

BILL ANALYSIS

C.S.H.B. 520
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that appointed visiting judges serve an important function in the administration of Texas justice by filling unexpected judicial vacancies, hearing cases that standing courts do not have the capacity to handle without halting dockets, and otherwise alleviating some of the pressure on overburdened courts. However, stakeholders believe that there are significant restrictions and qualifications imposed on the list of qualified former or retired judges from which a visiting judge is appointed by the presiding judge of an administrative judicial region, including a requirement that the potential appointee have been an active judge for a minimum number of months in a district, county, probate, or appellate court, which eliminates a number of qualified potential visiting judges from consideration. The stakeholders assert that, since judgeships may come from vacancy appointments and special elections, some judges serve multiple partial terms and develop significant, diverse judicial experience without meeting that minimum experience threshold. The stakeholders contend that including these individuals on the list of former and retired judges qualified to serve as a visiting judge would provide some judicial regions with more options for appointing visiting judges and reduce the burden on these regions' courts. To address this issue, C.S.H.B. 520 seeks to expand the pool of judges that are qualified to serve as a visiting judge.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 520 amends the Government Code to establish as an alternative criterion to having 96 months of previous active judge service in specified courts that a retired or former judge must meet to be eligible to be named on the list of retired and former judges who may be assigned by the presiding judge of an administrative judicial region to hold court when necessary that the judge have served as an active judge for at least 48 months in a district, statutory county, statutory probate, or appellate court, on condition that the retired or former judge has served as judge of more than two such courts.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 520 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 74.055, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A former judge who has served as judge of more than two district, statutory probate, statutory county, or appellate courts is not required to meet the 96 months of service requirement in Subsection (c)(1) to be eligible to be named on the list.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as an active judge for:

(A) at least 96 months in a district, statutory probate, statutory county, or appellate court;

or

(B) at least 48 months in a district, statutory county, statutory probate, or appellate court, if the retired or former judge has served as judge of more than two district, statutory county, statutory probate, or appellate courts;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has never been publicly reprimanded or censured by the State Commission on Judicial Conduct; and

(B) the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation; or

(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation;

(5) annually demonstrate that the judge has completed in the past state fiscal year the educational requirements for active district, statutory probate, and statutory county court judges; and

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years.

SECTION 2. This Act takes effect
September 1, 2015.

SECTION 2. Same as introduced version.