

By: Homer

H.B. No. 3710

A BILL TO BE ENTITLED

AN ACT

relating to consideration of district court cases by judges of certain constitutional county courts.

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

SECTION 1. Subchapter D, Chapter 24, Government Code, is amended by adding Section 24.023 to read as follows:

Sec. 24.023. DISTRICT COURT AGREEMENT WITH CERTAIN CONSTITUTIONAL COUNTY COURTS. (a) A district court judge and a county court judge may enter into a written agreement granting the county court jurisdiction to hear:

(1) guilty pleas in felony cases;

(2) default judgments;

(3) uncontested civil cases in which a final judgment will be entered;

(4) uncontested family law cases in which a final judgment will be entered; and

(5) civil and family law cases where an agreed final judgment will be entered.

(b) Subsection (a) applies only to a county:

(1) that has two or more district courts composed of more than one county;

(2) that does not have a county court at law; and

(3) in which the county court retains original misdemeanor jurisdiction, and the county court judge is granted

1 authority to consider those cases under the constitution or general
2 law.

3 (c) A county court judge who enters into an agreement under
4 Subsection (a) must be an attorney who is licensed to practice law
5 in this state and who meets the qualifications for holding the
6 office of district court judge.

7 (d) An agreement between a district court judge and a county
8 court judge under this section may provide that final judgments
9 must be approved by the district court judge.

10 (e) A county court judge has the same judicial immunity as
11 the district court judge when presiding over cases authorized by
12 this section.

13 (f) All pleadings, documents, records, and other papers
14 remain under the control of the district clerk. The district clerk
15 may establish a separate docket for the cases considered by the
16 county court judge.

17 (g) A county court judge who hears cases under this section
18 shall be paid an annual salary supplement from the state in the
19 amount of \$30,000.

20 (h) To receive a supplement under Subsection (g), a county
21 court judge must file with the Office of Court Administration of the
22 Texas Judicial System a copy of the written agreement and an
23 affidavit stating that the county court judge is performing
24 judicial functions consistent with the agreement. The office of
25 court administration shall send the affidavit to the comptroller.

26 (i) The commissioners court in a county with a county court
27 judge who is entitled to receive a salary supplement under this

1 section may not reduce the county funds provided for the salary or
2 office of the county court judge as a result of the salary
3 supplement required by this section.

4 SECTION 2. This Act takes effect September 1, 2009.