

Proposition 13

(H.J.R. 107, 88th Leg., R.S.)

The constitutional amendment to increase the mandatory age of retirement for state justices and judges.

SUMMARY ANALYSIS

The proposed amendment amends Section 1-a(1), Article V, Texas Constitution, to increase the mandatory age of retirement of state justices and judges from 75 to 79 years unless the legislature sets a lower mandatory retirement age. The proposed amendment also increases the lowest age the legislature may prescribe from 70 to 75 years of age.

BACKGROUND AND DETAILED ANALYSIS

Section 1-a(1), Article V, Texas Constitution, requires a state judge or justice to retire at the end of the term during which the judge or justice reaches the age of 75 or, if the judge or justice is serving a six-year term and turns 75 during the first four years of the term, requires the judge or justice to retire on December 31 of the fourth year of the term. The proposed amendment increases the mandatory retirement age to 79 years, removes the provision requiring a judge or justice elected for the remainder of a six-year term to retire on December 31 of the fourth year of the term after reaching the age of 75 during those years, and authorizes the legislature to prescribe an earlier mandatory retirement age of not younger than 75 years of age. Accordingly, as proposed, a state judge or justice would be required to retire at the end of the term during which the judge or justice reaches the age of 79 or the earlier age the legislature prescribes of not younger than 75.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- Because people are living and working longer than in decades past, it is appropriate to allow judges and justices to serve beyond the current mandatory retirement age of 75.
- Increasing the mandatory retirement age for judges and justices will allow experienced and competent public servants who are willing to continue to serve.
- Allowing judges and justices to serve longer could decrease turnover and ensure a more predictable and stable judicial system.
- Since judges and justices in Texas are elected, any issues with the performance of a particular judge or justice can be addressed by the electorate.

Comments by Opponents

- No opposition to the proposed constitutional amendment was expressed during legislative consideration of the proposal.

Text of H.J.R. 107

A JOINT RESOLUTION

proposing a constitutional amendment to increase the mandatory age of retirement for state justices and judges.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant on the expiration of the term during which the incumbent reaches the age of 79 [~~seventy-five (75)~~] years or such earlier age, not less than 75 [~~seventy (70)~~] years, as the Legislature may prescribe[~~, except that if a Justice or Judge elected to serve or fill the remainder of a six-year term reaches the age of seventy-five (75) years during the first four years of the term, the office of that Justice or Judge shall become vacant on December 31 of the fourth year of the term to which the Justice or Judge was elected~~].

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to increase the mandatory age of retirement for state justices and judges."

House Author: Price et al.

Senate Sponsor: Hinojosa

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