

1-1 By: Wentworth S.B. No. 1951  
1-2 (In the Senate - Filed March 16, 2007; March 27, 2007, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 24, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 24, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1951 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of judicial districts, the creation of the  
1-11 office of district attorney in certain counties, and the election  
1-12 and duties of certain district attorneys in certain counties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. (a) Subchapter C, Chapter 24, Government Code,  
1-15 is amended by adding Section 24.562 to read as follows:

1-16 Sec. 24.562. 418TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

1-17 (a) The 418th Judicial District is composed of Montgomery County.

1-18 (b) The 418th District Court shall give preference to family  
1-19 law matters.

1-20 (b) The 418th Judicial District is created on the effective  
1-21 date of this section.

1-22 SECTION 2. (a) Effective January 1, 2009, Subchapter C,  
1-23 Chapter 24, Government Code, is amended by adding Section 24.567 to  
1-24 read as follows:

1-25 Sec. 24.567. 423RD JUDICIAL DISTRICT (BASTROP, BURLESON,  
1-26 LEE, AND WASHINGTON COUNTIES). The 423rd Judicial District is  
1-27 composed of Bastrop, Burleson, Lee, and Washington counties.

1-28 (b) Subsection (a), Section 44.111, Government Code, is  
1-29 amended to read as follows:

1-30 (a) The criminal district attorney of Bastrop County shall  
1-31 attend each term and session of the district courts [~~court~~] in  
1-32 Bastrop County and each term and session of the inferior courts of  
1-33 the county held for the transaction of criminal business. He shall  
1-34 exclusively represent the state in all criminal matters before  
1-35 those courts and any other court in which Bastrop County has pending  
1-36 business.

1-37 (c) Effective January 1, 2009, Subsection (b), Section  
1-38 43.108, Government Code, is amended to read as follows:

1-39 (b) The district attorney also represents the state and  
1-40 performs the duties of district attorney before the 335th District  
1-41 Court and the 423rd District Court in Washington and Burleson  
1-42 counties.

1-43 (d) For purposes of Section 201.027, Election Code, the  
1-44 effective date of this section is January 1, 2009.

1-45 (e) Notwithstanding Section 24.311, Government Code, the  
1-46 initial vacancy in the office of judge of the 423rd Judicial  
1-47 District shall be filled by election. The office exists for  
1-48 purposes of the primary and general election in 2008. A vacancy  
1-49 after the initial vacancy is filled as provided by Section 28,  
1-50 Article V, Texas Constitution.

1-51 (f) The 423rd Judicial District is created January 1, 2009.

1-52 SECTION 3. (a) Effective January 1, 2009, Subchapter C,  
1-53 Chapter 24, Government Code, is amended by adding Section 24.573 to  
1-54 read as follows:

1-55 Sec. 24.573. 429TH JUDICIAL DISTRICT (COLLIN COUNTY). The  
1-56 429th Judicial District is composed of Collin County.

1-57 (b) For purposes of Section 201.027, Election Code, the  
1-58 effective date of this section is January 1, 2009.

1-59 (c) Notwithstanding Section 24.311, Government Code, the  
1-60 initial vacancy in the office of judge of the 429th Judicial  
1-61 District shall be filled by election. The office exists for  
1-62 purposes of the primary and general elections in 2008. A vacancy  
1-63 after the initial vacancy is filled as provided by Section 28,

2-1 Article V, Texas Constitution.

2-2 (d) The 429th Judicial District is created January 1, 2009.  
2-3 SECTION 4. (a) Subchapter C, Chapter 24, Government Code,  
2-4 is amended by adding Section 24.579 to read as follows:

2-5 Sec. 24.579. 435TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

2-6 (a) The 435th Judicial District is composed of Montgomery County.

2-7 (b) The 435th District Court shall give preference to:

2-8 (1) civil commitment proceedings under Chapter 841,  
2-9 Health and Safety Code; and

2-10 (2) criminal cases involving offenses under Section  
2-11 841.085, Health and Safety Code, and Article 62.203, Code of  
2-12 Criminal Procedure.

2-13 (c) Notwithstanding any other law, the state shall pay the  
2-14 salaries of and other expenses related to the court reporter  
2-15 appointed for the 435th District Court under Section 52.041 and the  
2-16 court coordinator appointed for the court under Section 74.101.  
2-17 The salaries of the court reporter and court coordinator shall be  
2-18 set in amounts commensurate with the salaries paid by other  
2-19 district courts for those positions.

2-20 (b) The 435th Judicial District is created on the effective  
2-21 date of this section.

2-22 SECTION 5. (a) Subchapter C, Chapter 24, Government Code,  
2-23 is amended by adding Section 24.589 to read as follows:

2-24 Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY).

2-25 (a) The 445th Judicial District is composed of Cameron County.

2-26 (b) The 445th District Court shall give preference to  
2-27 criminal law cases.

2-28 (b) The 445th Judicial District is created on the effective  
2-29 date of this section.

2-30 SECTION 6. (a) Subchapter D, Chapter 24, Government Code,  
2-31 is amended by adding Section 24.640 to read as follows:

2-32 Sec. 24.640. 444TH JUDICIAL DISTRICT (CAMERON COUNTY). The  
2-33 444th Judicial District is composed of Cameron County.

2-34 (b) The 444th Judicial District is created on the effective  
2-35 date of this section.

