

By: Garza

H.B. No. 1424

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a retired judge or former judge as a visiting judge in certain courts.

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 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; and

8 (6) not have been defeated in the last election in
9 which the judge was a candidate for judge of the court over which
10 the judge most recently presided.

11 SECTION 2. Section 74.054, Government Code, is amended by
12 amending Subsection (a) and adding Subsection (e) to read as
13 follows:

14 (a) Except as provided by Subsections (b), ~~and~~ (c), and
15 (e), the following judges may be assigned as provided by this
16 chapter by the presiding judge of the administrative region in
17 which the assigned judge resides:

18 (1) an active district, constitutional county, or
19 statutory county court judge in this state;

20 (2) a senior judge who has consented to be subject to
21 assignment and who is on the list maintained by the presiding judge
22 under this chapter;

23 (3) a former district or appellate judge, retired or
24 former statutory probate court judge, or retired or former
25 statutory county court judge who certifies to the presiding judge a
26 willingness to serve and who is on the list maintained by the
27 presiding judge as required by this chapter;

1 (4) a retiree or a former judge whose last judicial
2 office before retirement was justice or judge of the supreme court,
3 the court of criminal appeals, or a court of appeals and who has
4 been assigned by the chief justice to the administrative judicial
5 region in which the retiree or former judge resides for
6 reassignment by the presiding judge of that region to a district or
7 statutory county court in the region; and

8 (5) an active judge or justice of the supreme court,
9 the court of criminal appeals, or a court of appeals who has had
10 trial court experience.

11 (e) A retired judge or a former judge may not be assigned as
12 a visiting judge for a court in which the office of judge is filled
13 by election if the retired or former judge was defeated in the last
14 election in which the judge was a candidate for justice or judge of
15 the court over which the retired or former judge most recently
16 presided.

17 SECTION 3. Section 74.055(c), Government Code, is amended
18 to read as follows:

19 (c) To be eligible to be named on the list, a retired or
20 former judge must:

21 (1) have served as an active judge for at least 96
22 months in a district, statutory probate, statutory county, or
23 appellate court;

24 (2) have developed substantial experience in the
25 judge's area of specialty;

26 (3) not have been removed from office;

27 (4) certify under oath to the presiding judge, on a

1 form prescribed by the state board of regional judges, that:

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

4 (B) the judge:

5 (i) did not resign or retire from office
6 after the State Commission on Judicial Conduct notified the judge
7 of the commencement of a full investigation into an allegation or
8 appearance of misconduct or disability of the judge as provided in
9 Section 33.022 and before the final disposition of that
10 investigation; or

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

14 (5) annually demonstrate that the judge has completed
15 in the past state fiscal year the educational requirements for
16 active district, statutory probate, and statutory county court
17 judges; ~~and~~

18 (6) certify to the presiding judge a willingness not
19 to appear and plead as an attorney in any court in this state for a
20 period of two years; and

21 (7) not have been defeated in the last election in
22 which the judge was a candidate for justice or judge of the court
23 over which the retired or former judge most recently presided as
24 provided by Section 74.054(e).

25 SECTION 4. This Act applies only to the appointment of a
26 visiting judge that occurs on or after the effective date of this
27 Act. The appointment of a visiting judge before the effective date

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1 of this Act is governed by the law in effect when the visiting judge
2 was appointed, and that law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2011.