

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2865
By: Raymond; Guillen (Zaffirini)
Jurisprudence
5/19/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2865 amends current law relating to the assignment of certain retired and former justices and judges.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.003(b), Government Code, as follows:

(b) Requires a former or retired justice or judge, to be eligible for assignment under this subsection, to:

(1) have served as an active justice or judge for at least 72 months, rather than 96 months, in a district, statutory probate, statutory county, or appellate court, with at least 48 of those months in an appellate court;

(2)-(3) makes no changes to these subdivisions;

(4) makes a nonsubstantive change to this subdivision;

(5) certify to the chief justice of the Supreme Court of Texas a willingness not to appear and plead as an attorney in any district, statutory county, or statutory probate court in the county in which the judge is assigned for a period of two years, rather than in any court in this state for a period of two years; and

(6) certify to the chief justice 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.

SECTION 2. Amends Section 74.041(6), Government Code, to redefine "retired judge."

SECTION 3. Amends Section 74.055(c), Government Code, as follows:

(c) Requires a retired or former judge, to be eligible to be named on the list of retired and former judges who are subject to assignment, to:

(1) have served as an active judge for at least 72 months, rather than 96 months, in a district, statutory probate, statutory county, or appellate court;

(2)-(4) makes no changes to these subdivisions;

(5) makes nonsubstantive changes to this subdivision;

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any district, statutory county, or statutory probate court in the county in which the judge is assigned for a period of two years, rather than in any court in this state for a period of two years; and

(7) certify to the presiding judge a willingness not to hear any matter involving a party who is a current or former client of the judge for the duration of the assignment.

SECTION 4. Makes application of Sections 74.003(b), 74.041(6), and 74.055(c), Government Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.