

## **BILL ANALYSIS**

S.B. 2292  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

When judges fail to properly monitor a guardian and cause serious loss to the guardianship estate, the loss to the estate is covered by a bond paid for by the county and payable to the treasurer of the county. Under current law, statutory county court and constitutional county court judges are required to execute a bond in an amount set by the county commissioners court that is not less than \$100,000 for counties with a population of 125,000 or less, or not less than \$250,000 for counties with a population of more than 125,000. If county judges are sued for failing to properly monitor these cases and the loss to the guardianship estate is greater than the bond provided for by the county, the judge could then be held personally liable for the excess loss. S.B. 2292 seeks to provide these judges greater protection from personal liability by increasing the required bond amount to not less than \$500,000 for certain county judges presiding over guardianship or probate proceedings.

### **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**

S.B. 2292 amends the Government Code to increase the bond amount set by the applicable county commissioners court that the judge of either a statutory county court or a constitutional county court presiding over guardianship or probate proceedings is required to execute before beginning the duties of office from not less than \$100,000 for a court in a county with a population of 125,000 or less or not less than \$250,000 for a court in a county with a population of more than 125,000 to not less than \$500,000 regardless of the population of the county in which the court is located. The bill removes an exemption from provisions relating to the bond requirement and the removal of a statutory county court judge from office for a judge of a statutory county court who does not preside over guardianship proceedings.

### **EFFECTIVE DATE**

September 1, 2023.