

1-1 By: Zaffirini S.B. No. 1763
 1-2 (In the Senate - Filed March 9, 2017; March 23, 2017, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 12, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1763 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the procedures of the State Commission on Judicial
 1-22 Conduct.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 33.005(b), Government Code, is amended
 1-25 to read as follows:

1-26 (b) The report must include:

1-27 (1) an explanation of the role of the commission;

1-28 (2) annual statistical information for the preceding
 1-29 fiscal year, including:

1-30 (A) the number of complaints received by the
 1-31 commission alleging judicial misconduct or disability;

1-32 (B) the number of complaints dismissed without
 1-33 commission action other than investigation because the evidence did
 1-34 not support the allegation or appearance of judicial misconduct or
 1-35 disability;

1-36 (C) the number of complaints dismissed without
 1-37 commission action other than investigation because the facts
 1-38 alleged did not constitute judicial misconduct or disability;

1-39 (D) the number of complaints dismissed without
 1-40 commission action other than investigation because the allegation
 1-41 or appearance of judicial misconduct or disability was determined
 1-42 to be unfounded or frivolous;

1-43 (E) the number of complaints before the
 1-44 commission that have been pending for a year or longer for which the
 1-45 commission has not issued a tentative decision;

1-46 (F) the number of complaints that have been
 1-47 referred to law enforcement;

1-48 (G) the number of each type of judicial
 1-49 misconduct or disability that resulted in sanction or censure of a
 1-50 judge; and

1-51 (H) [~~(F)~~] examples of improper judicial conduct;

1-52 (3) an explanation of the commission's processes; and

1-53 (4) changes the commission considers necessary in its
 1-54 rules or the applicable statutes or constitutional provisions.

1-55 SECTION 2. Section 33.008, Government Code, is amended to
 1-56 read as follows:

1-57 Sec. 33.008. JUDICIAL MISCONDUCT INFORMATION. (a) The
 1-58 commission shall routinely provide to entities that provide
 1-59 education to judges information relating to judicial misconduct
 1-60 resulting in sanctions or orders of additional education issued by

2-1 the commission. The commission shall categorize the information by
2-2 level of judge and type of misconduct.

2-3 (b) The commission shall provide online access, without
2-4 providing any confidential information, to information about each
2-5 adjudicated complaint that resulted in a sanction being issued.
2-6 The information provided must include the judge's name and whether
2-7 the complaint resulted in a:

2-8 (1) public sanction; or

2-9 (2) private sanction.

2-10 (c) The commission shall post on the commission's Internet
2-11 website a statement that a complainant is not required to maintain
2-12 confidentiality of a complaint filed by the complainant.

2-13 SECTION 3. Section 33.0211(b), Government Code, is amended
2-14 to read as follows:

2-15 (b) The commission, [~~at least quarterly~~] until final
2-16 disposition of the complaint, shall notify the person filing the
2-17 complaint of any change in the status of the investigation of the
2-18 complaint unless the notice would jeopardize an undercover
2-19 investigation.

2-20 SECTION 4. Subchapter B, Chapter 33, Government Code, is
2-21 amended by adding Sections 33.02115 and 33.02116 to read as
2-22 follows:

2-23 Sec. 33.02115. SANCTION GUIDELINES. The commission shall
2-24 establish guidelines to provide for a sanction to be proportional
2-25 to the misconduct.

2-26 Sec. 33.02116. TIME FRAME. The commission shall establish
2-27 a time frame outlining when the commission should take action on a
2-28 complaint. The time frame must allow the executive director to
2-29 approve an extension of a deadline due to extenuating
2-30 circumstances, including a need for further investigation.

2-31 SECTION 5. This Act takes effect September 1, 2017.

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