

By: Wentworth

S.B. No. 1024

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirements for appointment as a visiting
3 statutory probate court judge.

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

5 SECTION 1. Section 25.0022(t), Government Code, is amended
6 to read as follows:

7 (t) To be eligible for assignment under this section a
8 former or retired judge of a statutory probate court must:

9 (1) not have been removed from office; ~~and~~

10 (2) certify under oath to the presiding judge, on a
11 form prescribed by the state board of regional judges, that:

12 (A) the judge has never been publicly reprimanded
13 or censured by the State Commission on Judicial Conduct; and

14 (B) the judge:

15 (i) did not resign or retire from office
16 after the State Commission on Judicial Conduct notified the judge
17 of the commencement of a full investigation into an allegation or
18 appearance of misconduct or disability of the judge [having
19 ~~received notice that formal proceedings by the State Commission on~~
20 ~~Judicial Conduct had been instituted] as provided in Section 33.022
21 and before the final disposition of that investigation; or~~

22 (ii) if the judge did resign from office
23 under circumstances described by Subparagraph (i), was not publicly
24 reprimanded or censured as a result of the investigation;

1 (3) annually demonstrate that the judge has completed
2 in the past state fiscal year the educational requirements for an
3 active statutory probate court judge;

4 (4) have served as an active judge for at least 96
5 months in a district, statutory probate, statutory county, or
6 appellate court; and

7 (5) have developed substantial experience in the
8 judge's area of specialty [~~the proceedings~~].

9 SECTION 2. (a) The change in law made by this Act to Section
10 25.0022(t)(2), Government Code, and by adding Sections
11 25.0022(t)(4) and (5), Government Code, applies only to an
12 assignment of a visiting judge appointed under Chapter 25,
13 Government Code, made on or after September 1, 2007. An assignment
14 made before September 1, 2007, is governed by Section 25.0022(t),
15 Government Code, as it exists on the date of the assignment, and
16 that law is continued in effect for that purpose.

17 (b) The change in law made by this Act by adding Section
18 25.0022(t)(3), Government Code, applies only to an assignment of a
19 visiting judge appointed under Chapter 25, Government Code, made on
20 or after September 1, 2008. An assignment made before September 1,
21 2008, is governed by Section 25.0022(t), Government Code, as it
22 exists on the date of the assignment, and that law is continued in
23 effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2007.