

BILL ANALYSIS

Senate Research Center

S.B. 1563
By: Wentworth
Jurisprudence
4-29-97
Committee Report (Amended)

DIGEST

Currently, parties to a litigation are granted an automatic objection when a former or defeated judge is assigned to a statutory county court or district court. A recent court opinion has concluded that the language of Section 74.053, Government Code, indicates that the automatic objection provision does not apply to the appointment of a former justice to a court of appeals. This bill entitles a party to one automatic objection to an assigned appellate justice in a civil case if a party files a timely objection to the assignment of the judge or justice.

PURPOSE

As proposed, S.B. 1563 entitles a party to one automatic objection to an assigned appellate justice in a civil case if a party files a timely objection to the assignment of the judge or justice.

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 25.0022(w), Government Code, to provide that Chapter 75I, does not apply to an assignment under this section of statutory probate court judges.

SECTION 2. Amends Chapter 75, Government Code, by adding Subchapter I, as follows:

SUBCHAPTER I. GENERAL PROVISIONS

Sec. 75.551. OBJECTION TO ASSIGNED JUDGE OR JUSTICE. Sets forth requirements for assigning a judge. Sets forth requirements and procedures for objecting to an assigned judge or justice. Prohibits a former judge or justice was not a retired judge or justice from sitting in a trial or appellate case if either party objects to the judge or justice.

SECTION 3. Repealer: Section 74.053, Government Code (Objection to assigned judge).

SECTION 4. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Amends SECTION 1, Section 755.551, Government Code, page 1, lines 13-14, strike: "any statute, rule, or other authority" and substitute "Chapter 74 or 75, Government Code."