

By: Wentworth

S.B. No. 477

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for assignment as a visiting judge.

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

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

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

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

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

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

(B) the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge [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 that investigation; or

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

(3) annually demonstrate that the judge has completed

1 in the past state fiscal year the educational requirements for an  
2 active statutory probate court judge;

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

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

8 SECTION 2. (a) The change in law made by this Act by  
9 amending Subdivision (2), Subsection (t), Section 25.0022,  
10 Government Code, and by adding Subdivisions (4) and (5), Subsection  
11 (t), Section 25.0022, 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, 2009. An assignment  
14 made before September 1, 2009, is governed by Subsection (t),  
15 Section 25.0022, Government Code, as it exists on the date of the  
16 assignment, and that law is continued in effect for that purpose.

17 (b) The change in law made by this Act by amending  
18 Subdivision (2), Subsection (t), Section 25.0022, Government Code,  
19 and by adding Subdivisions (4) and (5), Subsection (t), Section  
20 25.0022, Government Code, does not apply to a person who  
21 immediately before the effective date of this Act meets the  
22 eligibility requirements to be assigned by the presiding judge  
23 under Subsection (h), Section 25.0022, Government Code, and the  
24 former law is continued in effect for determining that person's  
25 eligibility for that purpose.

26 SECTION 3. This Act takes effect September 1, 2009.