

1-1 By: Zaffirini S.B. No. 467
 1-2 (In the Senate - Filed January 25, 2019; February 14, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 11, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 11, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 467 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the procedures of the State Commission on Judicial
 1-22 Conduct.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 33.005(b), Government Code, is amended
 1-25 to read as follows:

1-26 (b) The report must include:

1-27 (1) an explanation of the role of the commission;

1-28 (2) annual statistical information for the preceding
 1-29 fiscal year, including:

1-30 (A) the number of complaints received by the
 1-31 commission alleging judicial misconduct or disability;

1-32 (B) the number of complaints dismissed without
 1-33 commission action other than investigation because the evidence did
 1-34 not support the allegation or appearance of judicial misconduct or
 1-35 disability;

1-36 (C) the number of complaints dismissed without
 1-37 commission action other than investigation because the facts
 1-38 alleged did not constitute judicial misconduct or disability;

1-39 (D) the number of complaints dismissed without
 1-40 commission action other than investigation because the allegation
 1-41 or appearance of judicial misconduct or disability was determined
 1-42 to be unfounded or frivolous;

1-43 (E) the number of complaints pending with the
 1-44 commission for a year or more for which the commission has not
 1-45 issued a tentative decision;

1-46 (F) the number of complaints referred to law
 1-47 enforcement;

1-48 (G) the number of each type of judicial
 1-49 misconduct or disability that resulted in sanction or censure of a
 1-50 judge; and

1-51 (H) [~~(F)~~] examples of improper judicial conduct;

1-52 (3) an explanation of the commission's processes; and

1-53 (4) changes the commission considers necessary in its
 1-54 rules or the applicable statutes or constitutional provisions.

1-55 SECTION 2. Section 33.0211(b), Government Code, is amended
 1-56 to read as follows:

1-57 (b) The commission, [~~at least quarterly~~] until final
 1-58 disposition of the complaint, shall notify the person filing the
 1-59 complaint of any change in the status of the complaint
 1-60 investigation unless the notice would jeopardize an undercover

2-1 investigation.

2-2 SECTION 3. Subchapter B, Chapter 33, Government Code, is
2-3 amended by adding Sections 33.02114, 33.02115, and 33.02116 to read
2-4 as follows:

2-5 Sec. 33.02114. COMPLAINT INFORMATION ON COMMISSION
2-6 WEBSITE. (a) The commission shall maintain on the commission's
2-7 Internet website information written in plain language on:

2-8 (1) the steps for filing a complaint with the
2-9 commission;

2-10 (2) the complaint process, including a clear and
2-11 concise description of the process from filing to disposition;

2-12 (3) confidentiality, including a statement that a
2-13 complainant is not required to maintain confidentiality of the
2-14 complaint filed by the complainant; and

2-15 (4) each complaint resulting in the imposition of a
2-16 public sanction.

2-17 (b) The commission may not include on the commission's
2-18 Internet website any confidential complaint information.

2-19 Sec. 33.02115. SANCTION GUIDELINES. The commission shall
2-20 establish guidelines for the imposition of a sanction to ensure
2-21 each sanction imposed is proportional to the judicial misconduct.

2-22 Sec. 33.02116. COMPLAINT SCHEDULE. The commission shall
2-23 establish a schedule outlining times for commission action on a
2-24 complaint. The schedule must allow the executive director to
2-25 approve an extension of time for complaint disposition due to
2-26 extenuating circumstances, including a need for further
2-27 investigation.

2-28 SECTION 4. This Act takes effect September 1, 2019.

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