

## **BILL ANALYSIS**

Senate Research Center  
79R1363 RMB-F

S.B. 435  
By: Gallegos  
Jurisprudence  
2/23/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, a justice of the peace is required to complete an 80-hour judicial education course within one year of being elected. However, there is no requirement that an appointed justice of the peace attend such a judicial education course. This oversight is allowing appointed justices of the peace to serve the general public with no judicial training.

Currently, all justices of the peace are required to take 20 hours of continuing education each year they serve as justices of the peace. However, there is no provision in the statute that the continuing education must be concerning the justices' official activities.

As proposed, S.B. 435 requires an appointed justice of the peace to attend the same judicial education course as is currently required by statute for a justice who is elected, within one year of appointment. Furthermore, S.B. 435 requires all justices of the peace to complete 20 hours of education "in the performance of the justice's duties" each subsequent year they serve as justices of the peace.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 27.005(a), Government Code, to provide that "incompetency" for purposes of removal of a justice of the peace includes the failure of the justice to successfully complete a certain course within one year after the date the justice was elected or appointed, rather than just elected. Provides that "incompetency" also includes the failure of the justice to successfully complete each following year a 20-hour course in the performance of the justice's duties, rather than just a 20-hour course.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.