

## **BILL ANALYSIS**

Senate Research Center  
76R12095 JMC-D

C.S.S.B. 263  
By: Duncan  
Jurisprudence  
4/14/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the chief justice of the supreme court is authorized to assign a former judge of certain courts to active service as a visiting judge. However, the Government Code does not set forth eligibility qualifications for the potentially reassigned judges. This bill provides regulation for the process of returning a qualified retired justice or judge of the supreme court, court of criminal appeals, or the court of appeals, to active service.

### **PURPOSE**

As proposed, C.S.S.B. 263 requires certain actions of former justices or judges who wish to remain eligible for assignment as a visiting judge, and clarifies the process of objecting to a judge assignment.

### **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 Section 74.003, Government Code, by amending Subsection (b), and adding Subsection (f), as follows:

- (b) Requires certain actions of a qualified retired justice or judge who desires to be eligible for assignment.
- (f) Provides that a month of service is a calendar month or portion of a month in which a justice or judge is authorized to preside.

SECTION 2. Amends Section 74.053, Government Code, as follows:

Sec. 74.053. New heading: OBJECTION TO JUDGE ASSIGNED TO A TRIAL COURT. Specifies that certain actions are required when a judge is assigned to a trial court. Requires an objection to be filed not later than one week after the party receives notice of the assignment or if seven days notice is not given, before the first hearing commences, whichever comes first. Authorizes the presiding judge to extend the time to file an objection. Prohibits an assigned judge who was defeated in the last election from sitting in a case if either party objects to the judge. Defines "party." Authorizes notice and objections under this section to be served by electronic mail. Deletes language referring to an assigned, former, and retired judge to clarify how objections to assigned judges are made.

SECTION 3. Amends Sections 74.055(c) and (e), Government Code, to require a retired or former judge to have served as an active judge for at least 96 months, rather than 48 months, in a court to be eligible to be named on a certain list. Makes a nonsubstantive change.

SECTION 4. Amends 75.551, Government Code, to require an objection to be filed by a certain deadline. Authorizes the court to extend the deadline on a showing of good cause. Prohibits an assigned judge who was defeated in the last election from sitting in an appellate case if either party objects. Defines "party." Makes conforming changes.

SECTION 5. Repealer: Section 74.055(d), Government Code (List of Retired and Former Judges Subject to Assignment).

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.

**SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Sections 74.003(b)(3), (4) and (f), Government Code, to specify that a justice is subject to the requirements of this section.

SECTION 2.

Amends Section 74.053, Government Code, to specify that a civil case is subject to the requirements of this section. Clarifies text regarding notice deadlines. Adds text authorizing electronic mail.

SECTION 4.

Amends Section 75.551, Government Code, to make conforming changes.