

BILL ANALYSIS

C.S.H.B. 4103
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have noticed that state law provides insufficient guidance as to whether a judge reappointed by operation of law is required to retake and retain the oath of office. The parties contend that if this confusion remains unresolved and is litigated, the state and its cities could be responsible for a considerable amount of money. C.S.H.B. 4103 seeks to clarify this issue.

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

C.S.H.B. 4103 amends the Government Code to authorize a judge of a municipal court not reappointed by the 91st day following the expiration of a term of office who continues to serve for another term of office to continue to perform the duties of the office without taking an additional oath or affirmation otherwise required under the Texas Constitution. The bill's provisions apply to a judge of a municipal court who serves in office before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4103 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 29.005, Government Code, is amended to read as follows:

(a) The judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 29.005, Government Code, is amended to read as follows:

Sec. 29.005. TERM OF OFFICE. (a) The judge of a municipal court serves for a term of office of two years unless the

pursuant to Article XI, Section 11, of the Texas Constitution.

(b) A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

(c) Judges who continue to serve under Subsection (b) may continue to perform the duties of their offices without an additional Oath or Affirmation required pursuant to Article XVI, Section 1, of the Texas Constitution.

SECTION 2. The change in law made by this Act applies to municipal court judges who **are** in office before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

municipality provides for a longer term pursuant to Section 11, Article XI, [~~Section 11, of the~~] Texas Constitution.

(b) A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

(c) A judge of a municipal court who continues to serve for another term of office under Subsection (b) may continue to perform the duties of the office without **taking** an additional oath or affirmation required under Section 1, Article XVI, Texas Constitution.

SECTION 2. The changes in law made by this Act apply to a judge of a municipal court who **serves** in the office before, on, or after the effective date of this Act.

SECTION 3. Same as introduced version.