

BILL ANALYSIS

Senate Research Center

H.J.R. 87
By: Farabee (Lindsay)
Jurisprudence
4/29/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The State Commission on Judicial Conduct is responsible for the investigation and prosecution of judicial misconduct. The present eleven members consist of five judges representing all levels of the judiciary, four public members, and two attorneys.

H.J.R. 87 proposes a constitutional amendment to add a judge of a constitutional county court and a judge of a statutory probate court to the membership of the State Commission on Judicial Conduct. It also removes the geographical restriction that prohibits the membership of two committee members from the same supreme judicial district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1-a(2) and (5), Article V, Texas Constitution, as follows:

(2) Increases the State Commission on Judicial Conduct (commission) membership from 11 to 13 by adding one judge of a statutory probate court and one judge of a constitutional county court provided that no person shall be or remain a member of the commission who does not maintain physical residence within this state, or who shall have ceased to retain the qualifications above specified for that person's respective class of membership, and provided that a commissioner of class (i), (ii), or (iii) may not reside or hold a judgeship in the same court of appeals district, rather than supreme judicial district, as another member of the commission. Makes conforming and nonsubstantive changes.

(5) Requires a quorum to consist of seven, rather than six, members. Requires proceedings to be by majority vote of those present, except that recommendations for retirement, censure, suspension, or removal of any person holding an office named in Paragraph A of Subsection (6) of this section to be by affirmative vote of at least seven, rather than six, members.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Sets forth the required language for the ballot.