2-36 SECTION 7. Section 43.119, Government Code, is amended to  
2-37 read as follows:

2-38 Sec. 43.119. 33RD JUDICIAL DISTRICT. (a) The voters of  
2-39 the 33rd Judicial District elect a district attorney.

2-40 (b) The district attorney also represents the state and  
2-41 performs the duties of district attorney before the 424th District  
2-42 Court in Blanco, Burnet, Llano, and San Saba counties.

2-43 SECTION 8. Section 43.148, Government Code, is amended to  
2-44 read as follows:

2-45 Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) The voters of  
2-46 Nueces County [the 105th Judicial District] elect a district  
2-47 attorney for the 105th Judicial District who [The district  
2-48 attorney] has the same powers and duties as other district  
2-49 attorneys and serves all the district, county, and justice courts  
2-50 of Nueces County [and the district courts of Kleberg and Kenedy  
2-51 counties].

2-52 (b) The district attorney shall attend each term and session  
2-53 of the district, county, and justice courts of Nueces County [and  
2-54 the district courts of Kleberg and Kenedy counties] and shall  
2-55 represent the state in criminal cases pending in those courts. The  
2-56 district attorney has control of any case heard on petition of writ  
2-57 of habeas corpus before any district or inferior court in the  
2-58 district.

2-59 (c) The commissioners court [courts] of Nueces County [the  
2-60 counties comprising the district] may supplement the state salary  
2-61 of the district attorney. The amount of the supplement may not  
2-62 exceed \$12,000 a year. [The supplemental salary must be paid  
2-63 proportionately by the commissioners court of each county according  
2-64 to the population of the county.] The supplemental salary may be  
2-65 paid from the officers' salary fund of the [a] county. If that fund  
2-66 is inadequate, the commissioners court may transfer the necessary  
2-67 funds from the general fund of the county.

2-68 SECTION 9. Subchapter B, Chapter 43, Government Code, is  
2-69 amended by adding Section 43.182 to read as follows:

3-1 Sec. 43.182. DISTRICT ATTORNEY FOR KLEBERG AND KENEDY  
3-2 COUNTIES. (a) The voters of Kleberg and Kenedy Counties elect a  
3-3 district attorney. The district attorney has the same powers and  
3-4 duties as other district attorneys and serves the district courts  
3-5 of Kleberg and Kenedy Counties.

3-6 (b) The district attorney shall attend each term and session  
3-7 of the district courts of Kleberg and Kenedy Counties and shall  
3-8 represent the state in criminal cases pending in those courts. The  
3-9 district attorney has control of any case heard on petition of writ  
3-10 of habeas corpus before any district or inferior court in the  
3-11 district.

3-12 (c) The commissioners courts of the counties comprising the  
3-13 district may supplement the state salary of the district attorney.  
3-14 The amount of the supplement may not exceed \$12,000 a year. The  
3-15 supplemental salary must be paid proportionately by the  
3-16 commissioners court of each county according to the population of  
3-17 the county. The supplemental salary may be paid from the officers'  
3-18 salary fund of a county. If that fund is inadequate, the  
3-19 commissioners court may transfer the necessary funds from the  
3-20 general fund of the county.

3-21 SECTION 10. Section 46.002, Government Code, is amended to  
3-22 read as follows:

3-23 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
3-24 applies to all county prosecutors and to the following state  
3-25 prosecutors:

3-26 (1) the district attorneys for Kenedy and Kleberg  
3-27 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
3-28 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,  
3-29 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th,  
3-30 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th,  
3-31 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd, 145th,  
3-32 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th,  
3-33 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th, 329th,  
3-34 349th, and 355th judicial districts;

3-35 (2) the criminal district attorneys for the counties  
3-36 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
3-37 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,  
3-38 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,  
3-39 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,  
3-40 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,  
3-41 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,  
3-42 Wichita, Wood, and Yoakum; and

3-43 (3) the county attorneys performing the duties of  
3-44 district attorneys in the counties of Andrews, Callahan, Cameron,  
3-45 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,  
3-46 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,  
3-47 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and  
3-48 Willacy.

3-49 SECTION 11. Effective January 1, 2009, Section 46.002,  
3-50 Government Code, is amended to read as follows:

3-51 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
3-52 applies to all county prosecutors and to the following state  
3-53 prosecutors:

3-54 (1) the district attorneys for Kenedy and Kleberg  
3-55 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
3-56 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,  
3-57 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th,  
3-58 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th,  
3-59 105th, 106th, 110th, 112th, 118th, 119th, 123rd, 142nd, 145th,  
3-60 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th,  
3-61 253rd, 258th, 259th, 266th, 268th, 271st, 278th, 286th, 329th,  
3-62 344th, 349th, and 355th judicial districts;

3-63 (2) the criminal district attorneys for the counties  
3-64 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
3-65 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,  
3-66 Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper,  
3-67 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,  
3-68 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,  
3-69 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,

4-1 Wichita, Wood, and Yoakum; and  
4-2 (3) the county attorneys performing the duties of  
4-3 district attorneys in the counties of Andrews, Callahan, Cameron,  
4-4 Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar,  
4-5 Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,  
4-6 Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and  
4-7 Willacy.

4-8 SECTION 12. Except as otherwise provided by this Act, this  
4-9 Act takes effect September 1, 2007.

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