

BILL ANALYSIS

C.S.H.B. 2920
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, when a justice of the peace is disqualified, absent, or unable to perform official duties due to illness, recusal, or other reasons, the county judge has the authority to appoint a temporary or special justice. The bill author has informed the committee that there are improvements needed for the appointment process to ensure more transparency and collaboration in selecting qualified individuals to serve in these temporary roles. C.S.H.B. 2920 seeks to revise the appointment process by requiring justices of the peace to submit a list of individuals they would like to be considered for these appointments and providing for the use of these lists by county judges.

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

C.S.H.B. 2920 amends the Government Code to require a justice of the peace, not later than the 30th day after the first day of each term to which the justice is elected or appointed, to provide to the county judge of the county in which the justice of the peace serves a list of three individuals who are qualified to serve as a temporary justice of the peace and whom the justice of the peace would like to serve in the justice of the peace's absence. The bill authorizes the justice of the peace to amend the list at any time. The bill requires a justice of the peace serving on the bill's effective date to submit the list to the applicable county judge not later than the 30th day after the bill's effective date.

C.S.H.B. 2920 revises statutory provisions governing the appointment of special and temporary justices of the peace by doing the following:

- providing for a county judge making one of the following appointments to select the appointed person from the list the applicable justice of the peace provides under the bill's provisions:
 - an appointment of a person to try a case in lieu of a justice of the peace who is disqualified from the case, is sick, or is absent from the precinct if the parties fail to agree on a person to try the case at the first term of the court after service is perfected; or
 - an appointment of a person to serve as a temporary justice of the peace if a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability; and
- providing the option for a county employee designated by the county judge to appoint a special or temporary justice of the peace as an alternative to the county judge.

C.S.H.B. 2920, with respect to the authorization to appoint any qualified voter who has certain relevant experience and knowledge and is approved by the county judge and a justice of the peace in the county to serve as a temporary justice of the peace in the event that a qualified person who agrees to serve in that role cannot be found, revises the eligibility criteria for such an appointed person by doing the following:

- replacing the criterion that the person has experience and knowledge relevant to judicial or justice court processes and procedures with the criterion that the person has completed training in the relevant judicial or justice court processes and procedures; and
- adding the following criteria:
 - the person resides in the justice precinct served by the justice court to which the person is appointed;
 - the person is not currently the subject of an inquiry or investigation conducted under state law by the State Commission on Judicial Conduct, the State Bar of Texas, or the Texas Ethics Commission; and
 - the person is not a party in a matter pending before the justice court or before another court of the county served by the justice court relating to a matter before the justice court.

C.S.H.B. 2920 applies only to a special or temporary justice of the peace appointed on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2920 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced revised statutory provisions governing the appointment of special and temporary justices by replacing the county judge with the county commissioners court as the entity with the authority to appoint a special or temporary justice of the peace, the substitute does not. Instead, the substitute does the following:

- sets out provisions requiring a justice of the peace to provide to the applicable county judge a list of three individuals who are qualified to serve as a special or temporary justice of the peace and whom the justice of the peace would like to serve in the justice of the peace's absence, which may be amended at any time;
- provides for a county judge to use that list in making certain appointments; and
- provides the option for a county employee designated by the county judge to appoint a special or temporary justice of the peace as an alternative to the county judge.

The substitute omits provisions from the introduced that did the following:

- with respect to the conditions that trigger the authorization for the commissioners court to appoint a qualified person to serve as temporary justice of the peace, added a justice's temporary inability to perform official duties because of an emergency to those conditions; and
- required a commissioners court's appointment of a special or temporary justice of the peace or, if applicable, the designation of a local administrative statutory county court judge to act on behalf of the commissioners court in making an appointment for a temporary justice of the peace to be unanimous.

Additionally, the substitute revises the eligibility criteria for a person appointed as a temporary justice of the peace when a qualified person who agrees to serve in that role cannot be found, whereas the introduced did not revise those eligibility criteria.