

By: Zaffirini

S.B. No. 1763

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the procedures of the State Commission on Judicial
3 Conduct.

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

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

7 (b) The report must include:

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

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

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

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

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

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

24 (E) the number of complaints filed with the

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

3 (F) the number of cases that have been referred
4 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 confidential information, to a nonfrivolous complaint's
22 status, including whether the complaint:

23 (1) is under investigation;

24 (2) is under commission consideration; or

25 (3) has been adjudicated.

26 (c) The commission shall include on its website a statement
27 informing the public that complainants are not required to maintain

1 confidentiality with regard to their complaints.

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

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

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

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

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

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