

By: Hinojosa

S.B. No. 1196

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the State Commission on Judicial
Conduct to conduct a financial audit of certain judges.

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

SECTION 1. Subchapter B, Chapter 33, Government Code, is
amended by adding Section 33.0225 to read as follows:

Sec. 33.0225. AUDIT. (a) Subject to Subsection (b), as
part of a full investigation of a complaint alleging financial
misconduct conducted under Section 33.022, the commission may
conduct an audit of the assets, financial records, and financial
situation of the judge against whom the complaint was made.

(b) An audit may be conducted under this section only if,
after conducting a preliminary investigation under Section 33.022,
a majority of the members of the commission:

(1) have a reasonable belief that the judge against
whom the complaint was filed engaged in wilful or persistent
conduct that is clearly inconsistent with the proper performance of
a judge's duties; and

(2) vote in favor of an audit.

(c) The commission may contract with a licensed auditor to
conduct an audit under this section.

(d) An audit must be conducted in accordance with generally
accepted auditing standards as prescribed by the American Institute
of Certified Public Accountants, the Governmental Accounting

1 Standards Board, the United States General Accounting Office, or
2 other professionally recognized entities that prescribe auditing
3 standards.

4 SECTION 2. Section 33.031, Government Code, is amended to
5 read as follows:

6 Sec. 33.031. [~~NO AWARD OF~~] COSTS, FEES, AND EXPENSES. (a)
7 Except as provided by Subsection (b), court [~~Court~~] costs or
8 attorney's fees may not be awarded in a proceeding under this
9 chapter.

10 (b) On a finding of misconduct of a judge in formal
11 proceedings before a special master or the commission that results
12 from a complaint alleging financial misconduct, the commission is
13 entitled to recover from the judge court costs, attorney's fees,
14 and reasonable expenses related to the proceedings.

15 SECTION 3. (a) Section 33.0225, Government Code, as added
16 by this Act, applies only to the investigation of a complaint
17 received by the State Commission on Judicial Conduct on or after the
18 effective date of this Act. The investigation of a complaint
19 received before the effective date of this Act is governed by the
20 law in effect on the date the complaint was received, and the former
21 law is continued in effect for that purpose.

22 (b) Section 33.031, Government Code, as amended by this Act,
23 applies only to formal proceedings instituted on or after the
24 effective date of this Act. Formal proceedings instituted before
25 the effective date of this Act are governed by the law in effect at
26 the time the proceedings were instituted, and the former law is
27 continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2003.