

1 AN ACT

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

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

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

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

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

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

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

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

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

24 SECTION 3. Section 26.023(a), Government Code, is amended

1 to read as follows:

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

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

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

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16 repealed.

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

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor