

## **BILL ANALYSIS**

H.B. 3966  
By: Morales, Eddie  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In Texas, certain retired or former judges are eligible for assignment to a case in the judge's area of specialty as a visiting judge under the Court Administration Act. However, it has been noted that retired or former district court judges are currently ineligible to be named on the list of eligible judges subject to assignment. There have been calls to include these judges on the list given their wealth of experience and the perpetual need for qualified judges in courtrooms across Texas. H.B. 3966 seeks to address this issue by providing for the eligibility of certain retired or former district court judges for assignment as a visiting judge.

### **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. 3966 amends the Government Code to make a retired or former district court judge eligible to be named on a presiding judge's list of retired and former judges subject to assignment as a visiting judge under the Court Administration Act if the retired or former district court judge certifies the following under oath to the presiding judge that during the 12 years preceding any such assignment:

- the judge has not been publicly reprimanded or censured by the State Commission on Judicial Conduct (SCJC); and
- 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 and before the final disposition of that investigation, or, if the judge did resign from office under those circumstances, was not publicly reprimanded or censured as a result of the investigation.

The bill makes a former or retired district court judge ineligible to be named on the list if during the 12 years preceding any potential appointment the former or retired judge is identified in a public statement issued by SCJC as having resigned or retired from office in lieu of discipline.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.