By:  Zaffirini S.B. No. 467

(In the Senate - Filed January 25, 2019; February 14, 2019, read first time and referred to Committee on State Affairs; March 11, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; March 11, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 467 By:  Zaffirini

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 pending with the commission for a year or more for which the commission has not issued a tentative decision;

(F)  the number of complaints referred to law enforcement;

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

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

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

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

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

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

SECTION 3.  Subchapter B, Chapter 33, Government Code, is amended by adding Sections 33.02114, 33.02115, and 33.02116 to read as follows:

Sec. 33.02114.  COMPLAINT INFORMATION ON COMMISSION WEBSITE. (a)  The commission shall maintain on the commission's Internet website information written in plain language on:

(1)  the steps for filing a complaint with the commission;

(2)  the complaint process, including a clear and concise description of the process from filing to disposition;

(3)  confidentiality, including a statement that a complainant is not required to maintain confidentiality of the complaint filed by the complainant; and

(4)  each complaint resulting in the imposition of a public sanction.

(b)  The commission may not include on the commission's Internet website any confidential complaint information.

Sec. 33.02115.  SANCTION GUIDELINES. The commission shall establish guidelines for the imposition of a sanction to ensure each sanction imposed is proportional to the judicial misconduct.

Sec. 33.02116.  COMPLAINT SCHEDULE. The commission shall establish a schedule outlining times for commission action on a complaint. The schedule must allow the executive director to approve an extension of time for complaint disposition due to extenuating circumstances, including a need for further investigation.

SECTION 4.  This Act takes effect September 1, 2019.

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