

## **BILL ANALYSIS**

Senate Research Center  
87R28265 CAE-F

C.S.H.B. 4344  
By: Jetton (Zaffirini)  
Jurisprudence  
5/21/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law provides no deadline for the State Commission on Judicial Conduct (SCJC) to resolve complaints it receives. As such, complaints filed with SCJC can remain open for years without resolution for the parties involved. H.B. 4344 would provide for the timely resolution of complaints by imposing a deadline by which SCJC must dismiss certain complaints while providing for an extension if lack of action on the complaint is due to extenuating circumstances.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4344 amends current law relating to a complaint filed with the State Commission on Judicial Conduct.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.0211, Government Code, by adding Subsection (c), as follows:

(c) Requires each member of the State Commission on Judicial Conduct (SCJC), for each complaint filed with SCJC under Chapter 33 (State Commission on Judicial Conduct), to be notified of the complaint and briefed and provided detailed information about the complaint.

SECTION 2. Amends Subchapter B, Chapter 33, Government Code, by adding Sections 33.0212, 33.0213, 33.040, and 33.041, as follows:

Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED COMPLAINTS. (a) Requires SCJC staff, not later than the 120th day after the date a complaint is filed with SCJC, to prepare and file with each member of SCJC a report detailing the investigation of the complaint and recommendations for SCJC action regarding the complaint.

(b) Requires SCJC, not later than the 90th day following the date SCJC staff files with SCJC the report required by Subsection (a), to determine any action to be taken regarding the complaint, including a public sanction, a private sanction, a suspension, an order of education, an acceptance of resignation in lieu of discipline, a dismissal, or an initiation of formal proceedings.

(c) Requires SCJC staff, if, because of extenuating circumstances, the staff is unable to provide an investigation report and recommendation to SCJC before the 120th day following the date the complaint was filed with SCJC, to notify SCJC and propose the number of days required for SCJC and SCJC staff to complete the investigation report and recommendations and finalize the complaint. Authorizes SCJC staff to request an extension of not more than 270 days from the date the complaint was filed with SCJC. Requires SCJC to finalize the complaint not later than the 270th day following the date the complaint was filed with SCJC.

(d) Authorizes the executive director of SCJC to request that the chairperson grant an additional 120 days to the time provided under Subsection (c) for SCJC and SCJC staff to complete the investigation report and recommendations and finalize the complaint.

(e) Requires SCJC, if the chairperson grants additional time under Subsection (d), to timely inform the legislature of the extension. Prohibits SCJC from disclosing to the legislature any confidential information regarding the complaint.

Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY INVESTIGATION. Authorizes SCJC, on notice by any law enforcement agency investigating an action for which a complaint has been filed with SCJC, to place SCJC's complaint file on hold and decline any further investigation that would jeopardize the law enforcement agency's investigation. Authorizes SCJC to continue an investigation that would not jeopardize a law enforcement investigation.

Sec. 33.040. ANNUAL REPORT. Requires SCJC, not later than September 1 of each year, to prepare and submit to the legislature a report of:

(1) the total number of complaints SCJC failed to finalize not later than the 270th day following the date the complaint was filed with SCJC; and

(2) the total number of complaints included in Subdivision (1) that SCJC declined to further investigate because of a law enforcement agency investigation.

Sec. 33.041. LEGISLATIVE REPORT. (a) Requires SCJC to prepare a report for the 88th Legislature regarding any statutory changes that would improve SCJC's effectiveness, efficiency, and transparency in filing, investigating, and processing any complaint filed with SCJC.

(b) Provides that this section expires September 1, 2023.

SECTION 3. Makes application of Section 33.0212, Government Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2022.