

By: Nevárez

H.B. No. 1172

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a retired or former judge for assignment in certain proceedings.

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

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

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

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

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

(3) not have been removed from office;

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

~~[(A) the judge has never 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~~

1 Section ~~33.022~~ and before the final disposition of that
2 investigation; or

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

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

10 (5) [~~(6)~~] certify to the presiding judge a willingness
11 not to appear and plead as an attorney in any court in this state for
12 a period of two years.

13 SECTION 2. Section ~~74.0551~~(a), Government Code, is amended
14 to read as follows:

15 (a) The two-year period provided for in Section
16 74.055(c)(5) [~~74.055(c)(6)~~] is from January 1 of one year through
17 December 31 of the next year.

18 SECTION 3. Section ~~74.055~~(f), Government Code, is repealed.

19 SECTION 4. This Act applies only to the appointment of a
20 retired or former judge that occurs on or after the effective date
21 of this Act. The appointment of a retired or former judge before
22 the effective date of this Act is governed by the law in effect when
23 the judge was appointed, and that law is continued in effect for
24 that purpose.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section ~~39~~, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.