

By: Morales of Maverick

H.B. No. 3966

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of certain retired or former district
3 court judges for assignment as a visiting judge.

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

5 SECTION 1. Section 74.055, Government Code, is amended by
6 amending Subsections (c) and (f) and adding Subsection (d) to read
7 as follows:

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

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

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

15 (3) not have been removed from office;

16 (4) except as provided by Subsection (d), certify
17 under oath to the presiding judge, on a form prescribed by the state
18 board of regional judges, that:

19 (A) the judge has never been publicly reprimanded
20 or censured by the State Commission on Judicial Conduct; 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 (d) Notwithstanding Subsection (c)(4), a retired or former
15 district court judge is eligible to be named on the list if the
16 retired or former district court judge certifies under oath to the
17 presiding judge, on a form prescribed by the state board of regional
18 judges, that during the 12 years preceding assignment under this
19 section:

20 (1) the judge has not been publicly reprimanded or
21 censured by the State Commission on Judicial Conduct; and

22 (2) the judge:

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

1 investigation; or

2 (B) if the judge did resign from office under
3 circumstances described by Paragraph (A), was not publicly
4 reprimanded or censured as a result of the investigation.

5 (f) A former or retired judge of a statutory probate,
6 statutory county, or appellate court is ineligible to be named on
7 the list if the former or retired judge is identified in a public
8 statement issued by the State Commission on Judicial Conduct as
9 having resigned or retired from office in lieu of discipline. A
10 former or retired district court judge is ineligible to be named on
11 the list if during the 12 years preceding appointment under this
12 section the former or retired judge is identified in a public
13 statement issued by the State Commission on Judicial Conduct as
14 having resigned or retired from office in lieu of discipline.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2021.