certain judicial discipline actions

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 9 ayes — Lewis, Farrar, Farney, Gooden, Hernandez Luna, Hunter, K. King, Raymond, S. Thompson  
0 nays

**SENATE VOTE:** On final passage, April 23 — 31-0

**WITNESSES:** No public hearing

**BACKGROUND:** Tex. Const., Art. 5, sec. 1-a, creates the State Commission on Judicial Conduct. The commission is responsible for ensuring that Texas judges comply with standards of conduct established in the Texas Constitution and by the Supreme Court. After a formal disciplinary proceeding, the commission may issue an order of public censure.

**DIGEST:** SJR 42 would allow the State Commission on Judicial Conduct, after a formal proceeding, to issue an order of public admonition, warning, reprimand, censure, or requirement that a judge or justice obtain additional training or education.

The resolution would include a temporary provision expiring January 1, 2016, specifying that the constitutional amendment would take effect January 1, 2014 and would apply only to formal proceedings commenced on or after that date.

The proposal would be presented to the voters at an election on Tuesday, November 5, 2013. The ballot proposal would read: "The constitutional amendment relating to expanding the types of sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct."

**SUPPORTERS SAY:** SJR 42 would allow the commission to use its full range of disciplinary actions after a formal proceeding. This would enhance the commission's ability to discipline judges and deter judicial misconduct.

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OPPONENTS  
SAY:

SJR 42 should further enhance the commission's ability to discipline judges. The commission's current process protects judges from public scrutiny and often fails to hold them accountable for judicial misconduct. It should include stronger measures to reinforce the commission's authority.

NOTES:

SB 209 by Huffman, the enabling legislation for SJR 42, would statutorily enable the commission to issue any type of disciplinary order following a formal proceeding.