

By: Leach

H.B. No. 1761

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the discipline of judges by the State Commission on
3 Judicial Conduct, notice of certain reprimands, judicial
4 compensation and related retirement benefits, and the reporting of
5 certain judicial transparency information; authorizing an
6 administrative penalty.

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

8 SECTION 1. Section 33.001(b), Government Code, is amended
9 to read as follows:

10 (b) For purposes of Section 1-a, Article V, Texas
11 Constitution, "wilful or persistent conduct that is clearly
12 inconsistent with the proper performance of a judge's duties"
13 includes:

14 (1) wilful, persistent, and unjustifiable failure to
15 timely execute the business of the court, considering the quantity
16 and complexity of the business, including failure to meet deadlines
17 set by statute or binding court order;

18 (2) wilful violation of a provision of the Texas penal
19 statutes or the Code of Judicial Conduct;

20 (3) persistent or wilful violation of the rules
21 promulgated by the supreme court;

22 (4) incompetence in the performance of the duties of
23 the office;

24 (5) failure to cooperate with the commission; [~~or~~]

1 (6) violation of any provision of a voluntary
2 agreement to resign from judicial office in lieu of disciplinary
3 action by the commission; or

4 (7) persistent or wilful violation of Article 17.15,
5 Code of Criminal Procedure.

6 SECTION 2. Section 33.0211, Government Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

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

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

12 (2) the date the complaint is received by the
13 commission;

14 (3) the subject matter of the complaint;

15 (4) additional documentation supporting the complaint
16 submitted under Subsection (a-1);

17 (5) the name of each person contacted in relation to
18 the complaint;

19 (6) [~~5~~] a summary of the results of the review or
20 investigation of the complaint; and

21 (7) [~~6~~] an explanation of the reason the file was
22 closed, if the commission closed the file without taking action
23 other than to investigate the complaint.

24 (a-1) Not later than the 45th day after the date a person
25 files a complaint with the commission, the person may submit to the
26 commission additional documentation to support the complaint.

27 SECTION 3. Subchapter B, Chapter 33, Government Code, is

1 amended by adding Section 33.02115 to read as follows:

2 Sec. 33.02115. FALSE COMPLAINT; ADMINISTRATIVE PENALTY.

3 (a) The commission may impose administrative sanctions, including
4 an administrative penalty under Subsection (b), against a person
5 who knowingly files a false complaint with the commission under
6 this subchapter.

7 (b) The commission may impose on a person described by
8 Subsection (a) an administrative penalty in the amount of:

9 (1) not more than \$500 for the first false complaint;

10 (2) not more than \$2,500 for the second false
11 complaint; and

12 (3) not less than \$5,000 but not more than \$10,000 for
13 each false complaint filed subsequent to the second.

14 (c) An order imposing an administrative penalty or other
15 sanction under this section is a public record. The commission
16 shall publish notice of the penalty or other sanction on the
17 commission's Internet website.

18 SECTION 4. Section [33.0212](#), Government Code, is amended to
19 read as follows:

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

25 (a-1) If, after completing a preliminary investigation
26 under Subsection (a), commission staff determines that given the
27 content of a complaint a full investigation is necessary before the

1 next commission meeting, commission staff may commence the
2 investigation. Not less than seven business days after the date
3 commission staff commences a full investigation under this
4 subsection, the staff shall provide written notice of the full
5 investigation to the judge who is the subject of the complaint.
6 Notice provided under this subsection shall comply with the
7 requirements of Section 33.022(c)(1)(B).

8 (a-2) Not later than the 10th day before a scheduled
9 commission meeting [~~120th day after the date a complaint is filed~~
10 ~~with the commission~~], commission staff shall prepare and file with
11 each member of the commission a report detailing:

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

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

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

23 (b) Not later than the 120th [~~90th~~] day following the date
24 of the first commission meeting at which a complaint is included in
25 the report filed with the commission under Subsection (a-2) [~~staff~~
26 ~~files with the commission the report required by Subsection (a)],~~
27 the commission shall finalize the investigation report and

1 determine any action to be taken regarding the complaint,
2 including:

- 3 (1) a public sanction;
- 4 (2) a private sanction;
- 5 (3) a suspension;
- 6 (4) an order of education;
- 7 (5) an acceptance of resignation in lieu of
8 discipline;
- 9 (6) a dismissal; or
- 10 (7) an initiation of formal proceedings.

