

BILL ANALYSIS

H.B. 2865
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas courts have experienced an at least three-year backlog in criminal cases alone. The backlog of civil cases and child protection cases has likewise been significant, increasing the backlog of cases that have not reached a final resolution. 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 already overburdened courts. H.B. 2865 seeks to address the growing backlog of cases by revising provisions relating to visiting judges, including by expanding eligibility for visiting judges by reducing the minimum number of months that a former or retired justice or judge must have served in an applicable court to be eligible 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

H.B. 2865 amends the Government Code to revise the eligibility requirements for a former or retired justice or judge of an applicable appellate court to be subject to assignment to active service on a different court of appeals and to revise the eligibility requirements to be named on a presiding judge's list of retired and former judges subject to assignment as a visiting judge under the Court Administration Act. The bill makes the following revisions to those eligibility requirements, as applicable:

- reduces from 96 to 72 the minimum number of months for which the former or retired justice or judge must have served as an active justice or judge in an applicable court;
- clarifies that the requirement to certify to the chief justice of the supreme court or the presiding judge a willingness not to appear and plead as an attorney in any court in Texas is with respect to any court to which the judge is assigned; and
- requires the former or retired justice or judge to certify to the chief justice or presiding judge a willingness not to hear any matter involving a party who is a current or former client of the justice or judge for the duration of the assignment.

The bill's provisions apply only to the assignment of a justice or judge on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.