

By: Guillen

H.B. No. 62

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a justice or judge having an interest in a business
3 entity that owns, manages, or operates a private correctional or
4 rehabilitation facility.

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

6 SECTION 1. Chapter 21, Government Code, is amended by
7 adding Section 21.010 to read as follows:

8 Sec. 21.010. FINANCIAL INTEREST IN PRIVATE CORRECTIONAL AND
9 REHABILITATION FACILITIES PROHIBITED. (a) A justice or judge, as
10 applicable, of the supreme court, the court of criminal appeals, a
11 court of appeals, a district court, a county court, a county court
12 at law, or a statutory probate court may not, on the date the person
13 takes office as a justice or judge or while serving as a justice or
14 judge, have a significant interest in a business entity that owns,
15 manages, or operates:

16 (1) a community residential facility described by
17 Section 508.119;

18 (2) a correctional or rehabilitation facility subject
19 to Chapter 244, Local Government Code; or

20 (3) any other facility intended to accomplish a
21 purpose or provide a service described by Section 508.119(a) to a
22 person convicted of a misdemeanor or felony or found to have engaged
23 in delinquent conduct who is housed in the facility:

24 (A) while serving a sentence of confinement

1 following conviction of an offense or an adjudication of delinquent
2 conduct; or

3 (B) as a condition of community supervision,
4 probation, parole, or mandatory supervision.

5 (b) A justice or judge is considered to have a significant
6 interest in a business entity described by Subsection (a) for
7 purposes of this section if:

8 (1) the justice or judge owns any voting stock or share
9 or has a direct investment in the business entity that represents
10 the lesser of at least 10 percent or \$15,000 of the fair market
11 value of the business entity; or

12 (2) the justice or judge receives money from the
13 business entity.

14 (c) A violation of this section by a justice or judge is
15 considered a violation of Canon 4D(1), Code of Judicial Conduct. A
16 justice or judge who has an interest in a business entity that is
17 prohibited by this section must report the interest to the State
18 Commission on Judicial Conduct.

19 SECTION 2. This Act takes effect January 1, 2015.