

House Bill 4344
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter B, Chapter 33, Government Code, is amended by adding Section 33.0331 to read as follows:

Sec. 33.0331. DISMISSAL OF COMPLAINT. (a) Subject to Subsection (b), the commission shall dismiss each complaint filed with the commission that the commission has not formally dismissed or for which the commission has not imposed sanctions or instituted proceedings on or before the first Monday following the 365th day after the date the commission receives the complaint.

(b) The chairperson may determine on the executive director's recommendation that extenuating circumstances require additional time not to exceed 120 days for disposal of a complaint that is subject to dismissal under Subsection (a).

No equivalent provision.

No equivalent provision. *(But see SECTION 1 above.)*

SENATE VERSION (CS)

No equivalent provision. *(But see SECTION 2, Sec. 33.0212, below.)*

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

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

- (1) notified of the complaint; and
- (2) briefed and provided detailed information about the complaint.

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

Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED COMPLAINTS. (a) Not later than the 120th day after the date a complaint is filed with the commission, commission staff shall prepare and file with each member of the commission a report detailing the investigation of the

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complaint and recommendations for commission action regarding the complaint.

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

(1) a public sanction;

(2) a private sanction;

(3) a suspension;

(4) an order of education;

(5) an acceptance of resignation in lieu of discipline;

(6) a dismissal; or

(7) an initiation of formal proceedings.

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

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

(e) If the chairperson grants additional time under Subsection

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(d), the commission must timely inform the legislature of the extension. The commission may not disclose to the legislature any confidential information regarding the complaint.

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

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

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

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

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

(b) This section expires September 1, 2023.

SECTION 2. Section 33.0331, Government Code, as added by this Act, applies only to a complaint filed with the State

SECTION 3. Section 33.0212, Government Code, as added by this Act, applies only to a complaint filed with the State

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Commission on Judicial Conduct on or after the effective date of this Act.

SECTION 3. This Act takes effect **September 1, 2021**.

SENATE VERSION (CS)

Commission on Judicial Conduct on or after the effective date of this Act.

SECTION 4. This Act takes effect **September 1, 2022**.

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