

## **BILL ANALYSIS**

Senate Research Center

H.B. 455  
By: Lewis (West)  
Jurisprudence  
5-9-97  
Engrossed

### **DIGEST**

Currently, Texas law allows either party in a civil case to object to the assignment of a judge in a district court or in a statutory county court. This option exists to provide defendants the ability to ensure impartial hearing of trials. Presently, this option is not available to defendants in criminal cases and may serve to undermine fair and impartial trials and/or court proceedings.

This bill would allow either party in a criminal case the ability to object to an assigned judge.

### **PURPOSE**

As proposed, H.B. 455 authorizes a party to a criminal case to object to an assigned judge.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 74.053(a) and (b), Government Code, to require the presiding judge, when a judge is assigned under this chapter, rather than when a judge is assigned under this chapter and if it is reasonable and practicable and if time permits, to give notice of the assignment to each attorney representing a party to the case that is to be heard in whole or part by the assigned judge. Prohibits the judge from hearing the case if a party to a civil or criminal case files a timely objection to the assignment. Provides that this subsection applies in a criminal case only if the criminal case is before a court in a county having a population of more than 500,000.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.