

By: Leach

H.B. No. 3474

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of and practices and procedures related to proceedings in the judicial branch of state government.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. APPELLATE AND DISTRICT COURTS

SECTION 1.001. Subchapter D, Chapter 22, Government Code, is amended by adding Section 22.3015 to read as follows:

Sec. 22.3015. EXPENSES OF APPELLATE COURT JUDGE OR JUSTICE.

(a) A justice of the supreme court, a judge of the court of criminal appeals, or a justice of a court of appeals engaged in the discharge of official duties in a county other than the justice's or judge's county of residence is entitled to traveling and other necessary expenses, as provided by Chapter 660.

(b) A justice of the supreme court, a judge of the court of criminal appeals, or a justice of a court of appeals is entitled to receive from the state the actual and necessary postage, telegraph, and telephone expenses incurred in the discharge of official duties.

(c) The expenses shall be paid by the state on a sworn itemized account showing the expenses.

SECTION 1.002. (a) Effective January 1, 2025, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600201 to read as follows:

1       Sec. 24.600201. 477TH JUDICIAL DISTRICT (DENTON COUNTY).

2       The 477th Judicial District is composed of Denton County.

3           (b) The 477th Judicial District is created on January 1,  
4 2025.

5       SECTION 1.003. (a) Subchapter C, Chapter 24, Government  
6 Code, is amended by adding Section 24.60038 to read as follows:

7       Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY).

8       (a) The 493rd Judicial District is composed of Collin County.

9       (b) The 493rd District Court shall give preference to civil  
10 cases.

11       (b) The 493rd Judicial District is created on September 1,  
12 2023.

13       SECTION 1.004. (a) Effective September 1, 2024, Subchapter  
14 C, Chapter 24, Government Code, is amended by adding Section  
15 24.60039 to read as follows:

16       Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY).

17       (a) The 494th Judicial District is composed of Collin County.

18       (b) The 494th District Court shall give preference to family  
19 law matters.

20       (b) The 494th Judicial District is created on September 1,  
21 2024.

22       SECTION 1.005. (a) Subchapter C, Chapter 24, Government  
23 Code, is amended by adding Section 24.6009 to read as follows:

24       Sec. 24.6009. 465TH JUDICIAL DISTRICT (BASTROP COUNTY).

25       The 465th Judicial District is composed of Bastrop County.

26       (b) The 465th Judicial District is created on September 1,  
27 2023.

SECTION 1.006. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60095 to read as follows:

Sec. 24.60095. 472ND JUDICIAL DISTRICT (BRAZOS COUNTY).

(a) The 472nd Judicial District is composed of Brazos County.

(b) The 472nd District Court has primary responsibility for cases involving civil matters, family law matters, and juvenile matters.

(b) The 472nd Judicial District is created on September 1, 2023.

SECTION 1.007. Section 659.012(b), Government Code, is amended to read as follows:

(b) A judge or justice for whom the amount of a state base salary is prescribed by Subsection (a) is entitled to an annual salary from the state in the amount equal to:

(1) 110 percent of the state base salary paid in accordance with Subsection (a) for the judge's or justice's position, beginning with the pay period that begins after the judge or justice accrues four years of:

(A) contributing service credit in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two;

(B) service as a judge of a statutory county court, multicounty statutory county court, or statutory probate court or as a district attorney, criminal district attorney, or county attorney; or

(C) combined contributing service credit and service as provided by Paragraphs (A) and (B); and

1           (2) 120 percent of the state base salary paid in  
2 accordance with Subsection (a) for the judge's or justice's  
3 position, beginning with the pay period that begins after the judge  
4 or justice accrues eight years of:

5           (A) contributing service credit in the Judicial  
6 Retirement System of Texas Plan One or the Judicial Retirement  
7 System of Texas Plan Two;

8           (B) service as a judge of a statutory county  
9 court, multicounty statutory county court, or statutory probate  
10 court or as a district attorney, criminal district attorney, or  
11 county attorney; or

12           (C) combined contributing service credit and  
13 service as provided by Paragraphs (A) and (B).

