

BILL ANALYSIS

C.S.H.B. 3081
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that a qualified person can be appointed to serve as a special or temporary justice of the peace when a justice of the peace is unavailable. However, reports indicate that there exists a greater need for the appointment for special and temporary justices due to an increase in the caseload of justice courts in Texas. C.S.H.B. 3081 seeks to help meet this need by expanding the group of persons qualified to serve as a special or temporary justice of the peace.

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. 3081 amends the Government Code to change the eligibility requirement, based on previous service as a justice of the peace, for appointment as a special or temporary justice of the peace by lowering from 4-1/2 years to four years the minimum amount of such service and to include as persons eligible for appointment:

- a person who has served as a county judge or the judge of a county court at law for not less than four years and who has not been convicted of a criminal offense that involves moral turpitude; and
- a person who has experience and knowledge relevant to judicial or justice court processes and procedures and is approved by the county judge and a justice of the peace in the county.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3081 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the persons eligible for appointment under the bill's provisions as follows:

- by including a county judge who has served for not less than four years and who has not

- been convicted of a criminal offense that involves moral turpitude;
- by including a person who has certain relevant experience and knowledge and is approved by the county judge and a justice of the peace in the county; and
 - by not including a licensed attorney in Texas in good standing and with experience relevant to the practice of law in a justice court.