

By: Escobar

H.B. No. 3155

Substitute the following for H.B. No. 3155:

By: Hartnett

C.S.H.B. No. 3155

A BILL TO BE ENTITLED

AN ACT

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

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, is amended to
5 read as follows:

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

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

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

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

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

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

27 SECTION 3. The heading to Section 43.148, Government Code,

1 is amended to read as follows:

2 Sec. 43.148. KENEDY, KLEBERG, AND NUECES COUNTIES [~~105TH~~
3 ~~JUDICIAL DISTRICT~~].

4 SECTION 4. Sections 43.148(a) and (c), Government Code, are
5 amended to read as follows:

6 (a) The voters of Kenedy, Kleberg, and Nueces counties [~~the~~
7 ~~105th Judicial District~~] elect a district attorney. The district
8 attorney has the same powers and duties as other district attorneys
9 and serves all the district, county, and justice courts of Nueces
10 County and the district courts of Kleberg and Kenedy counties.

11 (c) The commissioners courts of Kenedy, Kleberg, and Nueces
12 [~~the~~] counties [~~comprising the district~~] may supplement the state
13 salary of the district attorney. The amount of the supplement may
14 not exceed \$12,000 a year. The supplemental salary must be paid
15 proportionately by the commissioners court of each county according
16 to the population of the county. The supplemental salary may be
17 paid from the officers' salary fund of a county. If that fund is
18 inadequate, the commissioners court may transfer the necessary
19 funds from the general fund of the county.

20 SECTION 5. (a) The local administrative district judge
21 shall transfer all cases from Kenedy and Kleberg Counties that are
22 pending in the 105th District Court on September 1, 2005, to the
23 423rd District Court.

24 (b) When a case is transferred as provided by Subsection (a)
25 of this section, all processes, writs, bonds, recognizances, or
26 other obligations issued from the 105th District Court are
27 returnable to the 423rd District Court as if originally issued by

1 that court. The obligees on all bonds and recognizances taken in
2 and for the 105th District Court and all witnesses summoned to
3 appear in the 105th District Court are required to appear before the
4 423rd District Court as if originally required to appear before
5 that court.

6 SECTION 6. The 423rd Judicial District is created on the
7 effective date of this Act.

8 SECTION 7. This Act takes effect September 1, 2005.