

By: Wentworth, et al.

S.B. No. 1951

Substitute the following for S.B. No. 1951:

By: Hartnett

C.S.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) Effective September 15, 2008, Subchapter C,  
7 Chapter 24, Government Code, is amended by adding Section 24.542 to  
8 read as follows:

9 Sec. 24.542. 397TH JUDICIAL DISTRICT (GRAYSON COUNTY). The  
10 397th Judicial District is composed of Grayson County.

11 (b) The 397th Judicial District is created on September 15,  
12 2008.

13 (c) Effective January 1, 2010, the heading to Section  
14 24.106, Government Code, is amended to read as follows:

15 Sec. 24.106. 6TH JUDICIAL DISTRICT (~~[FANNIN]~~ LAMAR~~[7]~~ AND  
16 RED RIVER COUNTIES).

17 (d) Effective January 1, 2010, Section 24.106(a),  
18 Government Code, is amended to read as follows:

19 (a) The 6th Judicial District is composed of [~~Fannin~~]  
20 Lamar~~[7]~~ and Red River counties.

21 (e) Effective January 1, 2010, Section 24.482, Government  
22 Code, is amended to read as follows:

23 Sec. 24.482. 336TH JUDICIAL DISTRICT (FANNIN COUNTY [~~AND~~  
24 ~~GRAYSON COUNTIES~~]). [~~(a)~~] The 336th Judicial District is composed

1 of Fannin County [~~and Grayson counties~~].

2 (f) The local administrative district judge for the 6th  
3 Judicial District:

4 (1) shall transfer all cases from Fannin County that  
5 are pending in the 6th District Court on January 1, 2010, to the  
6 336th District Court; and

7 (2) may transfer any case from Fannin County that is  
8 pending or filed in the 6th District Court on or after September 15,  
9 2008, to the 336th District Court.

10 (g) When a case is transferred as provided by Subsection (f)  
11 of this section, all processes, writs, bonds, recognizances, or  
12 other obligations issued from the 6th District Court are returnable  
13 to the 336th District Court as if originally issued by that court.  
14 The obligees on all bonds and recognizances taken in and for the 6th  
15 District Court and all witnesses summoned to appear in the 6th  
16 District Court are required to appear before the 336th District  
17 Court as if originally required to appear before that court.

18 (h) The local administrative district judge for the 336th  
19 Judicial District:

20 (1) shall transfer all cases from Grayson County that  
21 are pending in the 336th District Court on January 1, 2010, to the  
22 397th District Court; and

23 (2) may transfer any case from Grayson County that is  
24 pending or filed in the 336th District Court on or after September  
25 15, 2008, to the 397th District Court.

26 (i) When a case is transferred as provided by Subsection (h)  
27 of this section, all processes, writs, bonds, recognizances, or

1 other obligations issued from the 336th District Court are  
2 returnable to the 397th District Court as if originally issued by  
3 that court. The obligees on all bonds and recognizances taken in  
4 and for the 336th District Court and all witnesses summoned to  
5 appear in the 336th District Court are required to appear before the  
6 397th District Court as if originally required to appear before  
7 that court.

8 SECTION 2. (a) Subchapter C, Chapter 24, Government Code,  
9 is amended by adding Section 24.562 to read as follows:

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

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

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

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

16 SECTION 3. (a) Effective October 1, 2007, Subchapter C,  
17 Chapter 24, Government Code, is amended by adding Section 24.567 to  
18 read as follows:

19 Sec. 24.567. 423RD JUDICIAL DISTRICT (BASTROP COUNTY). The  
20 423rd Judicial District is composed of Bastrop County.

21 (b) The 423rd Judicial District is created October 1, 2007.

22 (c) Section 44.111(a), Government Code, is amended to read  
23 as follows:

24 (a) The criminal district attorney of Bastrop County shall  
25 attend each term and session of the district courts [~~court~~] in  
26 Bastrop County and each term and session of the inferior courts of  
27 the county held for the transaction of criminal business. He shall

1 exclusively represent the state in all criminal matters before  
2 those courts and any other court in which Bastrop County has pending  
3 business.

4 SECTION 4. (a) Effective January 1, 2009, Subchapter C,  
5 Chapter 24, Government Code, is amended by adding Section 24.573 to  
6 read as follows:

7 Sec. 24.573. 429TH JUDICIAL DISTRICT (COLLIN COUNTY). The  
8 429th Judicial District is composed of Collin County.

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

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

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

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

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

16 (1) civil commitment proceedings under Chapter 841,  
17 Health and Safety Code;

18 (2) criminal cases involving offenses under Section  
19 841.085, Health and Safety Code, and Article 62.203, Code of  
20 Criminal Procedure; and

21 (3) other matters that may be assigned by the  
22 administrative judge.

