

## **BILL ANALYSIS**

Senate Research Center  
76R1063 JMC-F

S.B. 263  
By: Duncan  
Jurisprudence  
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As Filed

### **DIGEST**

Currently, the chief justice of the supreme court is authorized to assign a former judge of certain courts to active service as a visting 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, S.B. 263 requires certain actions of former 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 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 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 before the date 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." Deletes the specification that an objection to a judge assignment must be made by a party to a civil case and allows an objection for any case. 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." Deletes text prohibiting an assigned appellate court judge from hearing a

civil case if an objection is made, and allows an objection to be made for any case. 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.