14           ARTICLE 2. STATUTORY COUNTY COURTS

15           SECTION 2.001. Section 25.0005(a), Government Code, is  
16 amended to read as follows:

17           (a) A statutory county court judge, other than a statutory  
18 county court judge who engages in the private practice of law, shall  
19 be paid a total annual salary set by the commissioners court at an  
20 amount that is not less than \$1,000 less than the sum of the annual  
21 salary as set by the General Appropriations Act in accordance with  
22 Section 659.012 paid to a district judge with comparable years of  
23 service as the statutory county court judge and any state or county  
24 contributions and supplements paid to a district judge in the  
25 county, other than contributions received as compensation under  
26 Section 74.051. A statutory county court judge's total annual  
27 salary includes any state or county contributions and supplements

1 paid to the judge. For purposes of this subsection, the years of  
2 service of a statutory county court judge include any years of  
3 service as:

4       (1) an appellate court, district court, multicounty  
5 statutory county court, or statutory probate court justice or  
6 judge; or

7       (2) a district attorney, criminal district attorney,  
8 or county attorney.

9       SECTION 2.002. Section 25.0023(a), Government Code, is  
10 amended to read as follows:

11       (a) The commissioners court shall set the total annual  
12 salary of each judge of a statutory probate court at an amount that  
13 is at least equal to the sum of the annual salary as set by the  
14 General Appropriations Act in accordance with Section 659.012 paid  
15 to a district judge with comparable years of service as the  
16 statutory probate court judge and any state or county contributions  
17 and supplements paid to a district judge in the county, other than  
18 contributions received as compensation under Section 74.051. A  
19 statutory probate court judge's total annual salary includes any  
20 state or county contributions and supplements paid to the judge,  
21 other than contributions paid under Section 25.0022(e). For  
22 purposes of this subsection, the years of service of a statutory  
23 probate court judge include any years of service as:

24       (1) an appellate court, district court, multicounty  
25 statutory county court, or statutory county court justice or judge;  
26 or

27       (2) a district attorney, criminal district attorney,

1 or county attorney.

2       SECTION 2.003. Section 25.0932, Government Code, is amended  
3 by amending Subsection (a) and adding Subsection (b) to read as  
4 follows:

5       (a) In addition to the jurisdiction provided by Section  
6 25.0003 and other law, a county court at law in Grayson County has:

7           (1) original concurrent jurisdiction with the justice  
8 court in all civil and criminal matters over which the justice court  
9 has jurisdiction; and

10           (2) concurrent jurisdiction with the district court in  
11 family law cases and proceedings.

12       (b) The district clerk serves as clerk of a county court at  
13 law in family law cases and proceedings, and the county clerk serves  
14 as clerk of the court in all other cases.

15       SECTION 2.004. (a) Effective October 1, 2023, Section  
16 25.1721, Government Code, is amended to read as follows:

17       Sec. 25.1721. MONTGOMERY COUNTY. (a) Montgomery County  
18 has the following statutory county courts:

19           (1) County Court at Law No. 1 of Montgomery County;

20           (2) ~~[County Court at Law No. 2 of Montgomery County,~~

21           ~~(3)]~~ County Court at Law No. 3 of Montgomery County;

22           (3) (4) ~~(4)]~~ County Court at Law No. 4 of Montgomery  
23 County;

24           (4) (5) ~~(5)]~~ County Court at Law No. 5 of Montgomery  
25 County; and

26           (5) (6) ~~(6)]~~ County Court at Law No. 6 of Montgomery  
27 County.

1        (b) Montgomery County has one statutory probate court, the  
2 Probate Court No. 1 of Montgomery County.

3        (b) The County Court at Law No. 2 of Montgomery County is  
4 redesignated as the Probate Court No. 1 of Montgomery County  
5 effective October 1, 2023.

6        (c) Effective October 1, 2023, the judge of the County Court  
7 at Law No. 2 of Montgomery County is the judge of the Probate Court  
8 No. 1 of Montgomery County. Unless otherwise removed, the judge  
9 serves until December 31, 2026, and until the judge's successor is  
10 elected and has qualified. In the 2026 general election and every  
11 four years following that election, the qualified voters of the  
12 county shall elect a judge of the Probate Court No. 1 of Montgomery  
13 County for a regular term of four years.

