

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2481 (Formerly HSB 636)	House Committee:	PASSED on February 16 (15-5)
Committee:	Judiciary	House Floor:	PASSED on March 10 (58-31)
Floor Manager:	Rep. Holt	Senate Floor:	PASSED on March 29 (31-16)
Date:	April 29, 2022	Governor:	SIGNED on April 21, 2022
Staff:	Amanda Wille (1-5230)		

Judicial Nomination Reform

- HF 2481 increases the number of Court of Appeals nominees sent to the Governor from three to five.
- Current law requires a person applying to be a judge to live in the judicial district. HF 2481 allows the person to live in a bordering county. They must reside in the district before taking the bench.
- District Associate Judges shall be nominated and selected the same as all other judges. Meaning the District Judicial Nominating Commission accepts nominees, interviews them, and recommends names to the Governor.

Section by Section Analysis

Section 1- Nomination and Election of Judges- Nomination (46.14)

Strikes the requirement that a judicial nominee send in a certified application.

Allows the nomination commission to email the list of nominees to the Governor and Chief Justice

Section 2- Nomination and Election of Judges- Court of Appeals-Nominees (46.14A)

Under current law, three nominees are submitted to the governor for consideration. The bill changes that number to five.

Section 3- Judicial Branch- Judicial Officer Appointment- Delay (602.2301)

Allows the chief justice to order the state commissioner of elections to send notices to the governor when there is a vacancy for a judgeship.

Section 4- Judicial Branch-Office of District Judge-Appointment (602.6201)

Under current law, a judicial applicant must live in the district where they are applying. The bill allows a person who lives in a county next to the judicial district to apply. They will be required to move to the official district before taking the bench.

Section 5- Judicial Branch- Appointment of District Associate Judge in Lieu of Magistrates (602.6302)

Requires the Governor be contacted when there is a substitution of a DAJ in place of a magistrate.

Section 6- Judicial Branch-Appointment of Magistrates in Lieu of District Associate Judge (602.6303)

Requires the Governor be contacted when there is a substitution of a magistrate in place of a DAJ

Section 7 Judicial Branch- Appointment and Resignation of District Associate Judges (602.6304)

District associate judges (DAJ) are appointed by the Governor from a list nominated by the district judicial nominating commission. This is how district judges are currently appointed.

A DAJ shall notify the governor, chief judge of the judicial district and the state commissioner of election when they intend to resign.

Time lines for commission meetings are set.

Section 8- Judicial Branch- Term, Retention, Qualifications (602.6305)

Under current law, a judicial applicant must live in the district where they are applying. The bill allows a person who lives in a county next to the judicial district to apply. They will be required to move to the official district before taking the bench.

Section 9- Judicial Branch- Prohibitions to Appointment (602.6502)

Allows a member of a county magistrate appointing commission to be appointed/nominated to other judicial offices, just not magistrate.

Section 10- Judicial Branch- Appointment and Resignation of Full-Time Associate Juvenile Judges (602.7103B)

Full time associate juvenile judges shall be appointed just like district judges.

Section 11- Judicial Branch Full-time Associate Juvenile Judges — Term, Retention, Qualifications (602.7103C)

Under current law, a judicial applicant must live in the district where they are applying. The bill allows a person who lives in a county next to the judicial district to apply. They will be required to move to the official district before taking the bench.

Section 12- Probate Code- Appointment and Resignation of Full-Time Associate Probate Judges (633.20B)

Treats probate judges the same as district judges for nomination and appointment.

Section 13- Probate Code Full-time Associate Probate Judges — Term, Retention, Qualifications (633.20C)

Under current law, a judicial applicant must live in the district where they are applying. The bill allows a person who lives in a county next to the judicial district to apply. They will be required to move to the official district before taking the bench.

Amendment Analysis

H-8128 by Holt –

Clarifying language about where a judicial applicant must live. Still allows an applicant to live in the district or in a contiguous county to the district.