

By: Gattis

H.B. No. 3763

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the jurisdiction and administration of, and procedures
3 relating to, certain courts in this state, including procedures for
4 appeals.

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

6 ARTICLE 1. APPELLATE COURT PROVISIONS

7 SECTION 1.01. Section 22.002(b), Government Code, is
8 amended to read as follows:

9 (b) The supreme court or, in vacation, a justice of the
10 supreme court may issue a writ of mandamus to compel a statutory
11 county court judge, a statutory probate court judge, or a district
12 judge to proceed to trial and judgment in a case [~~agreeable to the~~
13 ~~principles and usages of law, returnable to the supreme court on or~~
14 ~~before the first day of the term, or during the session of the term,~~
15 ~~or before any justice of the supreme court as the nature of the case~~
16 ~~requires~~].

17 SECTION 1.02. (a) Section 24.007, Property Code, is
18 amended to read as follows:

19 Sec. 24.007. APPEAL. (a) [~~A final judgment of a county~~
20 ~~court in an eviction suit may not be appealed on the issue of~~
21 ~~possession unless the premises in question are being used for~~
22 ~~residential purposes only.~~] A judgment of a county court in an
23 eviction suit may not under any circumstances be stayed pending
24 appeal unless, within 10 days of the signing of the judgment, the

1 appellant files a supersedeas bond in an amount set by the county
2 court. In setting the supersedeas bond the county court shall
3 provide protection for the appellee to the same extent as in any
4 other appeal, taking into consideration the value of rents likely
5 to accrue during appeal, damages which may occur as a result of the
6 stay during appeal, and other damages or amounts as the court may
7 deem appropriate.

8 (b) Notwithstanding any other law, an appeal may be taken
9 from a final judgment of a county court, statutory county court, or
10 district court in an eviction suit.

11 (b) The change in law made by this section applies to an
12 appeal of a final judgment rendered on or after the effective date
13 of this section. An appeal of a final judgment rendered before the
14 effective date of this section is governed by the law in effect on
15 the date the judgment was rendered, and the former law is continued
16 in effect for that purpose.

17 SECTION 1.03. Section 22.007, Government Code, is repealed.

18 ARTICLE 2. GENERAL PROVISIONS FOR TRIAL COURTS

19 SECTION 2.01. The heading to Subchapter A, Chapter 23,
20 Government Code, is amended to read as follows:

21 SUBCHAPTER A. GENERAL PROVISIONS [~~JURISDICTION~~]

22 SECTION 2.02. Subchapter A, Chapter 23, Government Code, is
23 amended by adding Section 23.002 to read as follows:

24 Sec. 23.002. TRANSFER OF CASES. Notwithstanding Section
25 74.121 or any other law, on the agreement of all parties in a
26 pending case, a district court, statutory county court, county
27 court, or justice court may transfer the case to any other of those

1 courts in the county, regardless of whether the court to which the
2 case will be transferred has jurisdiction of the matter and
3 provided that the court to which the case will be transferred agrees
4 to the transfer.

5 ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

6 SECTION 3.01. Section 24.002, Government Code, is amended
7 to read as follows:

8 Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON
9 RECUSAL [SUBSTITUTE JUDGES]. (a) If the district judge in a county
10 with only one district court determines on the judge's own motion
11 that the judge should not sit in a case pending in the judge's court
12 because the judge is disqualified or otherwise should recuse
13 himself or herself, the judge shall enter a recusal order, request
14 the presiding judge of that administrative judicial region to
15 assign another judge to sit, and take no further action in the case
16 except for good cause stated in the order in which the action is
17 taken.

18 (b) If a district judge in a county with more than one
19 district court determines on the judge's own motion that the judge
20 should not sit in a case pending in the judge's court because the
21 judge is disqualified or otherwise should recuse himself or
22 herself, the judge shall enter a recusal order, request the local
23 administrative district judge to transfer the case to another
24 court, and take no further action in the case except for good cause
25 stated in the order in which the action is taken. A change of venue
26 is not necessary because of the disqualification of a district
27 judge in a case or proceeding pending in the judge's [his] court[7

1 ~~but the judge shall immediately certify his disqualification to the~~
2 ~~governor. The governor shall designate a district judge of another~~
3 ~~district to exchange benches with the disqualified judge to try the~~
4 ~~case. The governor shall notify both judges of his designation, and~~
5 ~~the judges shall exchange benches. If the judges are prevented from~~
6 ~~exchanging benches, the parties or their counsels may agree on an~~
7 ~~attorney of the court for the trial of the case. The district judge~~
8 ~~or special judge shall certify to the governor the fact of a failure~~
9 ~~of the parties or their counsels to agree on an attorney, and the~~
10 ~~governor shall appoint a person legally qualified to act as judge in~~
11 ~~the trial of the case].~~

12 SECTION 3.02. Sections 24.003 and 24.007, Government Code,
13 are amended to read as follows:

14 Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES
15 ~~[SUBSTITUTE JUDGES IN CERTAIN COUNTIES]~~. (a) This section applies
16 only to ~~[civil cases in]~~ counties with two ~~[five]~~ or more district
17 courts.

