

By: Herrero

H.B. No. 3441

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of visiting justices of the peace.

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

SECTION 1. Sections 27.054 and 27.055, Government Code, is amended to read as follows:

Sec. 27.054. (a) A justice of the peace may hold court for any other justice in any county and precinct of this state [~~the county~~] at the request of the presiding justice of the peace.

(b) The justices of any county or precinct [~~a county~~] may exchange benches if they consider it expedient. The sharing of benches is temporary, and should not exceed 5 days.

(c) There is no liability or consideration for remuneration to a visiting justice of the peace by a county under this section.

Sec. 27.055. VISITING [~~SPECIAL AND TEMPORARY~~] JUSTICES. (a) If a justice of the peace is disqualified from a civil case, is sick, or is absent from the precinct, the justice may request a qualified justice of the peace to serve as visiting justice to hear the case or preside over the court for a period not exceeding 5 days [~~the parties may agree on a person to try the case~~]. If the parties object to the visiting justice, they may agree on another qualified justice to try the case. If the parties fail to agree at the first term of the court after service is perfected, the county judge shall, on application of the justice or either party, appoint a qualified justice [~~person~~] to try the case.

1 The disqualification, absence, or illness of the justice and the  
2 selection by agreement or appointment of another person to try the  
3 case shall be noted on the docket of the justice.

4 (b) If a justice is [~~temporarily~~] unable to perform official  
5 duties because of absence, recusal, illness, injury, or other  
6 disability for a period exceeding 5 days, the county judge may  
7 appoint a qualified justice of the peace [~~person~~] to serve as  
8 visiting [~~temporary~~] justice for the duration of the disability.  
9 The commissioners court shall compensate the visiting [~~temporary~~]  
10 justice [~~by the day, week, or month~~] in an amount equal to the  
11 compensation of the regular justice for the time period served by  
12 the visiting justice. A visiting [~~temporary~~] justice has all the  
13 rights and powers of the justice of the peace while serving in that  
14 capacity but may not make personnel decisions about, or significant  
15 changes in, the justice of the peace's office where the visiting  
16 justice is serving.

17 (c) In this section [~~Subsection (b)~~], "qualified justice of  
18 the peace [~~person~~]" means a person who is currently serving as a  
19 justice of the peace with at least 5 years experience or a retired  
20 justice of the peace [~~has served as a justice of the peace for not~~  
21 ~~less than 4-1/2 years and who has not been convicted of a criminal~~  
22 ~~offense that involves moral turpitude~~].

23 (d) A qualified justice of the peace [~~person~~] appointed  
24 under Subsection (b) may reside in a county other than the county in  
25 which the qualified justice of the peace [~~person~~] is appointed as a  
26 visiting [~~temporary~~] justice of the peace.

27 [~~(e) The county judge may appoint any qualified voter under~~

1 ~~Section 11.002, Election Code, to serve as a temporary justice of~~  
2 ~~the peace if the judge cannot find a qualified person who agrees to~~  
3 ~~serve under Subsection (b).]~~