

1-1 By: Huffman S.B. No. 1173
1-2 (In the Senate - Filed February 23, 2023; March 9, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 27, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 1; March 27, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles		X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1173 By: Huffman

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the appointment of criminal law hearing officers and of
1-20 a special presiding judge and associate judges for certain criminal
1-21 courts.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 54.852, Government Code, is amended by
1-24 amending Subsections (a), (b), and (c) and adding Subsections (a-1)
1-25 and (b-1) to read as follows:

1-26 (a) A board composed of three judges of the district courts
1-27 of Harris County trying criminal cases, three judges of the county
1-28 criminal courts at law, and three justices of the peace in Harris
1-29 County may appoint criminal law hearing officers [~~, with the consent
1-30 and approval of the commissioners court,~~] to perform the duties
1-31 authorized by this subchapter if:

1-32 (1) the presiding judge of the administrative judicial
1-33 region that includes Harris County approves the appointment; and

1-34 (2) the county auditor certifies the expenses incurred
1-35 by the appointment will not exceed the applicable budget
1-36 appropriation.

1-37 (a-1) A quorum is two-thirds of the members of the board.

1-38 (b) The board shall ensure that the criminal law hearing
1-39 officers appointed under this subchapter are:

1-40 (1) representative of the race, sex, national origin,
1-41 and ethnicity of the population of Harris County; and

1-42 (2) certified in criminal law by the Texas Board of
1-43 Legal Specialization.

1-44 (b-1) The board is subject to Chapter 551, Government Code.

1-45 (c) A criminal law hearing officer serves a one-year term
1-46 and may be reappointed at the end of a term [~~continues to serve
1-47 until a successor is appointed~~].

1-48 SECTION 2. Sections 54A.002(a), (b), and (c), Government
1-49 Code, are amended to read as follows:

1-50 (a) A judge of a court subject to this subchapter may
1-51 appoint a full-time or part-time associate judge to perform the
1-52 duties authorized by this subchapter if the presiding judge of the
1-53 administrative judicial region that includes [commissioners court
1-54 ~~of]~~ the county in which the court has jurisdiction has authorized
1-55 the creation of an associate judge position.

1-56 (b) If a court has jurisdiction in more than one county, an
1-57 associate judge appointed by that court may serve only in a county
1-58 in which a presiding judge of an administrative judicial region
1-59 [~~the commissioners court~~] has authorized the appointment.

1-60 (c) If more than one court in a county is subject to this

2-1 subchapter, the presiding judge of the administrative judicial
2-2 region that includes the county [~~commissioners court~~] may authorize
2-3 the appointment of an associate judge for each court or may
2-4 authorize one or more associate judges to share service with two or
2-5 more courts.

2-6 SECTION 3. Section 75.403, Government Code, is amended by
2-7 amending Subsection (e) and adding Subsections (b-1), (e-1), and
2-8 (e-2) to read as follows:

2-9 (b-1) To be selected as a presiding judge under this
2-10 section, a judge must have served at least one full term as a judge
2-11 of a state or county court in this state.

2-12 (e) If the presiding [~~a~~] judge is absent or for any reason
2-13 unable to preside, the presiding judge may select [~~appoint~~] a
2-14 special judge to serve as presiding judge from a list maintained by
2-15 the presiding judge of each judge who:

2-16 (1) is currently serving a term to which the judge was
2-17 elected on a court with criminal jurisdiction in Harris County; and

2-18 (2) has agreed to be subject to appointment under this
2-19 subsection.

2-20 (e-1) The presiding judge shall submit the judge's
2-21 selection under Subsection (e) to the presiding judge of the
2-22 administrative judicial region that includes Harris County for
2-23 approval. If the presiding judge of the administrative judicial
2-24 region approves the presiding judge's selection, the presiding
2-25 judge of the administrative judicial region shall appoint the judge
2-26 as a special judge to serve as presiding judge.

2-27 (e-2) The qualifications, duties, and powers of a special
2-28 judge appointed under Subsection (e-1) are the same as for the
2-29 regular presiding judge. [~~The provisions of Articles 30.04, 30.05,~~
2-30 and ~~30.06, Code of Criminal Procedure, 1965, relating to the oath,~~
2-31 compensation, and record of appointment of certain special judges
2-32 apply to the appointment of a special judge under this subsection.]

2-33 SECTION 4. Section 25.1033(i), Government Code, is
2-34 repealed.

2-35 SECTION 5. This Act takes effect September 1, 2023.

2-36 * * * * *