18 (b) A district judge in the county may:

19 (1) transfer any civil or criminal case or proceeding
20 on the court's docket to the docket of another district court in the
21 county;

22 (2) hear and determine any case or proceeding pending
23 in another district court in the county without having the case
24 transferred;

25 (3) sit for another district court in the county and
26 hear and determine any case or proceeding pending in that court;

27 (4) temporarily exchange benches with the judge of

1 another district court in the county;

2 (5) try different cases in the same court at the same
3 time; and

4 (6) occupy the judge's own courtroom or the courtroom
5 of another district court in the county.

6 (c) If a district judge in the county is sick or otherwise
7 absent, another district judge in the county may hold court for the
8 judge.

9 (d) A district judge in the county may hear and determine
10 any part or question of any case or proceeding pending in any of the
11 district courts, and any other district judge may complete the
12 hearing and render judgment in the case or proceeding. A district
13 judge may hear and determine motions, including motions for new
14 trial, petitions for injunction, applications for the appointment
15 of a receiver, interventions, pleas in abatement, dilatory pleas,
16 and all preliminary matters, questions, and proceedings, and may
17 enter judgment or order on them in the court in which the case or
18 proceeding is pending without transferring the case or proceeding.
19 The district judge in whose court the matter is pending may proceed
20 to hear, complete, and determine the matter, or all or any part of
21 another matter, and render a final judgment. A district judge may
22 issue a restraining order or injunction that is returnable to any
23 other district court.

24 (e) A judgment or order shall be entered in the minutes of
25 the court in which the case is pending.

26 (f) This section does not limit the powers of a district
27 judge when acting for another judge by exchange of benches or

1 otherwise. [~~If a district judge is disqualified in a case pending in~~
2 ~~his court and his disqualification is certified to the governor,~~
3 ~~the governor may require any other district judge in the county to~~
4 ~~exchange benches with the disqualified judge.~~

5 [~~(c) If a district judge is absent, sick, or disqualified,~~
6 ~~any of the district judges in the county may hold court for him or~~
7 ~~may transfer a pending case to the court of any other district judge~~
8 ~~in the county.]~~

9 Sec. 24.007. JURISDICTION. (a) The district court has the
10 jurisdiction provided by Article V, Section 8, of the Texas
11 Constitution.

12 (b) A district court has original jurisdiction of a civil
13 matter in which the amount in controversy is more than \$10,000,
14 exclusive of interest.

15 SECTION 3.03. Section 24.012(a), Government Code, is
16 amended to read as follows:

17 (a) Notwithstanding any other law, each [~~Each~~] district
18 [~~and criminal district~~] court holds in each county in the judicial
19 district [~~at least two~~] terms that commence on the first Mondays in
20 January and July of [~~court~~] each year [~~in each county in the~~
21 ~~district~~]. To the extent of a conflict between this subsection and
22 a specific provision relating to a particular judicial district,
23 this section controls.

24 SECTION 3.04. Subchapter A, Chapter 24, Government Code, is
25 amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027,
26 24.028, 24.029, 24.030, 24.031, and 24.032 to read as follows:

27 Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is

1 transferred from one court to another, all processes, writs, bonds,
2 recognizances, and other obligations issued by the transferring
3 court are returnable to the court to which the case is transferred
4 as if originally issued by that court.

5 (b) The obligees in all bonds and recognizances taken in and
6 for a court from which a case is transferred, and all witnesses
7 summoned to appear in a district court from which a case is
8 transferred, are required to appear before the court to which the
9 case is transferred as if the bond, recognizance, or summons was
10 taken in or for that court.

11 Sec. 24.024. FILING AND DOCKETING CASES. In a county with
12 two or more district courts, the district judges may adopt rules
13 governing the filing and numbering of cases, the assignment of
14 cases for trial, and the distribution of the work of the courts as
15 in their discretion they consider necessary or desirable for the
16 orderly dispatch of the business of the courts.

