

BILL ANALYSIS

Senate Research Center
88R12731 AMF-F

H.B. 3452
By: Jetton (Huffman)
Jurisprudence
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3452 amends current law relating to complaints submitted to and sanctions issued by 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(a), Government Code, as follows:

(a) Requires that the file on each written complaint filed with the State Commission on Judicial Conduct (SCJC) include certain items, including a sworn statement from the person who filed the complaint attesting that the contents of the complaint are true to the best of the person's knowledge. Makes nonsubstantive changes.

SECTION 2. Amends Sections 33.034(a), (e), and (i), Government Code, as follows:

(a) Entitles a judge who receives from SCJC a public sanction or censure issued by SCJC under Section 1-a(8) (relating to authorizing SCJC, after such investigation as it deems necessary, to take certain actions), Article V (Judicial Department), Texas Constitution, or any other type of public sanction, including a public admonition or warning, to a review of SCJC's decision as provided by Section 33.034 (Review of Commission Decision).

(e) Provides that the review by the court under this section of a sanction or censure issued in a formal or informal proceeding is a review of the record of the proceedings that resulted in the sanction or censure and is based on the law and facts that were presented in the proceedings and any additional evidence that the court in its discretion is authorized, for good cause shown, to permit. Deletes existing text requiring that the review by the court under this section of a sanction issued in an informal proceeding is by trial de novo as that term is used in the appeal of cases from justice to county court. Makes nonsubstantive changes.

(i) Provides that the court's decision under this section is only appealable by SCJC to the Supreme Court of Texas, rather than is not appealable.

SECTION 3. Amends Section 33.037, Government Code, as follows:

Sec. 33.037. New heading: SUSPENSION PENDING APPEAL OR FORMAL PROCEEDINGS. (a) Creates this subsection from existing text.

(b) Requires SCJC, if SCJC has initiated formal proceedings against a judge, 10 days after the appointment of a special master, to suspend the judge from office without pay pending final disposition of the formal proceedings unless the special master recommends against suspension.

SECTION 4. Amends Section 74.055(c), Government Code, as follows:

(c) Requires a retired or former judge, to be eligible to be named on the list of retired and formed judges subject to assignment, to meet certain requirements, including certifying under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge has not received more than one public sanction, including a public admonition or warning, from SCJC that was determined to be warranted by a court of review under Section 33.034. Makes nonsubstantive changes.

SECTION 5. Effective date: September 1, 2023.