14        SECTION 2.005. (a) Effective October 1, 2023, Subchapter  
15 C, Chapter 25, Government Code, is amended by adding Section  
16 25.1723 to read as follows:

17        Sec. 25.1723. MONTGOMERY COUNTY PROBATE COURT PROVISIONS.  
18 (a) In this section, "remote proceeding" means a proceeding before  
19 a court in which one or more of the participants, including a judge,  
20 party, attorney, witness, court reporter, or other individual,  
21 attends the proceeding remotely through the use of technology.

22        (b) A statutory probate court of Montgomery County has  
23 concurrent jurisdiction with the district court, regardless of the  
24 amount in controversy or the relief sought, in:

25                (1) disputes relating to the creation of a  
26 constructive trust;

27                (2) declaratory judgment actions;

1           (3) actions in which the only relief sought is a writ  
2 of injunction; and

3           (4) actions to appoint a receiver under any law,  
4 including Section 11.402, Business Organizations Code.

5           (c) A statutory probate court of Montgomery County has  
6 eminent domain jurisdiction, including the jurisdiction provided  
7 to a district court under Sections 21.002 and 21.003, Property  
8 Code, regardless of the amount in controversy or the remedy sought.  
9 All eminent domain actions, cases, matters, or proceedings arising  
10 under Chapter 21, Property Code, or under Section 251.101,  
11 Transportation Code, shall be filed and docketed in a statutory  
12 probate court.

13           (d) A statutory probate court of Montgomery County may  
14 conduct docket matters at any location in the county as the  
15 statutory probate court judge considers necessary for the  
16 protection of wards or mental health respondents or as otherwise  
17 provided by law.

18           (e) A statutory probate court of Montgomery County may:

19                   (1) conduct a hearing or other proceeding as a remote  
20 proceeding without the consent of the parties unless the United  
21 States Constitution or Texas Constitution requires consent; and

22                   (2) allow or require a party, attorney, witness, court  
23 reporter, or any other individual to participate in a remote  
24 proceeding, including a deposition, hearing, or other proceeding  
25 under this title.

26           (f) A judge of a statutory probate court in Montgomery  
27 County and a judge of a district court or statutory county court in



1 Montgomery County may exchange benches and may sit and act for each  
2 other in any matter pending before the court.

3 (g) The county clerk of Montgomery County serves as clerk of  
4 a statutory probate court.

5 (h) A statutory probate court of Montgomery County may  
6 appoint as a court investigator an employee of the court or another  
7 department in the county to comply with Section 25.0025.

8 (i) In addition to the uses authorized by Section 135.159,  
9 Local Government Code, Montgomery County may use the fees collected  
10 under Section 135.102, Local Government Code, and deposited into  
11 the judicial education and support fund to provide staff for the  
12 statutory probate courts and for court-related purposes for the  
13 support of the statutory probate courts.

14 (b) The judge of the County Court at Law No. 2 of Montgomery  
15 County shall transfer all active cases over which the court loses  
16 jurisdiction under this section and that are pending in the court on  
17 October 1, 2023, to a district court, county court at law, or county  
18 court in the county with jurisdiction over the case.

19 (c) The local administrative statutory county court judge  
20 shall transfer any active probate matter that is pending in a  
21 statutory county court in Montgomery County on October 1, 2023, to  
22 Probate Court No. 1 of Montgomery County.

23 (d) When a case is transferred as provided by Subsection (b)  
24 or (c) of this section, all processes, writs, bonds, recognizances,  
25 or other obligations issued from the transferring court are  
26 returnable to the court to which the case is transferred as if  
27 originally issued by that court. The obligees on all bonds and

1 recognizances taken in and for a court from which a case is  
2 transferred, and all witnesses summoned to appear in a court from  
3 which a case is transferred, are required to appear before the court  
4 to which a case is transferred as if originally required to appear  
5 before that court.

