

BILL ANALYSIS

H.B. 3115
By: Morales, Eddie
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, certain retired or former judges are eligible for assignment to a case in the judge's area of specialty as a visiting judge under the Court Administration Act. However, retired and former district court judges are currently ineligible to be included on the list of eligible judges subject to assignment if they have ever been formally reprimanded by the State Commission on Judicial Conduct (SCJC). Due to high caseload in many areas, especially in regions on and around the border, these judges should be included on the list and subject to assignment as visiting judges if considerable time has passed since their reprimand. H.B. 3115 seeks to help alleviate the increasing caseload by allowing otherwise eligible judges to serve as visiting judges as long as they have not been reprimanded or censured by the SCJC in over 15 years.

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. 3115 amends the Government Code to make a retired or former district court judge eligible 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 if the retired or former district court judge certifies under oath to the presiding judge on a specified form that the following has not occurred during the 15 years preceding any such assignment:

- the judge has not been publicly reprimanded or censured by the State Commission on Judicial Conduct (SCJC); and
- the judge did not resign or retire from office after the SCJC notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge and before the final disposition of that investigation, or, if the judge did resign from office under those circumstances, was not publicly reprimanded or censured as a result of the investigation.

The bill makes a former or retired district court judge ineligible to be named on the list if during the 15 years preceding any potential appointment the former or retired judge is identified in a public statement issued by the SCJC as having resigned or retired from office in lieu of discipline.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.