By: Hartnett   H.B. No. 764

Substitute the following for H.B. No. 764:

By: Martinez   C.S.H.B. No. 764

A BILL TO BE ENTITLED

1   AN ACT

2   relating to eligibility for assignment as a visiting judge.

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

4   SECTION 1. Section 25.0022(t), Government Code, is amended

5   to read as follows:

6   (t) To be eligible for assignment under this section, a

7   former or retired judge of a statutory probate court must:

8   (1) not have been removed from office; [and]

9   (2) certify under oath to the presiding judge, on a

10   form prescribed by the state board of regional judges, that:

11   (A) the judge has not been publicly reprimanded

12   or censured by the State Commission on Judicial Conduct; and

13   (B) the judge:

14   (i) did not resign or retire from office

15   after the State Commission on Judicial Conduct notified the judge

16   of the commencement of a full investigation into an allegation or

17   appearance of misconduct or disability of the judge [having

18   received notice that formal proceedings by the State Commission on

19   Judicial Conduct had been instituted] as provided in Section 33.022

20   and before the final disposition of that investigation; or

21   (ii) if the judge did resign from office

22   under circumstances described by Subparagraph (i), was not publicly

23   reprimanded or censured as a result of the investigation;

24   (3) annually demonstrate that the judge has completed

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1 in the past state fiscal year the educational requirements for an
2 active statutory probate court judge;

3   (4) have served as an active judge for at least 96
4 months in a district, statutory probate, statutory county, or
5 appellate court; and

6   (5) have developed substantial experience in the
7 judge's area of specialty [the proceedings].

8   SECTION 2. (a) The change in law made by Chapter 315 (H.B.
9 3306), Acts of the 78th Legislature, Regular Session, 2003, to
10 Section 74.055(c)(1), Government Code, does not apply to a person
11 who:

12   (1) was serving a term as an active judge described by
13 Section 74.054(a)(1), Government Code, on August 31, 2003; and

14   (2) on completion of that term, met the eligibility
15 requirements, other than the requirement of Section 74.055(c)(6),
16 Government Code, to be named on a list of retired and former judges
17 under Section 74.055(c), Government Code, as that law existed on
18 August 31, 2003.

19   (b) Section 74.055(c), Government Code, as it existed on
20 August 31, 2003, is continued in effect for determining the
21 eligibility of a person described by Subsection (a) of this section
22 to be named on the list of retired and former judges subject to
23 assignment.

24   SECTION 3. (a) The change in law made by this Act by
25 amending Section 25.0022(t)(2), Government Code, and by adding
26 Sections 25.0022(t)(4) and (5), Government Code, applies only to an
27 assignment of a visiting judge appointed under Chapter 25,

1 Government Code, made on or after September 1, 2009. An assignment

2 made before September 1, 2009, is governed by Section 25.0022(t),

3 Government Code, as it exists on the date of the assignment, and

4 that law is continued in effect for that purpose.

5 (b) The change in law made by this Act by amending Section

6 25.0022(t)(2), Government Code, and by adding Sections

7 25.0022(t)(4) and (5), Government Code, does not apply to a person

8 who immediately before the effective date of this Act meets the

9 eligibility requirements to be assigned by the presiding judge

10 under Section 25.0022(h), Government Code, and the former law is

11 continued in effect for determining that person's eligibility for

12 that purpose.

13 (c) The change in law made by this Act by adding Section

14 25.0022(t)(3), Government Code, applies only to an assignment of a

15 visiting judge appointed under Chapter 25, Government Code, made on

16 or after September 1, 2010. Except as provided by Subsection (b) of

17 this section, an assignment made before September 1, 2010, is

18 governed by Section 25.0022(t), Government Code, as it exists on

19 the date of the assignment, and that law is continued in effect for

20 that purpose.

21 (d) Section 25.0022(t)(2)(A), Government Code, as added by

22 this Act, applies only to a reprimand or censure issued by the State

23 Commission on Judicial Conduct on or after the effective date of

24 this Act.

25 SECTION 4. This Act takes effect September 1, 2009.