

BILL ANALYSIS

Senate Research Center
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H.B. 62
By: Guillen (West)
Jurisprudence
4/29/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Judges are not currently prohibited from holding a financial interest in a private correctional or rehabilitation facility. H.B. 62 seeks to ensure that there is no conflict of interest when trying cases by imposing restrictions on such financial interests.

H.B. 62 amends current law relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

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 21, Government Code, by adding Section 21.010, as follows:

Sec. 21.010. FINANCIAL INTEREST IN PRIVATE CORRECTIONAL AND REHABILITATION FACILITIES PROHIBITED. (a) Prohibits a justice or judge, as applicable, of the Supreme Court of Texas, the court of criminal appeals, a court of appeals, a district court, a county court, a county court at law, or a statutory probate court from, on the date the person takes office as a justice or judge or while serving as a justice or judge, from having a significant interest in a business entity that owns, manages, or operates:

(1) a community residential facility described by Section 508.119 (Community Residential Facilities);

(2) a correctional or rehabilitation facility subject to Chapter 244 (Location of Certain Facilities and Shelters), Local Government Code; or

(3) any other facility intended to accomplish a purpose or provide a service described by Section 508.119(a) (relating to providing that the purpose of a community residential facility is to provide housing, supervisions, counseling, personal, social, and work adjustment training and other programs to certain releasees) to a person convicted of a misdemeanor or felony or found to have engaged in delinquent conduct who is housed in the facility while serving a sentence of confinement following conviction of an offense or an adjudication of delinquent conduct or as a condition of community supervision, probation, parole, or mandatory supervision.

(b) Provides that a justice or judge is considered to have a significant interest in a business entity described by Subsection (a) for purposes of this section if:

(1) the justice or judge owns any voting stock or share or has a direct investment in the business entity that represents the lesser of at least 10 percent or \$15,000 of the fair market value of the business entity; or

(2) the justice or judge receives money from the business entity.

(c) Provides that a violation of this section by a justice or judge is considered a violation of Canon 4D(1) (relating to requiring a judge to refrain from certain financial and business dealings), Code of Judicial Conduct. Requires a justice or judge who has an interest in a business entity that is prohibited by this section to report the interest to the State Commission on Judicial Conduct.

SECTION 2. Effective date: January 1, 2015.