

## **BILL ANALYSIS**

S.J.R. 42  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The State Commission on Judicial Conduct (Commission) was created in 1965, through a constitutional amendment, to investigate allegations of judicial misconduct or disability and to discipline judges. The Commission's mission is to protect the public from judicial misconduct; promote public confidence in the integrity, independence, competence, and impartiality of the judiciary; and encourage judges to maintain high standards of conduct both on and off the bench.

The Commission is subject to review under the Sunset Act. As part of this review, the Sunset Advisory Commission found that the constitution limits the Commission's options to hear major cases in open formal proceedings and recommended a constitutional amendment authorizing the Commission to use its full range of disciplinary actions following a formal proceeding. The 83rd Legislature will also be considering separate legislation to conform statute to the constitutional changes in this joint resolution.

### **RULEMAKING AUTHORITY**

The joint resolution does not expressly grant rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

*Amends the Texas Constitution to authorize the Commission on Judicial Conduct to use its full range of disciplinary actions following a formal proceeding.*

S.J.R. 42 amends Section 1—a(8) , Article V of the Texas Constitution to authorize the Commission to issue an order of public admonition, warning, reprimand, or a requirement to obtain additional training or education following a formal hearing or after considering the record and report of a Master; in addition to its current authority to issue a public censure or recommend removal or retirement of a judge or justice.

The resolution adds a temporary provision to the constitution that establishes the amendment's effective date as January 1, 2014, and clarifies that the amendment applies only to a formal proceeding instituted by the Commission on or after that date. The resolution also provides that this temporary provision expires January 1, 2016.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 5, 2013. If approved by the voters, the resolution establishes January 1, 2014 as the amendment's effective date.