

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the repeal of the appointed judicial panel system  
3 overseeing the Constitutionally established Texas Commission on  
4 Judicial Conduct's disciplinary decisions.

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

6 SECTION 1. This Act shall be known as the "Constitutional  
7 Oversight Restoration Act (CORA)".

8 SECTION 2. Chapter 33, Government Code, is amended by striking  
9 the following from Section 33.001. DEFINITIONS. Subsection (a) to  
10 read as follows:

11 (a) In this chapter:

12 (3) "Clerk" means the individual designated by the  
13 commission to assist in:

14 (A) formal proceedings before the commission or a  
15 special master; or

16 ~~(B) proceedings before a special court of review.~~

17 (5) "Examiner" means an individual, including an  
18 employee or special counsel of the commission, appointed by  
19 the commission to gather and present evidence before a special  
20 master, the commission, ~~a special court of review,~~ or a review  
21 tribunal.

22 ~~(11) "Special court of review" means a panel of three~~  
23 ~~justices of the courts of appeal selected by lot by the chief~~  
24 ~~justice of the supreme court on petition to review a censure~~

1       ~~or sanction issued by the commission under Section 1-a(8),~~  
2       ~~Article V, Texas Constitution.~~

3       SECTION 3. Chapter 33, Government Code, is amended by striking  
4 and adding the following from Section 33.024. OATHS AND SUBPOENAS.  
5 to read as follows:

6       Sec. 33.024. OATHS AND SUBPOENAS. In conducting an  
7 investigation, or formal proceedings, ~~or proceedings before a~~  
8 ~~special court of review,~~ a commission member, or special master,  
9 ~~or member of a special court of review~~ may:

10       SECTION 4. Chapter 33, Government Code, is amended by striking  
11 and adding the following from Section 33.025. ENFORCEMENT OF  
12 SUBPOENA. to read as follows:

13       Sec. 33.025. ENFORCEMENT OF SUBPOENA.

14       (a) The commission may file an application in a district  
15 court or, if appropriate, with a special master ~~or special court~~  
16 ~~of review,~~ to enforce a subpoena issued by the commission under  
17 this chapter.

18       (b) A special master ~~or special court of review may~~ shall  
19 enforce by contempt a subpoena issued by the commission, or the  
20 special master, ~~or the special court of review.~~

21       SECTION 5. Chapter 33, Government Code, is amended by striking  
22 and adding the following from Section 33.026. WITNESS IMMUNITY.  
23 Subsection (a) to read as follows:

24       Sec. 33.026. WITNESS IMMUNITY.

25       (a) In a proceeding or deposition related to a proceeding  
26 before the commission, or a special master, ~~or a special court of~~  
27 ~~review,~~ the commission, or special master, ~~or special court of~~

1 ~~review may~~ shall compel a person other than the judge to testify  
2 or produce evidence over the person's claim of privilege against  
3 self-incrimination.

4 SECTION 6. Chapter 33, Government Code, is amended by striking  
5 and adding the following from Section 33.027. DISCOVERY. to read  
6 as follows:

7 Sec. 33.027. DISCOVERY.

8 (a) In formal proceedings ~~or in a proceeding before a special~~  
9 ~~court of review~~, discovery shall be conducted, to the extent  
10 practicable, in the manner provided by the rules applicable to  
11 civil cases generally.

12 (b) On request, a special master, or the commission, ~~or a~~  
13 ~~special court of review~~ shall expedite the discovery in formal  
14 proceedings ~~or in a proceeding before a special court of review~~.

15 (c) The following may not be the subject of a discovery  
16 request in formal proceedings ~~or in a proceeding before a special~~  
17 ~~court of review~~:

18 SECTION 7. Chapter 33, Government Code, is amended by striking  
19 and adding the following from Section 33.028. PROCESS AND ORDERS.  
20 to read as follows:

21 Sec. 33.028. PROCESS AND ORDERS.

22 (a) Process issued under this chapter is valid anywhere in  
23 the state.

