

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2671 – HB 2935

March 13, 2012

SUMMARY OF AMENDMENT (014272): Deletes all language after the enacting clause. Effective July 1, 2012, dissolves the Court of the Judiciary and replaces it with the Board of Judicial Conduct. The Board will have 16 members appointed by the judicial conferences, the Speakers of the Senate and House of Representatives, and the Governor. Authorizes the non-judicial members to be members of the District Attorneys General Conference or the District Public Defenders Conference. Reduces membership terms from four to three years. Requires the Chair of the Board to appoint one member to serve as a direct liaison to the General Assembly.

Requires the Board to compile and transmit to the chief clerks of the House and Senate by the 20th day of each month a report detailing the number of complaints filed and the disposition of each complaint along with a cumulative, year-to-date total. Requires the Board to compile and transmit a report by the 20th day of January, March, June, and September, detailing the number of complaints opened, closed, the disposition of complaints closed, the number of complaints pending, the number of complaints for which probable cause has been found, the number of complaints for which formal charges have been filed based on a recommendation by an investigative panel, and the nature of any complaint filed according to the enumerated categories listed in the bill as amended for the prior three month period.

Requires the Chairperson of the Board to immediately provide the Speakers of the Senate and House of Representatives with the name, type of judge, judicial district, if applicable, the reason for the reprimand, and the number of previous reprimands each time a judge receives a second or subsequent public reprimand for conduct occurring during the entire period of time the person is a sitting judge; receives a second or subsequent private reprimand for conduct within the same misconduct category set out in Tenn. Code Ann. § 17-5-207(b)(7) occurring during any eight-year term the person holds the office of judge; or receives a third or subsequent private reprimand for conduct within any of the misconduct categories set out in Tenn. Code Ann. § 17-5-207(b)(7) during any eight-year term the person holds the office of judge. Designates as a public record the notice provided to the speakers regarding a judge who received a second or subsequent public reprimand during the entire time the person is a sitting judge. However, such notice to the Speakers of private reprimands shall remain confidential unless the General Assembly opens an investigation of such judge pursuant to Article VI, Section 6, or Article V of the Tennessee Constitution. Requires the Board to adopt, by rule, a formal records retention policy and requires annual review of such policy. Sets the termination date for the Board at June 30, 2014.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

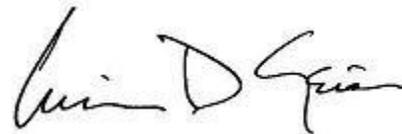
Unchanged from the original fiscal note.

Assumptions applied to amendment:

- The Board of Judicial Conduct will have the same number of members and the same functions as the Court of Judiciary.
- The compensation for the members and the number of hearings will remain the same.
- Any cost associated with additional legislative liaison duties of a designated Board member will be not significant and can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Compiling and reporting the required reports and notices to the Speakers can be accommodated within the existing resources of the Board without an increased appropriation or reduced reversion.
- Replacing the Court of the Judiciary with the Board of Judicial Conduct will result in no fiscal impact to the state.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc