

BILL ANALYSIS

Senate Research Center

H.B. 2421
By: Counts (Ellis)
Jurisprudence
5-15-97
Engrossed

DIGEST

The State Commission on Judicial Conduct exercises jurisdiction over more than 3,300 judges and judicial officers in Texas relative to misconduct or disability. Such jurisdiction includes appellate judges, district judges, county judges, justices of the peace, municipal judges, masters, magistrates, and retired and former judges who are available for assignment as visiting judges. Commission jurisdiction does not extend to hearing officers or administrative law judges who preside over administrative hearings of the various state agencies. In exercising its jurisdiction, the commission's objectives are to preserve the integrity of all judges in the state, to ensure public confidence in the judiciary, and to encourage judges to maintain high standards of both professional and personal conduct. The commission attempts to achieve these objectives not only by issuing sanctions against judges who violate legal or ethical standards, but also by participating in continuing education programs at all levels of the judiciary. Also, when necessary, the commission undertakes appropriate action to secure the removal of a judge from office.

The commission is made up of 11 members, five of whom are judges and six of whom are citizens. The citizen members of the commission serve without pay and provide a valuable asset to the judiciary and to the State of Texas. This bill would entitle the citizen members, as well as the staff of the commission, to have the same immunity as the judges who serve on the commission.

PURPOSE

As proposed, H.B. 2421 provides that a public member of the State Commission on Judicial Conduct is not liable for any damages for an act or omission in the course of the official duties of the commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 33B, Government Code, by adding Section 33.035, as follows:

Sec. 33.035. IMMUNITY. Provides that a public member of the State Commission on Judicial Conduct (commission) is not liable for any damages for an act or omission in the course of the official duties of the commission. Prohibits Subsection (a) from limiting the liability of a public member of the commission for any act or omission in bad faith or involving gross negligence, intentional misconduct, or a knowing violation of the law.

SECTION 2. Emergency clause.
Effective date: upon passage.