BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that the required qualifications for certain judicial offices should be strengthened to ensure the quality of the state's judicial system. S.J.R. 47 seeks to present this issue to Texas voters.

S.J.R. 47 proposes a constitutional amendment changing the eligibility requirements for certain judicial offices.

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 Section 2(b), Article V, Texas Constitution, as follows:

> (b) Provides that no person shall be eligible to serve in the office of Chief Justice or Justice of the Supreme Court of Texas unless the person:
>
> > (1) creates this subdivision from existing text and makes a nonsubstantive change;
> >
> > (2) is, at the time of election, a citizen of the United States and a resident of the State of Texas, rather than a citizen of the United States and of Texas;
> >
> > (3) creates this subdivision from existing text and makes a nonsubstantive change;
> >
> > (4) has been either a practicing lawyer licensed in the State of Texas for at least 10 years or a practicing lawyer licensed in the State of Texas and judge of a state court or county court established by the legislature by statute for a combined total of at least 10 years, rather than has been a practicing lawyer, or a lawyer and judge of a court of record together at least 10 years; and
> >
> > (5) during the time required by Subdivision (4) of this subsection has not had the person's license to practice law revoked, suspended, or subject to a probated suspension.

SECTION 2. Amends Section 7, Article V, Texas Constitution, as follows:

> Sec. 7. (a) Creates this subsection from existing text and makes no further changes.
>
> (b) Creates this subsection from existing text. Requires a person, to be eligible for appointment or election as a district judge, to meet certain criteria, including to be a citizen of the United States and a resident of Texas, rather than a citizen of the United States and of Texas, and to have been a practicing lawyer or a Judge of a Court in Texas, or both combined, for eight years, rather than four years, next preceding the judge's election, during which time the judge's license to practice

law has not been revoked, suspended, or subject to a probated suspension. Makes nonsubstantive changes.

(c) and (d) Creates these subsections from existing text and makes nonsubstantive changes.

(e) Creates this subsection from existing text and makes no further changes.

SECTION 3. Provides that the following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) Provides that this temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, changing the eligibility requirements for a justice of the Supreme Court of Texas, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.

(b) Provides that the amendment to Section 2(b), Article V, of this constitution takes effect January 1, 2022, and applies only to a chief justice or other justice of the Supreme Court of Texas, a presiding judge or other judge of the court of criminal appeals, or a chief justice or other justice of a court of appeals who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(c) Provides that the amendment to Section 7, Article V, of this constitution takes effect January 1, 2022, and applies only to a district 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.

(d) Provides that this temporary provision expires January 1, 2026.

SECTION 4. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 2, 2021. Sets forth the required language of the ballot.