6 SECTION 2.006. (a) Effective October 1, 2023, Section  
7 25.2291(c), Government Code, is amended to read as follows:

8 (c) Travis County has the following ~~[one]~~ statutory probate  
9 courts:

10 (1) [court, the] Probate Court No. 1 of Travis County;  
11 and

12 (2) Probate Court No. 2 of Travis County.

13 (b) The Probate Court No. 2 of Travis County is created on  
14 October 1, 2023.

15 SECTION 2.007. Effective October 1, 2023, Section 25.2293,  
16 Government Code, is amended by amending Subsection (c) and adding  
17 Subsections (d), (e), (h), and (k) to read as follows:

18 (c) A statutory probate court has eminent domain  
19 jurisdiction. All actions, cases, matters, or proceedings of  
20 eminent domain arising under Chapter 21, Property Code, or under  
21 Section 251.101, Transportation Code, shall be filed and docketed  
22 in Probate Court Nos. ~~[No.]~~ 1 and 2 of Travis County. A statutory  
23 probate court may transfer an eminent domain proceeding to a county  
24 court at law in the county.

25 (d) Probate Court No. 2 of Travis County has primary  
26 responsibility for mental health matters.

27 (e) The county clerk shall docket:

1           (1) all mental health matters in Probate Court No. 2,  
2 notwithstanding the local rules adopted under Section 74.093;

3           (2) all odd-numbered probate, guardianship, and trust  
4 cases, and related cases, as defined by the local rules, in Probate  
5 Court No. 1; and

6           (3) all even-numbered probate, guardianship, and  
7 trust cases, and related cases, as defined by the local rules, in  
8 Probate Court No. 2.

9           (h) The county clerk shall appoint a deputy clerk for each  
10 statutory probate court. A deputy clerk serves at the pleasure of  
11 the judge of the court to which the deputy clerk is assigned. A  
12 deputy clerk must take the constitutional oath of office, and the  
13 county clerk may require the deputy clerk to furnish a bond in an  
14 amount, conditioned and payable, as required by law. A deputy clerk  
15 acts in the name of the county clerk and may perform any official  
16 act or other service required of the county clerk and shall perform  
17 any other service required by the judge of a statutory probate  
18 court. A deputy clerk shall attend all sessions of the court to  
19 which the deputy clerk is assigned.

20           (k) In case of the absence, disqualification, or incapacity  
21 of a judge of a statutory probate court of Travis County, or for any  
22 other reason, the judges of the statutory probate courts of Travis  
23 County may sit and act for each other in any matter or proceeding  
24 pending in either court.

25           SECTION 2.008. (a) Section 25.2391, Government Code, is  
26 amended to read as follows:

27           Sec. 25.2391. WALLER COUNTY. (a) Waller County has the

1 following ~~[one]~~ statutory county courts:

2           (1) ~~[court, the]~~ County Court at Law No. 1 of Waller  
3 County; and

4           (2) County Court at Law No. 2 of Waller County.

5           (b) The county courts at law ~~[County Court at Law]~~ of Waller  
6 County sit ~~[sits]~~ in Hempstead.

7           (b) On September 1, 2023, the County Court at Law of Waller  
8 County is redesignated County Court at Law No. 1 of Waller County.

9           (c) The judge of the County Court at Law of Waller County is  
10 the judge of County Court at Law No. 1 of Waller County.

11           (d) This section does not affect the term of office of a  
12 judge of a court redesignated by this section. The judge, unless  
13 otherwise removed as provided by law, continues to serve for the  
14 term for which the judge was elected.

15           (e) The County Court at Law No. 2 of Waller County is created  
16 on September 1, 2023.

17           SECTION 2.009. Section [25.2392](#), Government Code, is amended  
18 by adding Subsection (b) to read as follows:

19           (b) County Court at Law No. 2 has the jurisdiction provided  
20 by the constitution and by general law for district courts,  
21 including jurisdiction in felony criminal cases.

