

## **BILL ANALYSIS**

H.B. 322  
By: Hartnett  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law provides that a former or retired judge of a statutory probate court is eligible to serve as a visiting judge if that judge, among other requirements, has served as an active judge for at least 96 months in a district court, statutory probate court, statutory county court, or appellate court. Few retired statutory probate court judges in Texas have the 96 months of service required to qualify for service as a visiting judge. The number of retired statutory probate court judges available to serve in this important capacity will increase with a reduction in the required period of service. H.B. 322 decreases that required period from 96 to 72 months.

### **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**

H.B. 322 amends the Government Code to decrease from 96 months to 72 months the minimum time a former or retired judge of a statutory probate court is required to have served as an active judge in a district, statutory probate, statutory county, or appellate court in order to be eligible for assignment by the presiding judge of a statutory probate court to hear a case as a visiting judge when a recusal, disqualification, absence, or disability of a statutory probate court judge; a vacancy in the office of a statutory probate court judge; or the condition of a court docket requires such assignment or if the assignment of a statutory probate court judge to a county court, statutory county court, or statutory probate court is requested by the presiding judge of a judicial administrative district, a county court judge, or a local administrative statutory probate court.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.