

BILL ANALYSIS

C.S.H.B. 3104
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law grants judges of certain district courts the authority to appoint bailiffs and set their salaries. The bill author has informed the committee that in Webb County, discrepancies have arisen between how salaries are determined for bailiffs in the 341st and 406th District Courts versus those in comparable courts, creating inconsistencies, delayed pay adjustments, and confusion about whether judges or the commissioners court has final authority in determining pay. The bill author has additionally informed the committee that the Webb County Commissioners Court and district court administration have expressed a need to clarify this salary-setting authority to ensure uniformity with other county-paid positions and maintain parity with other court officers. C.S.H.B. 3104 seeks to provide this clarity, ensure salary consistency across courts with similar duties, reduce administrative confusion, and align compensation with county budgeting processes.

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. 3104 amends the Government Code to remove the authority of the judge of the 341st District Court to appoint a bailiff. The bill also repeals the following provisions:

- the provision that entitles the bailiff appointed by the judge of the 341st District Court to receive a salary set by the judge in an amount that is commensurate with the salary paid the bailiffs of other courts with similar duties and paid out of the general fund of the county; and
- the authorization of the judge of the 406th District Court to appoint a bailiff.

C.S.H.B. 3104 does not apply to a bailiff appointed by the judge of the 341st or 406th district courts before the bill's effective date. The bill requires a bailiff appointed by the judge of the 341st or 406th district courts to continue to serve and receive compensation from Webb County in the same manner as before the bill's effective date and to be eligible to receive any longevity or cost of living salary increases available to a bailiff serving in Webb County before the bill's effective date. The former law is expressly continued in effect for these purposes.

C.S.H.B. 3104 repeals Sections 53.001(i) and 53.009(d), Government Code.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3104 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 the provision entitling a bailiff appointed by the judge of the 341st District Court to receive a salary in an amount that is commensurate with the salary paid to the bailiffs of other courts with similar duties by including a bailiff appointed by the judge of the 406th District Court and by changing the entity that sets the salary of such a bailiff from the judge to the county commissioners court, the substitute instead repeals that provision.

The substitute removes the authority of the judge of the 341st District Court to appoint a bailiff and repeals the provision authorizing the judge of the 406th District Court to appoint a bailiff, whereas the introduced did not make either of those changes.

Whereas the introduced revised the provision entitling a bailiff to receive from the county in which he serves a salary set by the judge in an amount that does not exceed the salary of the chief deputy sheriff of the county and requiring the judge to give each county commissioners court in the district written notification of the amount of compensation to be paid by the county, the substitute does not revise this provision.

The substitute includes a provision absent from the introduced providing for the implementation of its provisions, including matters relating to a bailiff currently serving an applicable court and the eligibility of such a bailiff to receive longevity or cost of living salary increases.