

By: Vaught

H.B. No. 3802

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of a visiting judge in a criminal matter.

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

SECTION 1. Section 74.054, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections (b), ~~and~~ (c), and (e), the following judges may be assigned as provided by this chapter by the presiding judge of the administrative region in which the assigned judge resides:

(1) an active district, constitutional county, or statutory county court judge in this state;

(2) a senior judge who has consented to be subject to assignment and who is on the list maintained by the presiding judge under this chapter;

(3) a former district or appellate judge, retired or former statutory probate court judge, or retired or former statutory county court judge who certifies to the presiding judge a willingness to serve and who is on the list maintained by the presiding judge as required by this chapter;

(4) a retiree or a former judge whose last judicial office before retirement was justice or judge of the supreme court, the court of criminal appeals, or a court of appeals and who has been assigned by the chief justice to the administrative judicial

1 region in which the retiree or former judge resides for
2 reassignment by the presiding judge of that region to a district or
3 statutory county court in the region; and

4 (5) an active judge or justice of the supreme court,
5 the court of criminal appeals, or a court of appeals who has had
6 trial court experience.

7 (e) An active, retired, or former statutory county court
8 judge or an active constitutional county court judge may not be
9 assigned to hear a criminal matter if the court in which the judge
10 currently serves or previously served, as applicable, does not or,
11 at the time the judge served the court, did not, have jurisdiction
12 to hear the matter.

13 SECTION 2. The changes in law made by this Act apply only to
14 the assignment of a judge made on or after the effective date of
15 this Act. An assignment made before the effective date of this Act
16 is governed by the law in effect at the time the assignment was
17 made, and that law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2007.