

BILL ANALYSIS

Senate Research Center

S.B. 1763
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State Commission on Judicial Conduct (SCJC) closely protects the confidentiality of complaints. 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. What's more, 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 periodically every decade.

S.B. 1763 requires SCJC to include in its annual report to the legislature the number of complaints referred to law enforcement and the number of complaints in which SCJC has not issued a decision for more than a year since filing; provide online access to the general public of the status of a non-frivolous complaint against a judge, without revealing confidential information; notify a complainant of a change in a complaint's status within the investigative process; publish the guidelines it uses to ensure that a sanction is proportional to the misconduct; and promulgate deadlines by which SCJC has to take action on a complaint with exceptions for extenuating circumstances. These changes would enhance SCJC's transparency, efficiency, and consistency and increase not only the public's, but also the judiciary's, trust in SCJC's work and determinations.

As proposed, S.B. 1763 amends current law relating to the procedures of the State Commission on Judicial Conduct.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.005(b), Government Code, as follows:

(b) Requires that the annual report include annual statistical information for the preceding fiscal year, including, among certain other statistical information, the number of complaints filed with the State Commission on Judicial Conduct (SCJC) for a year or longer for which SCJC has not issued a tentative decision and the number of cases that have been referred to law enforcement. Redesignates existing Paragraph (E) as Paragraph (G) and redesignates existing Paragraph (F) as Paragraph (H).

SECTION 2. Amends Section 33.008, Government Code, as follows:

(a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Requires SCJC to provide online access, without providing confidential information, to a nonfrivolous complaint's status, including whether the complaint is under investigation, is under SCJC consideration, or has been adjudicated.

(c) Requires SCJC to include on its website a statement informing the public that complainants are not required to maintain confidentiality with regard to their complaints.

SECTION 3. Amends Section 33.0211(b), Government Code, to require SCJC, until final disposition of the complaint, to notify the person filing the complaint of a change of status in the investigation of the complaint unless the notice would jeopardize an undercover investigation, rather than to require SCJC, at least quarterly until final disposition of the complaint, to notify the person filing the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

SECTION 4. Amends Subchapter B, Chapter 33, Government Code, by adding Sections 33.02115 and 33.02116, as follows:

Sec. 33.02115. SANCTION GUIDELINES. Requires SCJC to publish guidelines to provide for a sanction to be proportional to the misconduct.

Sec. 33.02116. TIME FRAME. Requires SCJC to establish guidelines outlining when SCJC should take action on a complaint and requires the time frame to allow the executive director of SCJC to approve an extension of a deadline due to extenuating circumstances, including a necessity for further investigation.

SECTION 5. Effective date: September 1, 2017.