

- SUBJECT:** Changing eligibility requirements for certain retired judge assignments
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Neave, R. Smith, White
- 0 nays
- 1 present not voting — Meyer
- WITNESSES:** For — (*Registered, but did not testify:* Melissa Shannon, Bexar County Commissioners Court)
- Against — None
- BACKGROUND:** Government Code sec 74.055 requires each presiding judge to maintain a list of retired and former judges who could be assigned to hold special or regular terms of court to try cases and dispose of accumulated business. In order to be eligible for inclusion in the list, judges must have served as an active member for at least 96 months in certain courts and meet other eligibility requirements.
- Retired or former judges must certify to the presiding judge that they are willing to serve in order to be named on the list. In addition, a retired or former judge must certify under oath that the judge had never been publicly reprimanded or censured by the State Commission on Judicial Conduct and did not resign or retire from office after being notified that the judge was being investigated for an allegation or appearance of misconduct.
- Some have suggested that eligibility requirements to be enrolled in the list of retired and former judges should be loosened to address the shortage of judges in rural areas.
- DIGEST:** HB 332 would revise the eligibility requirements for retired and former

judges to be included in the list required by Government Code sec. 74.055.

Under the bill, a judge would be required to have served for at least four terms of office, instead of a minimum of 96 months, in order to be eligible to be named on the list.

A judge also would have to certify that the judge:

- had not been publicly reprimanded or censured in the preceding 10 years in relation to behavior on the bench or judicial duties;
- had not been convicted of a felony; and
- had not been charged with a crime alleging domestic violence or involving moral turpitude.

The bill would repeal a requirement that a judge certify that the judge did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of an investigation into an allegation of misconduct by the judge before the final disposition of that investigation, or if the judge did resign under those circumstances, that the judge was not publicly reprimanded or censured as a result of the investigation.

It also would repeal a provision stating that a former or retired judge would be ineligible to be named on the list if the judge was identified in a public statement issued by the State Commission on Judicial Conduct as having resigned or retired from office in lieu of discipline.

HB 332 would apply only to the appointment of a retired or former judge that occurred on or after the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.