

BILL ANALYSIS

Senate Research Center

H.B. 1539
By: Naishtat (Wentworth)
Jurisprudence
5/9/2003
Engrossed

DIGEST AND PURPOSE

In 1999, the 76th Texas Legislature granted statutory probate judges the authority to appoint associate judges. This legislation was modeled after a similar bill creating family law associate judges. However, the family law associate judge bill was amended in two ways that were not mirrored in the probate legislation. First, the family law legislation changed the designation of the associate judge from “master” to “associate judge.” Second, the family law bill granted the associate judge the authority to conduct a jury trial if no party to the litigation objected. H.B. 1539 makes these same two changes to the statute pertaining to associate judges in statutory probate courts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 54, Government Code, as follows:

CHAPTER 54. MASTERS; MAGISTRATES; REFEREES; ASSOCIATE JUDGES

SECTION 2. Amends the heading to Subchapter G, Chapter 54, Government Code, as follows:

SUBCHAPTER G. STATUTORY PROBATE COURT ASSOCIATE JUDGES

SECTION 3. Amends Sections 54.602-54.614, Government Code, as follows:

Sec. 54.602. Provides that this subchapter does not apply to the statutory probate courts of Harris County, except Probate Court No. 1.

Sec. 54.603. (a)-(e) Replaces “probate master” with “associate judge.”

Sec. 54.604. New heading: TERMINATION OF ASSOCIATE JUDGE.

(a)-(d) Makes conforming changes.

Sec. 54.605. (a)-(b) Makes conforming changes.

Sec. 54.606. Makes a conforming change.

Sec. 54.607. Makes a conforming change.

Sec. 54.608. (a)-(c) Makes conforming changes. Adds new language relating to a party filing an objection with an associate judge presiding at a jury trial. Deletes Subsections (d) relating to consent to a probate master’s hearing a contested trial and (e) relating to referrals by probate masters from existing text.

Sec. 54.609. (a)-(b) Makes conforming changes.

Sec. 54.610. New heading: POWERS OF ASSOCIATE JUDGE.

Makes conforming changes.

Sec. 54.611 through Sec. 54.614. Makes conforming changes.

SECTION 4. Amends Section 54.615(a), Government Code, to make a conforming change.

SECTION 5. Amends Sections 54.616 and 54.617, Government Code, as follows:

Sec. 54.616. Makes conforming changes.

Sec. 54.617. New heading: JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT. Makes conforming changes.

SECTION 6. Amends Sections 54.618(a), (b), and (g), Government Code, to make conforming changes.

SECTION 7. Amends Section 54.619(a), Government Code, to make a conforming change.

SECTION 8. Amends Section 54.620, Government Code, to make conforming changes.

SECTION 9. Amends Article 2.09, Code of Criminal Procedure, to replace "masters" with "associate judges" in defining magistrates.

SECTION 10. Provides that a reference in law to a probate master appointed under Subchapter G, Chapter 54, Government Code, means an associate judge of a statutory probate court appointed under that subchapter.

SECTION 11. Effective date: September 1, 2003.