17 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless
18 otherwise provided by this subchapter, all district judges in a
19 county are entitled to equal amounts of supplemental compensation
20 from the county.

21 (b) A district judge is entitled to an amount of
22 supplemental compensation for serving on the juvenile board of a
23 county that is equal to the amount other judges serving on the
24 juvenile board receive.

25 Sec. 24.026. ASSIGNING PREFERENCES TO DISTRICT COURTS. (a)
26 In a county with two or more district courts, the local board of
27 district judges may designate a court as giving preference to

1 certain kinds of cases.

2 (b) The designation of a court as giving preference to
3 certain kinds of cases does not limit the jurisdiction of that court
4 or of any other district court in the county.

5 Sec. 24.027. APPOINTMENT OF INITIAL JUDGE. On the creation
6 of a new judicial district, the initial vacancy in the office of
7 district judge is filled in accordance with Section 28, Article V,
8 Texas Constitution.

9 Sec. 24.028. GRAND AND PETIT JURORS. All grand and petit
10 jurors selected in a county before a new district court is created
11 or the composition of an existing district court is modified by an
12 amendment to this chapter are considered to be selected for the new
13 or modified district court, as applicable.

14 Sec. 24.029. CASES TRANSFERRED. If by an amendment to this
15 chapter a county is removed from the composition of an existing
16 judicial district and added to another existing or new judicial
17 district, all cases and proceedings from that county that are
18 pending in the district court of the judicial district from which
19 the county was removed are transferred to the district court of the
20 judicial district to which the county is added. The judge of each
21 affected district court shall sign the proper orders in connection
22 with the transfer.

23 Sec. 24.030. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN
24 VALID. (a) If by an amendment to this chapter a county is removed
25 from the composition of an existing judicial district and added to
26 another existing or new judicial district, or if an amendment to
27 this chapter changes the time or place at which the terms of court

1 are held, all processes, writs, bonds, recognizances, and other
2 obligations issued from and made returnable to that court before
3 the effective date of the transfer or other change are returnable as
4 provided by this subsection. An obligation issued from the
5 affected court is returnable to another district court in the
6 county on the date that court directs, but may not be made
7 returnable on a date that is earlier than the date on which the
8 obligation was originally returnable. The obligations are legal
9 and valid as if the obligations had been made returnable to the
10 issuing court.

11 (b) The obligees in all appearance bonds and
12 recognizances taken in and for a district court of a county before
13 the effective date of an amendment to this chapter, and all
14 witnesses summoned to appear before that district court under laws
15 existing before the effective date of an amendment to this chapter,
16 are required to appear at another district court in the county on
17 the date that court directs, but may not be required to appear on a
18 date that is earlier than the date on which the obligees or
19 witnesses were originally required to appear.

20 Sec. 24.031. LOCATION OF COURT. (a) A district court shall
21 sit in the county seat for a jury trial in a civil case. The
22 commissioners court of the county may authorize a district court to
23 sit in any municipality within the county to hear and determine
24 nonjury trials in civil cases and to hear and determine motions,
25 arguments, and other matters not heard before a jury in a civil case
26 that is within the court's jurisdiction.

27 (b) The district clerk or the clerk's deputy serves as clerk

1 of the court when a court sits in a municipality other than the
2 municipality that is the county seat and may transfer:

3 (1) all necessary books, minutes, records, and papers
4 to that municipality while the court is in session there; and

5 (2) the books, minutes, records, and papers back to
6 the clerk's office in the county seat at the end of each session.

7 (c) If the commissioners court authorizes a district court
8 to sit in a municipality other than the municipality that is the
9 county seat, the commissioners court shall provide suitable
10 facilities for the court in that municipality.

11 Sec. 24.032. COURT OFFICERS. The prosecuting attorney, the
12 sheriff, the district clerk, the bailiffs, and the other officers
13 serving the other district courts of the county shall serve in their
14 respective capacities for the courts listed in this chapter.

15 SECTION 3.05. Sections 24.115(c), (d), and (e), Government
16 Code, are amended to read as follows:

17 (c) Except for Subsection (b), which applies only to the
18 14th District Court, this section applies to the 14th, 44th, 68th,
19 95th, 101st, 116th, 134th, 160th, ~~[and]~~ 162nd, 461st, 462nd, 463rd,
20 464th, 465th, 466th, and 467th district courts~~[, the Criminal~~
21 ~~Judicial District of Dallas County, and the Criminal Judicial~~
22 ~~Districts Nos. 2, 3, 4, 5, 6, and 7 of Dallas County].~~

23 (d) The district courts ~~[and criminal district courts]~~
24 having jurisdiction in Dallas County have concurrent jurisdiction.

