

RESOLUTION ANALYSIS

S.J.R. 47
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the eligibility requirements for certain judicial offices in Texas. It has been suggested that the required qualifications for these offices should be strengthened to ensure the quality of the state's judicial system. S.J.R. 47 seeks to address this issue by proposing a constitutional amendment to revise the eligibility requirements for a district judge and a justice of the Texas Supreme Court, a judge of the Texas Court of Criminal Appeals, and a justice of a court of appeals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.J.R. 47 proposes an amendment to the Texas Constitution to revise the eligibility requirements for certain judicial offices. The resolution revises eligibility requirements for a justice of the Texas Supreme Court, a judge of the Texas Court of Criminal Appeals, and a justice of a court of appeals as follows:

- clarifies that the justice or judge must be a Texas resident at the time of election;
- requires the justice or judge to have been either a practicing lawyer licensed in Texas for at least ten years or a practicing lawyer licensed in Texas and judge of a state court or county court established by the legislature by statute for a combined total of at least ten years; and
- requires the justice or judge, during that time, to have maintained the license to practice law without it having been revoked, suspended, or subject to a probated suspension.

S.J.R. 47 revises eligibility requirements for a district judge as follows:

- clarifies that the judge must be a Texas resident; and
- increases the period for which the judge must have been a practicing lawyer or a judge of a court in Texas, or both combined, from four years to eight years before the judge's election, and adds the condition that during that time the judge's license to practice law has not been revoked, suspended, or subject to a probated suspension.

The resolution specifies that the eligibility requirements apply with respect for eligibility for appointment or election as a district judge.

S.J.R. 47 establishes that its provisions take effect January 1, 2022, and apply only to an applicable justice or judge who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 2, 2021.