22           SECTION 2.010. Section [25.2607](#)(d), Government Code, is  
23 amended to read as follows:

24           (d) Notwithstanding Section [25.0015](#), the state shall  
25 annually compensate the administrative county of a multicounty  
26 statutory county court for the salary of the judge of the  
27 multicounty statutory county court in an amount equal to 100

1 percent of the state [~~base~~] salary paid to a district judge with  
2 comparable years of service as the multicounty statutory county  
3 court judge, as set by the General Appropriations Act in accordance  
4 with Section 659.012 [~~659.012(a)~~]. For purposes of this subsection,  
5 the years of service of a multicounty statutory county court judge  
6 include any years of service as:

7 (1) an appellate court, district court, statutory  
8 county court, or statutory probate court justice or judge; or

9 (2) a district attorney, criminal district attorney,  
10 or county attorney.

11 SECTION 2.011. (a) Subchapter F, Chapter 25, Government  
12 Code, is amended by adding Sections 25.2703 and 25.2704 to read as  
13 follows:

14 Sec. 25.2703. 2ND MULTICOUNTY COURT AT LAW (BEE, LIVE OAK,  
15 AND MCMULLEN COUNTIES). Bee, Live Oak, and McMullen Counties have a  
16 multicounty statutory county court composed of those counties, the  
17 2nd Multicounty Court at Law.

18 Sec. 25.2704. 2ND MULTICOUNTY COURT AT LAW PROVISIONS. (a)  
19 In addition to the jurisdiction provided by Section 25.0003 and  
20 other law, the 2nd Multicounty Court at Law has concurrent  
21 jurisdiction with the district courts, except in civil cases in  
22 which the matter in controversy exceeds the amount provided by  
23 Section 25.0003(c)(1).

24 (b) Bee County is the administrative county for the 2nd  
25 Multicounty Court at Law.

26 (c) Bee, Live Oak, and McMullen Counties shall enter into an  
27 interlocal agreement allocating the financial obligations of each

1 county in relation to the county court at law and the budget,  
2 powers, and duties of the court and salaries of court personnel.

3 (d) If the counties served by the county court at law are  
4 unable to reach an agreement under Subsection (c) before the first  
5 day of the fiscal year for a county served by the court, each county  
6 shall pay to the court's administrative county a share of the  
7 court's administrative and operational costs for the fiscal year  
8 based on the proportion of the court's caseload originating in the  
9 county during the preceding year. A county is entitled to  
10 compensation from the state under Section 25.0015 in proportion to  
11 the amount paid under this subsection.

12 (e) The district clerk serves as clerk of the county court  
13 at law in matters of concurrent jurisdiction with the district  
14 court, and the county clerk serves as clerk of the county court at  
15 law in all other cases.

16 (f) Sections 25.0006, 25.0008, and 74.054(b) do not apply to  
17 the county court at law.

18 (g) Notwithstanding Section 74.121(b)(1), in matters of  
19 concurrent jurisdiction, the judge of the 2nd Multicounty Court at  
20 Law and the judges of the district courts in Bee, Live Oak, and  
21 McMullen Counties may exchange benches and courtrooms and may  
22 transfer cases between their dockets in the same manner that judges  
23 of district courts exchange benches and courtrooms and transfer  
24 cases under Section 24.003.

25 (b) The 2nd Multicounty Court at Law is created on September  
26 1, 2023.

27 ARTICLE 3. JUSTICE COURTS

SECTION 3.001. Section 154.005, Local Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A justice of the peace who receives any fee, commission, or payment authorized under Subsection (a) during a calendar year shall submit to the Texas Ethics Commission a report on the total amount of fees, commissions, and payments received under that subsection during the year. The report must be filed not later than May 1 of the following year and is public information for purposes of Chapter 552, Government Code.

SECTION 3.002. (a) Section 92.0563(e), Property Code, is amended to read as follows:

(e) A justice court may not award a judgment under this section, including an order of repair, that exceeds \$20,000 [~~\$10,000~~], excluding interest and costs of court.

(b) Section 92.0563(e), Property Code, as amended by this section, applies only to a cause of action that accrues on or after September 1, 2023. A cause of action that accrues before that date is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

#### ARTICLE 4. CRIMINAL LAW MAGISTRATES

SECTION 4.001. Chapter 54, Government Code, is amended by adding Subchapter RR to read as follows:

##### SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

##### Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Grayson County may authorize the judges of the district and statutory county courts in Grayson County to appoint one or more part-time or full-time magistrates to

1 perform the duties authorized by this subchapter.

