

By: Zaffirini
(Schofield)

S.B. No. 1763

A BILL TO BE ENTITLED

AN ACT

relating to the procedures of the State Commission on Judicial
Conduct.

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

SECTION 1. Section 33.005(b), Government Code, is amended
to read as follows:

(b) The report must include:

(1) an explanation of the role of the commission;

(2) annual statistical information for the preceding
fiscal year, including:

(A) the number of complaints received by the
commission alleging judicial misconduct or disability;

(B) the number of complaints dismissed without
commission action other than investigation because the evidence did
not support the allegation or appearance of judicial misconduct or
disability;

(C) the number of complaints dismissed without
commission action other than investigation because the facts
alleged did not constitute judicial misconduct or disability;

(D) the number of complaints dismissed without
commission action other than investigation because the allegation
or appearance of judicial misconduct or disability was determined
to be unfounded or frivolous;

(E) the number of complaints before the

1 commission that have been pending for a year or longer for which the
2 commission has not issued a tentative decision;

3 (F) the number of complaints that have been
4 referred to law enforcement;

5 (G) the number of each type of judicial
6 misconduct or disability that resulted in sanction or censure of a
7 judge; and

8 (H) [~~F~~] examples of improper judicial conduct;

9 (3) an explanation of the commission's processes; and

10 (4) changes the commission considers necessary in its
11 rules or the applicable statutes or constitutional provisions.

12 SECTION 2. Section 33.008, Government Code, is amended to
13 read as follows:

14 Sec. 33.008. JUDICIAL MISCONDUCT INFORMATION. (a) The
15 commission shall routinely provide to entities that provide
16 education to judges information relating to judicial misconduct
17 resulting in sanctions or orders of additional education issued by
18 the commission. The commission shall categorize the information by
19 level of judge and type of misconduct.

20 (b) The commission shall provide online access, without
21 providing any confidential information, to information about each
22 adjudicated complaint that resulted in a sanction being issued.
23 The information provided must include the judge's name and whether
24 the complaint resulted in a:

25 (1) public sanction; or

26 (2) private sanction.

27 (c) The commission shall post on the commission's Internet

1 website a statement that a complainant is not required to maintain
2 confidentiality of a complaint filed by the complainant.

3 SECTION 3. Section 33.0211(b), Government Code, is amended
4 to read as follows:

5 (b) The commission, [~~at least quarterly~~] until final
6 disposition of the complaint, shall notify the person filing the
7 complaint of any change in the status of the investigation of the
8 complaint unless the notice would jeopardize an undercover
9 investigation.

10 SECTION 4. Subchapter B, Chapter 33, Government Code, is
11 amended by adding Sections 33.02115 and 33.02116 to read as
12 follows:

13 Sec. 33.02115. SANCTION GUIDELINES. The commission shall
14 establish guidelines to provide for a sanction to be proportional
15 to the misconduct.

16 Sec. 33.02116. TIME FRAME. The commission shall establish
17 a time frame outlining when the commission should take action on a
18 complaint. The time frame must allow the executive director to
19 approve an extension of a deadline due to extenuating
20 circumstances, including a need for further investigation.

21 SECTION 5. This Act takes effect September 1, 2017.