

## **BILL ANALYSIS**

H.B. 1768  
By: Ellis  
Judicial Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The State Commission on Judicial Conduct (the "Commission") is responsible for investigating complaints against judges regarding judicial misconduct. When a complaint is filed, the Commission staff first conducts an investigation. Many complaints are dismissed at this stage. If there appear to be grounds for further proceedings, the Commission may set an informal hearing and resolve the matter at that level. H.B. 1768 would not apply to matters resolved at the informal hearing level.

For serious misconduct, the Commission can vote to conduct formal proceedings. In most cases, a special master is appointed and the proceedings follow a procedure similar to that of a trial. Under current law, the state bears the expense of these proceedings even if the judge is found guilty of serious misconduct and is removed from office. H.B. 1768 shifts this cost burden and requires judges found guilty of serious misconduct in formal proceedings to pay attorney's fees and reasonable expenses related to the proceedings.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

H.B. 1768 amends the Government Code to provide that on a finding of misconduct of a judge in formal proceedings before a special master or the Commission, the Commission is entitled to recover from the judge court costs, attorney's fees, and reasonable expenses related to the proceedings.

### **EFFECTIVE DATE**

September 1, 2003.