2 (b) The judges of the district and statutory county courts  
3 in Grayson County by a unanimous vote may appoint magistrates as  
4 authorized by the Commissioners Court of Grayson County.

5 (c) An order appointing a magistrate must be signed by the  
6 local presiding judge of the district courts serving Grayson  
7 County, and the order must state:

8 (1) the magistrate's name; and

9 (2) the date the magistrate's employment is to begin.

10 (d) An authorized magistrate's position may be eliminated  
11 on a majority vote of the Commissioners Court of Grayson County.

12 Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be  
13 eligible for appointment as a magistrate, a person must be a  
14 resident of this state and:

15 (1) have served as a justice of the peace or municipal  
16 court judge for at least four years before the date of appointment;  
17 or

18 (2) have been licensed to practice law in this state  
19 for at least four years before the date of appointment.

20 (b) A magistrate appointed under Section 54.2701 must take  
21 the constitutional oath of office required of appointed officers of  
22 this state.

23 Sec. 54.2703. COMPENSATION. A magistrate is entitled to  
24 the salary determined by the Commissioners Court of Grayson County.

25 Sec. 54.2704. JURISDICTION. A magistrate has concurrent  
26 criminal jurisdiction with the judges of the justice of the peace  
27 courts of Grayson County.



1       Sec. 54.2705. POWERS AND DUTIES. (a) The Commissioners  
2 Court of Grayson County shall establish the powers and duties of a  
3 magistrate appointed under this subchapter. Except as otherwise  
4 provided by the commissioners court, a magistrate has the powers of  
5 a magistrate under the Code of Criminal Procedure and other laws of  
6 this state and may administer an oath for any purpose.

7       (b) A magistrate shall give preference to performing the  
8 duties of a magistrate under Article 15.17, Code of Criminal  
9 Procedure.

10       (c) The commissioners court may designate one or more  
11 magistrates to hold regular hearings to:

12               (1) give admonishments;  
13               (2) set and review bail and conditions of release;  
14               (3) appoint legal counsel; and  
15               (4) determine other routine matters relating to  
16 preindictment or pending cases within those courts' jurisdiction.

17       (d) In the hearings described by Subsection (c), a  
18 magistrate shall give preference to the case of an individual held  
19 in county jail.

20       (e) A magistrate may inquire into a defendant's intended  
21 plea to the charge and set the case for an appropriate hearing  
22 before a judge or master.

23       Sec. 54.2706. JUDICIAL IMMUNITY. A magistrate has the same  
24 judicial immunity as a district judge.

25       Sec. 54.2707. WITNESSES. (a) A witness who is sworn and  
26 who appears before a magistrate is subject to the penalties for  
27 perjury and aggravated perjury provided by law.

1        (b) A referring court may fine or imprison a witness or  
2 other court participant for failure to appear after being summoned,  
3 refusal to answer questions, or other acts of direct contempt  
4 before a magistrate.

5            ARTICLE 5. VISITING JUDGES AND ASSOCIATE JUDGES

6            SECTION 5.001. Section 201.113, Family Code, is amended to  
7 read as follows:

8            Sec. 201.113. VISITING ASSOCIATE JUDGE. (a) The [~~If an~~  
9 ~~associate judge appointed under this subchapter is temporarily~~  
10 ~~unable to perform the associate judge's official duties because of~~  
11 ~~absence resulting from family circumstances, illness, injury,~~  
12 ~~disability, or military service, or if there is a vacancy in the~~  
13 ~~position of associate judge, the]~~ presiding judge of an [~~the~~]  
14 administrative judicial region [~~in which the associate judge serves~~  
15 ~~or the vacancy occurs]~~ may assign [~~appoint~~] a visiting associate  
16 judge for Title IV-D cases to perform the duties of an [~~the~~]  
17 associate judge appointed under this subchapter only if:

18            (1) the associate judge is temporarily unable to  
19 perform the associate judge's official duties because of absence  
20 resulting from:

21                    (A) illness;

22                    (B) injury;

23                    (C) disability;

24                    (D) personal emergency;

25                    (E) military service;

26                    (F) vacation; or

27                    (G) attendance at a continuing legal education

1 program;

2 (2) the associate judge requests assistance due to a  
3 heavy workload or a pandemic-related emergency; or

4 (3) a vacancy occurs in the position of associate  
5 judge.

