

BILL ANALYSIS

C.S.H.B. 3468
By: Naishtat
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 74 of the Government Code provides, among other things, for the designation of local administrative judges to perform certain administrative duties in their counties. Chapter 75 of the Government Code provides for the creation of certain other administrative roles in some Texas counties to address situations unique to those counties.

As Travis County has grown, so have the number of district courts, the size of the caseloads, and the complexity of administration problems. There are now 17 district courts, with seven that give preference to criminal cases. Beginning in the early 1990s, the district judges of the criminal courts in Travis County have met as a separate group on a monthly basis to discuss administrative issues. The judges began electing, informally, a presiding criminal judge in 1991 and over time the administrative, political, and time demands on the presiding judge have increased heavily. This judge oversees an annual budget of \$15 million for the criminal courts and supervises the appointment system of defense lawyers numbering more than 200 for a caseload of 9,600 felonies per year.

C.S.H.B. 3468 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 of Travis County to serve for a two- year term. The bill 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 paid to the administrative district judge of Travis County by the state. 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3468 amends the Government Code to require 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. The bill requires the presiding criminal judge, with respect to the Travis County district courts that give preference to criminal cases, to preside at all meetings of the criminal judges, except in the judge's absence any other of those judges may preside; 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; appoint any special or standing committees necessary or desirable for the administration of those courts; 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; supervise the budget and fiscal matters of the criminal courts; 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 serve as a liaison to the commissioners court of the county and appear before the commissioners court as necessary. The bill 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 the state. The bill establishes that the compensation paid to the presiding criminal judge is not included as part of the judge's combined salary from state and county sources for purposes of the salary limitations on judicial salaries set out in other provisions of law.

C.S.H.B. 3468 establishes that, for purposes of determining the annual salary of a Travis County court at law judge, or a Travis County statutory probate court judge, 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.

C.S.H.B. 3468 requires the judges of the Travis County district courts that give preference to criminal cases to elect the presiding criminal judge for a term beginning October 1, 2009.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3468 differs from the original by providing, but not requiring, that the Commissioners Court of Travis County may set additional compensation to be paid to the presiding criminal judge in any amount that does not exceed the amount the local administrative district judge receives, whereas the original entitles the presiding criminal judge to additional compensation in the same amount the local administrative judge receives.