

By: Hartnett

H.B. No. 322

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a former or retired statutory probate court judge for assignment as a visiting judge.

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

SECTION 1. Section 25.0022(t), 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;

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

(A) the judge has not 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 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 72 [~~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.

8 SECTION 2. Section 25.0022(t), Government Code, as amended
9 by this Act, applies only to an assignment of a visiting judge under
10 Chapter 25, Government Code, made on or after the effective date of
11 this Act. An assignment made before the effective date of this Act
12 is governed by Section 25.0022(t), Government Code, as that section
13 existed on the date of the assignment, and that law is continued in
14 effect for that purpose.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.