11 (b-1) After the commission meeting at which an
12 investigation report is finalized and an action is determined under
13 Subsection (b), the commission shall provide to the judge who is the
14 subject of a complaint:

15 (1) written notice of the action to be taken regarding
16 the complaint not more than:

17 (A) five business days after the commission
18 meeting if the commission determines no further action will be
19 taken on the complaint; or

20 (B) seven business days after the commission
21 meeting if the commission determines to take any further action on
22 the complaint, including by pursuing further investigation; and

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

27 (c) If, because of extenuating circumstances, the

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

18 (d) [~~The executive director may request that the~~
19 ~~chairperson grant an additional 120 days to the time provided under~~
20 ~~Subsection (c) for the commission and commission staff to complete~~
21 ~~the investigation report and recommendations and finalize the~~
22 ~~complaint.~~

23 [~~(e)~~] If the commission orders an extension of time under
24 Subsection (c) [~~chairperson grants additional time under~~
25 ~~Subsection (d)~~], the commission must timely inform the following
26 [~~legislature~~] of the extension:

27 (1) the governor;

1 (2) the lieutenant governor;

2 (3) the speaker of the house of representatives;

3 (4) the presiding officer of each legislative standing
4 committee with primary jurisdiction over the judiciary;

5 (5) the chief justice of the supreme court;

6 (6) the Office of Court Administration of the Texas
7 Judicial System; and

8 (7) the presiding judge of the administrative judicial
9 region in which is located the court the judge who is the subject of
10 the complaint serves.

11 (e) The commission may not disclose to a person informed
12 under Subsection (d) [~~the legislature~~] any confidential
13 information regarding the complaint.

14 SECTION 5. Section 33.0213, Government Code, is amended to
15 read as follows:

16 Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY
17 INVESTIGATION. On notice by any law enforcement agency
18 investigating an action for which a complaint has been filed with
19 the commission, the commission:

20 (1) may place the commission's complaint file on hold
21 and decline any further investigation that would jeopardize the law
22 enforcement agency's investigation; or

23 (2) shall [~~. The commission may~~] continue an
24 investigation that would not jeopardize a law enforcement
25 investigation regarding the conduct subject to the complaint and
26 may issue a censure or sanction based on the complaint.

27 SECTION 6. Section 33.022, Government Code, is amended by

1 amending Subsections (b) and (c) and adding Subsections (b-1) and
2 (b-2) to read as follows:

3 (b) If, after conducting a preliminary investigation under
4 this section, ~~[the]~~ commission staff determine ~~[determines]~~ that an
5 allegation or appearance of misconduct or disability is unfounded
6 or frivolous, ~~[the]~~ commission staff shall recommend the commission
7 ~~[shall]~~ terminate the investigation and dismiss the complaint.

8 (b-1) If, after conducting a preliminary investigation
9 under this section, commission staff determine administrative
10 deficiencies in the complaint preclude further investigation,
11 commission staff may terminate the investigation and dismiss the
12 complaint without action by the commission.

13 (b-2) If a complaint is dismissed under Subsection (b) or
14 (b-1), the commission shall notify the judge in writing of the
15 dismissal not more than five business days after the dismissal
16 date.

17 (c) If, after conducting a preliminary investigation under
18 this section, the commission does not determine that an allegation
19 or appearance of misconduct or disability is unfounded or
20 frivolous, the commission:

21 (1) shall:

22 (A) conduct a full investigation of the
23 circumstances surrounding the allegation or appearance of
24 misconduct or disability; and

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

- 1 (i) the commencement of the investigation;
2 ~~[and]~~
3 (ii) the nature of the allegation or
4 appearance of misconduct or disability being investigated; and
5 (iii) the judge's right to attend each
6 commission meeting at which the complaint is included in the report
7 filed with commission members under Section 33.0212(a-2); and

8 (2) may:

9 (A) order the judge to:

- 10 (i) submit a written response to the
11 allegation or appearance of misconduct or disability; or
12 (ii) appear informally before the
13 commission;

14 (B) order the deposition of any person; or

15 (C) request the complainant to appear informally
16 before the commission.