25 (e) The judges of the district ~~[and criminal district]~~
26 courts of Dallas County shall, by agreement among themselves, take
27 vacations so that there are at all times at least three judges of

1 those courts in the county.

2 SECTION 3.06. Section 24.205(a), Government Code, is
3 amended to read as follows:

4 (a) The 103rd Judicial District is composed of Cameron
5 County. [~~The court shall give preference to civil cases.~~]

6 SECTION 3.07. Section 24.207(a), Government Code, is
7 amended to read as follows:

8 (a) The 105th Judicial District is composed of Kenedy,
9 Kleberg, and Nueces counties. [~~The court shall give preference to
10 criminal cases.~~]

11 SECTION 3.08. Section 24.209(a), Government Code, is
12 amended to read as follows:

13 (a) The 107th Judicial District is composed of Cameron
14 County. [~~The court shall give preference to criminal cases.~~]

15 SECTION 3.09. Section 24.240(a), Government Code, is
16 amended to read as follows:

17 (a) The 138th Judicial District is composed of Cameron
18 County. [~~The court shall give preference to criminal cases.~~]

19 SECTION 3.10. Section 24.248(a), Government Code, is
20 amended to read as follows:

21 (a) The 147th Judicial District is composed of Travis
22 County. [~~The court shall give preference to criminal cases.~~]

23 SECTION 3.11. Section 24.366, Government Code, is amended
24 to read as follows:

25 Sec. 24.366. 187TH JUDICIAL DISTRICT (BEXAR COUNTY). [~~(a)~~]
26 The 187th Judicial District is composed of Bexar County.

27 [~~(b) The 187th District Court shall give preference to~~

1 ~~criminal cases.]~~

2 SECTION 3.12. Section 24.373, Government Code, is amended
3 to read as follows:

4 Sec. 24.373. 194TH JUDICIAL DISTRICT (DALLAS COUNTY).

5 ~~[(a)]~~ The 194th Judicial District is composed of Dallas County.

6 ~~[(b) The 194th District Court shall give preference to~~
7 ~~criminal cases.]~~

8 SECTION 3.13. Section 24.374, Government Code, is amended
9 to read as follows:

10 Sec. 24.374. 195TH JUDICIAL DISTRICT (DALLAS COUNTY).

11 ~~[(a)]~~ The 195th Judicial District is composed of Dallas County.

12 ~~[(b) The 195th District Court shall give preference to~~
13 ~~criminal cases.]~~

14 SECTION 3.14. Section 24.376, Government Code, is amended
15 to read as follows:

16 Sec. 24.376. 197TH JUDICIAL DISTRICT (CAMERON AND WILLACY
17 COUNTIES). ~~[(a)]~~ The 197th Judicial District is composed of
18 Cameron and Willacy counties.

19 ~~[(b) The 197th District Court shall give preference to~~
20 ~~criminal cases.]~~

21 SECTION 3.15. Section 24.382, Government Code, is amended
22 to read as follows:

23 Sec. 24.382. 203RD JUDICIAL DISTRICT (DALLAS COUNTY).

24 ~~[(a)]~~ The 203rd Judicial District is composed of Dallas County.

25 ~~[(b) The 203rd District Court shall give preference to~~
26 ~~criminal cases.]~~

27 SECTION 3.16. Section 24.383, Government Code, is amended

1 to read as follows:

2 Sec. 24.383. 204TH JUDICIAL DISTRICT (DALLAS COUNTY).

3 ~~[(a)]~~ The 204th Judicial District is composed of Dallas County.

4 ~~[(b) The 204th District Court shall give preference to~~
5 ~~criminal cases.]~~

6 SECTION 3.17. Section 24.386(b), Government Code, is
7 amended to read as follows:

8 (b) The 207th District Court has the same jurisdiction in
9 Comal County as the 22nd District Court has in Comal County ~~[and~~
10 ~~shall give preference to criminal cases in Caldwell, Comal, and~~
11 ~~Hays counties].~~

12 SECTION 3.18. Section 24.394, Government Code, is amended
13 to read as follows:

14 Sec. 24.394. 215TH JUDICIAL DISTRICT (HARRIS COUNTY).

15 ~~[(a)]~~ The 215th Judicial District is composed of Harris County.

16 ~~[(b) The 215th District Court shall give preference to civil~~
17 ~~matters.]~~

18 SECTION 3.19. Section 24.408, Government Code, is amended
19 to read as follows:

20 Sec. 24.408. 231ST JUDICIAL DISTRICT (TARRANT COUNTY).

21 ~~[(a)]~~ The 231st Judicial District is composed of Tarrant County.

