

By: Kleinschmidt

H.B. No. 3324

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the assignment of special judges in county courts in  
3 certain counties.

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

5 SECTION 1. Subchapter B, Chapter 26, Government Code, is  
6 amended by adding Section 26.0131 to read as follows:

7 Sec. 26.0131. ASSIGNMENT OF SPECIAL JUDGE IN CERTAIN  
8 COUNTIES. (a) This section applies only to a county in which there  
9 are no statutory county courts or statutory probate courts.

10 (b) If the county court judge is absent or for any reason  
11 unable to preside over the county court, the county judge, by  
12 written order of appointment, may appoint a special judge to hear  
13 criminal, juvenile, and civil cases. The order of appointment shall  
14 state the period of appointment.

15 (c) The county judge shall appoint the special judge from a  
16 list of attorneys approved as qualified by the commissioners court.  
17 To be eligible to be selected for the list, a person must be a  
18 licensed attorney in this state who has practiced law for more than  
19 five years.

20 (d) Before performing any duties as a special judge, a  
21 person appointed to serve as a special judge shall take and sign the  
22 oath of office required by the constitution for county judges.

23 (e) The county clerk shall enter a record of the order of  
24 appointment and the oath of office into the general minutes of the

1 court.

2 (f) A special judge has the same authority as a county court  
3 judge when presiding over criminal, juvenile, or civil cases, but  
4 has no authority to preside over commissioners court meetings or  
5 over the general administration of county business that is within  
6 the jurisdiction of the commissioners court.

7 (g) The county shall compensate the special judge at a rate  
8 determined by the commissioners court before the special judge is  
9 appointed.

10 (h) During the period of appointment the special judge:

11 (1) may not practice law; and

12 (2) is subject to the Code of Judicial Conduct.

13 SECTION 2. This Act takes effect September 1, 2009.