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

25 SECTION 6. (a) Subchapter C, Chapter 24, Government Code,  
26 is amended by adding Section 24.589 to read as follows:

27 Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY). (a)

1 The 445th Judicial District is composed of Cameron County.

2 (b) The 445th District Court shall give preference to  
3 criminal law cases.

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

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

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

10 (b) The 449th District Court shall give preference to  
11 juvenile matters.

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

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

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

19 (b) Section 24.109, Government Code, is amended to read as  
20 follows:

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

24 [~~The 9th and 155th district courts have concurrent~~  
25 ~~jurisdiction in Waller County.~~

26 [~~(c)~~] The terms of the 9th District Court begin[~~+~~

27 [~~(1) in Montgomery County~~] on the first Monday in

1 January and the first Monday in July[~~, and~~

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

4 (c) The local administrative district judge shall transfer  
5 all cases from Waller County that are pending in the 9th District  
6 Court to the 506th District Court on the date the 506th District  
7 Court is created.

8 (d) When a case is transferred as provided by Subsection (c)  
9 of this section, all processes, writs, bonds, recognizances, or  
10 other obligations issued from the 9th District Court are returnable  
11 to the 506th District Court as if originally issued by that court.  
12 The obligees on all bonds and recognizances taken in and for the 9th  
13 District Court and all witnesses summoned to appear in the 9th  
14 District Court are required to appear before the 506th District  
15 Court as if originally required to appear before that court.

16 (e) The 506th Judicial District is created on the effective  
17 date of this section.

18 (f) Effective September 1, 2008, Section 24.455, Government  
19 Code, is amended to read as follows:

20 Sec. 24.455. 278TH JUDICIAL DISTRICT (~~[CRIMES]~~ LEON,  
21 MADISON, AND WALKER COUNTIES). The 278th Judicial District is  
22 composed of [~~Crimes~~] Leon, Madison, and Walker counties.

23 (g) The local administrative district judge shall transfer  
24 all cases from Grimes County that are pending in the 278th District  
25 Court on September 1, 2008, to the 506th District Court.

26 (h) When a case is transferred as provided by Subsection (g)  
27 of this section, all processes, writs, bonds, recognizances, or

1 other obligations issued from the 278th District Court are  
2 returnable to the 506th District Court as if originally issued by  
3 that court. The obligees on all bonds and recognizances taken in  
4 and for the 278th District Court and all witnesses summoned to  
5 appear in the 278th District Court are required to appear before the  
6 506th District Court as if originally required to appear before  
7 that court.

8 (i) Section 43.1745(e), Government Code, is amended to read  
9 as follows:

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

15 (j) Effective September 1, 2008, Section 43.1745,  
16 Government Code, is redesignated as Section 43.183, Government  
17 Code, and amended to read as follows:

18 Sec. 43.183 [~~43.1745~~]. 506TH [~~278TH~~] JUDICIAL DISTRICT. (a)  
19 The voters of Grimes County elect a district attorney for the 506th  
20 [~~278th~~] Judicial District who represents the state only in that  
21 county.

22 (b) The district attorney shall attend each term and session  
23 of the district courts and all other courts, except municipal  
24 courts, in Grimes County and, unless otherwise provided by law,  
25 shall exclusively represent the state in all criminal matters in  
26 those courts.

27 (c) The district attorney has no power, duty, or privilege

1 relating to family law and juvenile matters, including matters  
2 involving children's protective services, protective orders under  
3 Chapter 71, Family Code, orders under Chapter 159, Family Code,  
4 proceedings under Title 3, Family Code, civil commitment matters  
5 under Subtitle C, Title 7, Health and Safety Code, or a quo warranto  
6 or removal case, except, that if the county attorney fails or  
7 refuses to act in a quo warranto or removal case, the district  
8 attorney has the power, duty, and privilege to bring a removal of  
9 quo warranto action.

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

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

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

19 (g) The district attorney may, for the purpose of conducting  
20 the affairs of the office, appoint assistant district attorneys,  
21 investigators, and other necessary staff. The salaries of the  
22 members of the staff of the district attorney's office shall be paid  
23 from the officer's salary fund of the county with the approval of  
24 the commissioners court.

25 (k) The person serving as district attorney for the 278th  
26 Judicial District on September 1, 2008, unless otherwise removed  
27 from office, continues to serve in that office as redesignated as



1 the district attorney for the 506th Judicial District for the term  
2 to which elected or appointed.

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

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

6 Sec. 24.640. 444TH JUDICIAL DISTRICT (CAMERON COUNTY). The  
7 444th Judicial District is composed of Cameron County.

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

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

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

15 (b) The El Paso County Criminal District Court No. 1 shall  
16 give primary preference to felony drug cases and associated civil  
17 cases emanating from those felony drug cases. The criminal  
18 district court shall give secondary preference to other criminal  
19 cases and associated civil cases emanating from those criminal  
20 cases.

