

By: Hernandez Luna

H.B. No. 469

A BILL TO BE ENTITLED

1 AN ACT
2 relating to assignment of a retired or former judge in certain
3 proceedings.

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

5 SECTION 1. Section 74.055(c), Government Code, is amended
6 to read as follows:

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

9 (1) have served as an active judge for at least 48 [~~96~~]
10 months in a district, statutory probate, statutory county, or
11 appellate court;

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

14 (3) not have been removed from office;

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

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

19 (B) the judge:

20 (i) did not resign or retire from office
21 after the State Commission on Judicial Conduct notified the judge
22 of the commencement of a full investigation into an allegation or
23 appearance of misconduct or disability of the judge as provided in
24 Section 33.022 and before the final disposition of that

1 investigation; or

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

5 (5) annually demonstrate that the judge has completed
6 in the past state fiscal year the educational requirements for
7 active district, statutory probate, and statutory county court
8 judges; and

9 (6) certify to the presiding judge a willingness not
10 to appear and plead as an attorney in any court in this state for a
11 period of two years.

12 SECTION 2. This Act applies only to the appointment of a
13 retired or visiting judge that occurs on or after the effective date
14 of this Act. The appointment of a retired or visiting judge before
15 the effective date of this Act is governed by the law in effect when
16 the visiting judge was appointed, and that law is continued in
17 effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2013.