

SUBJECT: Increasing transparency for the State Commission on Judicial Conduct

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Leach, Y. Davis, Krause, Meyer, Neave, Smith, White

0 nays

2 absent — Farrar, Julie Johnson

SENATE VOTE: On final passage, March 19 — 31-0

WITNESSES: For — (*Registered, but did not testify:* Mary Tipps, Texans for Lawsuit Reform; Vanessa MacDougal; Maria Person; Jinny Suh)

Against — None

BACKGROUND: Government Code ch. 33 governs the operations of the State Commission on Judicial Conduct, which reviews allegations of misconduct made against Texas judges.

DIGEST: SB 467 would require the State Commission on Judicial Conduct to establish a schedule outlining times for commission action on a complaint. The schedule would have to allow the executive director to approve an extension of time for complaint disposition due to extenuating circumstances, including a need for further investigation. In its annual report to the Legislature, the commission would have to include the number of complaints pending for a year or more for which the commission had not issued a tentative decision and the number of complaints referred to law enforcement.

The commission would have to establish guidelines for imposing a sanction to ensure each sanction was proportional to the judicial misconduct.

The bill would require the commission to maintain on its website information written in plain language on:

- the steps for filing a complaint with the commission;
- the complaint process, including a clear and concise description of the process from filing to disposition;
- confidentiality, including a statement that a complainant was not required to maintain confidentiality of the complaint filed by the complainant; and
- each complaint resulting in the imposition of a public sanction.

The commission would be prohibited from including any confidential complaint information on its website.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 467 would increase transparency on the processing and results of complaints about Texas judges filed with the State Commission on Judicial Conduct. The bill would implement some of the recommendations from the Texas Judicial Council, which published a June 2018 report recommending reforms to improve public trust and confidence in the Texas judiciary.

The bill would ensure that the commission was addressing complaints in a timely and just manner by requiring the commission to establish timelines for acting on a complaint and reporting the number of complaints that had been pending for more than a year and the number that had been referred to law enforcement.

The bill would address questions from the public about how complaints are filed and investigated by requiring the commission to publish on its website a step-by-step guide to filing a complaint. The information would clarify that confidentiality regarding a complaint applied to the commission and not to the person making the complaint.

**OPPONENTS
SAY:**

No concerns identified.