

By: Jetton

H.B. No. 3145

A BILL TO BE ENTITLED

AN ACT

relating to a complaint filed with the State Commission on Judicial Conduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 33.0212 and 33.0213, Government Code, are amended to read as follows:

Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED COMPLAINTS. (a) As soon as practicable after a complaint is filed with the commission, commission staff shall conduct a preliminary investigation of the filed complaint and draft recommendations for commission action.

(a-1) On completion of the preliminary investigation and submission of recommendations under Subsection (a), commission staff shall provide to the judge who is the subject of the complaint written notice of:

(1) the complaint, the results of the preliminary investigation, and the commission staff's recommendations for commission action regarding the complaint; and

(2) the judge's right to attend each commission meeting at which the complaint is included in the report filed with the commission members under Subsection (a-2).

(a-2) Not later than the 10th business day before a scheduled commission meeting [~~120th day after the date a complaint is filed with the commission~~], commission staff shall prepare and

1 file with each member of the commission a report detailing:

2 (1) each complaint for which a preliminary
3 investigation has been conducted under Subsection (a) but for which
4 the investigation report has not been finalized under Subsection
5 (b);

6 (2) the results of the preliminary investigation of
7 the complaint; and

8 (3) the commission staff's recommendations for
9 commission action regarding the complaint.

10 (b) Not later than the 120th [~~90th~~] day following the date
11 of the first commission meeting at which a complaint is included in
12 the report filed with the commission under Subsection (a-2) [staff
13 ~~files with the commission the report required by Subsection (a)],~~
14 the commission shall finalize the investigation report and
15 determine any action to be taken regarding the complaint,
16 including:

17 (1) a public sanction;

18 (2) a private sanction;

19 (3) a suspension;

20 (4) an order of education;

21 (5) an acceptance of resignation in lieu of
22 discipline;

23 (6) a dismissal; or

24 (7) an initiation of formal proceedings.

25 (b-1) After the commission meeting at which an
26 investigation report is finalized and an action is determined under
27 Subsection (b), the commission shall provide to the judge who is the

1 subject of a complaint:

2 (1) written notice of the action to be taken regarding
3 the complaint not more than 48 hours after the commission meeting;
4 and

5 (2) as the commission determines appropriate, notice
6 of the action to be taken published on the commission's Internet
7 website not more than 72 hours after the commission meeting.

8 (c) If, because of extenuating circumstances, the
9 commission [staff] is unable to finalize an investigation report
10 and determine the action to be taken regarding a complaint under
11 Subsection (b) [~~provide an investigation report and recommendation~~
12 ~~to the commission]~~ before the 120th day following the date of the
13 first [the complaint was filed with the] commission meeting at
14 which a complaint is included in the report filed with the
15 commission under Subsection (a-2), the commission may order an
16 extension [the staff shall notify the commission and propose the
17 number of days required for the commission and commission staff to
18 complete the investigation report and recommendations and finalize
19 the complaint. The staff may request an extension] of not more
20 than 240 [270] days from the date of the first [the complaint was
21 filed with the] commission meeting at which a complaint is included
22 in the report filed with the commission under Subsection
23 (a-2). [The commission shall finalize the complaint not later than
24 the 270th day following the date the complaint was filed with the
25 commission.]

26 (d) [~~The executive director may request that the~~
27 ~~chairperson grant an additional 120 days to the time provided under~~

1 ~~Subsection (c) for the commission and commission staff to complete~~
2 ~~the investigation report and recommendations and finalize the~~
3 ~~complaint.~~

4 ~~[(e)]~~ If the commission orders an extension of time under
5 Subsection (c) ~~[chairperson grants additional time under~~
6 ~~Subsection (d)]~~, the commission must timely inform the legislature
7 of the extension. The commission may not disclose to the
8 legislature any confidential information regarding the complaint.

9 Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY
10 INVESTIGATION. On notice by any law enforcement agency
11 investigating an action for which a complaint has been filed with
12 the commission, the commission shall:

13 (1) conduct the preliminary investigation and
14 finalize the investigation report without jeopardizing ~~[may place~~
15 ~~the commission's complaint file on hold and decline any further~~
16 ~~investigation that would jeopardize]~~ the law enforcement agency's
17 investigation or revealing confidential information; and

18 (2) wait to issue the commission's final determination
19 or take the determined action until after the law enforcement
20 investigation is complete. ~~[The commission may continue an~~
21 ~~investigation that would not jeopardize a law enforcement~~
22 ~~investigation.]~~

23 SECTION 2. Section [33.041](#), Government Code, is amended to
24 read as follows:

25 Sec. 33.041. LEGISLATIVE REPORT. (a) The commission
26 shall prepare a report for the 89th ~~[88th]~~ Legislature regarding
27 any statutory changes that would further improve the commission's

1 effectiveness, efficiency, and transparency in filing,
2 investigating, and processing any complaint filed with the
3 commission.

4 (b) This section expires September 1, 2025 [~~2023~~].

5 SECTION 3. Section [33.0212](#), Government Code, as amended by
6 this Act, applies only to a complaint filed with the State
7 Commission on Judicial Conduct on or after the effective date of
8 this Act. A complaint filed before the effective date of this Act is
9 governed by the law in effect on the date the complaint was filed,
10 and the former law is continued in effect for that purpose.

11 SECTION 4. This Act takes effect September 1, 2023.