

BILL ANALYSIS

H.B. 332
By: Nevárez
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that there is a shortage of judges in rural areas of the state and that retired or former judges who could serve in those areas are unable to do so due to certain eligibility requirements. H.B. 332 seeks to allow qualified judges to help meet this demand while ensuring the integrity of the courts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 332 amends the Government Code to change the minimum period for which a retired or former judge must have served as an active judge in a district, statutory probate, statutory county, or appellate court in order to be eligible to be named on the list of retired and former judges subject to assignment in certain proceedings from a minimum period of 96 months to a minimum period of four terms of office. The bill changes the certification that a former or retired judge, in order to be eligible to be named on the list, must make under oath to the presiding judge of the applicable administrative judicial region from a certification that the judge has never been publicly reprimanded or censured by the State Commission on Judicial Conduct (SCJC) to a certification that the judge has not in the preceding 10 years been publicly reprimanded or censured by SCJC in relation to behavior on the bench or judicial duties, has not been convicted of a felony, and has not been charged with a crime alleging domestic violence or involving moral turpitude. The bill removes the requirement that the judge certify that the judge did not resign or retire from office after SCJC notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge before the final disposition of that investigation or, if the judge did resign from office under such circumstances, that the judge was not publicly reprimanded or censured as a result of the investigation. The bill repeals a provision that makes a former or retired judge ineligible to be named on the list if the judge is identified in a public statement issued by SCJC as having resigned or retired from office in lieu of discipline.

H.B. 332 repeals Section 74.055(f), Government Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.