

# State Commission on Judicial Conduct

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*S.B. 209 and S.J.R. 42 Huffman (Dutton)*

*Staff Contact: Erick Fajardo*

Senate Bill 209 and Senate Joint Resolution 42 bring greater transparency to the State's oversight of judges in Texas. The bill, in conjunction with voter approval of the constitutional amendment proposed in the joint resolution, will authorize the State Commission on Judicial Conduct to use its full range of sanctions following formal proceedings, removing current law's disincentive for the Commission to conduct cases important to the public in open, formal proceedings.

An additional provision of the bill aimed at making the Commission more transparent and accessible to the public requires the Commission, after dismissing a complaint, to provide the reason(s) in plain language why the complaint failed to meet the definition of judicial misconduct. The bill also requires the Commission to hold an open hearing once every two years to allow the public to offer input on the Commission's mission and operations.

In future Sunset reviews, Senate Bill 209 requires the Commission to provide Sunset staff with access to observe its closed meetings and review confidential records to ensure a complete and thorough evaluation of the Commission's activities. The bill clarifies that Sunset staff must maintain the confidentiality of this information. As the Commission's confidentiality provisions limited Sunset's ability to conduct a full evaluation of the Commission's processes during this current review, Senate Bill 209 provides for the next review to occur in six years, rather than the standard 12-year period. After 2019, the Commission reverts back to a periodic Sunset review every 12th year.

The following material summarizes the results of the Sunset review of the Commission. For additional information see the *State Commission on Judicial Conduct Sunset Final Report with Legislative Action* available on the Sunset Commission website at [www.sunset.state.tx.us](http://www.sunset.state.tx.us).

## **Range of Sanctions**

- Authorizes the Commission to use its full range of sanctions following open, formal proceedings.
- Authorizes a Court of Review to hear appeals of sanctions following formal proceedings based on a review of the record, in the same manner as it hears appeals of censures.

## **Procedural Rules**

- Requires the Commission to report to the Supreme Court as needed on suggested changes to update the Commission's procedural rules.

## **Complaint Dismissals**

- Requires the Commission, after dismissing a complaint, to provide the individual who filed the complaint with the reason(s) in plain language why the allegation made in the complaint failed to meet the definition of judicial misconduct.

## **Public Input**

- Requires the Commission to hold an open hearing once every two years to allow the public to offer input on the Commission's mission and operations.

## **State Agency Status**

- Clarifies that the Commission is a state agency for the administration of judicial discipline, and does not have the power and authority of a court.

## **Future Sunset Reviews**

- Requires the Commission to provide Sunset staff with access to observe its closed meetings and review its confidential records to ensure a complete and thorough evaluation of the Commission's activities.
- Requires a Sunset review in six years, rather than the standard 12-year period.
- Maintains in law the requirement for the Commission to distribute an annual report on its activities to protect the public from judicial misconduct.

## **Fiscal Implication**

Senate Bill 209 and Senate Joint Resolution 42 will not have a significant fiscal impact to the State.