

BILL ANALYSIS

Senate Research Center
76R13728 JMC-D

C.S.H.B. 869
By: Goodman (Harris)
Jurisprudence
4/27/1999
Committee Report (Substituted)

DIGEST

Currently, the Family Code authorizes the appointment of an associate judge to preside over any aspect of a suit over which the court has jurisdiction under specific provisions of the Family Code. An associate judge may conduct hearings, hear evidence, make findings of fact on evidence, formulate conclusions of law, recommend an order to be rendered in a case, and perform other enumerated functions. When an associate judge is unable to sit because of illness, vacation, or attendance at a judicial conference, family law proceedings are hampered. C.S.H.B. 869 would authorize counties to fill these vacancies by authorizing the appointment of a visiting associate judge to perform an associate judge's duties during a temporary absence, but only if the commissioners court of the county in which the court sits authorizes such employment.

PURPOSE

As proposed, C.S.H.B. 869 authorizes the appointment of certain visiting associate judges and criminal law magistrates in Tarrant County.

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 Chapter 201A, Family Code, by adding Section 201.018, as follows:

Sec. 201.018. VISITING ASSOCIATE JUDGE. Authorizes the appointment of a visiting associate judge, if the county commissioners court authorizes the employment of a visiting associate judge, to perform an associate judge's duties during the temporary absence or disability of the associate judge. Requires a person to have served as an associate judge for at least six years to be eligible for appointment as a visiting associate judge. Specifies that Sections 201.001 through 201.017 are applicable to a visiting associate judge. Establishes that Section 201.018 does not apply to a master appointed under Subchapter B.

SECTION 2. Amends Section 54.651(a), Government Code, to delete a requirement that the judges of the county criminal courts of Tarrant County appoint, with certain other judges, the numbers of magistrates set by the commissioners court. Makes a conforming change.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Adds text regarding the appointment of criminal law magistrates in Tarrant County.

SECTION 2.

Amends Section 54.651(a), Government Code, to delete a provision that requires certain criminal court judges to appoint the number of magistrates in Tarrant County. Makes a conforming change. Redesignates SECTION 3 as SECTION 4.