

By: White

H.B. No. 650

A BILL TO BE ENTITLED

1 AN ACT
2 relating to qualifications to serve as a retired judge and
3 eligibility of a retired or former judge for assignment in certain
4 proceedings.

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

6 SECTION 1. Section 74.041(6), Government Code, is amended
7 to read as follows:

8 (6) "Retired judge" means:

9 (A) a retiree; or

10 (B) a person who served as an active judge for at
11 least 48 [~~96~~] months in a statutory probate or statutory county
12 court and has retired under the Texas County and District
13 Retirement System.

14 SECTION 2. Section 74.055(c), Government Code, is amended
15 to read as follows:

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

18 (1) have served as an active judge for at least 48 [~~96~~]
19 months in a district, statutory probate, statutory county, or
20 appellate court;

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

23 (3) not have been removed from office;

24 (4) certify under oath to the presiding judge, on a

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

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

4 (B) the judge:

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

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

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

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

21 SECTION 3. This Act applies only to the appointment of a
22 retired or visiting judge that occurs on or after the effective date
23 of this Act. The appointment of a retired or visiting judge before
24 the effective date of this Act is governed by the law in effect when
25 the judge was appointed, and that law is continued in effect for
26 that purpose.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.