

BILL ANALYSIS

Senate Research Center

S.B. 2127
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Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas judicial system is experiencing a substantial backlog of civil and criminal cases, with a three-year or longer backlog in criminal cases alone. Appointed visiting judges often are utilized to alleviate these case backlogs. These judges can fill unforeseen judicial vacancies, handle cases that regular courts cannot manage without causing delays, and help alleviate the burden on already overwhelmed courts.

S.B. 2127 would help mitigate the statewide case backlog to ensure Texans have timely access to justice by reducing the time a retired or former judges must have served to be eligible for appointment as visiting judges from 96 months to 72 months.

S.B. 2127 amends current law to the assignment of certain retired and former justices and judges.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.003(b), Government Code, as follows:

(b) Requires a former or retired justice or judge, to be eligible for assignment under this subsection, to:

(1) have served as an active justice or judge for at least 72, rather than 96, months in a district, statutory probate, statutory county, or appellate court, with at least 48 of those months in an appellate court;

(2)-(3) makes no changes to these subdivisions;

(4) makes a nonsubstantive change to this subdivision;

(5) certify to the chief justice of the Supreme Court of Texas a willingness not to appear and plead as an attorney in any court of appeals in this state or 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 for a period of two years; and

(6) certify to the chief justice 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.

SECTION 2. Amends Section 74.041(6), Government Code to redefine "retired judge."

SECTION 3. Amends Section 74.055(c), Government Code, as follows:

(c) Requires a retired or former judge, to be eligible to be named on the list of retired and former judges subject to assignment, to:

(1) have served as an active judge for at least 72, rather than 96, months in a district, statutory probate, statutory county, or appellate court;

(2)-(4) makes no changes to these subdivisions;

(5) makes a nonsubstantive change to this subdivision;

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in the administrative judicial region in which the judge is assigned for a period of two years, rather than any court in this state, for a period of two years; and

(7) certify to the presiding judge a willingness not to hear any matter involving a party who is a current or former client of the judge for the duration of the assignment.

SECTION 4. Makes application of Sections 74.003(b), 74.041(6), and 74.055(c), Government Code, as amended by this Act, prospective.

SECTION 5. Effective date: the 91st day after the last day of the legislative session.