H.B. No. 103

AN ACT

relating to the appointment of a retired or former judge as a visiting judge in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 26.012, Government Code, is amended to read as follows:

Sec. 26.012.  ASSIGNMENT OF VISITING JUDGE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH MATTERS. (a) If the county judge is absent, incapacitated, recused, or disqualified to act in a probate, guardianship, or mental health matter, a visiting judge shall be assigned in accordance with Section 25.0022(h).

(b)  Notwithstanding Section 25.0022(t)(4), a visiting judge may be assigned under this section if the judge has served as an active judge for at least 48 months in a statutory probate court.

SECTION 2.  Subchapter C, Chapter 26, Government Code, is amended by adding Section 26.020 to read as follows:

Sec. 26.020.  DEFINITION. In this subchapter, "former constitutional county judge" means a person who:

(1)  served as a judge for at least 96 months in a constitutional county court; or

(2)  served as a judge for at least 48 months in a constitutional county court and who is a licensed attorney in this state.

SECTION 3.  Section 26.023(a), Government Code, is amended to read as follows:

(a)  The county judge may appoint a retired judge, former constitutional county judge, or a constitutional county judge from another county as a visiting judge when the county judge is absent from the county or absent because of physical incapacity.

SECTION 4.  Section 26.024(a), Government Code, is amended to read as follows:

(a)  The county judge may appoint a retired judge, former constitutional county judge, or a constitutional county judge from another county as a visiting judge to share the bench if the county judge finds that the dockets of the county court reflect a case load that the county judge considers to be in excess of that which can be disposed of properly in a manner consistent with the efficient administration of justice.

SECTION 5.  Section 25.0022(t-1), Government Code, is repealed.

SECTION 6.  This Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 103 was passed by the House on May 4, 2023, by the following vote:  Yeas 143, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 103 was passed by the Senate on May 19, 2023, by the following vote:  Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor