

BILL ANALYSIS

S.B. 1763
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that certain statutory revisions are needed to enhance the transparency, efficiency, and consistency of the State Commission on Judicial Conduct. S.B. 1763 seeks to amend the law relating to the commission for those purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1763 amends the Government Code to include among the annual statistical information for the preceding fiscal year that must be included in the State Commission on Judicial Conduct's annual report to the legislature the number of complaints before the commission that have been pending for a year or longer for which the commission has not issued a tentative decision and the number of complaints that have been referred to law enforcement. The bill requires the commission to provide online access, without providing any confidential information, to information about each adjudicated complaint that resulted in a sanction being issued and requires the provided information to include the judge's name and whether the complaint resulted in a public or private sanction. The bill requires the commission to post on the commission's website a statement that a complainant is not required to maintain confidentiality of a complaint filed by the complainant. The bill replaces the requirement for the commission to notify the person filing a complaint of the status of the investigation at least quarterly until final disposition of the complaint unless the notice would jeopardize an undercover investigation with the requirement that the commission notify the person filing the complaint of any change in the status of the investigation of the complaint until final disposition of the complaint unless the notice would jeopardize an undercover investigation.

S.B. 1763 requires the commission to establish guidelines to provide for a sanction to be proportional to the misconduct and to establish a time frame outlining when the commission should take action on a complaint. That time frame must allow the commission's executive director to approve an extension of a deadline due to extenuating circumstances, including a need for further investigation.

EFFECTIVE DATE

September 1, 2017.