

By: Wentworth, Williams

S.B. No. 1951

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of judicial districts, the creation of the
3 office of district attorney in certain counties, and the election
4 and duties of certain district attorneys in certain counties.

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

6 SECTION 1. (a) Subchapter C, Chapter 24, Government Code,
7 is amended by adding Section 24.562 to read as follows:

8 Sec. 24.562. 418TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

9 (a) The 418th Judicial District is composed of Montgomery County.

10 (b) The 418th District Court shall give preference to family
11 law matters.

12 (b) The 418th Judicial District is created on the effective
13 date of this section.

14 SECTION 2. (a) Subchapter C, Chapter 24, Government Code,
15 is amended by adding Section 24.567 to read as follows:

16 Sec. 24.567. 423RD JUDICIAL DISTRICT (BASTROP, BURLESON,
17 LEE, AND WASHINGTON COUNTIES). The 423rd Judicial District is
18 composed of Bastrop, Burleson, Lee, and Washington Counties.

19 (b) The 423rd Judicial District is created on the effective
20 date of this section.

21 SECTION 3. (a) Effective January 1, 2009, Subchapter C,
22 Chapter 24, Government Code, is amended by adding Section 24.573 to
23 read as follows:

24 Sec. 24.573. 429TH JUDICIAL DISTRICT (COLLIN COUNTY). The

1 429th Judicial District is composed of Collin County.

2 (b) Effective January 1, 2009, the 429th Judicial District
3 is created.

4 SECTION 4. (a) Subchapter C, Chapter 24, Government Code,
5 is amended by adding Section 24.579 to read as follows:

6 Sec. 24.579. 435TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

7 (a) The 435th Judicial District is composed of Montgomery County.

8 (b) The 435th District Court shall give preference to:

9 (1) civil commitment proceedings under Chapter 841,
10 Health and Safety Code; and

11 (2) criminal cases involving offenses under Section
12 841.085, Health and Safety Code, and Article 62.203, Code of
13 Criminal Procedure.

14 (c) Notwithstanding any other law, the state shall pay the
15 salaries of and other expenses related to the court reporter
16 appointed for the 435th District Court under Section 52.041 and the
17 court coordinator appointed for the court under Section 74.101.
18 The salaries of the court reporter and court coordinator shall be
19 set in amounts commensurate with the salaries paid by other
20 district courts for those positions.

21 (b) The 435th Judicial District is created on the effective
22 date of this section.

23 SECTION 5. (a) Subchapter C, Chapter 24, Government Code,
24 is amended by adding Section 24.589 to read as follows:

25 Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY).

26 (a) The 445th Judicial District is composed of Cameron County.

27 (b) The 445th District Court shall give preference to

1 criminal law cases.

2 (b) The 445th Judicial District is created on the effective
3 date of this section.

4 SECTION 6. (a) Subchapter C, Chapter 24, Government Code,
5 is amended by adding Section 24.592 to read as follows:

6 Sec. 24.592. 448TH JUDICIAL DISTRICT (EL PASO COUNTY). The
7 448th Judicial District is composed of El Paso County.

8 (b) The 448th Judicial District is created on the effective
9 date of this section.

10 SECTION 7. (a) Subchapter C, Chapter 24, Government Code,
11 is amended by adding Section 24.593 to read as follows:

12 Sec. 24.593. 449TH JUDICIAL DISTRICT (HIDALGO COUNTY).
13 (a) The 449th Judicial District is composed of Hidalgo County.

14 (b) The 449th District Court shall give preference to
15 juvenile matters.

16 (b) The 449th Judicial District is created on the effective
17 date of this section.

18 SECTION 8. (a) Subchapter C, Chapter 24, Government Code,
19 is amended by adding Section 24.5995 to read as follows:

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

23 (b) The local administrative district judge shall transfer
24 all cases from Waller County that are pending in the 9th District
25 Court to the 506th District Court on the date the 506th District
26 Court is created.

27 (c) When a case is transferred as provided by Subsection (b)

1 of this section, all processes, writs, bonds, recognizances, or
2 other obligations issued from the 9th District Court are returnable
3 to the 506th District Court as if originally issued by that court.
4 The obligees on all bonds and recognizances taken in and for the 9th
5 District Court and all witnesses summoned to appear in the 9th
6 District Court are required to appear before the 506th District
7 Court as if originally required to appear before that court.

8 (d) The 506th Judicial District is created on the date the
9 Office of Court Administration of the Texas Judicial System
10 certifies to the comptroller of public accounts and commissioners
11 courts of Grimes and Waller Counties that the office has determined
12 that the current five-year average population per court for the
13 district courts that serve Grimes and Waller Counties and are in
14 existence as of January 1, 2007, is greater than the current
15 statewide five-year average population per district court.

16 SECTION 9. (a) Subchapter D, Chapter 24, Government Code,
17 is amended by adding Section 24.640 to read as follows:

18 Sec. 24.640. 444TH JUDICIAL DISTRICT (CAMERON COUNTY). The
19 444th Judicial District is composed of Cameron County.

20 (b) The 444th Judicial District is created on the effective
21 date of this section.

