

By: Guillen

H.B. No. 1399

Substitute the following for H.B. No. 1399:

By: Moody

C.S.H.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of certain inquests by 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 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. 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.

Art. 49.52. MUNICIPALITY'S GOVERNING BODY TO PAY CERTAIN FEES. If a judge of a municipal court in exercising a power or performing a duty under authority of this subchapter requests the services or expertise of a person who would be entitled under Subchapter A or other applicable law to be paid a fee for providing the services or expertise to a justice of the peace, the governing body of the municipality served by the municipal court judge shall pay the fee associated with providing the services or expertise to

1 the same extent a commissioners court is required to pay a fee for
2 the provision of those services or expertise if provided to a
3 justice of the peace, including a fee described by Article 49.10(b)
4 or (g), 49.11(c), or 49.15(c).

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

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

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.