

By: Escobar

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a judicial district in Kenedy and
3 Kleberg Counties and to the composition of the 105th Judicial
4 District.

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

6 SECTION 1. Subchapter C, Chapter 24, Government Code, is
7 amended by adding Section 24.567 to read as follows:

8 Sec. 24.567. 423RD JUDICIAL DISTRICT (KENEDY AND KLEBERG
9 COUNTIES). (a) The 423rd Judicial District is composed of Kenedy
10 and Kleberg Counties.

11 (b) The 423rd District Court shall give preference to
12 criminal cases.

13 (c) In addition to other jurisdiction provided by law, the
14 423rd District Court has concurrent jurisdiction with the county
15 courts in Kenedy and Kleberg Counties and the statutory county
16 court in Kleberg County over all matters of civil and criminal
17 jurisdiction, original and appellate, in cases over which a county
18 court has jurisdiction under the constitution and laws of this
19 state. Matters and proceedings in the concurrent jurisdiction of
20 the 423rd District Court and the county court or county court at law
21 may be filed in either court and all cases of concurrent
22 jurisdiction may be transferred between the 423rd District Court,
23 the county court, and the county court at law. However, a case may
24 not be transferred from one court to another without the consent of

1 the judge of the court to which it is transferred, and a case may not
2 be transferred unless it is within the jurisdiction of the court to
3 which it is transferred.

4 SECTION 2. Section 24.207, Government Code, as amended by
5 House Bill No. 2913, Acts of the 79th Legislature, Regular Session,
6 2005, is amended to read as follows:

7 Sec. 24.207. 105TH JUDICIAL DISTRICT (~~[KENEDY, KLEBERG,~~
8 ~~AND] NUECES COUNTY [COUNTIES]~~). (a) The 105th Judicial District is
9 composed of [~~Kenedy, Kleberg, and~~ Nueces County [~~counties~~]. The
10 court shall give preference to criminal cases.

11 (b) The terms of the 105th District Court begin[+]

12 [~~(1) in Kenedy County on the first Mondays in June and~~
13 ~~December,~~

14 [~~(2) in Kleberg County on the first Mondays in April~~
15 ~~and October, and~~

16 [~~(3) in Nueces County]~~ on the first Mondays in
17 February and August.

18 (c) The judge, with the approval of the commissioners court,
19 may appoint an official interpreter of the court [~~in Nueces County~~]
20 who serves at the will of the judge. The official interpreter shall
21 take both the constitutional oath of office and an oath that he will
22 faithfully interpret all testimony in the district court as
23 official interpreter. The oath is sufficient for his service as
24 official interpreter in all cases in the court [~~in Nueces County~~]
25 during the interpreter's term of office. The judge may also assign
26 the official interpreter to assist the court's probation officer in
27 the discharge of the probation officer's duties.

1 (d) In addition to other jurisdiction provided by law, the
2 105th District Court has concurrent jurisdiction with the county
3 courts at law in Nueces County to receive a guilty plea in a
4 misdemeanor case pending in a county court at law in Nueces County
5 and dispose of the case, regardless of whether the case is
6 transferred to the district court. The judgment, order, or action
7 of the district court is valid and binding as if the case were
8 pending in the district court.

9 SECTION 3. (a) The local administrative district judge
10 shall transfer all cases from Kenedy and Kleberg Counties that are
11 pending in the 105th District Court on the effective date of this
12 Act to the 423rd District Court.

13 (b) When a case is transferred as provided by Subsection (a)
14 of this section, all processes, writs, bonds, recognizances, or
15 other obligations issued from the 105th District Court are
16 returnable to the 423rd District Court as if originally issued by
17 that court. The obligees on all bonds and recognizances taken in
18 and for the 105th District Court and all witnesses summoned to
19 appear in the 105th District Court are required to appear before the
20 423rd District Court as if originally required to appear before
21 that court.

22 SECTION 4. The 423rd Judicial District is created on the
23 effective date of this Act.

24 SECTION 5. This Act takes effect September 1, 2005, if it
25 receives a vote of two-thirds of all the members elected to each
26 house, as provided by Section 39, Article III, Texas Constitution.
27 If this Act does not receive the vote necessary for effect on that

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1 date, this Act takes effect November 1, 2005.