

## BILL ANALYSIS

Senate Research Center  
81R5923 KFF-D

S.B. 683  
By: Wentworth  
Jurisprudence  
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As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 406, 80th Legislature, Regular Session, 2007, made changes to the Government Code, requiring the presiding judge of statutory probate courts to request the presiding judge of the administrative judicial district to assign a judge to hear a recusal motion. However, current law on who makes the resulting reassignment is unclear.

As proposed, S.B. 683 conforms probate judge recusal motions and reassignments to current law. The bill details a separate process for handling motions of statutory probate court 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 Section 25.0022(h), Government Code, as follows:

(h) Authorizes a judge or a former or retired judge of a statutory probate court, subject to Section 25.002201, to be assigned by the presiding judge of the statutory probate courts to hold court in a statutory probate court, a county court, or a statutory court exercising probate jurisdiction under certain circumstances. Deletes existing text related to authorizing a judge or a former or retired judge of a statutory probate court to be assigned to hold court in a statutory probate court, county court, or any statutory court exercising probate jurisdiction when a motion to recuse the judge of a statutory probate court has been filed. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 25, Government Code, by adding Section 25.002201, as follows:

Sec. 25.002201. ASSIGNMENT OF JUDGE ON RECUSAL OR DISQUALIFICATION. (a) Authorizes a judge or a former or retired judge of a statutory probate court to be assigned by the presiding judge of the administrative judicial district under Section 25.00255 (Recusal or Disqualification of Judge) to hold court in a statutory probate court if the judge of the statutory probate court recuses himself or herself, or a motion for the recusal or disqualification of the judge is granted.

(b) Prohibits the presiding judge of the statutory probate courts from assigning a judge to hold court under the circumstances described by Subsection (a).

(c) Provides that the provisions of Section 25.0022 (Administration of Statutory Probate Courts) applicable to a judge assigned under that section apply to the same extent to a judge assigned under this section.

SECTION 3. Amends Section 25.00255, Government Code, by amending Subsections (g) and (i) and adding Subsection (i-1), as follows:

(g) Requires a judge who recuses himself or herself to enter an order of recusal and request that the presiding judge of the administrative judicial district assign a judge under Section 25.002201 to hear the case. Deletes existing text related to requiring a judge who

recuses himself or herself to enter an order of recusal and request that the presiding judge of the statutory probate courts request the assignment of a judge to hear the motion for recusal or disqualification as provided by Subsection (i).

(i) Deletes existing text related to receiving a request under Subsection (g).

(i-1) Requires the judge who heard a motion to inform the presiding judge of the administrative judicial district of that fact, and requires that presiding judge to assign a judge under Section 25.002201 to hear the case if, after a hearing required by Subsection (i), the motion for recusal or disqualification is granted.

SECTION 4. Effective date: upon passage or September 1, 2009.