

1-1 By: Wentworth S.B. No. 477
1-2 (In the Senate - Filed January 14, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 9, 2009, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 9, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to eligibility for assignment as a visiting judge.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (t), Section 25.0022, Government
1-11 Code, is amended to read as follows:

1-12 (t) To be eligible for assignment under this section, a
1-13 former or retired judge of a statutory probate court must:

1-14 (1) not have been removed from office; ~~and~~

1-15 (2) certify under oath to the presiding judge, on a
1-16 form prescribed by the state board of regional judges, that:

1-17 (A) the judge has never been publicly reprimanded
1-18 or censured by the State Commission on Judicial Conduct; and

1-19 (B) the judge:

1-20 (i) did not resign or retire from office
1-21 after the State Commission on Judicial Conduct notified the judge
1-22 of the commencement of a full investigation into an allegation or
1-23 appearance of misconduct or disability of the judge [having
1-24 received notice that formal proceedings by the State Commission on
1-25 Judicial Conduct had been instituted] as provided in Section 33.022
1-26 and before the final disposition of that investigation; or

1-27 (ii) if the judge did resign from office
1-28 under circumstances described by Subparagraph (i), was not publicly
1-29 reprimanded or censured as a result of the investigation;

1-30 (3) annually demonstrate that the judge has completed
1-31 in the past state fiscal year the educational requirements for an
1-32 active statutory probate court judge;

1-33 (4) have served as an active judge for at least 96
1-34 months in a district, statutory probate, statutory county, or
1-35 appellate court; and

1-36 (5) have developed substantial experience in the
1-37 judge's area of specialty [the proceedings].

1-38 SECTION 2. (a) The change in law made by this Act by
1-39 amending Subdivision (2), Subsection (t), Section 25.0022,
1-40 Government Code, and by adding Subdivisions (4) and (5), Subsection
1-41 (t), Section 25.0022, Government Code, applies only to an
1-42 assignment of a visiting judge appointed under Chapter 25,
1-43 Government Code, made on or after September 1, 2009. An assignment
1-44 made before September 1, 2009, is governed by Subsection (t),
1-45 Section 25.0022, Government Code, as it exists on the date of the
1-46 assignment, and that law is continued in effect for that purpose.

1-47 (b) The change in law made by this Act by amending
1-48 Subdivision (2), Subsection (t), Section 25.0022, Government Code,
1-49 and by adding Subdivisions (4) and (5), Subsection (t), Section
1-50 25.0022, Government Code, does not apply to a person who
1-51 immediately before the effective date of this Act meets the
1-52 eligibility requirements to be assigned by the presiding judge
1-53 under Subsection (h), Section 25.0022, Government Code, and the
1-54 former law is continued in effect for determining that person's
1-55 eligibility for that purpose.

1-56 SECTION 3. This Act takes effect September 1, 2009.

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