

## **BILL ANALYSIS**

Senate Research Center

H.B. 1606  
By: Thompson (Wentworth)  
Intergovernmental Relations  
5/11/1999  
Engrossed

### **DIGEST**

Currently, Chapter 26, Government Code, governs the appointment of special judges. H.B. 1606 provides for the appointment or assignment of visiting judges, rather than special judges, when the judge of a county court is absent, disqualified, or disabled, and updates language.

### **PURPOSE**

As proposed, H.B. 1606 provides for the appointment or assignment of visiting judges, rather than special judges, when the judge of a county court is absent, disqualified, or disabled, and updates language.

### **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 26.003, Government Code, to set forth provisions for the case of the failure of a county judge to appear for court and a visiting, rather than special, judge is not appointed, rather than elected. Makes conforming changes.

SECTION 2. Amends Section 26.004(b), Government Code, to make conforming changes.

SECTION 3. Amends Chapter 26B, Government Code, as follows:

SUBCHAPTER B. New heading: APPOINTMENT OF VISITING JUDGE

SECTION 4. Amends Section 26.011, Government Code, as follows:

Sec. 26.011. New heading: ASSIGNMENT OF VISITING JUDGE. Requires the presiding judge to appoint a visiting judge to hear the case in accordance with Chapter 74C, Government Code, if a county judge is absent or incapacitated in a criminal case. Deletes text regarding failure to agree and the governor.

SECTION 5. Amends Section 26.012, Government Code, as follows:

Sec. 26.012. New heading: ASSIGNMENT OF VISITING JUDGE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH MATTERS. Requires a visiting judge to be assigned in accordance with Section 25.0022(i), Government Code, and makes conforming changes. Deletes text regarding the special judge.

SECTION 6. Amends Section 26.015, Government Code, as follows:

Sec. 26.015. New heading: VISITING JUDGE TO TAKE OATH. Makes conforming changes.

SECTION 7. Amends Section 26.016, Government Code, to make conforming changes.

SECTION 8. Amends Chapter 26C, Government Code, as follows:

SUBCHAPTER C. New heading: APPOINTMENT OF VISITING JUDGES IN CERTAIN

## COUNTIES

SECTION 9. Amends Section 26.022, Government Code, to make conforming changes.

SECTION 10. Amends Section 26.023, Government Code, to make conforming changes.

SECTION 11. Amends Section 26.024, Government Code, to make conforming changes.

SECTION 12. Amends Section 26.026, Government Code, as follows:

Sec. 26.026. New heading: COMPENSATION OF VISITING JUDGE. Deletes text regarding a county judge's annual salary and makes conforming changes.

SECTION 13. Amends Section 26.027, Government Code, to make a conforming change.

SECTION 14. Repealers:       Section 26.013, Government Code (Disqualification of Special Judge).  
                                  Section 26.014, Government Code (Election of Special Judge).  
                                  Article 30.03, Code of Criminal Procedure (County Judge Disqualified,  
                                  Absent, or Disabled).  
                                  Article 30.04, Code of Criminal Procedure (Special Judge to Take Oath).  
                                  Article 30.05, Code of Criminal Procedure (Record Made by Oath).  
                                  Article 30.06, Code of Criminal Procedure (Compensation).

SECTION 15. Effective date: September 1, 1999.  
                  Makes application of this Act prospective.

SECTION 16. Emergency clause.