

## **BILL ANALYSIS**

C.S.H.B. 3040  
By: Hunter  
House Administration  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There have been calls to assess the methods by which certain trial and appellate judges are selected for office in Texas. C.S.H.B. 3040 seeks to address this issue by providing for a study of, among other related topics, the fairness, effectiveness, and desirability of selecting a judicial officer through partisan elections.

### **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. 3040 establishes the 15-member Texas Commission on Judicial Selection to study and review the method by which statutory county court judges, probate court judges, district judges, justices of the courts of appeals, judges of the court of criminal appeals, and justices of the Texas Supreme Court are selected for office in Texas. The bill provides for the appointment and composition of the commission and provides for its administration and operation.

C.S.H.B. 3040 sets out certain topics the study must consider and requires the commission, not later than December 31, 2020, to submit to the governor and the legislature a report on the commission's findings and recommendations on a method or methods for selecting judges for such judicial offices that ensure a fair, impartial, qualified, competent, and stable judiciary. The bill requires the commission to include in its recommendations specific constitutional and statutory changes that appear necessary from the results of the study.

C.S.H.B. 3040 requires the Office of Court Administration of the Texas Judicial System (OCA) to provide necessary administrative support to the commission. OCA is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose and may, but is not required to, implement a provision of the bill using other appropriations available for that purpose. The commission is abolished and the bill's provisions expire January 2, 2021.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3040 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions establishing a legislative joint interim committee on judicial selection to conduct the study with members appointed by the lieutenant governor and speaker of the house of representatives or provisions relating generally to the operation of an interim committee but includes provisions establishing the Texas Commission on Judicial Selection to conduct the study instead and providing for the administration and operation of the commission. The substitute provides for members appointed by the lieutenant governor, the speaker of the house of representatives, the chief justice of the supreme court, the presiding judge of the court of criminal appeals, and the board of directors of the state bar.

The substitute clarifies the judges and justices whose selection methods are to be studied and reviewed by the commission.

The substitute adds as an additional topic of the study and review the merits of using a public member board to nominate or assess the qualifications of candidates for judicial office.

The substitute includes a provision requiring the governor, lieutenant governor, and speaker of the house of representatives to coordinate to ensure appointed commission members reflect, to the extent practicable, the racial, ethnic, and geographic diversity of Texas and include individuals who are attorneys and individuals who are not attorneys.

The substitute revises the recipients of the findings and recommendations resulting from the study.

The substitute changes the state agency required to provide certain assistance to the entity conducting the study from the Texas Legislative Council to OCA.

The substitute includes a procedural provision providing that OCA is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose.

The substitute changes the applicable expiration and abolishment dates.