

By: Y. Davis of Dallas

H.B. No. 2920

Substitute the following for H.B. No. 2920:

By: Leach

C.S.H.B. No. 2920

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a special or temporary justice of the peace.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27.055, Government Code, is amended by amending Subsections (a), (b), (e), (f), and (g) and adding Subsection (b-1) to read as follows:

(a) If a justice of the peace is disqualified from a civil case, is sick, or is absent from the precinct, the parties may agree on a person to try the case. If the parties fail to agree at the first term of the court after service is perfected, the county judge or a county employee the county judge designates shall, on application of the justice or either party, appoint from the list the justice of the peace provides under Subsection (b-1) a qualified person to try the case. The disqualification, absence, or illness of the justice and the selection by agreement or appointment of another person to try the case shall be noted on the docket of the justice.

(b) If a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, the county judge or a county employee the county judge designates, on the judge's own motion or at the request of the justice of the peace, may appoint from the list the justice of the peace provides under Subsection (b-1) a qualified person to serve

as temporary justice for the duration of the absence of the justice of the peace from the bench. The commissioners court shall compensate the temporary justice by the day, week, or month in an amount equal to the compensation of the regular justice. If the temporary justice is also serving as a justice of the peace in another justice precinct in the county, the commissioners court may authorize reimbursement for the mileage expenses incurred in performing the official duties of the temporary justice's appointment, notwithstanding Chapter 152, Local Government Code. A temporary justice has all the rights and powers of the justice of the peace while serving in that capacity but may not make personnel decisions about, or significant changes in, the justice of the peace's office.

(b-1) Not later than the 30th day after the first day of each term to which a justice of the peace is elected or appointed, the justice of the peace shall 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 under this section and whom the justice of the peace would like to serve in the justice of the peace's absence. The justice of the peace at any time may amend the list submitted under this subsection.

(e) The county judge or a county employee the county judge designates may appoint ~~[any qualified voter under Section 11.002, Election Code, who has experience and knowledge relevant to judicial or justice court processes and procedures 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, if the judge cannot find

a qualified person who agrees to serve under this section, any person who:

(1) is a qualified voter under Section 11.002, Election Code;

(2) resides in the justice precinct served by the justice court to which the person is appointed;

(3) has completed training in the relevant judicial or justice court processes and procedures;

(4) is approved by the county judge and a justice of the peace in the county;

(5) is not currently the subject of an inquiry or investigation conducted by the State Commission on Judicial Conduct under Chapter 33, the state bar under Subchapter E, Chapter 81, or the Texas Ethics Commission under Chapter 571; and

(6) 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.

(f) In a county that has a population of more than 800,000 and that has not more than five justices of the peace, the county judge or a county employee the judge designates may appoint a qualified person to serve as a temporary justice of the peace to hold court when necessary to dispose of accumulated business in the justice precinct. The county judge may designate the local administrative statutory county court judge to act on behalf of the county judge in making the appointment under this subsection.

(g) This subsection applies to a county with a population of at least 135,000 but not more than 145,000, with territory less than

1 940 square miles that includes a state park, and with not more than  
2 two justice precincts provided that at least one of the precincts  
3 contains all or part of a municipality with a population of at least  
4 195,000 but not more than 205,000. The county judge of a county to  
5 which this subsection applies or a county employee the judge  
6 designates may appoint a qualified person to serve as a temporary  
7 justice of the peace for the justice precinct within which a  
8 municipality or part of a municipality is located to hold court and  
9 perform the duties of the justice when necessary to dispose of  
10 accumulated business in the precinct.

11 SECTION 2. (a) Notwithstanding Section 27.055(b-1),  
12 Government Code, as added by this Act, a justice of the peace  
13 serving on the effective date of this Act shall submit to the county  
14 judge of the county served by the justice of the peace a list  
15 described by that subsection not later than the 30th day after the  
16 effective date of this Act.

17 (b) The changes in law made by this Act apply only to a  
18 special or temporary justice of the peace appointed on or after the  
19 effective date of this Act.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2025.