

By: Kolkhorst

H.B. No. 2201

Substitute the following for H.B. No. 2201:

By: Hartnett

C.S.H.B. No. 2201

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of a judicial district composed of Grimes  
3 and Waller Counties, the composition of the 9th, 12th, and 278th  
4 Judicial Districts, the district attorneys for the 12th and 278th  
5 Judicial Districts, and the juvenile board of Leon County.

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

7 SECTION 1. Section 24.109, Government Code, is amended to  
8 read as follows:

9 Sec. 24.109. 9TH JUDICIAL DISTRICT (MONTGOMERY COUNTY [~~AND~~  
10 ~~WALLER COUNTIES~~]). (a) The 9th Judicial District is composed of  
11 Montgomery County [~~and Waller counties~~].

12 (b) [~~The 9th and 155th district courts have concurrent~~  
13 ~~jurisdiction in Waller County.~~

14 [~~(c)~~] The terms of the 9th District Court begin[~~+~~  
15 [~~(1) in Montgomery County~~] on the first Monday in  
16 January and the first Monday in July[~~, and~~

17 [~~(2) in Waller County on the first Monday in January~~  
18 ~~and the first Monday in July~~].

19 SECTION 2. Section 24.113, Government Code, is amended to  
20 read as follows:

21 Sec. 24.113. 12TH JUDICIAL DISTRICT (GRIMES, [~~LEON,~~  
22 MADISON, AND WALKER COUNTIES). (a) The 12th Judicial District is  
23 composed of Grimes, [~~Leon,~~] Madison, and Walker counties.

24 (b) The terms of the 12th District Court in each county of

1 the district begin on the first Mondays in January and July.

2 SECTION 3. Section 24.254(d), Government Code, is repealed.

3 SECTION 4. Section 24.455, Government Code, is amended to  
4 read as follows:

5 Sec. 24.455. 278TH JUDICIAL DISTRICT (~~[GRIMES,]~~ LEON,  
6 MADISON, AND WALKER COUNTIES). The 278th Judicial District is  
7 composed of ~~[Grimes,]~~ Leon, Madison, and Walker counties.

8 SECTION 5. Subchapter C, Chapter 24, Government Code, is  
9 amended by adding Section 24.5995 to read as follows:

10 Sec. 24.5995. 506TH JUDICIAL DISTRICT (GRIMES AND WALLER  
11 COUNTIES). The 506th Judicial District is composed of Grimes and  
12 Waller Counties.

13 SECTION 6. Section 43.106, Government Code, is redesignated  
14 as Section 43.1743 and amended to read as follows:

15 Sec. 43.1743 ~~[43.106]~~. 278TH ~~[12TH]~~ JUDICIAL DISTRICT. (a)  
16 The voters of Leon County elect a district attorney for the 278th  
17 ~~[12th]~~ Judicial District who represents the state in that district  
18 court only in Leon County.

19 (b) ~~[The district attorney of the 12th Judicial District~~  
20 ~~also represents the state in all criminal and civil actions in which~~  
21 ~~the state is interested that arise in the 87th Judicial District in~~  
22 ~~Leon County.~~

23 ~~[(c)]~~ The district attorney may, with the consent of the  
24 Commissioners Court of Leon County, appoint a deputy district  
25 attorney.

26 (c) ~~[(d)]~~ The Commissioners Court of Leon County shall pay  
27 the salary and traveling expenses of the deputy district attorney

1 from the officers' salary fund. The salary shall be paid in equal  
2 monthly installments and expense claims shall be paid at the end of  
3 each month. The salary is subject to participation fully in the  
4 Texas County and District Retirement System.

5 SECTION 7. Section 43.1745, Government Code, is  
6 redesignated as Section 43.1061 and amended to read as follows:

7 Sec. 43.1061 [~~43.1745~~]. 12TH [~~278TH~~] JUDICIAL DISTRICT. (a)  
8 The voters of Grimes County elect a district attorney for the 12th  
9 [~~278th~~] Judicial District who represents the state only in that  
10 county.

11 (b) The district attorney shall attend each term and session  
12 of the district courts and all other courts, except municipal  
13 courts, in Grimes County and, unless otherwise provided by law,  
14 shall exclusively represent the state in all criminal matters in  
15 those courts.