22 ~~[(b) The 231st District Court shall give preference to~~
23 ~~family law matters.]~~

24 SECTION 3.20. Section 24.410, Government Code, is amended
25 to read as follows:

26 Sec. 24.410. 233RD JUDICIAL DISTRICT (TARRANT COUNTY).

27 ~~[(a)]~~ The 233rd Judicial District is composed of Tarrant County.

1 ~~[(b) The 233rd District Court shall give preference to~~
2 ~~family law matters.]~~

3 SECTION 3.21. Section 24.422, Government Code, is amended
4 to read as follows:

5 Sec. 24.422. 245TH JUDICIAL DISTRICT (HARRIS COUNTY).

6 ~~[(a)]~~ The 245th Judicial District is composed of Harris County.

7 ~~[(b) The 245th District Court shall give preference to~~
8 ~~family law matters.]~~

9 SECTION 3.22. Section 24.423, Government Code, is amended
10 to read as follows:

11 Sec. 24.423. 246TH JUDICIAL DISTRICT (HARRIS COUNTY).

12 ~~[(a)]~~ The 246th Judicial District is composed of Harris County.

13 ~~[(b) The 246th District Court shall give preference to~~
14 ~~family law matters.]~~

15 SECTION 3.23. Section 24.424, Government Code, is amended
16 to read as follows:

17 Sec. 24.424. 247TH JUDICIAL DISTRICT (HARRIS COUNTY).

18 ~~[(a)]~~ The 247th Judicial District is composed of Harris County.

19 ~~[(b) The 247th District Court shall give preference to~~
20 ~~family law matters.]~~

21 SECTION 3.24. Section 24.431, Government Code, is amended
22 to read as follows:

23 Sec. 24.431. 254TH JUDICIAL DISTRICT (DALLAS COUNTY).

24 ~~[(a)]~~ The 254th Judicial District is composed of Dallas County.

25 ~~[(b) The 254th District Court shall give preference to~~
26 ~~family law matters.]~~

27 SECTION 3.25. Section 24.432, Government Code, is amended

1 to read as follows:

2 Sec. 24.432. 255TH JUDICIAL DISTRICT (DALLAS COUNTY).

3 ~~[(a)]~~ The 255th Judicial District is composed of Dallas County.

4 ~~[(b) The 255th District Court shall give preference to~~
5 ~~family law matters.]~~

6 SECTION 3.26. Section 24.433, Government Code, is amended
7 to read as follows:

8 Sec. 24.433. 256TH JUDICIAL DISTRICT (DALLAS COUNTY).

9 ~~[(a)]~~ The 256th Judicial District is composed of Dallas County.

10 ~~[(b) The 256th District Court shall give preference to~~
11 ~~family law matters.]~~

12 SECTION 3.27. Section 24.434, Government Code, is amended
13 to read as follows:

14 Sec. 24.434. 257TH JUDICIAL DISTRICT (HARRIS COUNTY).

15 ~~[(a)]~~ The 257th Judicial District is composed of Harris County.

16 ~~[(b) The 257th District Court shall give preference to~~
17 ~~family law matters.]~~

18 SECTION 3.28. Section 24.442, Government Code, is amended
19 to read as follows:

20 Sec. 24.442. 265TH JUDICIAL DISTRICT (DALLAS COUNTY).

21 ~~[(a)]~~ The 265th Judicial District is composed of Dallas County.

22 ~~[(b) The 265th District Court shall give preference to~~
23 ~~criminal cases.]~~

24 SECTION 3.29. Section 24.456, Government Code, is amended
25 to read as follows:

26 Sec. 24.456. 279TH JUDICIAL DISTRICT (JEFFERSON COUNTY).

27 ~~[(a)]~~ The 279th Judicial District is composed of Jefferson County.

1 ~~[(b) The 279th District Court shall give preference to~~
2 ~~family law matters.]~~

3 SECTION 3.30. Section 24.459, Government Code, is amended
4 to read as follows:

5 Sec. 24.459. 282ND JUDICIAL DISTRICT (DALLAS COUNTY).
6 ~~[(a)]~~ The 282nd Judicial District is composed of Dallas County.

7 ~~[(b) The 282nd District Court shall give preference to~~
8 ~~criminal cases.]~~

9 SECTION 3.31. Section 24.460, Government Code, is amended
10 to read as follows:

11 Sec. 24.460. 283RD JUDICIAL DISTRICT (DALLAS COUNTY). ~~[(a)]~~
12 The 283rd Judicial District is composed of Dallas County.

