

By: Jetton

H.B. No. 3452

A BILL TO BE ENTITLED

AN ACT

relating to complaints submitted to and sanctions issued by the State Commission on Judicial Conduct.

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

SECTION 1. Section 33.0211(a), Government Code, is amended to read as follows:

(a) The commission shall maintain a file on each written complaint filed with the commission. The file must include:

(1) the name of the person who filed the complaint;

(2) 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;

(3) the date the complaint is received by the commission;

(4) [~~3~~] the subject matter of the complaint;

(5) [~~4~~] the name of each person contacted in relation to the complaint;

(6) [~~5~~] a summary of the results of the review or investigation of the complaint; and

(7) [~~6~~] an explanation of the reason the file was closed, if the commission closed the file without taking action other than to investigate the complaint.

SECTION 2. Sections 33.034(a), (e), and (i), Government Code, are amended to read as follows:

1 (a) A judge who receives from the commission a public
2 sanction or censure issued by the commission under Section 1-a(8),
3 Article V, Texas Constitution, or any other type of public
4 sanction, including a public admonition or warning, is entitled to
5 a review of the commission's decision as provided by this section.
6 This section does not apply to a decision by the commission to
7 institute formal proceedings.

8 (e) The review by the court under this section[+
9 [~~(1)~~] of a sanction or censure issued in a formal or
10 informal proceeding is a review of the record of the proceedings
11 that resulted in the sanction or censure and is based on the law and
12 facts that were presented in the proceedings and any additional
13 evidence that the court in its discretion may, for good cause shown,
14 permit[~~;~~ and

15 [~~(2) of a sanction issued in an informal proceeding is~~
16 ~~by trial de novo as that term is used in the appeal of cases from~~
17 ~~justice to county court].~~

18 (i) The court's decision under this section is only [~~not~~]
19 appealable by the commission to the supreme court.

20 SECTION 3. Section 33.037, Government Code, is amended to
21 read as follows:

22 Sec. 33.037. SUSPENSION PENDING APPEAL OR FORMAL
23 PROCEEDINGS. (a) If a judge who is convicted of a felony or a
24 misdemeanor involving official misconduct appeals the conviction,
25 the commission shall suspend the judge from office without pay
26 pending final disposition of the appeal.

27 (b) If the commission has initiated formal proceedings

1 against a judge, 10 days after the appointment of a special master,
2 the commission shall suspend the judge from office without pay
3 pending final disposition of the formal proceedings unless the
4 special master recommends against suspension.

5 SECTION 4. Section 74.055(c), Government Code, is amended
6 to read as follows:

7 (c) To be eligible to be named on the list, a retired or
8 former judge must:

9 (1) have served as an active judge for at least 96
10 months in a district, statutory probate, statutory county, or
11 appellate court;

12 (2) have developed substantial experience in the
13 judge's area of specialty;

14 (3) not have been removed from office;

15 (4) certify under oath to the presiding judge, on a
16 form prescribed by the state board of regional judges, that:

17 (A) the judge has never been publicly reprimanded
18 or censured by the State Commission on Judicial Conduct; ~~and~~

19 (B) the judge has not received more than one
20 public sanction, including a public admonition or warning, from the
21 State Commission on Judicial Conduct that was determined to be
22 warranted by a court of review under Section 33.034; and

23 (C) the judge:

24 (i) did not resign or retire from office
25 after the State Commission on Judicial Conduct notified the judge
26 of the commencement of a full investigation into an allegation or
27 appearance of misconduct or disability of the judge as provided in

1 Section 33.022 and before the final disposition of that
2 investigation; or

3 (ii) if the judge did resign from office
4 under circumstances described by Subparagraph (i), was not publicly
5 reprimanded or censured as a result of the investigation;

6 (5) annually demonstrate that the judge has completed
7 in the past state fiscal year the educational requirements for
8 active district, statutory probate, and statutory county court
9 judges; and

10 (6) certify to the presiding judge a willingness not
11 to appear and plead as an attorney in any court in this state for a
12 period of two years.

13 SECTION 5. This Act takes effect September 1, 2023.