

BILL ANALYSIS

H.B. 2372
By: Hartnett
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties observe that currently the presiding judge of an administrative judicial district is responsible for selecting a judge to replace a recused or disqualified statutory probate judge. The goal of H.B. 2372 is to assign this task to the presiding judge of the statutory probate courts.

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. 2372 amends the Government Code to require the presiding judge of the statutory probate courts, rather than the presiding judge of the administrative judicial district, to assign a statutory probate court judge or a former or retired judge of a statutory probate court to hear a case in which an order of recusal or disqualification of a statutory probate judge is issued under certain circumstances. The bill requires the chief justice of the supreme court to assign a statutory probate court judge or a former or retired judge of a statutory probate court to hear a case if the judge who is the subject of an order of recusal or disqualification in that case is the presiding judge of the statutory probate courts.

H.B. 2372 prohibits the presiding judge of the statutory probate courts from assigning a judge of a statutory probate court to hear a motion for recusal or disqualification by a party in the case of a statutory probate court judge if the judge serves in the same county as the statutory probate court judge who is the subject of the motion. The bill requires the judge assigned to hear a motion for recusal or disqualification to set a hearing, cause notice of the hearing to be given to all parties or their counsel to the case, and make other orders, including orders for interim or ancillary relief, in the pending case.

H.B. 2372 removes provisions relating to the requirements of a presiding judge of the administrative judicial district on receiving a request for recusal or disqualification and requiring a judge assigned to hear a motion for recusal or disqualification to provide certain information to the presiding judge of the administrative judicial district. The bill makes conforming and nonsubstantive changes.

H.B. 2372 repeals Section 25.00255(i-4), Government Code, relating to the delegation of certain authority by a presiding judge of an administrative judicial district.

EFFECTIVE DATE

September 1, 2011.