13 ~~[(b) The 283rd District Court shall give preference to~~
14 ~~criminal cases.]~~

15 SECTION 3.32. Section 24.468, Government Code, is amended
16 to read as follows:

17 Sec. 24.468. 291ST JUDICIAL DISTRICT (DALLAS COUNTY).
18 ~~[(a)]~~ The 291st Judicial District is composed of Dallas County.

19 ~~[(b) The 291st District Court shall give preference to~~
20 ~~criminal cases.]~~

21 SECTION 3.33. Section 24.469, Government Code, is amended
22 to read as follows:

23 Sec. 24.469. 292ND JUDICIAL DISTRICT (DALLAS COUNTY).
24 ~~[(a)]~~ The 292nd Judicial District is composed of Dallas County.

25 ~~[(b) The 292nd District Court shall give preference to~~
26 ~~criminal cases.]~~

27 SECTION 3.34. Section 24.472, Government Code, is amended

1 to read as follows:

2 Sec. 24.472. 295TH JUDICIAL DISTRICT (HARRIS COUNTY).

3 ~~[(a)]~~ The 295th Judicial District is composed of Harris County.

4 ~~[(b) The 295th District Court shall give preference to civil~~
5 ~~matters.]~~

6 SECTION 3.35. Section 24.475, Government Code, is amended
7 to read as follows:

8 Sec. 24.475. 298TH JUDICIAL DISTRICT (DALLAS COUNTY).

9 ~~[(a)]~~ The 298th Judicial District is composed of Dallas County.

10 ~~[(b) The 298th District Court shall give preference to civil~~
11 ~~matters.]~~

12 SECTION 3.36. Section 24.479, Government Code, is amended
13 to read as follows:

14 Sec. 24.479. 333RD JUDICIAL DISTRICT (HARRIS COUNTY).

15 ~~[(a)]~~ The 333rd Judicial District is composed of Harris County.

16 ~~[(b) The 333rd District Court shall give preference to civil~~
17 ~~matters.]~~

18 SECTION 3.37. Section 24.480, Government Code, is amended
19 to read as follows:

20 Sec. 24.480. 334TH JUDICIAL DISTRICT (HARRIS COUNTY).

21 ~~[(a)]~~ The 334th Judicial District is composed of Harris County.

22 ~~[(b) The 334th District Court shall give preference to civil~~
23 ~~matters.]~~

24 SECTION 3.38. Section 24.488, Government Code, is amended
25 to read as follows:

26 Sec. 24.488. 342ND JUDICIAL DISTRICT (TARRANT COUNTY).

27 ~~[(a)]~~ The 342nd Judicial District is composed of Tarrant County.

1 ~~[(b) The 342nd District Court shall give preference to civil~~
2 ~~matters.]~~

3 SECTION 3.39. Section 24.491, Government Code, is amended
4 to read as follows:

5 Sec. 24.491. 345TH JUDICIAL DISTRICT (TRAVIS COUNTY).

6 ~~[(a)]~~ The 345th Judicial District is composed of Travis County.

7 ~~[(b) The 345th District Court shall give preference to civil~~
8 ~~matters.]~~

9 SECTION 3.40. Section 24.494, Government Code, is amended
10 to read as follows:

11 Sec. 24.494. 348TH JUDICIAL DISTRICT (TARRANT COUNTY).

12 ~~[(a)]~~ The 348th Judicial District is composed of Tarrant County.

13 ~~[(b) The 348th District Court shall give preference to civil~~
14 ~~matters.]~~

15 SECTION 3.41. Section 24.498, Government Code, is amended
16 to read as follows:

17 Sec. 24.498. 352ND JUDICIAL DISTRICT (TARRANT COUNTY).

18 ~~[(a)]~~ The 352nd Judicial District is composed of Tarrant County.

19 ~~[(b) The 352nd District Court shall give preference to civil~~
20 ~~matters.]~~

21 SECTION 3.42. Section 24.508, Government Code, is amended
22 to read as follows:

23 Sec. 24.508. 363RD JUDICIAL DISTRICT (DALLAS COUNTY).

24 ~~[(a)]~~ The 363rd Judicial District is composed of Dallas County.

25 ~~[(b) The 363rd District Court shall give preference to~~
26 ~~criminal cases.]~~

27 SECTION 3.43. Section 24.522, Government Code, is amended

1 to read as follows:

2 Sec. 24.522. 377TH JUDICIAL DISTRICT (VICTORIA COUNTY).

3 ~~[(a)]~~ The 377th Judicial District is composed of Victoria County.

