

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 22, 2005**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judiciary

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB3441** by Herrero (Relating to the assignment of visiting justices of the peace.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would authorize a justice of the peace to hold court for any other justice of the peace in any county or precinct of this state. The justices of any county or precinct would be authorized to exchange benches as needed, but for a period not to exceed 5 days. The bill would also allow a justice who is disqualified from a civil case, is sick, or is absent from the precinct to request a qualified justice to preside over the court for not more than 5 days. There would be no liability or consideration for remuneration to a visiting justice of the peace by a county under Section 27.054, Government Code.

The bill would remove statute that authorizes a county judge to appoint a qualified voter to serve as a temporary justice of the peace. Other proposed changes to statute would require that a qualified justice of the peace rather than a person who meets certain qualifications serve as a visiting justice. A qualified justice of the peace would mean a justice currently serving as a justice of the peace and with at least 5 years experience or a retired justice of the peace.

Under current statute, a justice of the peace may hold court for another justice in the county, whereas the provisions of the bill would authorize a justice of peace to hold court for any other justice in any county or precinct of the state. Current statute does not set a specific time limit for serving as a visiting judge or for sharing a bench.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, DLBa