

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1024
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Jurisprudence
3/30/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, retired and former judges are often called upon to hold court to help dispose of accumulated business. While the requirements for assignment of most judges are listed in Chapter 74 (Court Administration Act), Government Code, the assignment of a former or retired statutory probate court judge is controlled by Section 25.0022 (Administration of Statutory Probate Courts), Government Code.

In 2001, H.B. 3306 was enacted to amend the requirements for most judges by lengthening the service requirement for former or retired judges from 48 to 96 months, and by requiring the judge to certify under oath that the judge has never been publicly reprimanded or censured by the State Commission on Judicial Conduct before reassignment. However, these changes to Chapter 74, Government Code, did not change the requirements for statutory probate court judges.

C.S.S.B. 1024 amends the requirements for statutory probate court judges to match those changes provided by H.B. 3306, and to include a requirement for the judge to demonstrate proof of completion of the annual educational requirements.

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 Section 25.0022(t), Government Code, as follows:

(t) Sets forth the requirements for a former or retired judge of a statutory probate court to be eligible for assignment under Section 25.0022 (Administration of Statutory Probate Courts), Government Code.

(1) Makes no changes to this subdivision.

(2) Requires the judge to certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that requires that the judge has never been publicly reprimanded or censured by the State Commission on Judicial Conduct (commission), and that the judge did not resign or retire from office after the commission notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge under Section 33.022 (Investigations and Formal Proceedings) Government Code, and before the final disposition of that investigation, rather than after having received notice of the initiation of formal proceedings by the commission. Provides that if the judge did resign from office under those circumstances, that the judge remains eligible if the judge was not publicly reprimanded or censured as a result of the investigation. Makes a conforming change.

(3) Requires the judge to annually demonstrate that the judge has completed the educational requirements for an active statutory probate court judge in the past state fiscal year.

(4) Requires the judge to have served as an active judge for at least 96 months in certain courts.

(5) Requires the judge to have developed substantial experience in the judge's area of specialty.

SECTION 2. Makes application of Section 225.0022(t)(2), Government Code, as amended by this Act, and Sections 25.0022(t)(4) and (5), Government Code, as added by this Act, prospective to September 1, 2007, for visiting judges.

(b) Makes application of Section 225.0022(t)(2), Government Code, as amended by this Act, and Sections 25.0022(t)(4) and (5), Government Code, as added by this Act, prospective.

(c) Makes application of Section 25.0022(t)(3), Government Code, as added by this Act, prospective to September 1, 2008.

SECTION 3. Effective date: September 1, 2007.