22 SECTION 10. (a) Subchapter E, Chapter 24, Government Code,
23 is amended by adding Section 24.908 to read as follows:

24 Sec. 24.908. EL PASO COUNTY CRIMINAL JUDICIAL DISTRICT NO.
25 1. (a) The El Paso County Criminal Judicial District No. 1 is
26 composed of El Paso County.

27 (b) The El Paso County Criminal District Court No. 1 shall

1 give primary preference to felony drug cases and associated civil
2 cases emanating from those felony drug cases. The criminal
3 district court shall give secondary preference to other criminal
4 cases and associated civil cases emanating from those criminal
5 cases.

6 (c) The terms of the El Paso County Criminal District Court
7 No. 1 begin on the third Mondays in April and September and the
8 first Mondays in January, July, and November.

9 (d) The El Paso County Criminal District Court No. 1 shall
10 have a seal similar to the seal of a district court with "El Paso
11 County Criminal District Court No. 1" engraved on the seal.

12 (b) The El Paso County Criminal Judicial District No. 1 is
13 created on the effective date of this section.

14 SECTION 11. Section 43.119, Government Code, is amended to
15 read as follows:

16 Sec. 43.119. 33RD JUDICIAL DISTRICT. The voters of Blanco,
17 Burnet, Llano, and San Saba Counties [~~the 33rd Judicial District~~]
18 elect a district attorney for the 33rd and 424th Judicial
19 Districts.

20 SECTION 12. Section 43.148, Government Code, is amended to
21 read as follows:

22 Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) The voters of
23 Nueces County [~~the 105th Judicial District~~] elect a district
24 attorney for the 105th Judicial District who [~~. The district~~
25 ~~attorney~~] has the same powers and duties as other district
26 attorneys and serves all the district, county, and justice courts
27 of Nueces County [~~and the district courts of Kleberg and Kenedy~~

1 ~~counties]~~.

2 (b) The district attorney shall attend each term and session
3 of the district, county, and justice courts of Nueces County [~~and~~
4 ~~the district courts of Kleberg and Kenedy counties]~~ and shall
5 represent the state in criminal cases pending in those courts. The
6 district attorney has control of any case heard on petition of writ
7 of habeas corpus before any district or inferior court in the
8 district.

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

18 SECTION 13. Subchapter B, Chapter 43, Government Code, is
19 amended by adding Section 43.182 to read as follows:

20 Sec. 43.182. DISTRICT ATTORNEY FOR KLEBERG AND KENEDY
21 COUNTIES. (a) The voters of Kleberg and Kenedy Counties elect a
22 district attorney. The district attorney has the same powers and
23 duties as other district attorneys and serves the district courts
24 of Kleberg and Kenedy Counties.

25 (b) The district attorney shall attend each term and session
26 of the district courts of Kleberg and Kenedy Counties and shall
27 represent the state in criminal cases pending in those courts. The

1 district attorney has control of any case heard on petition of writ
2 of habeas corpus before any district or inferior court in the
3 district.

4 (c) The commissioners courts of the counties comprising the
5 district may supplement the state salary of the district attorney.
6 The amount of the supplement may not exceed \$12,000 a year. The
7 supplemental salary must be paid proportionately by the
8 commissioners court of each county according to the population of
9 the county. The supplemental salary may be paid from the officers'
10 salary fund of a county. If that fund is inadequate, the
11 commissioners court may transfer the necessary funds from the
12 general fund of the county.

13 SECTION 14. Section 46.002, Government Code, is amended to
14 read as follows:

15 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
16 applies to all county prosecutors and to the following state
17 prosecutors:

18 (1) the district attorneys for Kenedy and Kleberg
19 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
20 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
21 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
22 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th,
23 100th, 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd,
24 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,
25 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th,
26 329th, 349th, and 355th judicial districts;

27 (2) the criminal district attorneys for the counties

1 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
2 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
3 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
4 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
5 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
6 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
7 Wichita, Wood, and Yoakum; and

8 (3) the county attorneys performing the duties of
9 district attorneys in the counties of Andrews, Callahan, Cameron,
10 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,
11 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
12 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
13 Willacy.

14 SECTION 15. Effective January 1, 2009, Section 46.002,
15 Government Code, is amended to read as follows:

16 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
17 applies to all county prosecutors and to the following state
18 prosecutors:

19 (1) the district attorneys for Kenedy and Kleberg
20 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
21 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
22 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
23 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th,
24 100th, 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd,
25 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,
26 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th,
27 329th, 344th, 349th, and 355th judicial districts;

1 (2) the criminal district attorneys for the counties
2 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
3 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
4 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,
5 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,
6 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,
7 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,
8 Wichita, Wood, and Yoakum; and

9 (3) the county attorneys performing the duties of
10 district attorneys in the counties of Andrews, Callahan, Cameron,
11 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,
12 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
13 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and
14 Willacy.

15 SECTION 16. Except as otherwise provided by this Act, this
16 Act takes effect September 1, 2007.