

## **RESOLUTION ANALYSIS**

S.J.R. 8  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerned parties report that a recent court ruling could mean that laws duly enacted by the Texas Legislature can be struck down by a judge without the state—through the attorney general—having the opportunity to appear and defend the constitutionality of those enactments. According to the parties, the ruling affects statutory provisions requiring a court to serve notice to the attorney general and to delay entering a final judgment when a party to the litigation challenges the constitutionality of a Texas statute. S.J.R. 8 seeks to amend the Texas Constitution to clarify that this notice provision does not violate the separation of powers between the legislative and judicial branches of state government as asserted in the court ruling.

### **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. 8 proposes an amendment to the Texas Constitution to authorize the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and to prescribe a reasonable period after the provision of such notice during which the court may not enter a judgment holding the statute unconstitutional. The resolution creates a temporary provision expiring January 2, 2016, to establish that specified statutory provisions relating to legal challenges to the constitutionality of state statutes are validated and effective on approval of the constitutional amendment and apply only to a petition, motion, or other pleading filed on or after January 1, 2016.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2015.