

1-1 By: Hartnett, Pena, Naishtat H.B. No. 231
1-2 (Senate Sponsor - Wentworth)
1-3 (In the Senate - Received from the House March 7, 2005;
1-4 March 30, 2005, read first time and referred to Committee on
1-5 Jurisprudence; April 28, 2005, reported favorably by the following
1-6 vote: Yeas 4, Nays 0; April 28, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to trial by special judge in civil and family law cases.
1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 151.001, Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 Sec. 151.001. REFERRAL BY AGREEMENT. On agreement of the
1-14 parties, in civil or family law matters pending in a district court,
1-15 statutory probate court, or statutory county court, the judge in
1-16 whose court the case is pending [~~filed~~] may order referral of the
1-17 case as provided by this chapter and shall stay proceedings in the
1-18 judge's [~~his~~] court pending the outcome of the trial. Any or all of
1-19 the issues in the cases, whether an issue of fact or law, may be
1-20 referred.

1-21 SECTION 2. Section 151.005, Civil Practice and Remedies
1-22 Code, is amended to read as follows:

1-23 Sec. 151.005. PROCEDURE. Rules and statutes relating to
1-24 procedure and evidence in the referring judge's [~~district~~] court
1-25 apply to a trial under this chapter.

1-26 SECTION 3. Section 151.006(b), Civil Practice and Remedies
1-27 Code, is amended to read as follows:

1-28 (b) While serving as a special judge, the special judge has
1-29 the powers of the referring [~~a district court~~] judge except that the
1-30 special judge [~~he~~] may not hold a person in contempt of court unless
1-31 the person is a witness before the special judge [~~him~~].

1-32 SECTION 4. Section 151.008, Civil Practice and Remedies
1-33 Code, is amended to read as follows:

1-34 Sec. 151.008. COURT REPORTER REQUIRED. To maintain a record
1-35 of the proceedings at the hearing, the special judge shall provide a
1-36 court reporter who meets the qualifications prescribed by law for
1-37 [~~district~~] court reporters in the referring judge's court.

1-38 SECTION 5. Section 151.011, Civil Practice and Remedies
1-39 Code, is amended to read as follows:

1-40 Sec. 151.011. SPECIAL JUDGE'S VERDICT. The special judge's
1-41 verdict must comply with the requirements for a verdict by the
1-42 court. The verdict stands as a verdict of the referring judge's
1-43 [~~district~~] court. Unless otherwise specified in an order of
1-44 referral, the special judge shall submit the verdict not later than
1-45 the 60th day after the day the trial adjourns.

1-46 SECTION 6. Section 151.013, Civil Practice and Remedies
1-47 Code, is amended to read as follows:

1-48 Sec. 151.013. RIGHT TO APPEAL. The right to appeal is
1-49 preserved. An appeal is from the order of the referring judge's
1-50 [~~district~~] court as provided by the Texas Rules of Civil Procedure
1-51 and the Texas Rules of Appellate Procedure.

1-52 SECTION 7. This Act applies only to a referral of a case to a
1-53 special judge under Chapter 151, Civil Practice and Remedies Code,
1-54 made on or after the effective date of this Act. A referral made
1-55 before the effective date of this Act is governed by the law in
1-56 effect at the time the referral was made, and that law is continued
1-57 in effect for that purpose.

1-58 SECTION 8. This Act takes effect September 1, 2005.

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