

By: Hunter

H.B. No. 3380

A BILL TO BE ENTITLED

AN ACT

relating to the recusal or disqualification of a judge assigned to a trial court.

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

SECTION 1. The heading to Section 74.053, Government Code, is amended to read as follows:

Sec. 74.053. RECUSAL OR DISQUALIFICATION OF ~~[OBJECTION TO]~~ JUDGE ASSIGNED TO A TRIAL COURT.

SECTION 2. Sections 74.053(a) and (b), Government Code, are amended to read as follows:

(a) When a judge is assigned to a trial court under this chapter, ~~÷~~

~~[(1) the order of assignment must state whether the judge is an active, former, retired, or senior judge, and~~

~~[(2)]~~ the presiding judge shall, if it is reasonable and practicable and if time permits, give notice of the assignment to each attorney representing a party to the case that is to be heard in whole or part by the assigned judge.

(b) An assigned judge or justice may be recused or disqualified from a case in a trial court to which the judge or justice was assigned only if a timely filed motion to recuse or disqualify is filed and granted under Rules 18a and 18b, Texas Rules of Civil Procedure ~~[If a party to a civil case files a timely objection to the assignment, the judge shall not hear the case.~~

1 ~~Except as provided by Subsection (d), each party to the case is only~~  
2 ~~entitled to one objection under this section for that case].~~

3 SECTION 3. Section 74.254(e), Government Code, is amended  
4 to read as follows:

5 (e) Notwithstanding any provision of Subchapter C, a  
6 justice or judge who was defeated in the last primary or general  
7 election for which the justice or judge was a candidate for the  
8 judicial office held by the justice or judge ~~[to whom Section~~  
9 ~~74.053(d) applies]~~ may not be assigned under Subsection (d).

10 SECTION 4. Section 841.061(g), Health and Safety Code, is  
11 amended to read as follows:

12 (g) A judge assigned to preside over a trial under this  
13 subchapter is not subject to an objection under Section 74.053,  
14 Government Code, but is subject to ~~[other than]~~ an objection made on  
15 the grounds that the judge was defeated in the last primary or  
16 general election for which the judge was a candidate for the  
17 judicial office held by the judge ~~[under Section 74.053(d),~~  
18 ~~Government Code]~~.

19 SECTION 5. Sections 74.053(c), (d), (e), and (f),  
20 Government Code, are repealed.

21 SECTION 6. The changes in law made by this Act apply only to  
22 a motion to recuse or disqualify a justice or judge assigned to a  
23 trial court on or after the effective date of this Act. A motion to  
24 recuse or disqualify a justice or judge assigned to a trial court  
25 before the effective date of this Act is governed by the law in  
26 effect on the date the motion is filed, and the former law is  
27 continued in effect for that purpose.

1       SECTION 7.   This Act takes effect September 1, 2013.