16 (c) The district attorney has no power, duty, or privilege  
17 relating to family law and juvenile matters, including matters  
18 involving children's protective services, protective orders under  
19 Chapter 71, Family Code, orders under Chapter 159, Family Code,  
20 proceedings under Title 3, Family Code, civil commitment matters  
21 under Subtitle C, Title 7, Health and Safety Code, or a quo warranto  
22 or removal case, except, that if the county attorney fails or  
23 refuses to act in a quo warranto or removal case, the district  
24 attorney has the power, duty, and privilege to bring a removal of  
25 quo warranto action.

26 (d) The district attorney has no power, duty, or privilege  
27 in any civil matter pending before any court.

1 (e) The district attorney must be at least 30 years of age,  
2 must have been a practicing attorney in this state for at least five  
3 years, and must have been a resident of Grimes County for at least  
4 the time required under Section 141.001, Election Code [~~three years~~  
5 ~~immediately preceding election or appointment~~].

6 (f) The district attorney may not engage in the private  
7 practice of law.

8 (g) The district attorney may, for the purpose of conducting  
9 the affairs of the office, appoint assistant district attorneys,  
10 investigators, and other necessary staff. The salaries of the  
11 members of the staff of the district attorney's office shall be paid  
12 from the officer's salary fund of the county with the approval of  
13 the commissioners court.

14 SECTION 8. Section 152.1511(a), Human Resources Code, as  
15 amended by Chapters 531, 1152, and 1352, Acts of the 79th  
16 Legislature, Regular Session, 2005, is reenacted to read as  
17 follows:

18 (a) The juvenile board of Leon County is composed of the  
19 county judge and the district judges in Leon County.

20 SECTION 9. (a) The local administrative district judge  
21 shall transfer all cases from Waller County that are pending in the  
22 9th District Court on September 1, 2007, to the 506th District  
23 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 9th District Court are returnable  
27 to the 506th District Court as if originally issued by that court.

1 The obligees on all bonds and recognizances taken in and for the 9th  
2 District Court and all witnesses summoned to appear in the 9th  
3 District Court are required to appear before the 506th District  
4 Court as if originally required to appear before that court.

5 SECTION 10. (a) The local administrative district judge  
6 shall transfer all cases from Leon County that are pending in the  
7 12th District Court on September 1, 2007, to the 278th District  
8 Court.

9 (b) When a case is transferred as provided by Subsection (a)  
10 of this section, all processes, writs, bonds, recognizances, or  
11 other obligations issued from the 12th District Court are  
12 returnable to the 278th District Court as if originally issued by  
13 that court. The obligees on all bonds and recognizances taken in  
14 and for the 12th District Court and all witnesses summoned to appear  
15 in the 12th District Court are required to appear before the 278th  
16 District Court as if originally required to appear before that  
17 court.

18 SECTION 11. (a) The local administrative district judge  
19 shall transfer all cases from Grimes County that are pending in the  
20 278th District Court on September 1, 2008, to the 12th District  
21 Court.

22 (b) When a case is transferred as provided by Subsection (a)  
23 of this section, all processes, writs, bonds, recognizances, or  
24 other obligations issued from the 278th District Court are  
25 returnable to the 12th District Court as if originally issued by  
26 that court. The obligees on all bonds and recognizances taken in  
27 and for the 278th District Court and all witnesses summoned to

1 appear in the 278th District Court are required to appear before the  
2 12th District Court as if originally required to appear before that  
3 court.

4 SECTION 12. (a) The person serving as district attorney for  
5 the 12th Judicial District on September 1, 2007, unless otherwise  
6 removed from office, continues to serve in that office as  
7 redesignated as the district attorney for the 278th Judicial  
8 District for the term to which elected or appointed.

9 (b) The person serving as district attorney for the 278th  
10 Judicial District on September 1, 2007, unless otherwise removed  
11 from office, continues to serve in that office as redesignated as  
12 the district attorney for the 12th Judicial District for the term to  
13 which elected or appointed.

14 SECTION 13. The 506th Judicial District is created on the  
15 effective date of this Act.

16 SECTION 14. (a) Except as provided by Subsection (b) of  
17 this section, this Act takes effect September 1, 2007.

18 (b) Section 4 of this Act takes effect September 1, 2008.