

By: Guillen

H.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of municipal court judges.

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

SECTION 1. Chapter 49, Code of Criminal Procedure, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. DUTIES PERFORMED BY MUNICIPAL COURT JUDGES

Art. 49.51. POWERS AND DUTIES. (a) A judge of a municipal court may conduct an inquest under this chapter into the death of a person who dies in the municipality served by the judge to the same extent a justice of the peace serving the precinct in which the body or body part was found may conduct an inquest under Subchapter A into the death of that person. Subject to Subsection (b), the municipal court judge may exercise any power granted to, and shall perform any duty imposed on, the justice of the peace by Subchapter A or another law relating to inquests conducted by a justice of the peace.

(b) This article does not require a judge of a municipal court to perform an inquest on receipt of notice from a person under Article 49.07(c-1). A judge of a municipal court who receives notice under that section may decline to perform the inquest by forwarding the notice to another person authorized to perform an inquest under this chapter.

Art. 49.52. MUNICIPALITY'S GOVERNING BODY TO PAY CERTAIN FEES. If a judge of a municipal court in exercising a power or

1 performing a duty under authority of this subchapter requests the
2 services or expertise of a person who would be entitled under
3 Subchapter A or other applicable law to be paid a fee for providing
4 the services or expertise to a justice of the peace, the governing
5 body of the municipality served by the municipal court judge shall
6 pay the fee associated with providing the services or expertise to
7 the same extent a commissioners court is required to pay a fee for
8 the provision of those services or expertise if provided to a
9 justice of the peace, including a fee described by Article 49.10(b)
10 or (g), 49.11(c), or 49.15(c), unless the commissioners court and
11 the governing body of the municipality enter into an alternate
12 agreement concerning the payment of those fees.

13 SECTION 2. Article 49.07, Code of Criminal Procedure, is
14 amended by adding Subsection (c-1) to read as follows:

15 (c-1) A person who is required by this subchapter to give
16 notice to a justice of the peace or county judge may instead give
17 notice to a judge of a municipal court in the municipality in which
18 the body or body part was found.

19 SECTION 3. Section 2.202(a), Family Code, is amended to
20 read as follows:

21 (a) The following persons are authorized to conduct a
22 marriage ceremony:

23 (1) a licensed or ordained Christian minister or
24 priest;

25 (2) a Jewish rabbi;

26 (3) a person who is an officer of a religious
27 organization and who is authorized by the organization to conduct a

1 marriage ceremony; and

2 (4) a justice of the supreme court, judge of the court
3 of criminal appeals, justice of the courts of appeals, judge of the
4 district, county, and probate courts, judge of the county courts at
5 law, judge of the courts of domestic relations, judge of the
6 juvenile courts, retired justice or judge of those courts, justice
7 of the peace, retired justice of the peace, judge of a municipal
8 court, or judge or magistrate of a federal court of this state.

9 SECTION 4. Section 2.202(a), Family Code, as amended by
10 this Act, applies only to a marriage ceremony that is conducted on
11 or after the effective date of this Act. A marriage ceremony
12 conducted before the effective date of this Act is governed by the
13 law in effect on the date the ceremony was conducted, and the former
14 law is continued in effect for that purpose.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.