

BILL ANALYSIS

Senate Research Center
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S.B. 788
By: Harris
Jurisprudence
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As Filed

DIGEST

Currently, court cases can be stalled due to the filing of numerous motions. It is necessary to allow parties to file motions, while also moving the case along. S.B. 788 would stipulate that upon the third motion to recuse or disqualify a judge, the court shall automatically deny any subsequent motion.

PURPOSE

As proposed, S.B. 788 establishes the recusal or disqualification of a district judge.

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 Chapter 30, Civil Practice and Remedies Code, by adding Section 30.016, as follows:

Sec. 30.016. RECUSAL OR DISQUALIFICATION OF DISTRICT JUDGE. Requires a court to automatically deny any subsequent motion, if a party has filed two motions for the recusal or disqualification of a district judge in the same case. Authorizes the denial of a motion for the recusal or disqualification of a judge to only be reviewed on appeal from final judgment.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.