

By: Flynn

H.B. No. 4082

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of an additional statutory county court in
3 Hunt County and the administration, operation, and jurisdiction of
4 statutory county courts in that county.

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

6 SECTION 1. Section 25.1181, Government Code, is amended to
7 read as follows:

8 Sec. 25.1181. HUNT COUNTY. Hunt County has two [~~one~~]
9 statutory county courts:

10 (1) [~~court,~~] the County Court at Law Number One of Hunt
11 County; and

12 (2) the County Court at Law Number Two of Hunt County.

13 SECTION 2. Section 25.1182, Government Code, is amended to
14 read as follows:

15 Sec. 25.1182. HUNT COUNTY COURT AT LAW PROVISIONS. (a) In
16 addition to the jurisdiction provided by Section 25.0003 and other
17 law, and except as limited by Subsection (b), a county court at law
18 in Hunt County has, concurrent with the district courts, the
19 jurisdiction provided by the constitution and general law for
20 district courts.

21 (b) A county court at law does not have general supervisory
22 control or appellate review of the commissioners court or
23 jurisdiction of:

24 (1) felony cases involving capital murder;

1 (2) suits on behalf of the state to recover penalties
2 or escheated property;

3 (3) misdemeanors involving official misconduct; or

4 (4) contested elections ~~[has the same terms of court~~
5 ~~as the County Court of Hunt County].~~

6 (c) The district clerk serves as clerk of a county court at
7 law except that the county clerk serves as clerk of the county court
8 at law in mental health, probate, and juvenile matters, for
9 misdemeanors, and in all civil matters that are originally filed in
10 the county court at law.

11 (d) Jurors regularly impaneled for the week by the district
12 court may, at the request of the judge of a county court at law, be
13 made available in the numbers requested and shall serve for that
14 week or until released by the judge of the county court at law ~~[The~~
15 ~~judge of a county court at law shall be paid an annual salary that is~~
16 ~~at least \$42,500, to be paid from the same fund and in the same~~
17 ~~manner as the county judge. The judge is entitled to receive travel~~
18 ~~expenses and necessary office expenses in the same manner as is~~
19 ~~allowed the county judge].~~

20 (e) A county court at law may summon jurors through the
21 county clerk for service in the county court at law in the manner
22 provided by the laws governing the drawing, selection, and service
23 of jurors for county courts at law. Jurors summoned shall be paid
24 in the same manner and at the same rate as jurors for district
25 courts in Hunt County. By order of the judge of a county court at
26 law, jurors summoned to the county court at law may be transferred
27 to the district court for service in noncapital felony cases ~~[The~~

1 ~~judge of a county court at law shall diligently discharge the duties~~
2 ~~of his office on a full-time basis and may not engage in the private~~
3 ~~practice of law].~~

4 (f) Notwithstanding Sections 74.091 and 74.0911, a district
5 judge serves as the local administrative judge for the district and
6 county courts at law in Hunt County. The judges of district courts
7 shall elect a district judge as local administrative judge for a
8 term of not more than two years. The local administrative judge may
9 not be elected on the basis of rotation or seniority [~~A special~~
10 ~~judge of a county court at law with the same qualifications as the~~
11 ~~regular judge may be appointed or elected in the manner provided by~~
12 ~~law for county courts. If the judge of a county court at law is~~
13 ~~disqualified to try a case pending in the judge's court, the parties~~
14 ~~or their attorneys may agree on the selection of a special judge to~~
15 ~~try the case. A special judge is entitled to receive \$100 for each~~
16 ~~day served to be paid out of the general fund of the county by the~~
17 ~~commissioners court].~~

18 (g) When administering a case for a county court at law, the
19 district clerk shall charge civil fees and court costs as if the
20 case had been filed in the district court. In a case of concurrent
21 jurisdiction, the case shall be assigned to either the district
22 court or a county court at law in accordance with local
23 administrative rules established by the local administrative
24 judge [~~The county sheriff shall, in person or by deputy, attend a~~
25 ~~county court at law as required by the judge].~~

26 (h) The judge of a county court at law shall appoint an
27 official court reporter for the court and shall set the official

1 court reporter's annual salary, subject to approval by the county
2 commissioners court. The official court reporter of the county
3 court at law shall take an oath or affirmation as an officer of the
4 court. The official court reporter holds office at the pleasure of
5 the judge of the court and shall be provided a private office in
6 close proximity to the court. The official court reporter is
7 entitled to all rights and benefits afforded all other county
8 employees [~~Practice in a county court at law is that prescribed by~~
9 ~~law for county courts~~].

10 (i) With the approval of the county commissioners court and
11 through the county budget process, a judge of a county court at law
12 shall hire a staff. The staff of the judge of a county court at law
13 consists of a court coordinator and a bailiff. Court personnel
14 employed under this subsection are entitled to receive a salary set
15 by the commissioners court and other employment benefits received
16 by county employees [~~Section 25.0005(b) does not apply to a county~~
17 ~~court at law in Hunt County~~].

18 (j) Not later than one year after the date of appointment,
19 the bailiff of a county court at law must have received a peace
20 officer license under Chapter 1701, Occupations Code, from the
21 Commission on Law Enforcement Officer Standards and Education. The
22 sheriff of Hunt County shall deputize the bailiff. The bailiff is
23 subject to the training and continuing education requirements of a
24 sheriff's deputy of the county. The sheriff shall remove from
25 office a bailiff who does not receive a peace officer license before
26 the first anniversary of the date of appointment as required by this
27 subsection.

1 (k) The judge of a county court at law must be a United
2 States citizen at the time of appointment or election.

3 (l) The judge of a county court at law shall diligently
4 discharge the duties of the office on a full-time basis and may not
5 engage in the private practice of law.

6 (m) In matters of concurrent jurisdiction, the judge of a
7 county court at law and the district judge may exchange benches,
8 transfer cases subject to acceptance, assign each other to hear
9 cases, and otherwise manage their respective dockets under local
10 administrative rules.

11 (n) The judge of a county court at law has the same judicial
12 immunity as a district judge.

13 SECTION 3. On the effective date of this Act:

14 (1) the County Court at Law of Hunt County is
15 redesignated as the County Court at Law Number One of Hunt County,
16 and the judge of that court, unless otherwise removed as provided by
17 law, serves as the judge of the redesignated court for the remainder
18 of the term to which the judge was elected; and

19 (2) the County Court at Law Number Two of Hunt County
20 is created.

21 SECTION 4. This Act takes effect September 1, 2007.