

BILL ANALYSIS

Senate Research Center
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S.B. 293
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Finance
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State Commission on Judicial Conduct (SCJC) was created to protect the public; promote public confidence in the integrity, independence, competence, and impartiality of the judiciary; and encourage judges to maintain high standards of conduct.

S.B. 293 modifies the judicial complaint process through the SCJC, addressing the types of complaints that can be examined, the timelines involved, and the notification process to judges subject to complaints. The bill also mandates the collection of judicial transparency information for all district court judges and increases the base pay for district judges by fifteen percent.

As proposed, S.B. 293 amends current law relating to the discipline of judges by the State Commission on Judicial Conduct, notice of certain reprimands, judicial compensation and related retirement benefits, and the reporting of certain judicial transparency information and authorizes an administrative penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 9 (Section 72.0396, Government Code) of this bill.

Rulemaking authority is expressly granted to the State Commission on Judicial Conduct in SECTION 15 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.001(b), Government Code, to redefine "wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties."

SECTION 2. Amends Section 33.0211, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a file required to be maintained by the State Commission on Judicial Conduct (SCJC) on each written complaint filed with SCJC include certain information, including additional documentation supporting the complaint submitted under Subsection (a-1). Makes nonsubstantive changes.

(a-1) Authorizes a person, not later than the 45th day after the date the person files a complaint with SCJC, to submit to SCJC additional documentation to support the complaint.

SECTION 3. Amends Subchapter B, Chapter 33, Government Code, by adding Section 33.02115, as follows:

Sec. 33.02115. FALSE COMPLAINT; ADMINISTRATIVE PENALTY. (a) Authorizes SCJC to impose administrative sanctions, including an administrative penalty under Subsection (b), against a person who knowingly files a false complaint with SCJC under Subchapter B (Power and Duties).

(b) Authorizes SCJC to impose on a person described by Subsection (a) an administrative penalty in the amount of not more than \$500 for the first false complaint, not more than \$2,500 for the second false complaint, and not less than \$5,000 but not more than \$10,000 for each false complaint filed subsequent to the second.

(c) Provides that an order imposing an administrative penalty or other sanction under this section is a public record. Requires SCJC to publish notice of the penalty or other sanction on SCJC's Internet website.

SECTION 4. Amends Section 33.0212, Government Code, as follows:

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

(a-1) Authorizes SCJC staff, if, after completing a preliminary investigation under Subsection (a), SCJC staff determines that given the content of a complaint a full investigation is necessary before the next SCJC meeting, to commence the investigation. Requires SCJC staff, not less than seven business days after the date the staff commences a full investigation under this subsection, to provide written notice of the full investigation to the judge who is the subject of the complaint. Requires that notice provided under this subsection comply with the requirements of Section 33.022(c)(1)(B).

(a-2) Creates this subsection from existing text. Requires SCJC staff, not later than the 10th day before a scheduled SCJC meeting, rather than not later than the 120th day after the date a complaint is filed with SCJC, to prepare and file with each member of SCJC a report detailing:

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

(2) the results of the preliminary investigation of the complaint, including whether SCJC staff commenced a full investigation under Subsection (a-1); and

(3) SCJC staff's recommendations for SCJC action regarding the complaint, including any recommendation for further investigation or termination of the investigation and dismissal of the complaint.

(b) Requires SCJC, not later than the 120th day following the date of the first SCJC meeting at which a complaint is included in the report filed with SCJC under Subsection (a-2), rather than not later than the 90th day following the date SCJC staff files with SCJC the report required by Subsection (a), to finalize the investigation report and determine certain actions to be taken regarding the complaint.

(b-1) Requires SCJC, after the SCJC meeting at which an investigation report is finalized and an action is determined under Subsection (b), to provide to the judge who is the subject of a complaint:

(1) written notice of the action to be taken regarding the complaint not more than five business days after the SCJC meeting if SCJC determines no further action will be taken on the complaint or seven business days after the SCJC meeting if SCJC determines to take any further action on the complaint, including by pursuing further investigation; and

(2) as SCJC determines appropriate, published notice of the action to be taken by posting the notice on SCJC's Internet website not less than five business days after notice is provided under Subdivision (1).

(c) Authorizes SCJC, if, because of extenuating circumstances, SCJC is unable to finalize an investigation report and determine the action to be taken regarding a complaint under Subsection (b) before the 120th day following the date of the first SCJC meeting at which a complaint is included in the report filed with SCJC under Subsection (a-2), to order an extension of not more than 240 days from the date of the first SCJC meeting at which a complaint is included in the report filed with SCJC under Subsection (a-2).

Deletes existing text requiring SCJC staff, if, because of extenuating circumstances, the staff is unable to provide an investigation report and recommendation to SCJC before the 120th day following the date the complaint was filed with SCJC, to notify SCJC and propose the number of days required for SCJC and SCJC staff to complete the investigation report and recommendations and finalize the complaint. Deletes existing text authorizing the staff to request an extension of not more than 270 days from the date the complaint was filed with SCJC. Deletes existing text requiring SCJC to finalize the complaint not later than the 270th day following the date the complaint was filed with SCJC.