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

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

27 (b) The El Paso County Criminal Judicial District No. 1 is

1 created on the effective date of this section.

2 SECTION 11. Section 43.119, Government Code, is amended to  
3 read as follows:

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

8 SECTION 12. Section 43.148, Government Code, is amended to  
9 read as follows:

10 Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) The voters of  
11 Nueces County [~~the 105th Judicial District~~] elect a district  
12 attorney for the 105th Judicial District who [~~. The district~~  
13 ~~attorney~~] has the same powers and duties as other district  
14 attorneys and serves all the district, county, and justice courts  
15 of Nueces County [~~and the district courts of Kleberg and Kenedy~~  
16 ~~counties~~].

17 (b) The district attorney shall attend each term and session  
18 of the district, county, and justice courts of Nueces County [~~and~~  
19 ~~the district courts of Kleberg and Kenedy counties~~] and shall  
20 represent the state in criminal cases pending in those courts. The  
21 district attorney has control of any case heard on petition of writ  
22 of habeas corpus before any district or inferior court in the  
23 district.

24 (c) The commissioners court [~~courts~~] of Nueces County [~~the~~  
25 ~~counties comprising the district~~] may supplement the state salary  
26 of the district attorney. The amount of the supplement may not  
27 exceed \$12,000 a year. [~~The supplemental salary must be paid~~

1 ~~proportionately by the commissioners court of each county according~~  
2 ~~to the population of the county.]~~ The supplemental salary may be  
3 paid from the officers' salary fund of the [a] county. If that fund  
4 is inadequate, the commissioners court may transfer the necessary  
5 funds from the general fund of the county.

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

8 Sec. 43.182. DISTRICT ATTORNEY FOR KLEBERG AND KENEDY  
9 COUNTIES. (a) The voters of Kleberg and Kenedy Counties elect a  
10 district attorney. The district attorney has the same powers and  
11 duties as other district attorneys and serves the district courts  
12 of Kleberg and Kenedy Counties.

13 (b) The district attorney shall attend each term and session  
14 of the district courts of Kleberg and Kenedy Counties and shall  
15 represent the state in criminal cases pending in those courts. The  
16 district attorney has control of any case heard on petition of writ  
17 of habeas corpus before any district or inferior court in the  
18 district.

19 (c) The commissioners courts of the counties comprising the  
20 district may supplement the state salary of the district attorney.  
21 The amount of the supplement may not exceed \$12,000 a year. The  
22 supplemental salary must be paid proportionately by the  
23 commissioners court of each county according to the population of  
24 the county. The supplemental salary may be paid from the officers'  
25 salary fund of a county. If that fund is inadequate, the  
26 commissioners court may transfer the necessary funds from the  
27 general fund of the county.

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

3 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
4 applies to all county prosecutors and to the following state  
5 prosecutors:

6 (1) the district attorneys for Kenedy and Kleberg  
7 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
8 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,  
9 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,  
10 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th,  
11 100th, 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd,  
12 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,  
13 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th,  
14 329th, 349th, and 355th judicial districts;

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

23 (3) the county attorneys performing the duties of  
24 district attorneys in the counties of Andrews, Callahan, Cameron,  
25 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,  
26 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,  
27 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and

1 Willacy.

2 SECTION 15. Effective September 1, 2008, Section 46.002,  
3 Government Code, is amended to read as follows:

4 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
5 applies to all county prosecutors and to the following state  
6 prosecutors:

7 (1) the district attorneys for Kenedy and Kleberg  
8 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
9 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,  
10 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,  
11 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th,  
12 100th, 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd,  
13 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,  
14 235th, 253rd, 258th, 259th, 266th, 268th, 271st, [~~278th~~] 286th,  
15 329th, 349th, [~~and~~] 355th, and 506th judicial districts;

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

24 (3) the county attorneys performing the duties of  
25 district attorneys in the counties of Andrews, Callahan, Cameron,  
26 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,  
27 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,

1 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and  
2 Willacy.

3 SECTION 16. Effective January 1, 2009, Section 46.002,  
4 Government Code, is amended to read as follows:

5 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
6 applies to all county prosecutors and to the following state  
7 prosecutors:

8 (1) the district attorneys for Kenedy and Kleberg  
9 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
10 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,  
11 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,  
12 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th,  
13 100th, 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd,  
14 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th,  
15 235th, 253rd, 258th, 259th, 266th, 268th, 271st, [~~278th~~] 286th,  
16 329th, 344th, 349th, [~~and~~] 355th, and 506th judicial districts;

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

25 (3) the county attorneys performing the duties of  
26 district attorneys in the counties of Andrews, Callahan, Cameron,  
27 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,

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1 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,  
2 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and  
3 Willacy.

4 SECTION 17. Except as otherwise provided by this Act, this  
5 Act takes effect September 1, 2007.