

ANALYSES OF PROPOSED CONSTITUTIONAL AMENDMENTS

88th Texas Legislature November 7, 2023, Election

Published by the Texas Legislative Council August 2023

Lieutenant Governor Dan Patrick, Joint Chair Speaker Dade Phelan, Joint Chair
Jeff Archer, Executive Director

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.