

By: Cain

H.B. No. 3135

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the State Commission on Judicial
3 Conduct to discipline judges.

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

5 SECTION 1. Section 33.001, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (e) to read as
7 follows:

8 (b) For purposes of Section 1-a, Article V, Texas
9 Constitution, "wilful or persistent conduct that is clearly
10 inconsistent with the proper performance of a judge's duties"
11 includes:

12 (1) wilful, persistent, and unjustifiable failure to
13 timely execute the business of the court, considering the quantity
14 and complexity of the business;

15 (2) wilful violation of a provision of the Texas penal
16 statutes or the Code of Judicial Conduct;

17 (3) except as provided by Subsection (e), persistent
18 or wilful violation of the rules promulgated by the supreme court,
19 including a canon of the Code of Judicial Conduct;

20 (4) incompetence in the performance of the duties of
21 the office;

22 (5) except as provided by Subsection (e), failure to
23 cooperate with the commission; or

24 (6) violation of any provision of a voluntary

1 agreement to resign from judicial office in lieu of disciplinary
2 action by the commission.

3 (e) For purposes of this chapter and Section 1-a(6), Article
4 V, Texas Constitution, a judge is not subject to any disciplinary
5 action, investigation, censure, or sanction for criticizing or
6 refusing to follow an action or ruling of a federal court. A
7 judge's criticism of or refusal to follow an action or ruling of a
8 federal court is considered the judge's right to freedom of speech,
9 protected under Section 8, Article I, Texas Constitution.

10 SECTION 2. The changes in law made by this Act apply only to
11 an allegation of judicial misconduct received by the State
12 Commission on Judicial Conduct on or after the effective date of
13 this Act, regardless of whether the conduct or act that is the
14 subject of the allegation occurred or was committed before, on, or
15 after the effective date of this Act.

16 SECTION 3. This Act takes effect September 1, 2017.