6 (b) The presiding judge of an administrative judicial  
7 region may assign a visiting associate judge under Subsection (a)  
8 during the period the associate judge is unable to perform the  
9 associate judge's duties, during the period assistance is needed to  
10 manage the associate judge's workload, or until another associate  
11 judge is appointed to fill the vacancy.

12 (c) [-(b)-] A person is not eligible for assignment  
13 [appointment] under this section unless the person has served as a  
14 master or associate judge under this chapter, a district judge, or a  
15 statutory county court judge for at least two years before the date  
16 of assignment ~~[appointment]~~.

17 (d) [-(c)-] A visiting associate judge assigned ~~[appointed]~~  
18 under this section is subject to each provision of this chapter that  
19 applies to an associate judge serving under a regular appointment  
20 under this subchapter. A visiting associate judge assigned  
21 [appointed] under this section is entitled to compensation to be  
22 determined by a majority vote of the presiding judges of the  
23 administrative judicial regions through use of funds under this  
24 subchapter. A visiting associate judge is not considered to be a  
25 state employee for any purpose.

26 (e) [-(d)-] Section 2252.901, Government Code, does not apply  
27 to the assignment ~~[appointment]~~ of a visiting associate judge under

1 this section.

2 SECTION 5.002. Section 201.208, Family Code, is amended to  
3 read as follows:

4 Sec. 201.208. ASSIGNMENT OF JUDGES AND ~~[APPOINTMENT OF]~~  
5 VISITING ASSOCIATE JUDGES. (a) This chapter does not limit the  
6 authority of a presiding judge to assign a judge eligible for  
7 assignment under Chapter 74, Government Code, to assist in  
8 processing cases in a reasonable time.

9 (b) The ~~[If an associate judge appointed under this~~  
10 ~~subchapter is temporarily unable to perform the associate judge's~~  
11 ~~official duties because of absence resulting from family~~  
12 ~~circumstances, illness, injury, disability, or military service,~~  
13 ~~or if there is a vacancy in the position of associate judge, the]~~  
14 presiding judge of an ~~[the]~~ administrative judicial region ~~[in~~  
15 ~~which the associate judge serves or the vacancy occurs]~~ may appoint  
16 a visiting associate judge to perform the duties of an ~~[the]~~  
17 associate judge appointed under this subchapter only if:

18 (1) the associate judge is temporarily unable to  
19 perform the associate judge's official duties because of absence  
20 resulting from:

21 (A) illness;

22 (B) injury;

23 (C) disability;

24 (D) personal emergency;

25 (E) military service;

26 (F) vacation; or

27 (G) attendance at a continuing legal education

1 program;

2 (2) the associate judge requests assistance due to a  
3 heavy workload or a pandemic-related emergency; or

4 (3) a vacancy occurs in the position of associate  
5 judge.

6 (c) The presiding judge of an administrative judicial  
7 region may assign a visiting associate judge under Subsection (b)  
8 during the period the associate judge is unable to perform the  
9 associate judge's duties, during the period assistance is needed to  
10 manage the associate judge's workload, or until another associate  
11 judge is appointed to fill the vacancy.

12 (d) [~~(c)~~] A person is not eligible for assignment  
13 [~~appointment~~] under this section unless the person has served as a  
14 master or associate judge under this chapter, a district judge, or a  
15 statutory county court judge for at least two years before the date  
16 of assignment [~~appointment~~].

17 (e) [~~(d)~~] A visiting associate judge assigned [~~appointed~~]  
18 under this section is subject to each provision of this chapter that  
19 applies to an associate judge serving under a regular appointment  
20 under this subchapter. A visiting associate judge assigned  
21 [~~appointed~~] under this section is entitled to compensation, to be  
22 determined by a majority vote of the presiding judges of the  
23 administrative judicial regions, through use of funds under this  
24 subchapter. A visiting associate judge is not considered to be a  
25 state employee for any purpose.

