

BILL ANALYSIS

Senate Research Center
88R9883 TSS-D

S.B. 1173
By: Huffman
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Section 75.403 of the Government Code, the judges of the courts in Harris County that have the same criminal jurisdiction may select from among themselves a presiding judge. Currently, there is uncertainty regarding a presiding judge's powers to appoint a special judge in the case of an absence. Additionally, there is confusion regarding which individuals are eligible for appointment under this section.

S.B. 1173 clarifies that if a presiding judge is absent for any reason and unable to preside, the presiding judge may appoint a special judge to serve in their place. The bill also specifies that the appointed special judge must meet the same qualifications, powers, and duties as the presiding judge.

As proposed, S.B. 1173 amends current law relating to the appointment of a special presiding judge for certain Harris County courts.

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 75.403, Government Code, by amending Subsection (e) and adding Subsection (e-1), as follows:

(e) Authorizes the presiding judge to appoint a special judge to serve as presiding judge, if the presiding judge is absent or for any reason unable to preside, from a list maintained by the presiding judge of each judge who:

(1) is currently serving a term to which the judge was elected on a court with criminal jurisdiction in Harris County; and

(2) has agreed to be subject to appointment under this subsection.

(e-1) Creates this subsection from existing text. Provides that the qualifications, duties, and powers of a special judge appointed under Subsection (e) are the same as for the regular presiding judge. Deletes existing text providing that certain provisions of the Code of Criminal Procedure, 1965, relating to the oath, compensation, and record of appointment of certain special judges apply to the appointment of a special judge under this subsection.

SECTION 2. Repealer: Section 25.1033(i) (relating to authorizing a special county criminal court at law judge for Harris County to be appointed or elected as provided by law), Government Code.

SECTION 3. Effective date: September 1, 2023.