4 ~~[(b) The 377th Judicial District shall give preference to~~
5 ~~criminal cases.]~~

6 SECTION 3.44. Section 24.531, Government Code, is amended
7 to read as follows:

8 Sec. 24.531. 386TH JUDICIAL DISTRICT (BEXAR COUNTY). ~~[(a)]~~

9 The 386th Judicial District is composed of Bexar County.

10 ~~[(b) The 386th District Court shall give preference to~~
11 ~~juvenile matters.]~~

12 SECTION 3.45. Section 24.532, Government Code, is amended
13 to read as follows:

14 Sec. 24.532. 387TH JUDICIAL DISTRICT (FORT BEND COUNTY).

15 ~~[(a)]~~ The 387th Judicial District is composed of Fort Bend County.

16 ~~[(b) The 387th District Court shall give preference to~~
17 ~~family law matters.]~~

18 SECTION 3.46. Section 24.533, Government Code, is amended
19 to read as follows:

20 Sec. 24.533. 388TH JUDICIAL DISTRICT (EL PASO COUNTY).

21 ~~[(a)]~~ The 388th Judicial District is composed of El Paso County.

22 ~~[(b) The 388th District Court shall give preference to~~
23 ~~family law matters.]~~

24 SECTION 3.47. Section 24.535, Government Code, is amended
25 to read as follows:

26 Sec. 24.535. 390TH JUDICIAL DISTRICT (TRAVIS COUNTY).

27 ~~[(a)]~~ The 390th Judicial District is composed of Travis County.

1 ~~[(b) The 390th District Court shall give preference to~~
2 ~~criminal matters.]~~

3 SECTION 3.48. Section 24.538, Government Code, is amended
4 to read as follows:

5 Sec. 24.538. 393RD JUDICIAL DISTRICT (DENTON COUNTY).
6 ~~[(a)]~~ The 393rd Judicial District is composed of Denton County.

7 ~~[(b) The 393rd District Court shall give preference to~~
8 ~~family law matters.]~~

9 SECTION 3.49. Section 24.544, Government Code, is amended
10 to read as follows:

11 Sec. 24.544. 399TH JUDICIAL DISTRICT (BEXAR COUNTY). ~~[(a)]~~
12 The 399th Judicial District is composed of Bexar County.

13 ~~[(b) The 399th District Court shall give preference to~~
14 ~~criminal matters.]~~

15 SECTION 3.50. Section 24.548, Government Code, is amended
16 to read as follows:

17 Sec. 24.548. 403RD JUDICIAL DISTRICT (TRAVIS COUNTY).
18 ~~[(a)]~~ The 403rd Judicial District is composed of Travis County.

19 ~~[(b) The 403rd District Court shall give preference to~~
20 ~~criminal matters.]~~

21 SECTION 3.51. Section 24.554, Government Code, is amended
22 to read as follows:

23 Sec. 24.554. 408TH JUDICIAL DISTRICT (BEXAR COUNTY). ~~[(a)]~~
24 The 408th Judicial District is composed of Bexar County.

25 ~~[(b) The 408th District Court shall give preference to civil~~
26 ~~matters.]~~

27 SECTION 3.52. Section 24.561, Government Code, is amended

1 to read as follows:

2 Sec. 24.561. 417TH JUDICIAL DISTRICT (COLLIN COUNTY).

3 ~~[(a)]~~ The 417th Judicial District is composed of Collin County.

4 ~~[(b) The 417th District Court shall give preference to~~
5 ~~juvenile matters.]~~

6 SECTION 3.53. Section 24.562, Government Code, is amended
7 to read as follows:

8 Sec. 24.562. 418TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

9 ~~[(a)]~~ The 418th Judicial District is composed of Montgomery
10 County.

11 ~~[(b) The 418th District Court shall give preference to~~
12 ~~family law matters.]~~

13 SECTION 3.54. Section 24.571, Government Code, is amended
14 to read as follows:

15 Sec. 24.571. 427TH JUDICIAL DISTRICT (TRAVIS COUNTY).

16 ~~[(a)]~~ The 427th Judicial District is composed of Travis County.

17 ~~[(b) The 427th Judicial District shall give preference to~~
18 ~~criminal matters.]~~

19 SECTION 3.55. Section 24.589, Government Code, is amended
20 to read as follows:

21 Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY).

22 ~~[(a)]~~ The 445th Judicial District is composed of Cameron County.

