

## BILL ANALYSIS

Senate Research Center  
78R3675 QS-D

S.B. 1196  
By: Hinojosa  
Jurisprudence  
3/29/2003  
As Filed

### DIGEST AND PURPOSE

Currently, the State Commission on Judicial Conduct is not empowered to perform audits in regards to suspicious contributions given to judges. As proposed, S.B. 1196 requires judges to report all contributions to the State Commission on Judicial Conduct. This bill gives the commission the ability to determine whether judges have taken any unlawful contributions.

### 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 Chapter 33B, by adding Section 33.0225, as follows:

Sec. 33.0225. AUDITS. (a) Authorizes the State Commission on Judicial Conduct (commission) to conduct an audit of assets, financial records, and financial situation of a judge against whom the complaint was made, provided by Section 33.022(b) (Investigations and Formal Proceedings), Government Code.

(b) Authorizes an audit to be conducted under this section only if, after conducting a preliminary investigation under Section 33.022, a majority of the commission members have a reasonable belief that the judge against whom the complaint was filed engaged in wilful or persistent conduct that is inconsistent with the proper performance of a judge's duties and vote in favor of an audit.

(c) Authorizes the commission to contract with a licensed auditor to conduct an audit under this section.

(d) Requires an audit to be conducted in accordance to auditing standards as prescribed by the American Institute of Certified Public Accountants, the Governmental Accounting Standard Board, the United States General Accounting Office, or other professionally recognized entities that prescribe auditing standards.

SECTION 2. Amends Section 33.031, Government Code, as follows:

Sec. 33.031. New heading: COSTS, FEES, AND EXPENSES. (a) Provides that except as provided by Subsection (b) costs or attorney's fees may not be awarded in a proceeding under this chapter.

(b) Provides that the commission, on a finding of misconduct of a judge in formal proceeding before a special master or the commission due to a complaint alleging financial misconduct, is entitled to recover from the judge court costs, attorney's fees, and reasonable expenses related to the proceedings.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.