

BILL ANALYSIS

Senate Research Center
76R13260 JMC-F

H.B. 2201
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Infrastructure
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Engrossed

DIGEST

Currently, the law relating to municipal court judges makes no provision for a judge of one municipal court to sit for a judge of another municipal court. Under Article 30.01 (Causes Which Disqualify), Code of Criminal Procedure, there are occasions wherein a judge is absolutely disqualified to hear a particular case. There are other instances when a municipal judge should recuse. H.B. 2201 authorizes the judge of another municipal court located in an adjacent municipality to sit in the case, if the judge of a municipal court is disqualified or recused in a pending case.

PURPOSE

As proposed, H.B. 2201 authorizes the judge of another municipal court located in an adjacent municipality to sit in the case, if the judge of a municipal court is disqualified or recused in a pending case.

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 Subchapter A, Chapter 29, Government Code, by adding Section 29.012, as follows:

Sec. 29.012. SITTING FOR DISQUALIFIED OR RECUSED JUDGE. Authorizes the judge of another municipal court located in an adjacent municipality to sit in the case, if the judge of a municipal court is disqualified or recused in a pending case. Prohibits a municipal court judge from sitting in a case for another municipal court judge under this section if either party objects to the judge. Provides that an objection under this subsection must be filed before the first hearing or trial, including pretrial hearings, over which the judge is to preside.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.