

## **BILL ANALYSIS**

H.B. 4081  
By: Clardy  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

During a 2022 hearing of the Senate Committee on Border Security, the Department of Public Safety, the Office of the Attorney General, and the Office of Court Administration of the Texas Judicial System (OCA) reviewed the great effect that the border crisis was imposing on rural counties in Texas. Specifically, these agencies stated that increased criminal trespass and misdemeanor arrests were overwhelming smaller court systems, resulting in a need for visiting judges to help catch up with backlogged cases.

At the epicenter of this issue according to testimony was Kinney County, a small county with a population of around 3,100 people. Before 2021, the Kinney County sheriff reported that his county had a very small number of human smuggling and misdemeanor cases. However, after January 2021 and the start of Operation Lone Star, the county reported a significant increase in misdemeanor cases as well as human smuggling and trafficking felony cases. Thanks to Operation Lone Star, the county was able to receive the necessary funding for legal assistants and visiting judges. An OCA representative stated that OCA provided \$950,000 for visiting judge salaries under the Operation Lone Star mission. Other counties using visiting judges for adjudication include Jim Hogg and Maverick Counties. Kinney County and others have since caught up on the extreme backlog of border-related cases.

H.B. 4081 seeks to formalize a system for providing for associate judges appointed to consider cases related to border security.

### **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 rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 1 of this bill.

### **ANALYSIS**

H.B. 4081 amends the Government Code to authorize a judge to refer to an associate judge any matter arising out of a criminal case involving alleged conduct constituting the offense of criminal trespass engaged in by a person not lawfully present in the United States. The bill authorizes the commissioners court of a county to submit a request to the Texas Judicial Council (TJC) for reimbursement of all or part of the salary paid to an associate judge to whom judges in the county give preference when referring such cases, to be paid from money appropriated to the TJC for the purposes of border security. The bill authorizes the TJC to adopt rules to implement that reimbursement authorization.

**EFFECTIVE DATE**

September 1, 2023.