

1-1 By: Guillen (Senate Sponsor - West) H.B. No. 62  
 1-2 (In the Senate - Received from the House April 29, 2013;  
 1-3 April 30, 2013, read first time and referred to Committee on  
 1-4 Jurisprudence; May 16, 2013, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 West	X			
1-8 Rodriguez			X	
1-9 Campbell	X			
1-10 Carona	X			
1-11 Garcia	X			
1-12 Hancock	X			
1-13 Paxton	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to a justice or judge having an interest in a business  
 1-18 entity that owns, manages, or operates a private correctional or  
 1-19 rehabilitation facility.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 21, Government Code, is amended by  
 1-22 adding Section 21.010 to read as follows:

1-23 Sec. 21.010. FINANCIAL INTEREST IN PRIVATE CORRECTIONAL AND  
 1-24 REHABILITATION FACILITIES PROHIBITED. (a) A justice or judge, as  
 1-25 applicable, of the supreme court, the court of criminal appeals, a  
 1-26 court of appeals, a district court, a county court, a county court  
 1-27 at law, or a statutory probate court may not, on the date the person  
 1-28 takes office as a justice or judge or while serving as a justice or  
 1-29 judge, have a significant interest in a business entity that owns,  
 1-30 manages, or operates:

1-31 (1) a community residential facility described by  
 1-32 Section 508.119;

1-33 (2) a correctional or rehabilitation facility subject  
 1-34 to Chapter 244, Local Government Code; or

1-35 (3) any other facility intended to accomplish a  
 1-36 purpose or provide a service described by Section 508.119(a) to a  
 1-37 person convicted of a misdemeanor or felony or found to have engaged  
 1-38 in delinquent conduct who is housed in the facility:

1-39 (A) while serving a sentence of confinement  
 1-40 following conviction of an offense or an adjudication of delinquent  
 1-41 conduct; or

1-42 (B) as a condition of community supervision,  
 1-43 probation, parole, or mandatory supervision.

1-44 (b) A justice or judge is considered to have a significant  
 1-45 interest in a business entity described by Subsection (a) for  
 1-46 purposes of this section if:

1-47 (1) the justice or judge owns any voting stock or share  
 1-48 or has a direct investment in the business entity that represents  
 1-49 the lesser of at least 10 percent or \$15,000 of the fair market  
 1-50 value of the business entity; or

1-51 (2) the justice or judge receives money from the  
 1-52 business entity.

1-53 (c) A violation of this section by a justice or judge is  
 1-54 considered a violation of Canon 4D(1), Code of Judicial Conduct. A  
 1-55 justice or judge who has an interest in a business entity that is  
 1-56 prohibited by this section must report the interest to the State  
 1-57 Commission on Judicial Conduct.

1-58 SECTION 2. This Act takes effect January 1, 2015.

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