

1-1 By: Jetton (Senate Sponsor - Zaffirini) H.B. No. 4344
1-2 (In the Senate - Received from the House April 27, 2021;
1-3 May 4, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 24, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 24, 2021, 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 COMMITTEE SUBSTITUTE FOR H.B. No. 4344 By: Hinojosa

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to a complaint filed with the State Commission on Judicial
1-18 Conduct.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 33.0211, Government Code, is amended by
1-21 adding Subsection (c) to read as follows:

1-22 (c) For each complaint filed with the commission under this
1-23 chapter, each member of the commission must be:

1-24 (1) notified of the complaint; and

1-25 (2) briefed and provided detailed information about
1-26 the complaint.

1-27 SECTION 2. Subchapter B, Chapter 33, Government Code, is
1-28 amended by adding Sections 33.0212, 33.0213, 33.040, and 33.041 to
1-29 read as follows:

1-30 Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED
1-31 COMPLAINTS. (a) Not later than the 120th day after the date a
1-32 complaint is filed with the commission, commission staff shall
1-33 prepare and file with each member of the commission a report
1-34 detailing the investigation of the complaint and recommendations
1-35 for commission action regarding the complaint.

1-36 (b) Not later than the 90th day following the date
1-37 commission staff files with the commission the report required by
1-38 Subsection (a), the commission shall determine any action to be
1-39 taken regarding the complaint, including:

1-40 (1) a public sanction;

1-41 (2) a private sanction;

1-42 (3) a suspension;

1-43 (4) an order of education;

1-44 (5) an acceptance of resignation in lieu of
1-45 discipline;

1-46 (6) a dismissal; or

1-47 (7) an initiation of formal proceedings.

1-48 (c) If, because of extenuating circumstances, commission
1-49 staff is unable to provide an investigation report and
1-50 recommendation to the commission before the 120th day following the
1-51 date the complaint was filed with the commission, the staff shall
1-52 notify the commission and propose the number of days required for
1-53 the commission and commission staff to complete the investigation
1-54 report and recommendations and finalize the complaint. The staff
1-55 may request an extension of not more than 270 days from the date the
1-56 complaint was filed with the commission. The commission shall
1-57 finalize the complaint not later than the 270th day following the
1-58 date the complaint was filed with the commission.

1-59 (d) The executive director may request that the chairperson
1-60 grant an additional 120 days to the time provided under Subsection

2-1 (c) for the commission and commission staff to complete the
2-2 investigation report and recommendations and finalize the
2-3 complaint.

2-4 (e) If the chairperson grants additional time under
2-5 Subsection (d), the commission must timely inform the legislature
2-6 of the extension. The commission may not disclose to the
2-7 legislature any confidential information regarding the complaint.

2-8 Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY
2-9 INVESTIGATION. On notice by any law enforcement agency
2-10 investigating an action for which a complaint has been filed with
2-11 the commission, the commission may place the commission's complaint
2-12 file on hold and decline any further investigation that would
2-13 jeopardize the law enforcement agency's investigation. The
2-14 commission may continue an investigation that would not jeopardize
2-15 a law enforcement investigation.

2-16 Sec. 33.040. ANNUAL REPORT. Not later than September 1 of
2-17 each year, the commission shall prepare and submit to the
2-18 legislature a report of:

2-19 (1) the total number of complaints the commission
2-20 failed to finalize not later than the 270th day following the date
2-21 the complaint was filed with the commission; and

2-22 (2) the total number of complaints included in
2-23 Subdivision (1) that the commission declined to further
2-24 investigate because of a law enforcement agency investigation.

2-25 Sec. 33.041. LEGISLATIVE REPORT. (a) The commission shall
2-26 prepare a report for the 88th Legislature regarding any statutory
2-27 changes that would improve the commission's effectiveness,
2-28 efficiency, and transparency in filing, investigating, and
2-29 processing any complaint filed with the commission.

2-30 (b) This section expires September 1, 2023.

2-31 SECTION 3. Section 33.0212, Government Code, as added by
2-32 this Act, applies only to a complaint filed with the State
2-33 Commission on Judicial Conduct on or after the effective date of
2-34 this Act.

2-35 SECTION 4. This Act takes effect September 1, 2022.

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