

BILL ANALYSIS

Senate Research Center
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H.B. 3468
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are currently seven district courts in Travis County that give preference to criminal cases. Beginning in the early 1990s, the district judges of those courts have met as a separate group on a monthly basis to discuss administrative issues. Due to administrative issues pertaining to the criminal courts addressed in these meetings, the judges have informally elected a presiding criminal judge since 1991. Over time the demands on the presiding judge have increased substantially, including the supervision of an annual budget of \$15 million for the criminal courts and of the appointment system of defense lawyers for approximately 9,600 felony cases per year.

H.B. 3468 codifies that the judges of the Travis County district courts which give preference to criminal cases shall elect a presiding criminal judge among themselves to serve for a two-year term. The bill also codifies the specific administrative duties of the presiding judge.

In addition, the bill authorizes the Commissioners Court of Travis County to establish additional compensatory pay for the presiding criminal judge. The provision is strictly permissive and the compensatory pay shall not exceed the amount paid to the local administrative district judge of Travis County by the state.

Lastly, the bill provides that the presiding criminal judge's additional compensation is not included as part of the judge's salary for purposes of certain salary limitations and that the total annual salary received by a district judge in the county does not include, for purposes of determining certain judge's salaries, compensation paid to the presiding criminal judge.

H.B. 3468 relates to the selection, duties, and compensation of a presiding criminal judge in Travis County.

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 25.2292(f), Government Code, to provide that for purposes of determining the annual salary of a judge of a county court at law under this section, the total annual salary received by a district judge in the county does not include compensation paid to the presiding criminal judge of Travis County under Section 75.016.

SECTION 2. Amends Section 25.2293, Government Code, by adding Subsection (m), to provide that for purposes of determining the annual salary of a judge of a statutory probate court as provided by Section 25.0023, the total annual salary received by a district judge in the county does not include compensation paid to the presiding criminal judge of Travis County under Section 75.016.

SECTION 3. Amends Subchapter B, Chapter 75, Government Code, by adding Section 75.016, as follows:

Sec. 75.016. PRESIDING CRIMINAL JUDGE OF TRAVIS COUNTY. (a) Requires the judges of the Travis County district courts that give preference to criminal cases to

elect from among those judges a presiding criminal judge for the county for a two-year term expiring September 30 of each odd-numbered year.

(b) Requires the presiding criminal judge, with respect to the Travis County district courts that give preference to criminal cases, to:

(1) preside at all meetings of the criminal judges, except when absent, in which case any other of those judges may preside;

(2) implement and execute the local district court rules of administration for those courts, including assigning all capital murder cases to the proper court on a rotating basis;

(3) appoint any special or standing committees necessary or desirable for the administration of those courts;

(4) address administrative issues on an emergency basis for the criminal courts, provided that the presiding criminal judge's decisions regarding those issues may be reviewed at the next meeting of the judges of those courts;

(5) supervise the budget and fiscal matters of the criminal courts;

(6) monitor and serve as liaison regarding any legislation amending the Penal Code or Code of Criminal Procedure and any other legislation affecting the business of those courts; and

(7) serve as a liaison to the commissioners court of the county and appear before the commissioners court as necessary.

(c) Authorizes the Commissioners Court of Travis County to set additional compensation to be paid to the presiding criminal judge by the county in any amount that does not exceed the amount the local administrative district judge of Travis County receives from this state. Provides that, notwithstanding any other law, compensation paid the presiding criminal judge under this subsection is not included as part of the judge's combined salary from state and county sources for purposes of the salary limitations provided by Section 659.012 (Judicial Salaries).

SECTION 4. Requires the judges of the Travis County district courts that give preference to criminal cases to elect the presiding criminal judge as required by Section 75.016, Government Code, as added by this Act, for a term beginning October 1, 2009.

SECTION 5. Effective date: September 1, 2009.