

BILL ANALYSIS

Senate Research Center
86R34458 TSS-F

C.S.H.B. 3081
By: Noble (Paxton)
State Affairs
5/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that a qualified person can be appointed to serve as a special or temporary justice of the peace when a justice of the peace is unavailable. However, reports indicate that there exists a greater need for the appointment for special and temporary justices due to an increase in the caseload of justice courts in Texas. H.B. 3081 seeks to help meet this need by expanding the group of persons qualified to serve as a special or temporary justice of the peace. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3081 amends current law relating to a person qualified to serve as a temporary justice 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 Sections 27.055(c) and (e), Government Code, as follows:

(c) Makes nonsubstantive changes. Redefines "qualified person," for purposes of this section (Special and Temporary Justices), to mean a person who has served as a justice of the peace, county judge, or the judge of a county court at law for not less than four years and who has not been convicted of a criminal offense that involves moral turpitude, rather than defining "qualified person" for purposes of Subsections (b) (relating to authorizing the county judge, if a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, on the judge's own motion or at the request of the justice of the peace, to appoint a qualified person to serve as temporary justice for the duration of the absence of the justice of the peace from the bench) and (f) (relating to authorizing the county judge, in a county that has a population of more than 800,000 and that has not more than five justices of the peace, to appoint a qualified person to serve as a temporary justice of the peace to hold court when necessary to dispose of accumulated business in the precinct), to mean a person who has served as a justice of the peace for not less than four years and who has not been convicted of a criminal offense that involves moral turpitude.

(e) Authorizes the county judge to appoint any qualified voter under Section 11.002 (Qualified Voter), Election Code, who has experience and knowledge relevant to judicial or justice court processes and procedures and is approved by the county judge and a justice of the peace in the county, to serve as a temporary justice of the peace if the judge cannot find a qualified person who agrees to serve under this section, rather than authorizing the county judge to appoint any qualified voter under Section 11.002, Election Code, to serve as a temporary justice of the peace if the judge cannot find a qualified person who agrees to serve under Subsection (b) or (f).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.