

BILL ANALYSIS

H.B. 1539
By: Naishtat
Judicial Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

In 1999, the 76th Legislature granted statutory probate judges the authority to appoint associate judges. This legislation was modeled after the introduced version of a similar bill creating family law associate judges, also in the 76th Legislature. Unbeknownst to the author of the probate bill, the family law bill was amended in two significant 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 legislation objected.

H.B. 1539 makes these same two changes to the statute pertaining to associate judges in statutory probate courts. This will primarily ensure that these associate judges will be able to conduct jury trials in the area of mental health.

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. 1539 amends the Government Code to replace the term “probate master” with the term “associate judge.”

The bill also permits such associate judges to hear contested trials on the merits and jury trials unless a party to the litigation objects.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 provides that the provisions of the bill do apply to Harris County Probate Court No. 1.