

BILL ANALYSIS

Senate Research Center

S.B. 2106
By: Zaffirini
Jurisprudence
6/1/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2106 amends current law relating to the Judicial Branch Certification Commission, authorizes the Supreme Court of Texas to adopt rules on ineligibility to renew a certification, registration, or license issued by the commission, and specifies conditions for the imposition of administrative sanctions by the commission.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 152.203, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 152.203, Government Code, as follows:

Sec. 152.203. RULES ON INELIGIBILITY. Requires the Supreme Court of Texas (supreme court) to adopt rules on applicants' ineligibility for certification, registration, or licensing or renewal of certification, registration, or licensing under Subtitle L (Court Professions Regulation) based on the person's criminal history or other information, including failure to comply with Judicial Branch Certification Commission (JBCC) orders or timely pay fees or administration penalties, that indicates the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license.

SECTION 2. Amends Section 153.004, Government Code, as follows:

Sec. 153.004. DENIAL, REVOCATION, SUSPENSION, OR REFUSAL TO RENEW; REPRIMAND; PROBATION. (a) Makes no changes to this subsection.

(b) Requires JBCC to determine the severity of an administrative sanction, including the length of the period of time a revocation, suspension, refusal to renew a certification, registration, or license, based upon:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
- (2) the threat to health or safety caused by the violation;
- (3) any previous violations;
- (4) the administrative sanction necessary to deter a future violation;
- (5) whether the violator demonstrated good faith, including when applicable whether the violator made good faith efforts to correct the violation; and
- (6) any other matter that justice may require.

(c)-(d) Redesignates existing Subsections (b) and (c) as Subsections (c) and (d).

SECTION 3. Effective date: September 1, 2023.