

**House Bill 4139**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION 1. (a) Effective September 15, 2008, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.542 to read as follows:  
Sec. 24.542. 397TH JUDICIAL DISTRICT (GRAYSON COUNTY). The 397th Judicial District is composed of Grayson County. (b) The 397th Judicial District is created on September 15, 2008.  
(c) Effective January 1, 2010, the heading to Section 24.106, Government Code, is amended to read as follows:  
Sec. 24.106. 6TH JUDICIAL DISTRICT (~~[FANNIN,]~~ LAMAR~~[,]~~ AND RED RIVER COUNTIES).  
(d) Effective January 1, 2010, Section 24.106(a), Government Code, is amended to read as follows:  
(a) The 6th Judicial District is composed of ~~[Fannin,]~~ Lamar~~[,]~~ and Red River counties.  
(e) Effective January 1, 2010, Section 24.482, Government Code, is amended to read as follows:  
Sec. 24.482. 336TH JUDICIAL DISTRICT (FANNIN COUNTY ~~[AND GRAYSON COUNTIES]~~). ~~[(a)]~~The 336th Judicial District is composed of Fannin County ~~[and Grayson counties]~~.  
(f) The local administrative district judge for the 6th Judicial District:  
(1) shall transfer all cases from Fannin County that are pending in the 6th District Court on January 1, 2010, to the 336th District Court; and  
(2) may transfer any case from Fannin County that is pending or filed in the 6th District Court on or after September 15, 2008, to the 336th District Court.

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

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

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

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

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

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SECTION 2. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.562 to read as follows:  
Sec. 24.562. 418TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). (a) The 418th Judicial District is composed of Montgomery County.  
(b) The 418th District Court shall give preference to family law matters.  
(b) The 418th Judicial District is created on the effective date of this section.

CONFERENCE

No equivalent provision.

SECTION 3. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.567 to read as follows:  
Sec. 24.567. 423RD JUDICIAL DISTRICT (BASTROP, BURLESON, LEE, AND WASHINGTON COUNTIES). The 423rd Judicial District is composed of Bastrop, Burleson, Lee, and Washington Counties.  
(b) The 423rd Judicial District is created on the effective date of this section.

No equivalent provision.

SECTION 4. (a) Effective January 1, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.573 to read as follows:  
Sec. 24.573. 429TH JUDICIAL DISTRICT (COLLIN COUNTY). The 429th Judicial District is composed of Collin County.  
(b) Effective January 1, 2009, the 429th Judicial District

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is created.

No equivalent provision.

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

Sec. 24.579. 435TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). (a) The 435th Judicial District is composed of Montgomery County.

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

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

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

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

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

No equivalent provision.

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

Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY). (a) The 445th Judicial District is composed of Cameron County.

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

(b) The 445th Judicial District is created on the effective

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date of this section.

No equivalent provision.

SECTION 7. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.592 to read as follows:  
Sec. 24.592. 448TH JUDICIAL DISTRICT (EL PASO COUNTY). The 448th Judicial District is composed of El Paso County.  
(b) The 448th Judicial District is created on the effective date of this section.

No equivalent provision.

SECTION 8. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.593 to read as follows:  
Sec. 24.593. 449TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) The 449th Judicial District is composed of Hidalgo County.  
(b) The 449th District Court shall give preference to juvenile matters.  
(b) The 449th Judicial District is created on the effective date of this section.

No equivalent provision.

SECTION 9. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.5995 to read as follows:  
Sec. 24.5995. 506TH JUDICIAL DISTRICT (GRIMES AND WALLER COUNTIES). The 506th Judicial

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District is composed of Grimes and Waller Counties.

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

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

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

No equivalent provision.

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

Sec. 24.640. 444TH JUDICIAL DISTRICT

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(CAMERON COUNTY). The 444th Judicial District is composed of Cameron County.

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

No equivalent provision.

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

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

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

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

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

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

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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.

No equivalent provision.

No equivalent provision.

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SECTION 12. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2361 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.

SECTION 12. (b)

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

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

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

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

SECTION 14. Section 43.148, Government Code, is

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amended to read as follows:

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

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

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

No equivalent provision.

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

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follows:

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

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

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

No equivalent provision.

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

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

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

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

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

No equivalent provision.

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

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

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

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

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

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

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

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