

SUBJECT: Compensating judges for certain out-of-courthouse hearings

COMMITTEE: Judicial Affairs — favorable, with amendment

VOTE: 9 ayes — Thompson, Hartnett, Clark, Crabb, Garcia, Luna, Shields, Solis,  
Zbranek

0 nays

WITNESSES: For — None

Against — None

On — Guy Herman

BACKGROUND : In cases involving an application for court-ordered mental health services, judges often must hold the hearing away from the county courthouse at a state or private hospital. Under the Health and Safety Code, judges in these cases are entitled to a salary supplement that is set by the commissioners court and reimbursement of reasonable and necessary expenses. When the application has been accepted in one county but the hearing is held in another county by a local judge, the county that accepted the application is responsible for these costs.

DIGEST: HB 591, as amended, would require that the salary supplement and reimbursed expenses be paid directly to the judge who held the hearing. In cases involving two counties, the commissioners court of the county responsible for the hearing costs would set the amounts for the salary supplement and allowable expenses. In addition, the judge holding the hearing would be able to assess the responsible county up to \$25 in court costs if the county holding the hearing provided the services of a prosecuting attorney.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

HB 591 would clarify the statute governing costs for hearings on applications for court-ordered mental health services when two counties were involved. It would delineate which county has authority to set the amounts of the salary supplement and reimbursable expenses for judges holding a hearing outside the courthouse. Under current law, it is arguable as to which county is authorized to set these costs. HB 591 would clearly establish that this authority is held by the county that applied for the hearing and is thus responsible for its costs. If the county set an amount considered too low, the requested judge could elect not to hear the case.

Furthermore, the bill would ensure that each county paid its fair share of hearing costs by authorizing the judge to impose a fee of up to \$25 if the county where the hearing was held provided a prosecuting attorney. This cap would end a recent problem in some counties that have been overcharging for the services of their prosecutors in these types of hearings.

HB 591 also would remedy an inequity with respect to payment of the expenses and salary supplement. In some cases, these fees are paid to the county, and the judge never receives the money. HB 591 would require that the supplement and expenses be paid directly to the judge.

The bill also would correct technical errors in the Health and Safety Code. Sec. 574.031 of the code provides for reimbursable expenses and salary supplements, but these expenses are not listed in section 571.018, which covers allowable charges. HB 591 would add to the list reimbursable expenses and salary supplements for judges, as well as the prosecutor fees that would be authorized by the bill.

**OPPONENTS  
SAY:**

Under HB 591, judges would receive some salary supplements that properly should go to their home counties. Counties pay judges' salaries for their work and should continue to receive the salary supplement paid by another county for work that infringed upon the time and duties a judge owed the home county. Judges should not be treated differently than prosecutors, who would not receive direct payment of any prosecutor fee.

The \$25 limit on prosecutor fees that would be set by HB 591 would not cover the actual cost of a prosecutor's services. The cap should be raised in order to ensure that both counties did indeed pay their fair shares.

HB 591  
House Research Organization  
page 3

NOTES: The committee amendments would require that salary supplements be paid directly to the judge, authorize prosecutor fees of no more than \$25, and add judges' reimbursable expenses and salary supplements and prosecutor fees to the Health and Safety Code list of costs that may be charged.