

By: Meyer

H.B. No. 2547

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of certain former and retired justices and judges.

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

SECTION 1. Sections 74.003(b), (c), and (e), Government Code, are amended to read as follows:

(b) The chief justice of the supreme court may assign a qualified retired or former justice or judge of the supreme court, of the court of criminal appeals, or of a court of appeals to a court of appeals for active service regardless of whether a vacancy exists in the court to which the justice is assigned. To be eligible for assignment under this subsection, a retired or former justice or judge must:

(1) have served as an active justice or judge for at least 72 [~~96~~] months in a district, statutory probate, statutory county, or appellate court, with at least 48 of those months in an appellate court;

(2) not have been removed from office for misconduct described by Section 1-a(6), Article V, Texas Constitution, or for incapacity;

(3) certify under oath to the chief justice of the supreme court, on a form prescribed by the chief justice, that:

(A) the justice or judge has never been publicly reprimanded or censured by the State Commission on Judicial

1 Conduct; and

2 (B) the justice or judge:

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

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

13 (4) annually demonstrate that the justice or judge has  
14 completed in the past state fiscal year the educational  
15 requirements for active appellate court justices or judges; and

16 (5) certify to the chief justice of the supreme court a  
17 willingness not to appear and plead as an attorney in any court in  
18 this state in which the justice or judge served as a justice or  
19 judge for a period of two years following that service.

20 (c) An active, ~~or~~ retired, or former justice or judge  
21 assigned as provided by this section out of the county of the  
22 justice's or judge's ~~his~~ residence is entitled to receive the same  
23 expenses and per diem as those allowed a district judge assigned as  
24 provided by Subchapter C. The state shall pay the expenses and per  
25 diem on certificates of approval by the chief justice of the supreme  
26 court or the chief justice of the court of appeals to which the  
27 justice or judge is assigned. The compensation authorized by this

1 subsection is in addition to all other compensation authorized by  
2 law.

3 (e) A retired or former justice or judge assigned as  
4 provided by this section is entitled to receive, pro rata for the  
5 time serving on assignment, from money appropriated from the  
6 general revenue fund for that purpose, an amount equal to the  
7 compensation received from state and county sources by a justice of  
8 the court of appeals to which assigned.

9 SECTION 2. Section 74.055, Government Code, is amended to  
10 read as follows:

11 Sec. 74.055. LIST OF RETIRED AND FORMER JUSTICES AND JUDGES  
12 SUBJECT TO ASSIGNMENT. (a) Each presiding judge shall maintain a  
13 list of retired and former justices and judges who meet the  
14 requirements of this section.

15 (b) The presiding judge shall divide the list into area  
16 specialties of criminal, civil, or domestic relations cases. A  
17 retired or former justice or judge may only be assigned to a case in  
18 the justice's or judge's area of specialty. A justice or judge may  
19 qualify for assignment in more than one area of specialty.

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

22 (1) have served as an active justice or judge for at  
23 least 72 [~~96~~] months in a district, statutory probate, statutory  
24 county, or appellate court;

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

27 (3) not have been removed from office for misconduct

1 described by Section 1-a(6), Article V, Texas Constitution, or for  
2 incapacity;

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

5 (A) the justice or judge has never been publicly  
6 reprimanded or censured by the State Commission on Judicial  
7 Conduct; and

8 (B) the justice or judge:

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

15 (ii) if the justice or judge resigned [~~did~~  
16 ~~resign~~] from office under circumstances described by Subparagraph  
17 (i), was not publicly reprimanded or censured as a result of the  
18 investigation;

19 (5) annually demonstrate that the justice or judge has  
20 completed in the past state fiscal year the educational  
21 requirements for active district, statutory probate, and statutory  
22 county court judges; and

23 (6) certify to the presiding judge a willingness not  
24 to appear and plead as an attorney in any court in this state in  
25 which the justice or judge served as a justice or judge for a period  
26 of two years following that service.

27 (e) For purposes of Subsection (c)(1), a month of service is

1 calculated as a calendar month or a portion of a calendar month in  
2 which a justice or judge was authorized by election or appointment  
3 to preside.

4 (f) A former or retired justice or judge is ineligible to be  
5 named on the list if the former or retired justice or judge is  
6 identified in a public statement issued by the State Commission on  
7 Judicial Conduct as having resigned or retired from office in lieu  
8 of discipline.

9 (g) A former or retired justice or judge named on the list  
10 shall immediately notify the presiding judge of a full  
11 investigation by the State Commission on Judicial Conduct into an  
12 allegation or appearance of misconduct or disability by the justice  
13 or judge. A justice or judge who does not notify the presiding judge  
14 of an investigation as required by this subsection is ineligible to  
15 remain on the list.

16 SECTION 3. The change in law made by this Act applies only  
17 to a certification or recertification that takes effect after the  
18 effective date of this Act. A certification or recertification  
19 that takes effect before the effective date of this Act is governed  
20 by the law in effect on the date the certification or  
21 recertification took effect, and the former law is continued in  
22 effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2019.