

BILL ANALYSIS

Senate Research Center
88R14507 EAS-D

S.B. 2292
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When judges have failed to properly monitor a guardian and committed gross negligence causing serious loss to the guardianship estate, the loss to the estate is covered by a bond paid for by the county and payable to the treasurer of the county. Under current law, commissioners courts are required to execute a bond not less than \$100,000 for counties with a population of 125,000 or less, or \$250,000 for counties with a population of more than 125,000. Many county judges, however, are being sued or are about to be sued for failing to properly monitor these cases, and the loss to the guardianship estate is far greater than the bond provided for by the county. If the loss exceeds the bond, the judge could then be held personally liable for the excess loss.

S.B. 2292 would require the commissioners courts to execute a bond of not less than \$500,000 for a judge presiding in the court over guardianship proceedings. This higher policy amount would provide judges with greater protection from personal liability.

As proposed, S.B. 2292 amends current law relating to bond requirements for certain judges.

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 25.0006(a-1) and (a-4), Government Code, as follows:

(a-1) Requires the judge of a statutory county court, before beginning the duties of the office, to execute a bond that:

(1) makes no changes to this subdivision;

(2) is in the amount set by the commissioners court of:

(A) makes no changes to this paragraph;

(B) for a judge presiding in the court over guardianship proceedings, as defined by Section 1002.015 (Guardianship Proceeding), Estates Code, or over probate proceedings, as defined by Section 22.029 (Probate Matter; Probate Proceedings; Proceeding in Probate; Proceedings for Probate), Estates Code, not less than \$500,000, rather than \$100,000 for a court in a county with a population of 125,000 or less or \$250,000 for a court in a county with a population of more than 125,000; and

(3) makes no changes to this subdivision.

(a-4) Deletes existing text providing that Section 25.006 (Bond: Removal) does not apply to a judge of a statutory county court who does not preside over guardianship proceedings, as defined by Section 1002.015, Estates Code. Makes nonsubstantive changes.

SECTION 2. Amends Section 26.001(a), Government Code, to make conforming change.

SECTION 3. Effective date: September 1, 2023.