

BILL ANALYSIS

H.B. 3145
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are currently inefficiencies in the State Commission on Judicial Conduct (SCJC) that hinder its ability to handle filed complaints optimally. H.B. 3145 seeks to increase the SCJC's efficiency and expedience in handling complaints by updating the process by which SCJC staff and members deal with them, including by imposing deadlines for the process and requiring the SCJC to conduct preliminary investigations. H.B. 3145 also increases transparency by requiring the SCJC to periodically provide written notice to the judges who are the subjects of such complaints.

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

H.B. 3145 amends the Government Code to require the staff of the State Commission on Judicial Conduct (SCJC) to conduct a preliminary investigation of a complaint filed with the SCJC and to draft recommendations for SCJC action, as soon as practicable after the complaint is filed. The bill requires SCJC staff, on completion of the preliminary investigation and submission of recommendations for action, to provide to the judge who is the subject of the complaint written notice of the following:

- the complaint, the results of the preliminary investigation, and SCJC staff's recommendations for action regarding the complaint; and
- the judge's right to attend each SCJC meeting at which the complaint is included in the pre-meeting report filed with SCJC members.

H.B. 3145 changes the deadline by which SCJC staff must prepare and file with each SCJC member a report detailing the investigation of the complaint and recommended actions from not later than the 120th day after the date the complaint is filed to not later than the 10th business day before a scheduled SCJC meeting. The bill requires the report to detail each complaint for which a preliminary investigation was conducted but for which the investigation report has not been finalized, the results of the preliminary investigation of the complaint, and SCJC staff's recommendations for SCJC action regarding the complaint.

H.B. 3145 changes the deadline by which the SCJC must finalize the investigation report and determine any action to be taken regarding the complaint from not later than the 90th day following the date of the first SCJC meeting at which the complaint is included in the pre-

meeting report to not later than the 120th day after that date. After the SCJC meeting at which an investigation report is finalized and an action determined, the bill requires the SCJC to provide to the judge who is the subject of a complaint the following:

- written notice of the action to be taken regarding the complaint not more than 48 hours after the SCJC meeting; and
- as the SCJC determines appropriate, notice of the action to be taken published on the SCJC's website not more than 72 hours after the SCJC meeting.

H.B. 3145 revises provisions providing for SCJC to order an extension if the SCJC is unable to finalize an investigation report and determine the action to be taken regarding a complaint within the 120-day deadline. The bill changes the deadline by which such an extension may be granted from not later than the 270 days following the date the complaint was filed to not more than 240 days from the date of the first meeting at which the complaint was included in the pre-meeting report.

H.B. 3145 replaces the authorization for the SCJC, on notice by any law enforcement agency investigating an action for which a complaint has been filed, to place the complaint file on hold and decline any further investigation that would jeopardize the law enforcement agency's investigation with the requirement for the SCJC to conduct the preliminary investigation and finalize the investigation report without jeopardizing such an investigation or revealing confidential information and to wait to issue the final determination or take the determined action until after the investigation is complete.

H.B. 3145 requires the SCJC to prepare a report for the 89th Legislature regarding any statutory changes that would further improve the SCJC's effectiveness, efficiency, and transparency in filing, investigating, and processing any complaint filed with the SCJC. This provision expires September 1, 2025.

H.B. 3145 applies only to a complaint filed with the SCJC on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.