



## House Bill 4081

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### Purpose

House Bill 4081 ([2023](#)) proposes that the commissioners court of a county may submit a request to the Texas Judicial Council for reimbursement of all or part of the salary paid to an associate judge. This would apply to visiting judges who have been appointed for cases constituting the offense of criminal trespass by an illegal alien. The reimbursement would be from money appropriated to the council for the purposes of border security.

### Background

During a 2022 hearing of the Senate Committee on Border Security ([2022](#)), the Texas Department of Public Safety, the Office of the Attorney General, and the Office of Court Administration reviewed the great effect that the border crisis was imposing on rural counties in Texas. Specifically, the increased criminal trespass and misdemeanor arrests were overwhelming smaller court systems, resulting in a need for visiting judges to help catch up with backlogged cases ([Rodriguez & Scott, 2022](#)).

At the epicenter of this was Kinney County, a small county with a population of around 3,000 people. Prior to 2021, Kinney County had a very small number of human smuggling and misdemeanor cases prosecuted, but after January 2021 and the start of Operation Lone Star, they saw a significant increase in misdemeanor cases as well as human smuggling and trafficking felony cases. Thanks to Operation Lone Star, they were able to receive necessary funding for legal assistants and visiting judges. Megan LaVoie, representing the Office of Court Administration, stated that the department provided \$950,000 for visiting judge salaries under the Operation Lone Star mission. Other counties using visiting judges for adjudication include Jim Hogg and Maverick counties. Kinney County and others have since caught up on the extreme backlog of border-related cases. If not for record funding provided by the governor and state Legislature, smaller counties like Kinney County would not have the financial resources and personnel to hear the increase in cases.

### Proposal

HB 4081 would amend Texas Government Code 54A.004 to allow for a commissioners court of a county to submit a request of reimbursement to the Texas Judicial Council for all or part of the salary paid to an associate judge who hears cases for the purposes of border security.

HB 4081 would also amend Government Code 54A.006 to allow for a judge to refer to an associate judge matters involving alleged conduct constituting the offense of criminal trespass engaged in by a person not lawfully present in the United States.

Finally, HB 4081 will give smaller counties the means to stay on track with high volumes of cases involving criminal trespass by illegal aliens without awaiting approval from state agencies.

## References

HB 4081. Introduced. 88th Texas Legislature. Regular. (2023). <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB4081>

Senate Committee on Border Security. (2022, March 8). Committee hearing – March 8, 2022. Texas Senate. [https://tlcsenate.granicus.com/MediaPlayer.php?clip\\_id=16739](https://tlcsenate.granicus.com/MediaPlayer.php?clip_id=16739)

Rodriguez, S., & Scott, R. (2022). Texas border security panorama. Texas Public Policy Foundation. <https://www.texaspolicy.com/texas-border-security-panorama/>

**Selene Rodriguez** is the assistant director of federal affairs at the Texas Public Policy Foundation. In this role, she conducts research on public policy issues; assists the Foundation in academic publication; educates lawmakers and members of the public on Foundation research; and provides formal testimony to local, state, and federal entities. Prior to this position, Rodriguez served in the Marine Corps as an intelligence specialist and completed an internship at the Texas Public Policy Foundation. Born and raised in Del Rio, Texas, Rodriguez graduated from Texas State University with a B.A. in political science and is currently a graduate student. She has a passion for spending time with her family and volunteering in local community programs and political organizations.

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