

By: Hartnett

H.B. No. 231

A BILL TO BE ENTITLED

AN ACT

relating to trial by special judge in civil and family law cases.

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

SECTION 1. Section 151.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 151.001. REFERRAL BY AGREEMENT. On agreement of the parties, in civil or family law matters pending in a district court, statutory probate court, or statutory county court, the judge in whose court the case is pending [~~filed~~] may order referral of the case as provided by this chapter and shall stay proceedings in the judge's [~~his~~] court pending the outcome of the trial. Any or all of the issues in the cases, whether an issue of fact or law, may be referred.

SECTION 2. Section 151.005, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 151.005. PROCEDURE. Rules and statutes relating to procedure and evidence in the referring judge's [~~district~~] court apply to a trial under this chapter.

SECTION 3. Section 151.006(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) While serving as a special judge, the special judge has the powers of the referring [~~a district court~~] judge except that the special judge [~~he~~] may not hold a person in contempt of court unless the person is a witness before the special judge [~~him~~].

1 SECTION 4. Section 151.008, Civil Practice and Remedies
2 Code, is amended to read as follows:

3 Sec. 151.008. COURT REPORTER REQUIRED. To maintain a record
4 of the proceedings at the hearing, the special judge shall provide a
5 court reporter who meets the qualifications prescribed by law for
6 ~~[district]~~ court reporters in the referring judge's court.

7 SECTION 5. Section 151.011, Civil Practice and Remedies
8 Code, is amended to read as follows:

9 Sec. 151.011. SPECIAL JUDGE'S VERDICT. The special judge's
10 verdict must comply with the requirements for a verdict by the
11 court. The verdict stands as a verdict of the referring judge's
12 ~~[district]~~ court. Unless otherwise specified in an order of
13 referral, the special judge shall submit the verdict not later than
14 the 60th day after the day the trial adjourns.

15 SECTION 6. Section 151.013, Civil Practice and Remedies
16 Code, is amended to read as follows:

17 Sec. 151.013. RIGHT TO APPEAL. The right to appeal is
18 preserved. An appeal is from the order of the referring judge's
19 ~~[district]~~ court as provided by the Texas Rules of Civil Procedure
20 and the Texas Rules of Appellate Procedure.

21 SECTION 7. This Act applies only to a referral of a case to a
22 special judge under Chapter 151, Civil Practice and Remedies Code,
23 made on or after the effective date of this Act. A referral made
24 before the effective date of this Act is governed by the law in
25 effect at the time the referral was made, and that law is continued
26 in effect for that purpose.

27 SECTION 8. This Act takes effect September 1, 2005.