

## BILL ANALYSIS

Senate Research Center  
80R15237 CAE-D

C.S.S.B. 1951  
By: Wentworth  
Jurisprudence  
4/19/2007  
Committee Report (Substituted)

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the courts of certain counties are experiencing an increase in cases. The establishment of new judicial districts and district attorneys in these counties may help alleviate the burden created by the backlogs on those courts.

C.S.S.B. 1951 creates new judicial districts and offices of district attorneys in certain counties and provides for the election and duties of certain district attorneys.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.562, as follows:

Sec. 24.562. 418TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). (a)  
Provides that the 418th Judicial District is composed of Montgomery County.

(b) Requires the 418th District Court to give preference to family law matters.

(b) Creates the 418th Judicial District on the effective date of this section.

SECTION 2. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2009, by adding Section 24.567, as follows:

Sec. 24.567. 423RD JUDICIAL DISTRICT (BASTROP, BURLESON, LEE, AND WASHINGTON COUNTIES). Provides that the 418th Judicial District is composed of Bastrop, Burleson, Lee, and Washington counties.

(b) Amends Section 44.111(a), Government Code, to delete mention of a court and replace with courts.

(c) Amends Section 43.108(b), Government Code, effective January 1, 2009, to include the 423rd District Court as a court for which the district attorney of the 21st Judicial District represents the state and performs the duties of district attorney.

(d) Provides that the effective date of this section is January 1, 2009, for purposes of Section 201.027 (New Office), Elections Code.

(e) Requires the initial vacancy in the office of judge of the 423rd Judicial District to be filled by election, notwithstanding Section 24.311 (Appointment of Initial Judge), Government Code. Provides that the office exists for purposes of the primary and general election in 2008. Provides that a vacancy after the initial vacancy is filled as provided by Section 28 (Vacancy In Office of Supreme Court, Court of Criminal Appeals, Court of Appeals and District Courts to be Filled by the Governor), Article V, Texas Constitution.

(f) Creates the 423rd Judicial District on January 1, 2009.

SECTION 3. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2009, by adding Section 24.573, as follows:

Sec. 24.573. 429TH JUDICIAL DISTRICT (COLLIN COUNTY). Provides that the 429th Judicial District is composed of Collin County.

(b) Provides that the effective date of this section is January 1, 2009, for purposes of Section 201.027 (New Office), Elections Code.

(c) Requires the initial vacancy in the office of judge of the 429th Judicial District to be filled by election, notwithstanding Section 24.311 (Appointment of Initial Judge), Government Code. Provides that the office exists for purposes of the primary and general election in 2008. Provides that a vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

(d) Creates the 429th Judicial District on January 1, 2009.

SECTION 4. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.579, as follows:

Sec. 24.579. 435TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). (a) Provides that the 435th Judicial District is composed of Montgomery County.

(b) Requires the 435th District Court to give preference to civil commitment proceedings under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code, and criminal cases involving offenses under Section 841.085 (Criminal Penalty), Health and Safety Code, and Article 62.203 (Failure to Comply; Subject to Commitment), Code of Criminal Procedure.

(c) Requires the state to pay the salaries of and other expenses related to the court reporter appointed for the 435th District Court under Section 52.041 (Appointment of Official Court Reporters) and the court coordinator appointed for the court under Section 74.101 (Court Coordinators), Government Code. Requires the salaries of the court reporter and court coordinator to be set in amounts commensurate with the salaries paid by other district courts for those positions.

(b) Creates the 435th Judicial District on the effective date of this section.

SECTION 5. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.589, as follows:

Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY). (a) Provides that the 445th Judicial District is composed of Cameron County.

(b) Requires the 445th District Court to give preference to criminal law cases.

(b) Creates the 445th Judicial District on the effective date of this section.

SECTION 6. Amends Subchapter D, Chapter 24, Government Code, by adding Section 24.640, as follows:

Sec. 24.640. 444TH JUDICIAL DISTRICT (CAMERON COUNTY). Provides that the 444th Judicial District is composed of Cameron County.

(b) Creates the 444th Judicial District on the effective date of this section.

SECTION 7. Amends Section 43.119, Government Code, as follows:

Sec. 43.119. 33RD JUDICIAL DISTRICT. (a) Creates this subsection from existing text.

(b) Provides that the district attorney also represents the state and performs the duties of district attorney before the 424th District Court in Blanco, Burnet, Llano, and San Saba counties.

SECTION 8. Amends Section 43.148, Government Code, as follows:

Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) Provides that the voters of Nueces County, rather than the 105th Judicial District, elect a district attorney for the 105th Judicial District. Deletes existing references the district courts of Kleberg and Kenedy counties in the 105th Judicial District.

(b) Makes conforming changes

(c) Deletes existing text requiring the supplemental salary paid to the district attorney to be paid in a certain manner by multiple counties. Makes conforming changes.

SECTION 9. Amends Subchapter B, Chapter 43, Government Code, by adding Section 43.182, as follows:

Sec. 43.182. DISTRICT ATTORNEY FOR KLEBERG AND KENEDY COUNTIES.

(a) Provides that the voters of Kleberg and Kenedy Counties elect a district attorney. Provides that the district attorney has the same powers and duties as other district attorneys and serves the district courts of Kleberg and Kenedy counties.

(b) Requires the district attorney to attend each term and session of, and to represent the state in criminal cases pending in, the district courts of Kleberg and Kenedy counties. Provides that the district attorney has control of any case heard on petition of writ of habeas corpus before any district or inferior court in the district.

(c) Sets forth certain requirements and authorizations regarding the supplementation of the district attorney's state salary by the commissioners courts of the counties comprising the district.

SECTION 10. Amends Section 46.002, Government Code, to include the district attorneys for Kenedy and Kleberg counties as state prosecutors to which Chapter 46 (Professional Prosecutors), Government Code, applies.

SECTION 11. Amends Section 46.002, Government Code, effective January 1, 2009, to make a conforming change.

SECTION 12. Effective date, except as otherwise provided by this Act: September 1, 2007.