

By: Y. Davis of Dallas

H.B. No. 2920

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the appointment of a special or temporary justice of the
3 peace.

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

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

8 (a) If a justice of the peace is disqualified from a civil
9 case, is sick, or is absent from the precinct, the parties may agree
10 on a person to try the case. If the parties fail to agree at the
11 first term of the court after service is perfected, the
12 commissioners court [~~county judge~~] shall, on application of the
13 justice or either party, appoint a qualified person to try the case.
14 The disqualification, absence, or illness of the justice and the
15 selection by agreement or appointment of another person to try the
16 case shall be noted on the docket of the justice.

17 (b) If a justice is temporarily unable to perform official
18 duties because of absence, recusal, illness, injury, or other
19 emergency or disability, the commissioners court [~~county judge~~], on
20 the court's [~~judge's own~~] motion or at the request of the justice of
21 the peace, may appoint a qualified person to serve as temporary
22 justice for the duration of the absence of the justice of the peace
23 from the bench. The commissioners court shall compensate the
24 temporary justice by the day, week, or month in an amount equal to

1 the compensation of the regular justice. If the temporary justice
2 is also serving as a justice of the peace in another justice
3 precinct in the county, the commissioners court may authorize
4 reimbursement for the mileage expenses incurred in performing the
5 official duties of the temporary justice's appointment,
6 notwithstanding Chapter 152, Local Government Code. A temporary
7 justice has all the rights and powers of the justice of the peace
8 while serving in that capacity but may not make personnel decisions
9 about, or significant changes in, the justice of the peace's
10 office.

11 (e) The commissioners court [~~county judge~~] may appoint any
12 qualified voter under Section 11.002, Election Code, who has
13 experience and knowledge relevant to judicial or justice court
14 processes and procedures and is approved by the commissioners court
15 [~~county judge~~] and a justice of the peace in the county, to serve as
16 a temporary justice of the peace if the commissioners court [~~judge~~]
17 cannot find a qualified person who agrees to serve under this
18 section.

19 (f) In a county that has a population of more than 800,000
20 and that has not more than five justices of the peace, the
21 commissioners court [~~county judge~~] may appoint a qualified person
22 to serve as a temporary justice of the peace to hold court when
23 necessary to dispose of accumulated business in the precinct. The
24 commissioners court [~~county judge~~] may designate the local
25 administrative statutory county court judge to act on behalf of the
26 commissioners court [~~county judge~~] in making the appointment under
27 this subsection.

1 (g) This subsection applies to a county with a population of
2 at least 135,000 but not more than 145,000, with territory less than
3 940 square miles that includes a state park, and with not more than
4 two justice precincts provided that at least one of the precincts
5 contains all or part of a municipality with a population of at least
6 195,000 but not more than 205,000. The commissioners court [~~county~~
7 ~~judge~~] of a county to which this subsection applies may appoint a
8 qualified person to serve as a temporary justice of the peace for
9 the precinct within which a municipality or part of a municipality
10 is located to hold court and perform the duties of the justice when
11 necessary to dispose of accumulated business in the precinct.

12 (h) A commissioners court's appointment of a special or
13 temporary justice of the peace under this section or, as
14 applicable, the designation of a local administrative statutory
15 county court judge to act on behalf of the commissioners court in
16 making an appointment under Subsection (f) must be unanimous.

17 SECTION 2. The changes in law made by this Act apply only to
18 a special or temporary justice of the peace appointed on or after
19 the 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.