

By: Laubenberg

H.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a county court at law in Rockwall County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.2011 and 25.2012 to read as follows:

Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one statutory county court, the County Court at Law of Rockwall County.

Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Rockwall County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts.

(b) A county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:

(1) felony cases involving capital murder;

(2) suits on behalf of the state to recover penalties or escheated property;

(3) misdemeanors involving official misconduct; or

(4) contested elections.

(c) The district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of the county court

1 at law in matters of mental health, the probate and criminal
2 misdemeanor docket, and all civil matters in which the county court
3 at law does not have concurrent jurisdiction with the district
4 court.

5 (d) Jurors regularly impaneled for the week by the district
6 courts may, at the request of the judge of a county court at law, be
7 made available by the district judge in the numbers requested and
8 shall serve for the week or until released in the county court at
9 law.

10 (e) A county court at law may summon jurors through the
11 county clerk for service in the county court at law in the manner
12 provided by the laws governing the drawing, selection, and service
13 of jurors for county courts. Jurors summoned shall be paid in the
14 same manner and at the same rate as jurors for district courts in
15 Rockwall County. By order of the judge of a county court at law,
16 jurors summoned to the county court at law may be transferred to the
17 district court for service in noncapital felony cases.

18 (f) Notwithstanding Sections 74.091 and 74.0911, a district
19 judge serves as the local administrative judge for the district and
20 statutory county courts in Rockwall County. The judges of district
21 courts shall elect a district judge as local administrative judge
22 for a term of not more than two years. The local administrative
23 judge may not be elected on the basis of rotation or seniority.

24 (g) When administering a case for the county court at law,
25 the district clerk shall charge civil fees and court costs as if the
26 case had been filed in the district court. In a case of concurrent
27 jurisdiction, the case shall be assigned to either the district

1 court or the county court at law in accordance with local
2 administrative rules established by the local administrative
3 judge.

4 (h) The judge of the county court at law shall appoint an
5 official court reporter for the court and shall set the official
6 court reporter's annual salary, subject to approval by the county
7 commissioners court. The official court reporter of the county
8 court at law shall take an oath or affirmation as an officer of the
9 court. The official court reporter holds office at the pleasure of
10 the judge of the court and shall be provided a private office in
11 close proximity to the court. The official court reporter is
12 entitled to all rights and benefits afforded all other county
13 employees.

14 (i) With the approval of the county commissioners court and
15 through the county budget process, the judge of the county court at
16 law shall hire a staff. The staff of the judge of the county court
17 at law consists of a court coordinator and a bailiff. Court
18 personnel employed under this subsection are entitled to receive a
19 salary set by the commissioners court and other employment benefits
20 received by county employees.

21 (j) Not later than one year after the date of appointment,
22 the bailiff of a county court at law must obtain a peace officer
23 license under Chapter 1701, Occupations Code, from the Commission
24 on Law Enforcement Officer Standards and Education. The sheriff of
25 Rockwall County shall deputize the bailiff of a county court at law.
26 The bailiff of a county court at law is subject to the training and
27 continuing education requirements of a sheriff's deputy of the

1 county. The sheriff shall remove from office a bailiff who does not
2 receive a peace officer license within one year of appointment as
3 required by this subsection.

4 (k) The judge of a county court at law must be a United
5 States citizen at the time of appointment or election.

6 (l) The judge of a county court at law shall diligently
7 discharge the duties of the office on a full-time basis and may not
8 engage in the private practice of law.

9 (m) In matters of concurrent jurisdiction, the judge of a
10 county court at law and the district judge may exchange benches,
11 transfer cases subject to acceptance, assign each other to hear
12 cases, and otherwise manage their respective dockets under local
13 administrative rules.

14 (n) The judge of a county court at law has the same judicial
15 immunity as a district judge.

16 SECTION 2. The County Court at Law of Rockwall County is
17 created and this Act takes effect September 1, 2003.