(d) Redesignates existing Subsection (e) as Subsection (d). Requires SCJC, if SCJC orders an extension of time under Subsection (c), to timely inform the following of the extension:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the presiding officer of each legislative standing committee with primary jurisdiction over the judiciary;
- (5) the chief justice of the Supreme Court of Texas (supreme court);
- (6) the Office of Court Administration of the Texas Judicial System (OCA); and
- (7) the presiding judge of the administrative judicial region in which is located the court the judge who is the subject of the complaint serves.

Deletes existing text authorizing the executive director of SCJC to request that the chairperson grant an additional 120 days to the time provided under Subsection (c) for SCJC and SCJC staff to complete the investigation report and recommendations and finalize the complaint. Deletes existing text requiring SCJC, if the chairperson grants additional time under Subsection (d), to inform the legislature of the extension.

(e) Creates this subsection from existing text and makes a conforming change.

SECTION 5. Amends Section 33.0213, Government Code, as follows:

Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY INVESTIGATION. Provides that SCJC, on notice by any law enforcement agency investigating an action for which a complaint has been filed with SCJC:

- (1) creates this subdivision from existing text and makes a nonsubstantive change;
- or

(2) is required, rather than authorized, to continue an investigation that would not jeopardize a law enforcement investigation regarding the conduct subject to the complaint and is authorized to issue a censure or sanction based on the complaint.

Makes nonsubstantive changes to this section.

SECTION 6. Amends Section 33.022, Government Code, by amending Subsections (b) and (c) and adding Subsections (b-1) and (b-2), as follows:

(b) Requires SCJC staff, if, after conducting a preliminary investigation under Section 33.022 (Investigations and Formal Proceedings), SCJC staff determine that an allegation or appearance of misconduct or disability is unfounded or frivolous, to recommend SCJC terminate the investigation and dismiss the complaint. Deletes existing text requiring SCJC, if, after conducting a preliminary investigation under this section, SCJC determines that an allegation or appearance of misconduct or disability is unfounded or frivolous, to terminate the investigation.

(b-1) Authorizes SCJC staff, if, after conducting a preliminary investigation under this section, SCJC staff determine administrative deficiencies in the complaint preclude further investigation, to terminate the investigation and dismiss the complaint without action by SCJC.

(b-2) Requires SCJC, if a complaint is dismissed under Subsection (b) or (b-1), to notify the judge in writing of the dismissal not more than five business days after the dismissal date.

(c) Provides that, if, after conducting a preliminary investigation under this section, SCJC does not determine that an allegation or appearance of misconduct or disability is unfounded or frivolous, SCJC is:

(1) required to:

(A) makes no changes to this paragraph; and

(B) not more than seven business days after SCJC staff commences a full investigation under this subsection, notify the judge in writing of:

(i) makes a nonsubstantive change to this subparagraph;

(ii) makes no changes to this subparagraph; and

(iii) the judge's right to attend each SCJC meeting at which the complaint is included in the report filed with SCJC members under Section 33.0212(a-2); and

(2) makes no changes to this subdivision.

SECTION 7. Amends Section 33.034, Government Code, by amending Subsection (a) and adding Subsection (j), as follows:

(a) Authorizes a judge who receives from SCJC a sanction or censure issued by SCJC under Section 1-a(8) (relating to authorizing SCJC to issue certain warnings after an investigation), Article V (Judicial Department), Texas Constitution, to request, rather than entitles a judge who receives from SCJC a sanction or censure issued by SCJC under Section 1-a(8), Article V, Texas Constitution, to, a review of SCJC's decision as provided by Section 33.034 (Review of Commission Decision).

(j) Requires SCJC, if SCJC issues a public reprimand of a judge based on the judge's persistent or wilful violation of Article 17.15 (Rules for Setting Amount of Bail), Code of Criminal Procedure, to send notice of the reprimand to certain persons.

SECTION 8. Amends Section 33.037, Government Code, as follows:

Sec. 33.037. New heading: SUSPENSION FROM OFFICE. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires SCJC, not later than the 21st day after the date SCJC initiates formal proceedings against a judge based on the judge's persistent or wilful violation of Article 17.15, Code of Criminal Procedure, to recommend to the supreme court that the judge be suspended from office pursuant to Section 1-a (Retirement, Compensation, Discipline, and Removal of Justices and Judges; State Commission on Judicial Conduct), Article V, Texas Constitution.

SECTION 9. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.0396, as follows:

Sec. 72.0396. JUDICIAL TRANSPARENCY INFORMATION. (a) Requires each district court judge to submit to the presiding judge of the administrative judicial region in which the judge's court sits not later than the 20th day of each calendar quarter information for the preceding quarter in which the judge attests to:

(1) the number of hours the judge presided over the judge's court at the courthouse or another court facility; and

(2) the number of hours the judge performed judicial duties other than those described by Subdivision (1), including the number of hours the judge performed case-related duties, performed administrative tasks, and completed continuing education.

