

BILL ANALYSIS

C.S.H.B. 431
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that justices of the peace are unable to request a temporary replacement for an absence from the bench and that it is unclear when the temporary justice's service ends. C.S.H.B. 431 seeks to address these issues by authorizing a county judge to appoint a temporary justice on the judge's own motion or on the request of a sitting justice of the peace and by establishing that the temporary justice's service ends when the sitting justice of the peace returns to the bench.

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. 431 amends the Government Code to specify that the authority of a county judge to appoint a qualified person to serve as a temporary justice of the peace in the event a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability is triggered on either the judge's own motion or the justice's request. The bill changes the prescribed period of the temporary justice's service from the duration of the disability to the duration of the justice's absence from the bench.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 431 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 27.055(b), Government Code, is amended to read as follows:	SECTION 1. Section 27.055(b), Government Code, is amended to read as follows:

85R 18835

17.81.188

Substitute Document Number: 85R 17524

(b) If a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, the county judge, on the judge's own motion or at the request of the justice of the peace, may appoint a qualified person to serve as temporary justice for the duration of the absence of the justice of the peace ~~[disability]~~.

The commissioners court shall compensate the temporary justice by the day, week, or month in an amount equal to the compensation of the regular justice. A temporary justice has all the rights and powers of the justice of the peace while serving in that capacity but may not make personnel decisions about, or significant changes in, the justice of the peace's office.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(b) If a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, the county judge, on the judge's own motion or at the request of the justice of the peace, may appoint a qualified person to serve as temporary justice for the duration of the absence of the justice of the peace ~~from the bench~~ ~~[disability]~~.

The commissioners court shall compensate the temporary justice by the day, week, or month in an amount equal to the compensation of the regular justice. A temporary justice has all the rights and powers of the justice of the peace while serving in that capacity but may not make personnel decisions about, or significant changes in, the justice of the peace's office.

SECTION 2. Same as introduced version.