

SENATE AMENDMENTS

2nd Printing

By: Flynn

H.B. No. 4139

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a county court at law in Van Zandt County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.2361 and 25.2362 to read as follows:

Sec. 25.2361. VAN ZANDT COUNTY. Van Zandt County has one statutory county court, the County Court at Law of Van Zandt County.

Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. In addition to the jurisdiction provided by Section 25.0003, a county court at law in Van Zandt County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts, except that the county court at law does not have jurisdiction in capital felony cases.

SECTION 2. The County Court at Law of Van Zandt County is created January 1, 2011.

SECTION 3. This Act takes effect January 1, 2011.

FLOOR AMENDMENT NO. 1

ADOPTED

BY:

Wentworth

MAY 22 2007

Latoy Shaw
Secretary of the Senate

1 Amend H.B. No. 4139 (Senate Committee printing) by striking
2 all below the enacting clause and substituting the following:

3 SECTION 1. (a) Effective September 15, 2008, Subchapter
4 C, Chapter 24, Government Code, is amended by adding Section
5 24.542 to read as follows:

6 Sec. 24.542. 397TH JUDICIAL DISTRICT (GRAYSON COUNTY).

7 The 397th Judicial District is composed of Grayson County.

8 (b) The 397th Judicial District is created on September
9 15, 2008.

10 (c) Effective January 1, 2010, the heading to Section
11 24.106, Government Code, is amended to read as follows:

12 Sec. 24.106. 6TH JUDICIAL DISTRICT (~~[FANNIN,~~ LAMAR~~[7]~~ AND
13 RED RIVER COUNTIES).

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

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

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

20 Sec. 24.482. 336TH JUDICIAL DISTRICT (FANNIN COUNTY ~~[AND~~
21 ~~GRAYSON COUNTIES]~~). ~~[(a)]~~ The 336th Judicial District is
22 composed of Fannin County ~~[and Grayson counties]~~.

23 (f) The local administrative district judge for the 6th
24 Judicial District:

25 (1) shall transfer all cases from Fannin County that
26 are pending in the 6th District Court on January 1, 2010, to the
27 336th District Court; and

1 (2) may transfer any case from Fannin County that is
2 pending or filed in the 6th District Court on or after September
3 15, 2008, to the 336th District Court.

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

13 (h) The local administrative district judge for the 336th
14 Judicial District:

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

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

21 (i) When a case is transferred as provided by Subsection
22 (h) of this section, all processes, writs, bonds, recognizances,
23 or other obligations issued from the 336th District Court are
24 returnable to the 397th District Court as if originally issued
25 by that court. The obligees on all bonds and recognizances
26 taken in and for the 336th District Court and all witnesses
27 summoned to appear in the 336th District Court are required to
28 appear before the 397th District Court as if originally required
29 to appear before that court.

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

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

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

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

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

8 SECTION 3. (a) Subchapter C, Chapter 24, Government Code,
9 is amended by adding Section 24.567 to read as follows:

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

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

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

18 Sec. 24.573. 429TH JUDICIAL DISTRICT (COLLIN COUNTY). The
19 429th Judicial District is composed of Collin County.

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

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

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

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

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

28 (1) civil commitment proceedings under Chapter 841,
29 Health and Safety Code;

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

4 (3) other matters that may be assigned by the
5 administrative judge.

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

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

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

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

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

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

16 SECTION 7. (a) Subchapter C, Chapter 24, Government Code,
17 is amended by adding Section 24.592 to read as follows:

18 Sec. 24.592. 448TH JUDICIAL DISTRICT (EL PASO COUNTY).

19 The 448th Judicial District is composed of El Paso County.

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

22 SECTION 8. (a) Subchapter C, Chapter 24, Government Code,
23 is amended by adding Section 24.593 to read as follows:

24 Sec. 24.593. 449TH JUDICIAL DISTRICT (HIDALGO COUNTY).

25 (a) The 449th Judicial District is composed of Hidalgo County.

26 (b) The 449th District Court shall give preference to
27 juvenile matters.

