

BILL ANALYSIS

H.B. 1181
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to the Office of Court Administration, juvenile courts in Texas had a clearance rate of 88 percent in 2023. The bill author has informed the committee that this created a significant backlog in the courts, effectively delaying due process, because 12 percent of juvenile cases that were filed had not been resolved for that period. The bill author has further informed the committee that appointed visiting judges have served an important function in the administration of justice in the state by filling unexpected judicial vacancies, hearing cases that standing courts do not have the capacity to handle without halting dockets, and otherwise alleviating some of the pressure on already overburdened courts. H.B. 1181 seeks to address this issue by revising the eligibility requirements for former or retired justices or judges of an applicable appellate court, including by reducing the minimum number of months that the former or retired justice or judge must have served in an applicable court to be eligible to serve as a visiting judge.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1181 amends the Government Code to revise the eligibility requirements for a former or retired justice or judge of an applicable appellate court to be subject to assignment to active service on a court of appeals and to revise the eligibility requirements to be named on a presiding judge's list of retired and former judges subject to assignment as a visiting judge under the Court Administration Act. The bill makes the following revisions to those eligibility requirements, as applicable:

- lowers from 96 to 72 the minimum number of months for which the former or retired justice or judge must have served as an active justice or judge in an applicable court;
- changes the courts in which the former or retired justice or judge must certify to the chief justice of the supreme court a willingness not to appear and plead as an attorney for two years from any court in Texas to any court of appeals in Texas or a district, statutory probate, or statutory county court in a county under the jurisdiction of the appellate court to which the justice or judge is assigned;
- changes the courts in which the former or retired judge must certify to the presiding judge a willingness not to appear and plead as an attorney for two years from any court in Texas to any court in the administrative judicial region in which the judge is assigned; and

- requires the former or retired justice or judge to certify to the chief justice or presiding judge, as applicable, a willingness not to hear any matter involving a party who is a current or former client of the justice or judge for the duration of the assignment.

H.B. 1181 applies only to the assignment of a justice or judge on or after the bill's effective date. The assignment of a justice or judge before the bill's effective date is governed by the law in effect on the date of the assignment, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

91st day after the last day of the legislative session.