

BILL ANALYSIS

S.B. 2106
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current state law lists factors that the Judicial Branch Certification Commission (JBCC) must consider when determining the amount of an administrative penalty to impose upon a person for violating its laws and rules. The factors include things like the seriousness of the violation or the need to defer future violations. The law, however, does not include similar factors or guidelines for imposing other sanctions, like in the case of the revocation or suspension of a license or the issuance of a reprimand. While the Supreme Court of Texas is required to adopt rules on applicants' ineligibility for certification, registration, or licensing, they are not required to create rules for the renewal of certification, registration, or licensing. S.B. 2106 seeks to address these issues by requiring the supreme court to adopt rules on the ineligibility of applicants to renew their certification, registration, or license and providing some additional guidance to the JBCC on what factors to consider with respect to a reprimand or punishment. These changes would result in a fairer and more transparent regulatory system for the professions under JBCC jurisdiction, namely professional guardians, court reporters, process servers, and interpreters.

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 rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

ANALYSIS

S.B. 2106 amends the Government Code to require the Supreme Court of Texas to adopt rules on an applicant's ineligibility to renew a certification, registration, or license for court professionals issued by the Judicial Branch Certification Commission (JBCC) based on the applicant's criminal history or other information that indicates the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license. The bill specifies that such information, and information on which an applicant's ineligibility for initial certification, registration, or licensing is based, includes failure to comply with JBCC orders or to timely pay fees or administration penalties.

S.B. 2106 requires the 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 for court professionals, based upon the following conditions:

- the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
- the threat to health or safety caused by the violation;

- any previous violations;
- the administrative sanction necessary to deter a future violation;
- whether the violator demonstrated good faith, including when applicable whether the violator made good faith efforts to correct the violation; and
- any other matter that justice may require.

EFFECTIVE DATE

September 1, 2023.