

By: Zaffirini

S.B. No. 467

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 pending with the

1 commission action other than investigation because the allegation
2 or appearance of judicial misconduct or disability was determined
3 to be unfounded or frivolous;

4 (E) the number of complaints pending with the
5 commission for a year or more for which the commission has not
6 issued a tentative decision;

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

9 (G) the number of complaints deferred pending
10 criminal investigation;

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

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

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

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

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

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

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

1 Sec. 33.02114. COMPLAINT INFORMATION ON COMMISSION
2 WEBSITE. (a) The commission shall maintain on the commission's
3 Internet website information on each written complaint filed with
4 the commission. The information must be in plain language and
5 include:

6 (1) instructions on the steps for filing a complaint
7 with the commission;

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

10 (3) a statement that a complainant is not required to
11 maintain confidentiality of the complaint filed by the complainant;

12 (4) an index of pending complaint investigations
13 searchable by complaint number that includes the date the complaint
14 is received by the commission and the status of the investigation or
15 review; and

16 (5) information on each complaint resulting in the
17 imposition of a public sanction.

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

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

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

1 investigation.

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