

By: Swinford

H.B. No. 1755

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of visiting judges.

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

SECTION 1. Section 74.053(b), Government Code, is amended to read as follows:

(b) If a party to a civil or criminal case files a timely objection to the assignment, the judge shall not hear the case. Except as provided by Subsection (d), each party to the case is only entitled to one objection under this section for that case.

SECTION 2. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as a judge for at least 48 months in a district, statutory probate, statutory county, or appellate court;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge did not resign from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before the final disposition of the proceedings;

1 (5) annually demonstrate that the judge has completed
2 in the past calendar year the educational requirements for active
3 district, statutory probate, and statutory county court judges;
4 [~~and~~]

5 (6) certify to the presiding judge a willingness not
6 to appear and plead as an attorney in any court in this state for a
7 period of two years; and

8 (7) not have been defeated in an election in which the
9 judge was a candidate for a district, statutory, or county court.

10 SECTION 3. (a) This Act applies only to the eligibility of
11 a judge for an assignment made under Chapter 74, Government Code, or
12 the right to object to the assignment of a judge assigned under that
13 chapter on or after the effective date of this Act.

14 (b) The eligibility for an assignment made under Chapter 74,
15 Government Code, before the effective date of this Act, and the
16 objection to the assignment of a judge under that chapter are
17 governed by the law in effect on the date the assignment was made,
18 and that law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect September 1, 2003.