17 SECTION 7. Section 33.034, Government Code, is amended by
18 amending Subsection (a) and adding Subsection (j) to read as
19 follows:

20 (a) A judge who receives from the commission a sanction or
21 censure issued by the commission under Section 1-a(8), Article V,
22 Texas Constitution, may request ~~[or any other type of sanction is~~
23 ~~entitled to]~~ a review of the commission's decision as provided by
24 this section. This section does not apply to a decision by the
25 commission to institute formal proceedings.

26 (j) If the commission issues a public reprimand of a judge
27 based on the judge's persistent or wilful violation of Article

1 17.15, Code of Criminal Procedure, the commission shall send notice
2 of the reprimand to:

3 (1) the governor;

4 (2) the lieutenant governor;

5 (3) the speaker of the house of representatives;

6 (4) the presiding officer of each legislative standing
7 committee with primary jurisdiction over the judiciary;

8 (5) the chief justice of the supreme court;

9 (6) the Office of Court Administration of the Texas
10 Judicial System; and

11 (7) the presiding judge of the administrative judicial
12 region in which is located the court the reprimanded judge serves.

13 SECTION 8. Section 33.037, Government Code, is amended to
14 read as follows:

15 Sec. 33.037. SUSPENSION FROM OFFICE [~~PENDING APPEAL~~]. (a)
16 If a judge who is convicted of a felony or a misdemeanor involving
17 official misconduct appeals the conviction, the commission shall
18 suspend the judge from office without pay pending final disposition
19 of the appeal.

20 (b) Not later than the 21st day after the date the
21 commission initiates formal proceedings against a judge based on
22 the judge's persistent or wilful violation of Article 17.15, Code
23 of Criminal Procedure, the commission shall recommend to the
24 supreme court that the judge be suspended from office pursuant to
25 Section 1-a, Article V, Texas Constitution.

26 SECTION 9. Subchapter C, Chapter 72, Government Code, is
27 amended by adding Section 72.0396 to read as follows:

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

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

8 (2) the number of hours the judge performed judicial
9 duties other than those described by Subdivision (1), including the
10 number of hours the judge:

11 (A) performed case-related duties;

12 (B) performed administrative tasks; and

13 (C) completed continuing education.

14 (b) The presiding judge of each administrative judicial
15 region shall submit the information submitted under Subsection (a)
16 to the office in the manner prescribed by the supreme court.

17 (c) The office shall provide administrative support for the
18 submission and collection of information under Subsection (a),
19 including providing a system for electronic submission of the
20 information.

21 (d) Not later than December 1 of each year, the office shall
22 prepare and submit to the governor, the lieutenant governor, the
23 speaker of the house of representatives, and each presiding officer
24 of a legislative standing committee with primary jurisdiction over
25 the judiciary a written report compiling the information submitted
26 under Subsection (b).

27 (e) The supreme court shall adopt rules establishing

1 guidelines and providing instructions regarding the reporting of
2 information under Subsection (a), including rules:

3 (1) establishing a penalty for the submission of false
4 information under Subsection (a); and

5 (2) providing guidance on the form and manner of
6 reporting under Subsection (a).

7 SECTION 10. Section 74.055(c), Government Code, is amended
8 to read as follows:

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

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

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

16 (3) not have been removed from office;

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

19 (A) the judge has never been publicly reprimanded
20 or censured by the State Commission on Judicial Conduct, excluding
21 any reprimand or censure reviewed and rescinded by a special court
22 of review under Section 33.034;

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

26 (C) [~~B~~] the judge:

27 (i) did not resign or retire from office

1 after the State Commission on Judicial Conduct notified the judge
2 of the commencement of a full investigation into an allegation or
3 appearance of misconduct or disability of the judge as provided in
4 Section 33.022 and before the final disposition of that
5 investigation; or

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

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

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

16 SECTION 11. Section 659.012(a), Government Code, is amended
17 to read as follows:

18 (a) Notwithstanding Section 659.011 and subject to
19 Subsections (b) and (b-1):

20 (1) a judge of a district court or a division of the
21 business court is entitled to an annual base salary from the state
22 as set by the General Appropriations Act in an amount equal to at
23 least \$161,000 [~~\$140,000~~], except that the combined base salary of
24 a district judge or judge of a division of the business court from
25 all state and county sources, including compensation for any
26 extrajudicial services performed on behalf of the county, may not
27 exceed the amount that is \$5,000 less than the maximum combined base

