

By: Nevárez

H.B. No. 323

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the eligibility of a retired or former judge for
3 assignment in certain 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 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 not in the preceding 10 years
18 [~~never~~] been publicly reprimanded or censured by the State
19 Commission on Judicial Conduct related to behavior on the bench or
20 judicial duties; and

21 (B) the judge:

22 (i) did not resign or retire from office
23 after the State Commission on Judicial Conduct notified the judge
24 of the commencement of a full investigation into an allegation or

1 appearance of misconduct or disability of the judge as provided in
2 Section 33.022 and before the final disposition of that
3 investigation; or

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

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

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

14 SECTION 2. Section 74.055(f), Government Code, is repealed.

15 SECTION 3. This Act applies only to the appointment of a
16 retired or former judge that occurs on or after the effective date
17 of this Act. The appointment of a retired or former judge before
18 the effective date of this Act is governed by the law in effect when
19 the judge was appointed, and that law is continued in effect for
20 that purpose.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect December 1, 2017.