

BILL ANALYSIS

H.B. 3452
By: Jetton
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a judge against whom formal proceedings have been initiated by the State Commission on Judicial Conduct (SCJC) is not required to be suspended from office and may be named on a list of retired or former judges subject to assignment to cases if otherwise qualified. This could be harmful to the integrity of the judicial system. There needs to be a system in place to hold judges accountable if a matter is investigated and there is evidence that some harm has occurred at the hands of the judge. H.B. 3452 seeks to provide a remedy for these circumstances by requiring the suspension of a judge against whom formal proceedings have been initiated and revising provisions relating to the review of sanctions or censures issued by the SCJC.

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. 3452 amends the Government Code to include among the information that must be in the file on a written complaint filed with the State Commission on Judicial Conduct (SCJC) 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. The bill revises provisions relating to sanctions issued by the SCJC as follows:

- by specifying that the sanctions for which a judge is entitled to a review are public sanctions under the constitution or any other type of public sanction, including a public admonition or warning;
- by changing the manner in which the review of a sanction issued in an informal proceeding is conducted from a trial de novo to a review of the record of the proceedings that resulted in the sanction or censure and based on the law and facts that were presented in the proceedings and any additional evidence that the court of review in its discretion may permit for good cause; and
- by replacing the provision that makes the decision of a court of review regarding a sanction or censure issued in a formal or informal proceeding not appealable with a provision making the court's decision only appealable by the SCJC to the Texas Supreme Court.

H.B. 3452 requires the SCJC, if the SCJC has initiated formal proceedings against a judge, to suspend the judge from office without pay 10 days after the appointment of a special master,

pending final disposition of the formal proceedings unless the special master recommends against suspension.

H.B. 3452 includes among the criteria that a retired or former judge must meet in order to be eligible to be named on the list of retired and former judges subject to assignment that the judge certify 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 the SCJC that was determined to be warranted by a court of review.

EFFECTIVE DATE

September 1, 2023.