

By: Duncan

S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. (a) Section 25.0451(a), 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 and this section takes effect September 1, 2003.

1 SECTION 3. (a) Subchapter C, Chapter 25, Government Code,
2 is amended by adding Sections 25.2011 and 25.2012 to read as
3 follows:

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

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

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

15 (1) felony cases involving capital murder;

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

18 (3) misdemeanors involving official misconduct; or

19 (4) contested elections.

20 (c) The district clerk serves as clerk of a county court at
21 law except that the county clerk serves as clerk of the county court
22 at law in matters of mental health, the probate and criminal
23 misdemeanor docket, and all civil matters in which the county court
24 at law does not have concurrent jurisdiction with the district
25 court.

26 (d) Jurors regularly impaneled for the week by the district
27 courts may, at the request of the judge of a county court at law, be

1 made available by the district judge in the numbers requested and
2 shall serve for the week or until released in the county court at
3 law.

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

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

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

25 (h) The judge of the county court at law shall appoint an
26 official court reporter for the court and shall set the official
27 court reporter's annual salary, subject to approval by the county

1 commissioners court. The official court reporter of the county
2 court at law shall take an oath or affirmation as an officer of the
3 court. The official court reporter holds office at the pleasure of
4 the judge of the court and shall be provided a private office in
5 close proximity to the court. The official court reporter is
6 entitled to all rights and benefits afforded all other county
7 employees.

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

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

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

27 (l) The judge of a county court at law shall diligently

1 discharge the duties of the office on a full-time basis and may not
2 engage in the private practice of law.

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

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

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

12 SECTION 4. Except as otherwise provided by this Act, this
13 Act takes effect September 1, 2003.