By:  Murr, Spiller (Senate Sponsor - Sparks) H.B. No. 103

(In the Senate - Received from the House May 5, 2023; May 8, 2023, read first time and referred to Committee on State Affairs; May 15, 2023, reported favorably by the following vote: Yeas 8, Nays 0; May 15, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry                     X

Schwertner                X

Zaffirini                 X

A BILL TO BE ENTITLED

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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