

By: Duncan

S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the creation and composition of certain county courts
at law.

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

SECTION 1. (a) Subsection (a), Section 25.0451,
Government Code, is amended to read as follows:

(a) Collin County has the following statutory county
courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County; ~~and~~
- (5) County Court at Law No. 5 of Collin County; and
- (6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created
and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is
amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following
~~one~~ statutory county courts:

- (1) [court, the] County Court at Law No. 1 of Comal
County; and
- (2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created

1 and this section takes effect September 1, 2003.

2 SECTION 3. (a) Section 25.1091, Government Code, is
3 amended to read as follows:

4 Sec. 25.1091. HENDERSON COUNTY. Henderson County has the
5 following [~~one~~] statutory county courts:

6 (1) [~~court,~~] the County Court at Law of Henderson
7 County; and

8 (2) the County Court at Law No. 2 of Henderson County.

9 (b) Subsections (a) and (c), Section 152.1131, Human
10 Resources Code, are amended to read as follows:

11 (a) The juvenile board of Henderson County is composed of:

12 (1) the county judge;

13 (2) the judges of the 3rd, 173rd, and 392nd judicial
14 districts;

15 (3) the judges [~~judge~~] of the county courts [~~court~~] at
16 law; and

17 (4) the county attorney.

18 (c) The commissioners court shall pay the 173rd and 392nd
19 district judges and the county court at law judges [~~judge~~] an amount
20 set by the commissioners court at not less than \$750 a month and
21 shall pay the 3rd district judge an amount set by the commissioners
22 court at not less than one-third of the amount paid to the 173rd or
23 392nd district judge or the county court at law judges [~~judge~~]. The
24 commissioners court shall pay the other juvenile board members an
25 amount set by the commissioners court at not less than \$250 a month.
26 The compensation is in addition to other compensation provided or
27 allowed by law.

1 (c) Notwithstanding Section 25.1091, Government Code, as
2 amended by this section, the County Court at Law No. 2 of Henderson
3 County is created December 1, 2007, or on an earlier date determined
4 by the commissioners court by an order entered in its minutes.

5 SECTION 4. (a) Subchapter C, Chapter 25, Government Code,
6 is amended by adding Sections 25.2011 and 25.2012 to read as
7 follows:

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

10 Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS.

11 (a) In addition to the jurisdiction provided by Section 25.0003
12 and other law, and except as limited by Subsection (b), a county
13 court at law in Rockwall County has, concurrent with the district
14 court, the jurisdiction provided by the constitution and general
15 law for district courts.

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

19 (1) felony cases involving capital murder;

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

22 (3) misdemeanors involving official misconduct; or

23 (4) contested elections.

24 (c) The district clerk serves as clerk of a county court at
25 law except that the county clerk serves as clerk of the county court
26 at law in matters of mental health, the probate and criminal
27 misdemeanor docket, and all civil matters in which the county court

1 at law does not have concurrent jurisdiction with the district
2 court.

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

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

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

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

1 judge.

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

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

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

1 required by this subsection.

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

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

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

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

14 (b) The County Court at Law of Rockwall County is created
15 and this section takes effect September 1, 2003.

16 SECTION 5. (a) Subsection (a), Section 25.1861,
17 Government Code, is amended to read as follows:

18 (a) Parker County has the following ~~one~~ statutory county
19 courts:

20 (1) [court,] the County Court at Law of Parker County;
21 and

22 (2) the County Court at Law No. 2 of Parker County.

23 (b) Section 25.1862, Government Code, is amended by
24 amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and
25 adding Subsections (c) and (n) through (x) to read as follows:

26 (a) In addition to the jurisdiction provided by Section
27 25.0003 and other law, and except as limited by Subsection (b), a

1 county court at law in Parker County has the ~~[concurrent]~~
2 jurisdiction provided by the constitution and by general law for
3 ~~[with the]~~ district courts ~~[court in:~~

4 ~~[(1) civil cases in which the matter in controversy~~
5 ~~exceeds \$500 but does not exceed \$500,000, excluding interest,~~
6 ~~statutory or punitive damages and penalties, and attorney's fees~~
7 ~~and costs, as alleged on the face of the petition; and~~

8 ~~[(2) family law cases and proceedings].~~

9 (b) A ~~[This section does not affect the right to appeal to a]~~
10 county court at law does not have jurisdiction of felony cases,
11 except as otherwise provided ~~[from the justice courts in cases in~~
12 ~~which the right of appeal to the county court exists]~~ by law.

13 (c) A county court at law does not have general supervisory
14 control over the commissioners court.

15 (d) A ~~[The judge of a]~~ county court at law may not issue
16 writs of habeas corpus in felony cases ~~[engage in the private~~
17 ~~practice of law].~~

18 (e) The district clerk serves as clerk of a county court at
19 law in cases in the concurrent jurisdiction of the county courts at
20 law and the district courts, and the county clerk serves as the
21 clerk in all other cases. The district clerk shall establish a
22 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
23 ~~paid an annual salary of at least \$40,000].~~

24 (f) A special judge of a county court at law ~~[If the regular~~
25 ~~judge of a county court at law is absent, disabled, or disqualified~~
26 ~~from presiding, a special judge with the same qualifications as the~~
27 ~~regular judge]~~ may be appointed or elected in the manner provided by

1 law for the appointment or election of a special county judge.