26 (f) [~~(e)~~] Section 2252.901, Government Code, does not apply  
27 to the assignment [~~appointment~~] of a visiting associate judge under

1 this section.

2 SECTION 5.003. Section 602.007, Government Code, is amended  
3 to read as follows:

4 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL  
5 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed  
6 statement executed as required by Section 1, Article XVI, Texas  
7 Constitution, by any of the following judicial officers and  
8 judicial appointees shall be filed with the secretary of state:

9 (1) an officer appointed by the supreme court, the  
10 court of criminal appeals, or the State Bar of Texas; ~~and~~

11 (2) an associate judge appointed under Subchapter B or  
12 C, Chapter 201, Family Code; and

13 (3) a retired or former judge on the list maintained by  
14 the presiding judge of an administrative judicial region under  
15 Section 74.055.

16 ARTICLE 6. PROSECUTING ATTORNEYS

17 SECTION 6.001. Section 41.013, Government Code, is amended  
18 to read as follows:

19 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a)  
20 Except as otherwise provided by law, a district attorney or  
21 criminal district attorney is entitled to receive from the state  
22 annual compensation in an amount equal to at least 80 percent of the  
23 state annual salary as set by the General Appropriations Act in  
24 accordance with Section 659.012 paid to a district judge with  
25 comparable years of service as the district attorney or criminal  
26 district attorney.

27 (b) For purposes of this section, the years of service of a

district attorney or criminal district attorney include any years of service as:

(1) a district attorney, criminal district attorney, or county attorney; or

(2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.

SECTION 6.002. Section 46.003, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For purposes of this section, the years of service of the state prosecuting attorney or a state prosecutor include any years of service as:

(1) a county attorney; or

(2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.

#### ARTICLE 7. JUVENILE BOARDS

SECTION 7.001. Section 152.1761(a), Human Resources Code, is amended to read as follows:

(a) The juvenile board of Montgomery County is composed of the county judge, the district judges in Montgomery County, the judge of each statutory probate court, and the judge of each county court at law.

#### ARTICLE 8. COURT ADMINISTRATION

SECTION 8.001. (a) Subchapter E, Chapter 52, Government Code, is amended by adding Section 52.060 to read as follows:

Sec. 52.060. TRANSCRIPT FEE EXEMPTION FOR CERTAIN COUNTIES.

1 (a) This section applies only to a county that provides and  
2 maintains court reporting equipment for a court in the county in  
3 accordance with the county's established plan for the periodic  
4 replacement of obsolete equipment.

5 (b) A county official or employee while transacting county  
6 business is exempt from the payment of any fee authorized under this  
7 chapter for issuance of a transcript of a case heard in a court for  
8 which the county provides and maintains court reporting equipment  
9 in accordance with the plan described by Subsection (a).

10 (b) Section 52.060, Government Code, as added by this  
11 section, applies only to a fee for a transcript requested in  
12 accordance with that section on or after September 1, 2023.

13 SECTION 8.002. The heading to Section 57.002, Government  
14 Code, is amended to read as follows:

15 Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER;  
16 CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.

17 SECTION 8.003. (a) Section 57.002, Government Code, is  
18 amended by adding Subsection (g) to read as follows:

19 (g) A party to a proceeding in a court who files a statement  
20 of inability to afford payment of court costs under Rule 145, Texas  
21 Rules of Civil Procedure, is not required to provide an interpreter  
22 at the party's expense or pay the costs associated with the services  
23 of an interpreter appointed under this section that are incurred  
24 during the course of the action, unless the statement has been  
25 contested and the court has ordered the party to pay costs pursuant  
26 to Rule 145.

27 (b) Section 57.002, Government Code, as amended by this



H.B. No. 3474

1 section, applies to an action pending on September 1, 2023, or filed  
2 on or after that date.

3 ARTICLE 9. EFFECTIVE DATE

4 SECTION 9.001. Except as otherwise provided by this Act,  
5 this Act takes effect September 1, 2023.