

BILL ANALYSIS

H.B. 4388
By: Holt
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that current statute does not explicitly prohibit judicial officers from relinquishing their authority or duties, nor does it explicitly prevent county commissioners courts from delegating judicial authority. The bill author has also informed the committee of the importance of ensuring that judicial officers adhere strictly to their constitutional and statutory duties. In response to these concerns, H.B. 4388 codifies a prohibition on the delegation or relinquishment of judicial authority, ensuring judges and applicable bodies adhere to established legal and ethical standards.

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. 4388 amends the Government Code to prohibit a person holding judicial office from abandoning, abdicating, or otherwise relinquishing the person's judicial authority or duties vested in the office by the Texas Constitution, a state statute, or the Code of Judicial Conduct. The bill establishes that a person holding judicial office is subject to the following, regardless of whether the court the person serves has civil or criminal jurisdiction:

- the Code of Judicial Conduct; and
- provisions of the Texas Constitution relating to the State Commission on Judicial Conduct and the retirement, compensation, discipline, and removal of justices and judges.

H.B. 4388 amends the Local Government Code to prohibit a commissioners court of a county from adopting or enforcing an order, rule, or other measure that delegates the authority or duties vested in a judicial office except as specifically authorized by law.

EFFECTIVE DATE

September 1, 2025.