

By: Woolley, Thompson

H.B. No. 3723

A BILL TO BE ENTITLED

AN ACT

relating to the designation of a judicial district in Harris County as the district court for domestic violence cases in that county.

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

SECTION 1. Section 24.112, Government Code, is amended by amending Subsection (b) and adding Subsections (g), (h), (i), (j), (k), and (l) to read as follows:

(b) Except as provided by Subsection (g), the [The] provisions of this section apply to the 11th, 55th, 61st, 80th, 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th, and 165th judicial districts.

(g) Subsection (h) applies to the 11th, 55th, 61st, 80th, 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th, 165th, 189th, 190th, 215th, 234th, 269th, 270th, 280th, 281st, 295th, 333rd, and 334th judicial districts.

(h) The judges of the district courts listed in Subsection (g) by agreement shall designate one of the listed district courts as the domestic violence district court for Harris County. In designating the domestic violence district court, the judges shall give preference to a district court:

(1) that has a judicial vacancy at the time of the agreement; or

(2) for which the sitting judge of the district court has not at the time of the agreement announced a candidacy or become

1 a candidate in the upcoming election for that judicial office.

2 (i) Subject to any jurisdictional limitations, the district  
3 court designated under Subsection (h) as the domestic violence  
4 district court shall give preference to domestic violence cases,  
5 including cases involving:

6 (1) dating violence, as defined by Section 71.0021,  
7 Family Code; and

8 (2) family violence, as defined by Section 71.004,  
9 Family Code.

10 (j) For the purposes of determining the preference the  
11 designated domestic violence district court is required to give  
12 cases under Subsection (i):

13 (1) a domestic violence case means:

14 (A) an original application for a protective  
15 order under Title 4, Family Code;

16 (B) an original application for a protective  
17 order under Title 4, Family Code, that involves both parties and is  
18 filed concurrently with an original petition under the Family Code;  
19 and

20 (C) any matter involving custody of a minor child  
21 if one parent is alleged to have caused the death of another parent  
22 and there is a history of domestic violence in the parents'  
23 relationship; and

24 (2) subject to judicial discretion and resources, the  
25 designated domestic violence district court may also hear divorce  
26 and custody cases in which:

27 (A) a court has made an affirmative finding of

1 family violence involving both parties; or

2 (B) a protective order has been issued under  
3 Title 4, Family Code, involving both parties.

4 (k) The designated domestic violence district court shall:

5 (1) provide timely and efficient access to emergency  
6 protective orders and other court remedies for persons the court  
7 determines are victims of domestic violence;

8 (2) integrate victims' services for persons the court  
9 determines are victims of domestic violence who have a case before  
10 the court; and

11 (3) promote an informed and consistent court response  
12 to domestic violence cases to lessen the number of misdemeanors,  
13 felonies, and fatalities related to domestic violence in Harris  
14 County.

15 (1) The Harris County district clerk shall create a form and  
16 establish procedures to transfer a domestic violence case that  
17 qualifies for preference under this section to the domestic  
18 violence district court.

19 SECTION 2. Not later than October 1, 2009, the judges of the  
20 district courts listed in Section 24.112(g), Government Code, as  
21 added by this Act, shall by agreement designate a listed court as  
22 the domestic violence district court for Harris County. If the  
23 judges fail to designate a domestic violence district court on or  
24 before October 1, 2009, the local administrative judge for the  
25 Harris County district courts shall designate a domestic violence  
26 district court not later than October 5, 2009.

27 SECTION 3. This Act takes effect September 1, 2009.