

mr  
lee

S.B. No. 1436

Chapter 805

AN ACT

relating to the appeal of a censure issued by the State Commission  
on Judicial Conduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (11), Section 33.001, Government  
Code, is amended to read as follows:

(11) "Special court of review" means a panel of three  
justices of the courts of appeal selected by lot by the chief  
justice of the supreme court on petition to review a censure or  
sanction issued by the commission under Section 1-a(8), Article V,  
Texas Constitution.

SECTION 2. Section 33.034, Government Code, is amended by  
amending Subsections (a), (d), (e), (f), and (g) and adding  
Subsection (e-1) to read as follows:

(a) A judge who receives from the commission any type of  
sanction, or a censure issued by the commission under Section  
1-a(8), Article V, Texas Constitution, is entitled to a review of  
the commission's decision as provided by this section. This  
section does not apply to a decision by the commission to institute  
formal proceedings.

(d) Within 15 days after the appointment of the court of  
review, the commission shall file with the clerk a charging  
document that includes, as applicable, a copy of the censure or  
sanction issued and any additional charges to be considered by the

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1 court of review [~~in the de novo proceeding~~]. The charging document  
2 is public on its filing with the clerk. On receipt of the filing of  
3 the charging document, the clerk shall send the charging document  
4 to the judge who is the subject of the document and to each justice  
5 on the court of review.

6 (e) The review by the court under this section:

7 (1) of a censure is a review of the record of the  
8 proceedings that resulted in the censure and is based on the law and  
9 facts that were presented in the proceedings and any additional  
10 evidence that the court in its discretion may, for good cause shown,  
11 permit; and

12 (2) of a sanction is by trial de novo as that term is  
13 used in the appeal of cases from justice to county court.

14 (e-1) Any hearings of the court shall be public and shall be  
15 held at the location determined by the court. Any evidence  
16 introduced during a hearing, including papers, records, documents,  
17 and pleadings filed with the clerk in the proceedings, is public.

18 (f) Except as otherwise provided by this section, the  
19 procedure for the review of a sanction is governed to the extent  
20 practicable by the rules of law, evidence, and procedure that apply  
21 to the trial of civil actions generally.

22 (g) A judge is not entitled to a trial by jury in a review of  
23 a sanction under this section.

24 SECTION 3. The change in law made by this Act applies only  
25 to a censure issued by the State Commission on Judicial Conduct  
26 under Subdivision (8), Section 1-a, Article V, Texas Constitution,  
27 on or after the effective date of this Act. A censure issued before

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1 the effective date of this Act is governed by the law in effect on  
2 the date the censure was issued, and the former law is continued in  
3 effect for that purpose.

4       SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2009.

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Rand Newkirk

President of the Senate

Jim Strawn

Speaker of the House

I hereby certify that S.B. No. 1436 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1436 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

Colby Hunter III