

SUBJECT: Requiring dismissal of State Commission on Judicial Conduct complaints

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Leach, Davis, Julie Johnson, Krause, Middleton, Moody,
Schofield, Smith

0 nays

1 absent — Dutton

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Jacqueline Habersham, State
Commission on Judicial Conduct)

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

Some have expressed concerns that complaints filed with the State
Commission on Judicial Conduct can remain open for years without
resolution, as state law currently does not provide a deadline for the
commission to resolve complaints it receives.

DIGEST: HB 4344 would require that the State Commission on Judicial Conduct to
dismiss each complaint filed with the commission that had not been
formally dismissed or for which the commission had not imposed
sanctions or instituted proceedings on or before the first Monday
following the 455th day after the date the commission received the
complaint.

On the recommendation of the commission's executive director, the
chairperson of the commission could determine that extenuating

circumstances, including a need for further investigation, would require additional time up to 120 days for disposal of a complaint that was subject to dismissal under the bill's provisions.

The bill would take effect September 1, 2021, and would apply to complaints filed with the State Commission on Judicial Conduct on or after that date.