

By: Nevárez

H.B. No. 332

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 the  
17 judge has not:

18 (A) in the preceding 10 years [~~the judge has~~  
19 ~~never~~] been publicly reprimanded or censured by the State  
20 Commission on Judicial Conduct in relation to behavior on the bench  
21 or judicial duties, provided the judge served as an active judge for  
22 at least four terms of office; or [~~and~~]

23 (B) been convicted of a felony or a crime  
24 involving domestic violence or moral turpitude [~~the judge~~]

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

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

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

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

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 Section 74.055(f), Government Code, is repealed.

18                 SECTION 3. Section 74.055(c), Government Code, as amended  
19 by this Act, applies only to the appointment of a retired or former  
20 judge that occurs on or after the effective date of this Act. The  
21 appointment of a retired or former judge before the effective date  
22 of this Act is governed by the law in effect when the judge was  
23 appointed, and that law is continued in effect for that purpose.

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

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1 Act takes effect September 1, 2019.