

By: Watson

S.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to the appeal of a censure issued by the State Commission on Judicial Conduct.

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

SECTION 1. Section 33.001(11), Government Code, is amended to read as follows:

(11) "Special court of review" means a panel of three justices of the courts of appeal selected by lot by the chief justice of the supreme court on petition to review a censure or sanction issued by the commission under Section 1-a(8), Article V, Texas Constitution.

SECTION 2. Sections 33.034(a) and (d), Government Code, are amended to read as follows:

(a) A judge who receives from the commission any type of sanction, or a censure issued by the commission under Section 1-a(8), Article V, Texas Constitution, is entitled to a review of the commission's decision as provided by this section. This section does not apply to a decision by the commission to institute formal proceedings.

(d) Within 15 days after the appointment of the court of review, the commission shall file with the clerk a charging document that includes a copy of the censure or sanction, as applicable, issued and any additional charges to be considered in the de novo proceeding. The charging document is public on its

1 filing with the clerk. On receipt of the filing of the charging  
2 document, the clerk shall send the charging document to the judge  
3 who is the subject of the document and to each justice on the court  
4 of review.

5         SECTION 3. The change in law made by this Act applies only  
6 to a censure issued by the State Commission on Judicial Conduct  
7 under Section 1-a(8), Article V, Texas Constitution, on or after  
8 the effective date of this Act. A censure issued before the  
9 effective date of this Act is governed by the law in effect on the  
10 date the censure was issued, and the former law is continued in  
11 effect for that purpose.

12         SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2009.