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

30 SECTION 9. (a) Subchapter C, Chapter 24, Government Code,
31 is amended by adding Section 24.5995 to read as follows:

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

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

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

17 (d) The 506th Judicial District is created on the date the
18 Office of Court Administration of the Texas Judicial System
19 certifies to the comptroller of public accounts and
20 commissioners courts of Grimes and Waller Counties that the
21 office has determined that the total average population for the
22 district courts that serve Grimes and Waller Counties and that
23 are in existence as of January 1, 2007, is greater than the
24 statewide average population per district court.

25 SECTION 10. (a) Subchapter D, Chapter 24, Government
26 Code, is amended by adding Section 24.640 to read as follows:

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

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

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

3 Sec. 24.908. EL PASO COUNTY CRIMINAL JUDICIAL DISTRICT NO.

4 1. (a) The El Paso County Criminal Judicial District No. 1 is
5 composed of El Paso County.

6 (b) The El Paso County Criminal District Court No. 1 shall
7 give primary preference to felony drug cases and associated
8 civil cases emanating from those felony drug cases. The
9 criminal district court shall give secondary preference to other
10 criminal cases and associated civil cases emanating from those
11 criminal cases.

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

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

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

20 SECTION 12. (a) Subchapter C, Chapter 25, Government
21 Code, is amended by adding Section 25.2361 to read as follows:

22 Sec. 25.2361. VAN ZANDT COUNTY. Van Zandt County has one
23 statutory county court, the County Court at Law of Van Zandt
24 County.

25 (b) The County Court at Law of Van Zandt County is created
26 January 1, 2011.

27 (c) This section takes effect January 1, 2011.

28 SECTION 13. Section 43.119, Government Code, is amended to
29 read as follows:

30 Sec. 43.119. 33RD JUDICIAL DISTRICT. The voters of
31 Blanco, Burnet, Llano, and San Saba Counties [~~the 33rd Judicial~~

1 ~~District]~~ elect a district attorney for the 33rd and 424th
2 Judicial Districts.

3 SECTION 14. Section 43.148, Government Code, is amended to
4 read as follows:

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

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

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

29 SECTION 15. Subchapter B, Chapter 43, Government Code, is
30 amended by adding Section 43.182 to read as follows:

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

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

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

21 SECTION 16. Section 46.002, Government Code, is amended to
22 read as follows:

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

26 (1) the district attorneys for Kenedy and Kleberg
27 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
28 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th,
29 38th, 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd,
30 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,
31 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th,

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1 119th, 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th,
2 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
3 271st, 278th, 286th, 329th, 349th, and 355th judicial districts;

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

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

18 SECTION 17. Effective January 1, 2009, Section 46.002,
19 Government Code, is amended to read as follows:

20 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
21 applies to all county prosecutors and to the following state
22 prosecutors:

23 (1) the district attorneys for Kenedy and Kleberg
24 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
25 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th,
26 38th, 39th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd, 53rd,
27 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,
28 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th,
29 119th, 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th,
30 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,

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1 271st, 278th, 286th, 329th, 344th, 349th, and 355th judicial
2 districts;

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

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

17 SECTION 18. Except as otherwise provided by this Act, this
18 Act takes effect September 1, 2007.

COMMITTEE AMENDMENT NO. 1

BY: J. J. Ding

1 Amend H.B. No. 4139 (House Engrossment) as follows:

2 (1) In the recital to SECTION 1 of the bill (page ^{original} 1, line
3 6), strike "Sections 25.2361 and 25.2362" and substitute
4 "Section 25.2361".

5 (2) In SECTION 1 of the bill, strike added Section
6 25.2362, Government Code (page ^{the original} 1, lines 9 through 14).

ADOPTED

MAY 22 2007

Larry Spaw
Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4139 by Flynn (Relating to the creation of a county court at law in Van Zandt County.),
Committee Report 2nd House, As Amended

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, MN, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4139 by Flynn (Relating to the creation of a county court at law in Van Zandt County.),
As Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, MN, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4139 by Flynn (Relating to the creation of a county court at law in Van Zandt County.),
As Introduced

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, MN, DB