1 salary from all state and county sources for a justice of a court of
2 appeals other than a chief justice as determined under this
3 subsection;

4 (2) except as provided by Subdivision (3), a justice
5 of a court of appeals other than the chief justice is entitled to an
6 annual base salary from the state in the amount equal to 110 percent
7 of the state base salary of a district judge as set by the General
8 Appropriations Act, except that the combined base salary of a
9 justice of the court of appeals other than the chief justice from
10 all state and county sources, including compensation for any
11 extrajudicial services performed on behalf of the county, may not
12 exceed the amount that is \$5,000 less than the base salary for a
13 justice of the supreme court as determined under this subsection;

14 (3) a justice of the Court of Appeals for the Fifteenth
15 Court of Appeals District other than the chief justice is entitled
16 to an annual base salary from the state in the amount equal to
17 \$5,000 less than 120 percent of the state base salary of a district
18 judge as set by the General Appropriations Act;

19 (4) a justice of the supreme court other than the chief
20 justice or a judge of the court of criminal appeals other than the
21 presiding judge is entitled to an annual base salary from the state
22 in the amount equal to 120 percent of the state base salary of a
23 district judge as set by the General Appropriations Act; and

24 (5) the chief justice or presiding judge of an
25 appellate court is entitled to an annual base salary from the state
26 in the amount equal to \$2,500 more than the state base salary
27 provided for the other justices or judges of the court, except that

1 the combined base salary of the chief justice of a court of appeals
2 from all state and county sources may not exceed the amount equal to
3 \$2,500 less than the base salary for a justice of the supreme court
4 as determined under this subsection.

5 SECTION 12. Section 665.052(b), Government Code, is amended
6 to read as follows:

7 (b) In this section, "incompetency" means:

8 (1) gross ignorance of official duties;

9 (2) gross carelessness in the discharge of official
10 duties; ~~or~~

11 (3) inability or unfitness to discharge promptly and
12 properly official duties because of a serious physical or mental
13 defect that did not exist at the time of the officer's election; or

14 (4) persistent or wilful violation of Article 17.15,
15 Code of Criminal Procedure.

16 SECTION 13. Section 814.103, Government Code, is amended by
17 adding Subsections (d) and (e) to read as follows:

18 (d) Notwithstanding Subsection (a) or (a-1) or any other
19 law:

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

27 (2) the amount of the state base salary being paid to a

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

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

13 SECTION 14. Section 834.102, Government Code, is amended by
14 adding Subsections (e) and (f) to read as follows:

15 (e) Notwithstanding Subsection (a) or (d) or any other law:

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

23 (2) the amount of the state base salary being paid to a
24 district judge as set by Chapter 1170 (H.B. 1), Acts of the 88th
25 Legislature, Regular Session, 2023 (the General Appropriations
26 Act), for the fiscal year ending August 31, 2025, in accordance with
27 Section 659.012 continues to apply to the annuities described by

1 Subdivision (1) until the 90th Legislature or a later legislature
2 enacts legislation that increases the state base salary being paid
3 to a district judge as set by the General Appropriations Act in
4 accordance with Section 659.012.

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

9 SECTION 15. As soon as practicable after the effective date
10 of this Act, the State Commission on Judicial Conduct shall adopt
11 rules to implement Section 33.001(b), Government Code, as amended
12 by this Act.

13 SECTION 16. As soon as practicable after the effective date
14 of this Act, the Texas Supreme Court shall adopt rules for purposes
15 of Section 72.0396, Government Code, as added by this Act.

16 SECTION 17. Sections 33.001(b) and 665.052(b), Government
17 Code, as amended by this Act, apply only to an allegation of
18 judicial misconduct received by the State Commission on Judicial
19 Conduct on or after the effective date of this Act, regardless of
20 whether the conduct or act that is the subject of the allegation
21 occurred or was committed before, on, or after the effective date of
22 this Act.

23 SECTION 18. A former or retired judge on a list maintained
24 by a presiding judge under Section 74.055(a), Government Code, who
25 is ineligible to be named on the list under Section 74.055(c),
26 Government Code, as amended by this Act, shall be struck from the
27 list on the effective date of this Act and may not be assigned to any

H.B. No. 1761

1 court on or after the effective date of this Act.

2 SECTION 19. This Act takes effect September 1, 2025.