

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2682  
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Jurisprudence  
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Engrossed

### **BACKGROUND AND PURPOSE**

Currently, judges in Texas do not have permanent place numbers for their offices. For each election, the secretary of state assigns place numbers prior to the filing deadline, but these numbers can vary from election to election. For instance, a judge on the court of appeals may be designated Place 2 for one election and Place 4 for another. This has led to confusion among potential challengers as they may know which incumbent they wish to challenge, but not which place number to use on their application. In addition, incumbents are under no obligation to file under the place number designated by the secretary of state.

H.B. 2682 eliminates this confusion by creating permanent place numbers for the supreme court, the court of criminal appeals, and the courts of appeals.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the courts of appeals in Section 3 (Section 22.216, Government Code) of this bill, and to the supreme court, the court of criminal appeals, and the courts of appeals in Section 5 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 22, Government Code, by adding Section 22.015, as follows:

Sec. 22.015. PERMANENT PLACE DESIGNATIONS. (a) Provides that the supreme court is composed of a chief justice and of eight justices holding places numbered consecutively beginning with Place 2.

(b) Provides that the designation of offices and places under this section identifies the offices and places for all purposes, including identification on official ballots for primary and general elections.

SECTION 2. Amends Subchapter B, Chapter 22, Government Code, by adding Section 22.112, as follows:

Sec. 22.112. PERMANENT PLACE DESIGNATIONS. (a) Provides that the court of criminal appeals is composed of a presiding judge and of eight judges holding places numbered consecutively beginning with Place 2.

(b) Provides that the designation of offices and places under this section identifies the offices and places for all purposes, including identification on official ballots for primary and general elections.

SECTION 3. Amends Section 22.216, Government Code, as follows:

Sec. 22.216. New heading: MEMBERSHIP; PERMANENT PLACE DESIGNATIONS. (a) Provides that the Court of Appeals for the First Court of Appeals District consists of a chief justice and of eight justices holding places numbered consecutively beginning with Place 2.

(b)-(n) Makes conforming changes, for the membership of the Second through Fourteenth Courts of Appeal.

(o) Provides that the designation of offices and places under this section identifies the offices and places for all purposes, including identification on official ballots for primary and general elections.

(p) Requires the designation for those offices, if any additional offices of justice of a court of appeals are created, to be in consecutive numerical order beginning with the next available place number. Provides that if two or more offices of justice are created to take effect the same date, and the legislature does not specify places for those offices, the applicable court of appeals must by rule determine places for each office. Provides that if the court does not determine places before a person is appointed or elected to fill the initial vacancy, the places are determined by seniority. Requires the chief justice of the applicable court to file the names and place numbers of the justices with the secretary of state and the clerk of the court.

SECTION 4. Repealer: Section 52.092(h), Election Code (Offices Regularly Filled at General Election for State), and Sections 22.203(c), (d), (e), and (f), Government Code (Second Court of Appeals)

SECTION 5. (a) Requires the supreme court, by a majority vote of its members, to adopt rules establishing a seniority system to determine which office and place is held by each justice serving on the court in accordance with Section 22.015, Government Code, as added by this Act. Requires the chief justice to file the names and place numbers of the justices with the secretary of state and the clerk of the court.

(b) Requires the court of criminal appeals, by a majority vote of its members, to adopt rules establishing a seniority system to determine which office and place is held by each judge serving on the court in accordance with Section 22.112, Government Code, as added by this Act. Requires the presiding judge to file the names and place numbers of the judges with the secretary of state and the clerk of the court.

(c) Requires each court of appeals, by a majority vote of its members, to adopt rules establishing a seniority system to determine which office and place is held by each justice serving on the court in accordance with Section 22.216, Government Code, as amended by this Act. Requires the chief justice to file the names and place numbers of the justices with the secretary of state and the clerk of the court.

SECTION 6. Effective date: September 1, 2003.