

By: Huffman
(Schofield)

S.B. No. 1173

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of criminal law hearing officers and of a special presiding judge and associate judges for certain courts.

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

SECTION 1. Section 54.852, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (b-1) to read as follows:

(a) A board composed of three judges of the district courts of Harris County trying criminal cases, three judges of the county criminal courts at law, and three justices of the peace in Harris County may appoint criminal law hearing officers [~~, with the consent and approval of the commissioners court,~~] to perform the duties authorized by this subchapter if:

(1) the presiding judge of the administrative judicial region that includes Harris County approves the appointment; and

(2) the county auditor certifies the expenses incurred by the appointment will not exceed the applicable budget appropriation.

(a-1) A quorum is two-thirds of the members of the board.

(b) The board shall ensure that the criminal law hearing officers appointed under this subchapter are:

(1) representative of the race, sex, national origin, and ethnicity of the population of Harris County; and

(2) certified in criminal law by the Texas Board of

1 Legal Specialization.

2 (b-1) The board is subject to Chapter 551, Government Code.

3 (c) A criminal law hearing officer serves a one-year term
4 and may be reappointed at the end of a term [~~continues to serve~~
5 ~~until a successor is appointed~~].

6 SECTION 2. Sections 54A.002(a), (b), and (c), Government
7 Code, are amended to read as follows:

8 (a) A judge of a court subject to this subchapter may
9 appoint a full-time or part-time associate judge to perform the
10 duties authorized by this subchapter if the presiding judge of the
11 administrative judicial region that includes [~~commissioners court~~
12 ~~of~~] the county in which the court has jurisdiction has authorized
13 the creation of an associate judge position.

14 (b) If a court has jurisdiction in more than one county, an
15 associate judge appointed by that court may serve only in a county
16 in which a presiding judge of an administrative judicial region
17 [~~the commissioners court~~] has authorized the appointment.

18 (c) If more than one court in a county is subject to this
19 subchapter, the presiding judge of the administrative judicial
20 region that includes the county [~~commissioners court~~] may authorize
21 the appointment of an associate judge for each court or may
22 authorize one or more associate judges to share service with two or
23 more courts.

24 SECTION 3. Subchapter D, Chapter 74, Government Code, is
25 amended by adding Section 74.0972 to read as follows:

26 Sec. 74.0972. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR
27 HARRIS COUNTY. Notwithstanding Section 74.091(b), the local

1 administrative district judge for Harris County is selected on the
2 basis of seniority from the district judges of all the judicial
3 districts comprised of Harris County.

4 SECTION 4. Section 75.403, Government Code, is amended by
5 amending Subsection (e) and adding Subsections (b-1), (e-1), and
6 (e-2) to read as follows:

7 (b-1) To be selected as a presiding judge under this
8 section, a judge must have served at least one full term as a judge
9 of a state or county court in this state.

10 (e) If the presiding [a] judge is absent or for any reason
11 unable to preside, the presiding judge may select [appoint] a
12 special judge to serve as presiding judge from a list maintained by
13 the presiding judge of each judge who:

14 (1) is currently serving a term to which the judge was
15 elected on a court with criminal jurisdiction in Harris County; and

16 (2) has agreed to be subject to appointment under this
17 subsection.

18 (e-1) The presiding judge shall submit the judge's
19 selection under Subsection (e) to the presiding judge of the
20 administrative judicial region that includes Harris County for
21 approval. If the presiding judge of the administrative judicial
22 region approves the presiding judge's selection, the presiding
23 judge of the administrative judicial region shall appoint the judge
24 as a special judge to serve as presiding judge.

25 (e-2) The qualifications, duties, and powers of a special
26 judge appointed under Subsection (e-1) are the same as for the
27 regular presiding judge. [~~The provisions of Articles 30.04, 30.05,~~

1 ~~and 30.06, Code of Criminal Procedure, 1965, relating to the oath,~~
2 ~~compensation, and record of appointment of certain special judges~~
3 ~~apply to the appointment of a special judge under this subsection.]~~

4 SECTION 5. Section [25.1033\(i\)](#), Government Code, is
5 repealed.

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