

By: Raymond

H.B. No. 156

A BILL TO BE ENTITLED

1 AN ACT

2 relating to recusal of a justice of the supreme court or judge of
3 the court of criminal appeals based on political contributions
4 accepted by the justice or judge from a person involved in a case
5 before the justice or judge.

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

7 SECTION 1. Subchapter D, Chapter 22, Government Code, is
8 amended by adding Section 22.303 to read as follows:

9 Sec. 22.303. RECUSAL OF JUSTICE OR JUDGE BECAUSE OF
10 ACCEPTANCE OF POLITICAL CONTRIBUTIONS. (a) Except as provided by
11 Subsection (d), a justice of the supreme court or judge of the court
12 of criminal appeals shall recuse himself or herself from any case in
13 which the justice or judge has in the preceding four years accepted
14 political contributions, as defined by Section 251.001, Election
15 Code, in a total amount of \$2,500 or more from:

16 (1) a party to the case;

17 (2) an attorney of record in the case;

18 (3) the law firm of an attorney of record in the case;

19 (4) the managing agent of a party to the case;

20 (5) a member of the board of directors of a party to
21 the case; or

22 (6) a general-purpose committee, as defined by Section
23 251.001, Election Code, that is established or administered by a
24 person who is a party to the case.

1 (b) For purposes of this section, a political contribution
2 made by a person to a general-purpose committee that makes a
3 political contribution to a justice or judge is considered to be a
4 political contribution made directly by the person to the justice
5 or judge. The total amount of political contributions considered
6 under this subsection to have been made directly from the person to
7 the justice or judge during the period specified by Subsection (a)
8 is equal to the lesser of:

9 (1) the total amount of political contributions the
10 person made to the general-purpose committee during that period; or

11 (2) the total amount of political contributions the
12 general-purpose committee made to the justice or judge during that
13 period.

14 (c) A party filing any motion, brief, or pleading before the
15 supreme court or court of criminal appeals must disclose in writing
16 to the court each political contribution made in the four years
17 preceding the date the motion, brief, or pleading is filed to a
18 justice or judge of that court by:

19 (1) the party;

20 (2) a person affiliated with the party as described by
21 Subsection (a)(2), (3), (4), (5), or (6); or

22 (3) a general-purpose committee to whom the party or a
23 person affiliated with the party has made a political contribution
24 during that period.

25 (d) A justice or judge is not required to recuse himself or
26 herself from a case as provided by Subsection (a) if each party in
27 the case who is in opposition to the party who made the political

1 contribution, or with whom the person who made the political
2 contribution is affiliated, agrees to waive the required recusal.

3 SECTION 2. Section 22.303, Government Code, as added by
4 this Act, applies only to a political contribution accepted on or
5 after the effective date of this Act. A political contribution
6 accepted before the effective date of this Act is governed by the
7 law in effect on the date the contribution is accepted, and the
8 former law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.