

By: Murr, Spiller

H.B. No. 103

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a retired or former judge as a visiting judge in certain counties.

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

SECTION 1. Section 26.012, Government Code, is amended to read as follows:

Sec. 26.012. ASSIGNMENT OF VISITING JUDGE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH MATTERS. (a) If the county judge is absent, incapacitated, recused, or disqualified to act in a probate, guardianship, or mental health matter, a visiting judge shall be assigned in accordance with Section 25.0022(h).

(b) Notwithstanding Section 25.0022(t)(4), a visiting judge may be assigned under this section if the judge has served as an active judge for at least 48 months in a statutory probate court.

SECTION 2. Subchapter C, Chapter 26, Government Code, is amended by adding Section 26.020 to read as follows:

Sec. 26.020. DEFINITION. In this subchapter, "former constitutional county judge" means a person who:

(1) served as a judge for at least 96 months in a constitutional county court; or

(2) served as a judge for at least 48 months in a constitutional county court and who is a licensed attorney in this state.

SECTION 3. Section 26.023(a), Government Code, is amended

1 to read as follows:

2 (a) The county judge may appoint a retired judge, former
3 constitutional county judge, or a constitutional county judge from
4 another county as a visiting judge when the county judge is absent
5 from the county or absent because of physical incapacity.

6 SECTION 4. Section 26.024(a), Government Code, is amended
7 to read as follows:

8 (a) The county judge may appoint a retired judge, former
9 constitutional county judge, or a constitutional county judge from
10 another county as a visiting judge to share the bench if the county
11 judge finds that the dockets of the county court reflect a case load
12 that the county judge considers to be in excess of that which can be
13 disposed of properly in a manner consistent with the efficient
14 administration of justice.

15 SECTION 5. Section 25.0022(t-1), Government Code, is
16 repealed.

17 SECTION 6. This Act takes effect September 1, 2023.