

By: Guillen

H.B. No. 62

A BILL TO BE ENTITLED

AN ACT

relating to a justice or judge having a substantial interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

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

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010. FINANCIAL INTEREST IN PRIVATE CORRECTIONAL AND REHABILITATION FACILITIES PROHIBITED. (a) A justice or judge, as applicable, of the supreme court, the court of criminal appeals, a court of appeals, a district court, a county court, a county court at law, or a statutory probate court may not, on the date the person takes office as a justice or judge or while serving as a justice or judge, have a substantial interest in a business entity that owns, manages, or operates:

(1) a community residential facility described by Section 508.119;

(2) a correctional or rehabilitation facility subject to Chapter 244, Local Government Code; or

(3) any other facility intended to accomplish a purpose or provide a service described by Section 508.119(a) to a person convicted of a misdemeanor or felony or found to have engaged in delinquent conduct who is housed in the facility:

(A) while serving a sentence of confinement

1 following conviction of an offense or an adjudication of delinquent
2 conduct; or

3 (B) as a condition of community supervision,
4 probation, parole, or mandatory supervision.

5 (b) A justice or judge is considered to have a substantial
6 interest in a business entity described by Subsection (a) for
7 purposes of this section if:

8 (1) the justice or judge owns 10 percent or more of the
9 voting stock or shares of the business entity or owns either 10
10 percent or more or \$15,000 or more of the fair market value of the
11 business entity;

12 (2) funds received by the justice or judge from the
13 business entity exceed 10 percent of the justice's or judge's gross
14 income for the previous year; or

15 (3) a person related to the justice or judge in the
16 first degree by consanguinity or affinity, as determined under
17 Chapter 573, has an interest otherwise described by Subdivision (1)
18 or (2).

19 (c) A justice or judge who violates this section shall be
20 removed from office.

21 SECTION 2. The change in law made by this Act applies only
22 to a justice or judge elected or appointed on or after the effective
23 date of this Act. A justice or judge elected or appointed before
24 the effective date of this Act is governed by the law as it existed
25 immediately before the effective date of this Act, and that law is
26 continued in effect for that purpose.

27 SECTION 3. This Act takes effect January 1, 2014.