

1-1 By: Wentworth S.B. No. 1024  
1-2 (In the Senate - Filed February 28, 2007; March 14, 2007,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 2, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 2, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1024 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the requirements for appointment as a visiting  
1-11 statutory probate court judge.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (t), Section 25.0022, Government  
1-14 Code, is amended to read as follows:

1-15 (t) To be eligible for assignment under this section a  
1-16 former or retired judge of a statutory probate court must:

1-17 (1) not have been removed from office; ~~and~~

1-18 (2) certify under oath to the presiding judge, on a  
1-19 form prescribed by the state board of regional judges, that:

1-20 (A) the judge has never been publicly reprimanded  
1-21 or censured by the State Commission on Judicial Conduct; and

1-22 (B) the judge:

1-23 (i) did not resign or retire from office  
1-24 after the State Commission on Judicial Conduct notified the judge  
1-25 of the commencement of a full investigation into an allegation or  
1-26 appearance of misconduct or disability of the judge [having  
1-27 received notice that formal proceedings by the State Commission on  
1-28 Judicial Conduct had been instituted] as provided in Section 33.022  
1-29 and before the final disposition of that investigation; or

1-30 (ii) if the judge did resign from office  
1-31 under circumstances described by Subparagraph (i), was not publicly  
1-32 reprimanded or censured as a result of the investigation;

1-33 (3) annually demonstrate that the judge has completed  
1-34 in the past state fiscal year the educational requirements for an  
1-35 active statutory probate court judge;

1-36 (4) have served as an active judge for at least 96  
1-37 months in a district, statutory probate, statutory county, or  
1-38 appellate court; and

1-39 (5) have developed substantial experience in the  
1-40 judge's area of specialty [the proceedings].

1-41 SECTION 2. (a) The change in law made by this Act to  
1-42 Subdivision (2), Subsection (t), Section 25.0022, Government Code,  
1-43 and by adding Subdivisions (4) and (5), Subsection (t), Section  
1-44 25.0022, Government Code, applies only to an assignment of a  
1-45 visiting judge appointed under Chapter 25, Government Code, made on  
1-46 or after September 1, 2007. An assignment made before September 1,  
1-47 2007, is governed by Subsection (t), Section 25.0022, Government  
1-48 Code, as it exists on the date of the assignment, and that law is  
1-49 continued in effect for that purpose.

1-50 (b) The change in law made by this Act to Subdivision (2),  
1-51 Subsection (t), Section 25.0022, Government Code, and by adding  
1-52 Subdivisions (4) and (5), Subsection (t), Section 25.0022,  
1-53 Government Code, does not apply to a person who immediately before  
1-54 the effective date of this Act meets the eligibility requirements  
1-55 to be assigned by the presiding judge under Subsection (h), Section  
1-56 25.0022, Government Code, and the former law is continued in effect  
1-57 for determining that person's eligibility for that purpose.

1-58 (c) The change in law made by this Act by adding Subdivision  
1-59 (3), Subsection (t), Section 25.0022, Government Code, applies only  
1-60 to an assignment of a visiting judge appointed under Chapter 25,  
1-61 Government Code, made on or after September 1, 2008. An assignment  
1-62 made before September 1, 2008, is governed by Subsection (t),  
1-63 Section 25.0022, Government Code, as it exists on the date of the

2-1 assignment, and that law is continued in effect for that purpose.  
2-2 SECTION 3. This Act takes effect September 1, 2007.

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