2 (i) The district attorney or county attorney and the county
3 sheriff, in person or by deputy, shall attend a county court at law
4 as required by the judge.

5 (k) If a jury trial is requested in a case that is in a
6 county court at law's jurisdiction as provided by Subsection (a),
7 the jury shall be composed of six members unless the constitution
8 requires a 12-member jury. Failure to object before a six-member
9 jury is seated and sworn constitutes a waiver of a 12-member jury.

10 [~~With the approval of the commissioners court, the judge of a county~~
11 ~~court at law may appoint personnel necessary to administer court~~
12 ~~activities. The appointed personnel shall perform the duties~~
13 ~~prescribed by the judge and shall cooperate with state agencies for~~
14 ~~the uniform and efficient operation of the courts and the~~
15 ~~administration of justice. The personnel are entitled to be paid~~
16 ~~from county funds the compensation, fees, and allowances that are~~
17 ~~set by the commissioners court or as otherwise provided by law.]~~

18 (m) On request of a county court at law judge, jurors
19 regularly impaneled for a week by the district courts may be made
20 available and shall serve for the week in the county court at law
21 [~~Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county~~
22 ~~court at law in Parker County].~~

23 (n) A county court at law of Parker County may summon jurors
24 for service in the court in the manner provided by law for county
25 courts. Juries summoned for the County Court of Parker County or a
26 county court at law of Parker County may, by order of the judge of
27 the court in which they are summoned, be transferred to the other

1 court for service.

2 (o) The judge of a county court at law shall be paid an
3 annual salary that is at least equal to the amount that is \$1,000
4 less than the total annual salary, including supplements, received
5 by a district judge in the county.

6 (p) A vacancy in the office of judge of a county court at law
7 is filled by appointment by the commissioners court.

8 (q) The judges of the county courts at law may divide each
9 term of court into as many sessions as they consider necessary for
10 the disposition of business and may extend a particular term of
11 court if practicable for the efficient and justiciable disposition
12 of individual proceedings and matters.

13 (r) The official court reporter of a county court at law
14 must be well skilled in the court reporter's profession. The
15 official court reporter of a county court at law is a sworn officer
16 of the court who holds office at the pleasure of the court. The
17 official court reporter of a county court at law is entitled to
18 receive at least the same amount as compensation as the official
19 court reporters in the district courts in the county. The
20 compensation shall be paid in the same manner that the district
21 court reporters are paid.

22 (s) If any cause or proceeding is lodged with the district
23 clerk and the district clerk files, docket, or assigns the cause or
24 proceeding in or to a county court at law and the county court at law
25 does not have subject matter jurisdiction over the cause or
26 proceeding, then the filing, docketing, or assignment of the cause
27 or proceeding in or to a county court at law is considered a

1 clerical error and that clerical error shall be corrected by a
2 judgment or order nunc pro tunc. The cause or proceeding is
3 considered filed, docketed, or assigned to the district court of
4 the local administrative judge in the first instance rather than to
5 a county court at law. The judge of a county court at law who acts
6 in the cause or proceeding is considered assigned to the district
7 court of the local administrative judge for that purpose and has all
8 the powers of the judge of that district court under the assignment.

9 (t) A county court at law judge has jurisdiction to grant an
10 order permitting a marriage ceremony to take place during a 72-hour
11 period immediately following the issuance of a marriage license in
12 Parker County.

13 (u) The judges of the county courts at law have the same
14 judicial immunity as a district judge.

15 (v) In matters of concurrent jurisdiction, a judge of a
16 county court at law and a judge of a district court or another
17 county court at law may transfer cases between the courts in the
18 same manner judges of district courts transfer cases under Section
19 24.303.

20 (w) A judge of a county court at law and a judge of a
21 district court may exchange benches and may sit and act for each
22 other in any matter pending before the court.

23 (x) The judges of the county courts at law may from time to
24 time transfer criminal misdemeanor cases to other county courts at
25 law to equalize the criminal misdemeanor dockets of the county
26 courts at law for the efficient operation of the court system and
27 the effective administration of justice.

1 (c) Subsection (b), Section 25.1863, Government Code, is
2 amended to read as follows:

3 (b) A county court at law has concurrent jurisdiction with
4 the district court over contested probate matters. Notwithstanding
5 the requirement in Subsection (b), Section 5, Texas Probate Code,
6 that the judge of the constitutional county court transfer a
7 contested probate proceeding to the district court, the judge of
8 the constitutional county court shall transfer the proceeding under
9 that section to either the County Court at Law of Parker County [~~a~~
10 ~~county court at law~~] or the district court. The county court at law
11 has the jurisdiction, powers, and duties that a district court has
12 under Subsection (b), Section 5, Texas Probate Code, for the
13 transferred proceeding, and the county clerk acts as clerk for the
14 proceeding. The contested proceeding may be transferred between
15 the county court at law and the district court as provided by local
16 rules of administration.

17 (d) The County Court at Law No. 2 of Parker County is created
18 and this section takes effect September 1, 2003.

19 SECTION 6. Except as otherwise provided by this Act, this
20 Act takes effect September 1, 2003.