

BILL ANALYSIS

C.S.H.B. 4345
By: Jetton
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend there is an inherent unfairness in judicial elections in which a candidate runs for judicial office against an incumbent, because judges are subject to the Code of Judicial Conduct but candidates are not. C.S.H.B. 4345 seeks to ensure that judicial elections are fair by granting the State Commission on Judicial Conduct the authority to enforce the same actions on judicial candidates that they do on sitting judges.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4345 amends the Government Code to authorize the State Commission on Judicial Conduct (SCJC) to accept complaints, conduct investigations, and take any other action authorized by statute or the Texas Constitution, with respect to a candidate for judicial office who is subject to the Judicial Campaign Fairness Act, in the same manner SCJC is authorized to take those actions with respect to a judge.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4345 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the substitute and the original relate to the authority of SCJC to take actions with respect to judicial candidates, the substitute specifies that SCJC may accept complaints, conduct investigations, and take any other action authorized by statute or the Texas Constitution with respect to judicial candidates who are subject to the Judicial Campaign Fairness Act in the same manner SCJC is authorized to take with respect to a judge, and does not include the provisions from the original that did the following:

- revised the definition of "judge" to include a reference to a candidate for judicial office subject to the Judicial Campaign Fairness Act; and

- established that SCJC has the authority to enforce the Code of Judicial Conduct and administer discipline as it relates to judicial candidates.