24 (b) A peace officer, an employee of the commission, or any  
25 other person whom the commission, or a special master, ~~or a special~~  
26 ~~court of review~~ designates may serve process or execute a lawful  
27 order of the commission, or the special master, ~~or the special~~

1 ~~court of review.~~

2 SECTION 8. Chapter 33, Government Code, is amended by striking  
3 and adding the following from Section 33.030. ASSISTANCE TO  
4 COMMISSION, SPECIAL MASTER, OR SPECIAL COURT OF REVIEW. to read as  
5 follows:

6 Sec. 33.030. ASSISTANCE TO COMMISSION, OR SPECIAL MASTER, ~~OR~~  
7 ~~SPECIAL COURT OF REVIEW.~~

8 (b) A state or local government body or department, an  
9 officer or employee of a state or local government body, or an  
10 official or agent of a state court shall cooperate with and give  
11 reasonable assistance and information to the commission, an  
12 authorized representative of the commission, or a special master, ~~or~~  
13 ~~or a special court of review~~ concerning an investigation or  
14 proceeding before the commission, or special master, ~~or special~~  
15 ~~court of review.~~

16 SECTION 9. Chapter 33, Government Code, is amended by striking  
17 and adding the following from Section 33.032. CONFIDENTIALITY OF  
18 PAPERS, RECORDS, AND PROCEEDINGS. Subsection (d) to read as  
19 follows:

20 Sec. 33.032. CONFIDENTIALITY OF PAPERS, RECORDS, AND  
21 PROCEEDINGS.

22 (d) The disciplinary record of a judge, including any private  
23 sanctions, is admissible in a subsequent proceeding before the  
24 commission, a special master, ~~a special court of review,~~ or a  
25 review tribunal.

26 Section 10. Chapter 33, Government Code, is amended by  
27 striking and adding the following to Section Sec. 33.034. REVIEW

1 OF COMMISSION DECISION. To read as follows:

2 Sec. 33.034. REVIEW OF COMMISSION DECISION.

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

9 ~~(b) Not later than the 30th day after the date on which the~~  
10 ~~commission issues its decision, the judge must file with the chief~~  
11 ~~justice of the supreme court a written request for appointment of~~  
12 ~~a special court of review.~~

13 ~~(c) Not later than the 10th day after the chief justice~~  
14 ~~receives the written request, the chief justice shall select by~~  
15 ~~lot the court of review. The court of review is composed of three~~  
16 ~~court of appeals justices, other than a justice serving in a court~~  
17 ~~of appeals district in which the judge petitioning for review of~~  
18 ~~the commission's order serves and other than a justice serving on~~  
19 ~~the commission. The chief justice shall notify the petitioner and~~  
20 ~~the commission of the identities of the justices appointed to the~~  
21 ~~court and of the date of their appointment. Service on the court~~  
22 ~~shall be considered a part of the official duties of a justice,~~  
23 ~~and no additional compensation may be paid for the service.~~

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

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

5 ~~(c) The review by the court under this section:~~

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

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

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

20 ~~(f) Except as otherwise provided by this section, the~~  
21 ~~procedure for the review of a sanction issued in an informal~~  
22 ~~proceeding is governed to the extent practicable by the rules of~~  
23 ~~law, evidence, and procedure that apply to the trial of civil~~  
24 ~~actions generally.~~

25 ~~(g) A judge is not entitled to a trial by jury in a review~~  
26 ~~under this section of a sanction issued in an informal proceeding.~~

27 ~~(h) Within 30 days after the date on which the charging~~

1 ~~document is filed with the clerk, the court shall conduct a hearing~~  
2 ~~on the charging document. The court may, if good cause is shown,~~  
3 ~~grant one or more continuances not to exceed a total of 60 days.~~  
4 ~~Within 60 days after the hearing, the court shall issue a decision~~  
5 ~~as to the proper disposition of the appeal.~~

6 ~~(i) The court's decision under this section is not~~  
7 ~~appealable.~~

8 SECTION 11. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2025.