

By: Kolkhorst

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 Section 24.254(d), Government Code, is repealed.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 three years immediately preceding election or appointment.

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

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

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

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

19 SECTION 9. (a) The local administrative district judge
20 shall transfer all cases from Waller County that are pending in the
21 9th District Court on September 1, 2007, to the 506th District
22 Court.

23 (b) When a case is transferred as provided by Subsection (a)
24 of this section, all processes, writs, bonds, recognizances, or
25 other obligations issued from the 9th District Court are returnable
26 to the 506th District Court as if originally issued by that court.
27 The obligees on all bonds and recognizances taken in and for the 9th

1 District Court and all witnesses summoned to appear in the 9th
2 District Court are required to appear before the 506th District
3 Court as if originally required to appear before that court.

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

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

17 SECTION 11. (a) The local administrative district judge
18 shall transfer all cases from Grimes County that are pending in the
19 278th District Court on September 1, 2007, to the 12th District
20 Court.

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

1 12th District Court as if originally required to appear before that
2 court.

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

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

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

15 SECTION 14. This Act takes effect September 1, 2007.