

By: Morales of Maverick

H.B. No. 3966

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain retired or former district court judges for assignment as a visiting judge.

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

SECTION 1. Section 74.055, Government Code, is amended by amending Subsections (c) and (f) and adding Subsection (d) 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) except as provided by Subsection (d), 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

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.