(b) Requires the presiding judge of each administrative judicial region to submit the information submitted under Subsection (a) to OCA in the manner prescribed by the supreme court.

(c) Requires OCA to provide administrative support for the submission and collection of information under Subsection (a), including providing a system for electronic submission of the information.

(d) Requires OCA, not later than December 1 of each year, to prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each presiding officer of a legislative standing committee with primary jurisdiction over the judiciary a written report compiling the information submitted under Subsection (b).

(e) Requires the supreme court to adopt rules establishing guidelines and providing instructions regarding the reporting of information under Subsection (a), including rules establishing a penalty for the submission of false information under Subsection (a) and providing guidance on the form and manner of reporting under Subsection (a).

SECTION 10. Amends Section 74.055(c), Government Code, as follows:

(c) Requires a retired or former judge, to be eligible to be named on the list of retired and former judges subject to assignment, to:

(1)-(3) makes no changes to these subdivisions;

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

(A) the judge has never been publicly reprimanded or censured by SCJC, excluding any reprimand or censure reviewed and rescinded by a special court of review under Section 33.034;

(B) the judge has not received more than one of any other type of public sanction, excluding any sanction reviewed and rescinded by a special court of review under Section 33.034; and

(C) redesignates existing Paragraph (B) as Paragraph (C); and

(5)-(6) makes no changes to these subdivisions.

SECTION 11. Amends Section 659.012(a), Government Code, to increase from \$140,000 to \$161,000 the minimum annual base salary of a judge of a district court or a division of the business court is entitled to from the state as set by the General Appropriations Act, except that the combined base salary of a district judge or judge of a division of the business court from all state and county sources, including compensation for any extrajudicial services performed on behalf of the county, is prohibited from exceeding the amount that is \$5,000 less than the maximum combined base salary from all state and county sources for a justice of a court of appeals other than a chief justice as determined under this subsection.

SECTION 12. Amends Section 665.052(b), Government Code, to redefine "incompetency."

SECTION 13. Amends Section 814.103, Government Code, by adding Subsections (d) and (e), as follows:

(d) Provides that, notwithstanding Subsection (a) (relating to the standard service retirement annuity paid to a district judge) or (a-1) (relating to the standard service retirement annuity for service credited in the elected class of membership paid to a district judge) or any other law:

(1) any increase in the state base salary being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012 (Judicial Salaries) by the 89th Legislature, Regular Session, 2025, does not apply to a standard service retirement annuity computed under Section 814.103 (Service Retirement Benefits for Elected Class Services) for a retiree or beneficiary if the retiree on whose service the annuity is based retired before September 1, 2025; and

(2) the amount of the state base salary being paid to a district judge as set by Chapter 1170 (H.B. 1), Acts of the 88th Legislature, Regular Session, 2023 (the General Appropriations Act), for the fiscal year ending August 31, 2025, in accordance with Section 659.012 continues to apply to the annuities described by Subdivision (1) until the 90th Legislature or a later legislature enacts legislation that increases the state base salary being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012.

(e) Provides that, on the date the 90th Legislature or a later legislature enacts legislation that increases the state base salary being paid to a district judge, as described by Subsection (d), this subsection and Subsection (d) expire.

SECTION 14. Amends Section 834.102, Government Code, by adding Subsections (e) and (f), as follows:

(e) Provides that, notwithstanding Subsection (a) (relating to the base service retirement annuity for certain persons) or (d) (relating to the service retirement annuity of a certain person qualifying for retirement) or any other law:

(1) any increase in the state base salary being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012 by the 89th Legislature, Regular Session, 2025, does not apply to a service retirement annuity computed under this section of a retiree or beneficiary if the retiree on whose service the annuity is based retired before September 1, 2025; and

(2) the amount of the state base salary being paid to a district judge as set by Chapter 1170 (H.B. 1), Acts of the 88th Legislature, Regular Session, 2023 (the General Appropriations Act), for the fiscal year ending August 31, 2025, in accordance with Section 659.012 continues to apply to the annuities described by Subdivision (1) until the 90th Legislature or a later legislature enacts legislation that increases the state base salary being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012.

(f) Provides that, on the date the 90th Legislature or a later legislature enacts legislation that increases the state base salary being paid to a district judge, as described by Subsection (e), this subsection and Subsection (e) expire.

SECTION 15. Requires SCJC, as soon as practicable after the effective date of this Act, to adopt rules to implement Section 33.001(b), Government Code, as amended by this Act.

SECTION 16. Requires the supreme court, as soon as practicable after the effective date of this Act, to adopt rules for purposes of Section 72.0396, Government Code, as added by this Act.

SECTION 17. Makes application of Sections 33.001(b) and 665.052(b), Government Code, as amended by this Act, prospective.

SECTION 18. Provides that a former or retired judge on a list maintained by a presiding judge under Section 74.055(a), Government Code, who is ineligible to be named on the list under Section 74.055(c), Government Code, as amended by this Act, is required to be struck from the list on the effective date of this Act and is prohibited from being assigned to any court on or after the effective date of this Act.

SECTION 19. Effective date: September 1, 2025.