

1-1 By: Duncan S.B. No. 1552
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 24, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 24, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1552 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation and composition of certain county courts
1-11 at law.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. (a) Subsection (a), Section 25.0451,
1-14 Government Code, is amended to read as follows:

1-15 (a) Collin County has the following statutory county
1-16 courts:

- 1-17 (1) County Court at Law No. 1 of Collin County;
- 1-18 (2) County Court at Law No. 2 of Collin County;
- 1-19 (3) County Court at Law No. 3 of Collin County;
- 1-20 (4) County Court at Law No. 4 of Collin County; ~~and~~
- 1-21 (5) County Court at Law No. 5 of Collin County; and
- 1-22 (6) County Court at Law No. 6 of Collin County.

1-23 (b) The County Court at Law No. 6 of Collin County is created
1-24 and this section takes effect January 1, 2005.

1-25 SECTION 2. (a) Section 25.0481, Government Code, is
1-26 amended to read as follows:

1-27 Sec. 25.0481. COMAL COUNTY. Comal County has the following
1-28 ~~[one]~~ statutory county courts:

- 1-29 (1) ~~[court, the]~~ County Court at Law No. 1 of Comal
1-30 County; and
- 1-31 (2) County Court at Law No. 2 of Comal County.

1-32 (b) The County Court at Law No. 2 of Comal County is created
1-33 and this section takes effect September 1, 2003.

1-34 SECTION 3. (a) Section 25.1091, Government Code, is
1-35 amended to read as follows:

1-36 Sec. 25.1091. HENDERSON COUNTY. Henderson County has the
1-37 following ~~[one]~~ statutory county courts:

- 1-38 (1) ~~[court, the]~~ the County Court at Law of Henderson
1-39 County; and
- 1-40 (2) the County Court at Law No. 2 of Henderson County.

1-41 (b) Subsections (a) and (c), Section 152.1131, Human
1-42 Resources Code, are amended to read as follows:

1-43 (a) The juvenile board of Henderson County is composed of:

- 1-44 (1) the county judge;
- 1-45 (2) the judges of the 3rd, 173rd, and 392nd judicial
1-46 districts;
- 1-47 (3) the judges ~~[judge]~~ of the county courts ~~[court]~~ at
1-48 law; and
- 1-49 (4) the county attorney.

1-50 (c) The commissioners court shall pay the 173rd and 392nd
1-51 district judges and the county court at law judges ~~[judge]~~ an amount
1-52 set by the commissioners court at not less than \$750 a month and
1-53 shall pay the 3rd district judge an amount set by the commissioners
1-54 court at not less than one-third of the amount paid to the 173rd or
1-55 392nd district judge or the county court at law judges ~~[judge]~~. The
1-56 commissioners court shall pay the other juvenile board members an
1-57 amount set by the commissioners court at not less than \$250 a month.
1-58 The compensation is in addition to other compensation provided or
1-59 allowed by law.

1-60 (c) Notwithstanding Section 25.1091, Government Code, as
1-61 amended by this section, the County Court at Law No. 2 of Henderson
1-62 County is created December 1, 2007, or on an earlier date determined
1-63 by the commissioners court by an order entered in its minutes.

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

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

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

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

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

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

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

(j) Not later than one year after the date of appointment,

3-1 the bailiff of a county court at law must obtain a peace officer
3-2 license under Chapter 1701, Occupations Code, from the Commission
3-3 on Law Enforcement Officer Standards and Education. The sheriff of
3-4 Rockwall County shall deputize the bailiff of a county court at law.
3-5 The bailiff of a county court at law is subject to the training and
3-6 continuing education requirements of a sheriff's deputy of the
3-7 county. The sheriff shall remove from office a bailiff who does not
3-8 receive a peace officer license within one year of appointment as
3-9 required by this subsection.

3-10 (k) The judge of a county court at law must be a United
3-11 States citizen at the time of appointment or election.

3-12 (l) The judge of a county court at law shall diligently
3-13 discharge the duties of the office on a full-time basis and may not
3-14 engage in the private practice of law.

3-15 (m) In matters of concurrent jurisdiction, the judge of a
3-16 county court at law and the district judge may exchange benches,
3-17 transfer cases subject to acceptance, assign each other to hear
3-18 cases, and otherwise manage their respective dockets under local
3-19 administrative rules.

3-20 (n) The judge of a county court at law has the same judicial
3-21 immunity as a district judge.

3-22 (b) The County Court at Law of Rockwall County is created
3-23 and this section takes effect September 1, 2003.

3-24 SECTION 5. Except as otherwise provided by this Act, this
3-25 Act takes effect September 1, 2003.

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