

BILL ANALYSIS

S.B. 467
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns with regard to how closely the State Commission on Judicial Conduct (SCJC) protects the confidentiality of complaints. It has been suggested that this not only makes the extent of fairness and efficiency in SCJC's disciplinary process difficult to determine by the public but also causes frustration for the complainants participating in this process. Currently, the main instrument for the legislature to examine the extent of fairness and efficiency in SCJC's disciplinary process is through the sunset review process, which happens only once every decade. A result of Texas Judicial Council recommendations, S.B. 467 seeks to provide greater transparency with regard to the processing and results of complaints filed with the SCJC by making changes to certain SCJC procedures.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 467 amends the Government Code to require the annual report submitted by the State Commission on Judicial Conduct (SCJC) to the legislature to include the number of complaints against judges pending with SCJC for a year or more for which SCJC has not issued a tentative decision and the number of complaints against judges referred to law enforcement.

S.B. 467 changes the requirement that SCJC notify a person who filed a written complaint with SCJC of the status of the investigation at least quarterly to a requirement for SCJC to notify such a person of any change in the status of the complaint investigation.

S.B. 467 requires SCJC to maintain on the SCJC website information on the following, written in plain language: the steps for filing a complaint against a judge with SCJC, the complaint process, the confidentiality of a complaint, and each complaint resulting in the imposition of a public sanction. The bill prohibits SCJC from including any confidential complaint information on the SCJC website. The bill requires SCJC to establish guidelines for the imposition of a sanction against a judge for judicial misconduct to ensure each sanction imposed is proportional to the misconduct and requires SCJC to establish a schedule outlining times for SCJC action on a complaint. The bill requires the schedule to allow the executive director of SCJC to approve

an extension of time for complaint disposition due to extenuating circumstances, including a need for further investigation.

EFFECTIVE DATE

September 1, 2019.