

BILL ANALYSIS

S.B. 387
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When certain judges commit gross negligence by failing to monitor a guardian properly and cause serious loss to the guardianship estate, the damages are covered by a bond paid by the county. If the loss exceeds the bond, the judge could be held personally liable for the difference. Under current law, commissioners courts are required to execute a bond of at least \$100,000 for counties with a population of 125,000 or fewer, or \$250,000 for counties with a population of more than 125,000. The bill sponsor has informed the committee, however, that some county judges are being sued for failing to properly monitor these cases, and the loss to the guardianship estate is far greater than the bond provided for by the county. S.B. 387 would provide judges with greater protection from personal liability by increasing the bond amount to \$500,000, regardless of county size.

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

S.B. 387 amends the Government Code to increase the bond amount set by the applicable county commissioners court that the judge of either a statutory county court or a constitutional county court presiding over guardianship or probate proceedings is required to execute before beginning the duties of office from not less than \$100,000 for a court in a county with a population of 125,000 or less or not less than \$250,000 for a court in a county with a population of more than 125,000 to not less than \$500,000 regardless of the population of the county in which the court is located. The bill removes an exemption from provisions relating to the bond requirement and the removal of a statutory county court judge from office for a judge of a statutory county court who does not preside over guardianship proceedings.

EFFECTIVE DATE

September 1, 2025.