

By: Sparks

S.B. No. 2491

A BILL TO BE ENTITLED

AN ACT

relating to qualifications for a retired judge's appointment as a visiting judge to a constitutional county court.

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

SECTION 1. Subchapter C, Chapter 26, Government Code, is amended to read as follows:

Sec. 26.023. APPOINTMENT FOR ABSENCE OF JUDGE. (a) The county judge may appoint a retired judge or a constitutional county judge from another county as a visiting judge when the county judge is absent from the county or absent because of physical incapacity.

(b) The visiting judge shall sit in all matters that are docketed on any of the county court's dockets and has the powers of the county judge in relation to the matter involved.

(c) Without the consent of the commissioners court, visiting judges appointed under this section may not sit for more than 15 working days during a calendar year.

(d) The order appointing the visiting judge shall be noted in the docket of the court.

(e) For the purposes of this Chapter, a "retired judge" is defined as a person who meets the requirements of Government Code Subsection 74.041(6).

SECTION 2. SUBCHAPTER C, Chapter 74, ADMINISTRATIVE JUDICIAL REGIONS is amended to read as follows:

Sec. 74.041. DEFINITIONS. In this chapter:

1 (1) "Administrative region" means an administrative
2 judicial region created by Section 74.042.

3 (2) "Presiding judge" means the presiding judge of an
4 administrative region.

5 (3) "Retiree" means a person who has retired under the
6 Judicial Retirement System of Texas, the Judicial Retirement System
7 of Texas Plan One, or the Judicial Retirement System of Texas Plan
8 Two.

9 (4) "Active judge" means a person who is a current judicial
10 officeholder.

11 (5) "Former judge" means a person who has served as an
12 active judge in a district, statutory probate, statutory county, or
13 appellate court, but who is not a retired judge.

14 (6) "Retired judge" means:

15 (A) a retiree; or

16 (B) a person who served as an active judge for at least 96
17 months in a statutory probate and has retired under the Texas County
18 and District Retirement System; or

19 (C) A person who served as an active judge for at least 96
20 months in a constitutional county court or who served at least 48
21 months in a constitutional county court and who is a licensed
22 attorney in the state.

23 (7) "Senior judge" means a retiree who has elected to be a
24 judicial officer under Section 75.001.

25 SECTION 3. SUBCHAPTER C, Chapter 74, ADMINISTRATIVE
26 JUDICIAL REGIONS is amended to read as follows:

27 Sec. 74.055. LIST OF RETIRED AND FORMER JUDGES SUBJECT TO

1 ASSIGNMENT. (a) Each presiding judge shall maintain a list of
2 retired and former judges who meet the requirements of this
3 section.

4 (b) The presiding judge shall divide the list into area
5 specialties of criminal, civil, or domestic relations cases. A
6 retired or former judge may only be assigned to a case in the
7 judge's area of specialty. A judge may qualify for assignment in
8 more than one area of specialty.

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

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

14 (1B) have served as an active judge for at least 96 months in
15 a constitutional county court, or have served as an active judge for
16 at least 48 months in a constitutional county court and who is a
17 licensed attorney in the state.

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

20 (3) not have been removed from office;

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

23 (A) the judge has never been publicly reprimanded or
24 censured by the State Commission on Judicial Conduct; and

25 (B) the judge:

26 (i) did not resign or retire from office after the State
27 Commission on Judicial Conduct notified the judge of the

1 commencement of a full investigation into an allegation or
2 appearance of misconduct or disability of the judge as provided in
3 Section 33.022 and before the final disposition of that
4 investigation; or

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

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

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

14 (d) Repealed by Acts 2003, 78th Leg., ch. 315, Sec. 15.

15 (e) For purposes of Subsection (c)(1), a month of service is
16 calculated as a calendar month or a portion of a calendar month in
17 which a judge was authorized by election or appointment to preside.

18 (f) A former or retired judge is ineligible to be named on
19 the list if the former or retired judge is identified in a public
20 statement issued by the State Commission on Judicial Conduct as
21 having resigned or retired from office in lieu of discipline.

22 (g) A former or retired judge named on the list shall
23 immediately notify the presiding judge of a full investigation by
24 the State Commission on Judicial Conduct into an allegation or
25 appearance of misconduct or disability by the judge. A judge who
26 does not notify the presiding judge of an investigation as required
27 by this subsection is ineligible to remain on the list.

1 SECTION 4. This Act takes effect September 1, 2023.