

## **BILL ANALYSIS**

Senate Research Center  
84R4985 YDB-D

S.B. 306  
By: Zaffirini  
State Affairs  
1/29/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State Commission on Judicial Conduct (SCJC), as required by the Texas Constitution, closely protects the confidentiality of complaints to encourage attorneys to speak candidly during a judicial misconduct investigation and to protect judges from public disclosure of frivolous complaints. This, however, also makes the extent of fairness and efficiency in SCJC's disciplinary process difficult to determine. Currently, the main instrument for the public and the legislature to examine the extent of fairness and efficiency in SCJC's disciplinary process is SCJC's annual report to the legislature. Current law does not require this report to include any particular set of statistical data, which, in turn, results in reports falling short of providing a thorough overview of SCJC's investigative and disciplinary process.

To enhance the utility of SCJC's annual report, S.B. 306 would require the permanent addition of certain statistical information to the report, including the number of complaints dismissed after a preliminary investigation because the complaints were found to be frivolous or unfounded and those dismissed after an initial review either for lack of evidence supporting the alleged facts or because the alleged facts failed to constitute sanctionable misconduct, and the number of incidents sanctioned for each misconduct category. S.B. 306 increases transparency and accountability regarding the judicial disciplinary process.

As proposed, S.B. 306 amends current law relating to the information included in the annual report of the State Commission on Judicial Conduct.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.005(b), Government Code, as follows:

(b) Requires that the annual report of the State Commission on Judicial Conduct (commission) include:

(1) an explanation of the role of the commission;

(2) annual statistical information for the preceding fiscal year, including:

(A) the number of complaints received by the commission alleging judicial misconduct or disability;

(B) the number of complaints dismissed without commission action other than investigation because the evidence did not support the allegation or appearance of judicial misconduct or disability;

(C) the number of complaints dismissed without commission action other than investigation because the facts alleged did not constitute judicial misconduct or disability;

(D) the number of complaints dismissed without commission action other than investigation because the allegation or appearance of judicial misconduct or disability was determined to be unfounded or frivolous;

(E) the number of each type of judicial misconduct or disability that resulted in sanction or censure of a judge; and

(F) Creates this subdivision from existing text and makes no additional change;

(3) an explanation of the commission's processes; and

(4) changes the commission considers necessary in its rules or the applicable statutes or constitutional provisions.

SECTION 2. Effective date: September 1, 2015.