

BILL ANALYSIS

Senate Research Center
79R15098 E

H.B. 3519
By: Naishtat (Wentworth)
Jurisprudence
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Section 27.055, Government Code, provides that if a justice of the peace is temporarily unable to perform duties because of absence, recusal, illness, injury or other disability, then a temporary justice may be appointed. H.B. 3519 authorizes certain counties to appoint a temporary justice of the peace to hold court to dispose of accumulated business in the precinct. This bill expands that statute for certain counties to allow a temporary justice to sit for the purpose of reducing crowded dockets.

Additionally, the current language of Section 27.055 does not expressly give the county judge the authority to delegate the responsibility for making appointments. This bill adds explicit language to provide that the county judge in the applicable counties may delegate the responsibility for making appointments.

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 Section 27.055, Government Code, by amending Subsections (c), (d), and (e) and adding Subsection (f), as follows:

(c) Includes Subsection (f) as a subsection for which "qualified person" is defined.

(d) and (e) Makes a conforming change.

(f) Authorizes a county judge, in a county that has a population of more than 800,000 and that has not more than five justices of the peace, to appoint a qualified person to serve as a temporary justice of the peace to hold court when necessary to dispose of accumulated business in the precinct. Authorizes the county judge to designate the local administrative statutory county judge to act on behalf of the county judge in making the appointment under this subsection.

SECTION 2. Effective date: September 1, 2005.