23 ~~[(b) The 445th District Court shall give preference to~~
24 ~~criminal law cases.]~~

25 SECTION 3.56. Section 24.593, Government Code, is amended
26 to read as follows:

27 Sec. 24.593. 449TH JUDICIAL DISTRICT (HIDALGO COUNTY).

1 [~~(a)~~] The 449th Judicial District is composed of Hidalgo County.

2 [~~(b) The 449th District Court shall give preference to~~
3 ~~juvenile matters.~~]

4 SECTION 3.57. Sections 24.608, 24.609, 24.610, 24.611,
5 24.612, 24.613, 24.614, 24.615, 24.616, 24.617, 24.618, 24.619,
6 24.620, 24.621, 24.622, 24.623, 24.624, 24.625, 24.626, 24.627,
7 24.628, 24.629, 24.630, 24.631, 24.632, 24.633, 24.634, 24.635,
8 24.636, 24.637, 24.638, 24.639, and 24.640, Government Code, are
9 transferred to Subchapter C, Chapter 24, Government Code, and
10 redesignated as Sections 24.60041, 24.60042, 24.60043, 24.60044,
11 24.60045, 24.60046, 24.60047, 24.60048, 24.60050, 24.60051,
12 24.60052, 24.60053, 24.60054, 24.60055, 24.60056, 24.60057,
13 24.60058, 24.60059, 24.60060, 24.60061, 24.60062, 24.60063,
14 24.60064, 24.60065, 24.60066, 24.60067, 24.60068, 24.60069,
15 24.60070, 24.60071, 24.60072, 24.60073, and 24.60074,
16 respectively, and amended to read as follows:

17 Sec. 24.60041 [~~24.608~~]. 300TH JUDICIAL DISTRICT (BRAZORIA
18 COUNTY). The 300th Judicial District is composed of Brazoria
19 County.

20 Sec. 24.60042 [~~24.609~~]. 301ST JUDICIAL DISTRICT (DALLAS
21 COUNTY). The 301st Judicial District is composed of Dallas County.

22 Sec. 24.60043 [~~24.610~~]. 302ND JUDICIAL DISTRICT (DALLAS
23 COUNTY). The 302nd Judicial District is composed of Dallas County.

24 Sec. 24.60044 [~~24.611~~]. 303RD JUDICIAL DISTRICT (DALLAS
25 COUNTY). The 303rd Judicial District is composed of Dallas County.

26 Sec. 24.60045 [~~24.612~~]. 304TH JUDICIAL DISTRICT (DALLAS
27 COUNTY). The 304th Judicial District is composed of Dallas County.

1 Sec. 24.60046 [~~24.613~~]. 305TH JUDICIAL DISTRICT (DALLAS
2 COUNTY). The 305th Judicial District is composed of Dallas County.

3 Sec. 24.60047 [~~24.614~~]. 306TH JUDICIAL DISTRICT (GALVESTON
4 COUNTY). (a) The 306th Judicial District is composed of Galveston
5 County.

6 (b) All juvenile matters and proceedings in Galveston
7 County shall be filed originally with the district clerk on the
8 docket of the 306th District Court.

9 Sec. 24.60048 [~~24.615~~]. 307TH JUDICIAL DISTRICT (GREGG
10 COUNTY). The 307th Judicial District is composed of Gregg County.

11 Sec. 24.60050 [~~24.616~~]. 308TH JUDICIAL DISTRICT (HARRIS
12 COUNTY). The 308th Judicial District is composed of Harris County.

13 Sec. 24.60051 [~~24.617~~]. 309TH JUDICIAL DISTRICT (HARRIS
14 COUNTY). The 309th Judicial District is composed of Harris County.

15 Sec. 24.60052 [~~24.618~~]. 310TH JUDICIAL DISTRICT (HARRIS
16 COUNTY). The 310th Judicial District is composed of Harris County.

17 Sec. 24.60053 [~~24.619~~]. 311TH JUDICIAL DISTRICT (HARRIS
18 COUNTY). The 311th Judicial District is composed of Harris County.

19 Sec. 24.60054 [~~24.620~~]. 312TH JUDICIAL DISTRICT (HARRIS
20 COUNTY). The 312th Judicial District is composed of Harris County.

21 Sec. 24.60055 [~~24.621~~]. 313TH JUDICIAL DISTRICT (HARRIS
22 COUNTY). The 313th Judicial District is composed of Harris County.

23 Sec. 24.60056 [~~24.622~~]. 314TH JUDICIAL DISTRICT (HARRIS
24 COUNTY). The 314th Judicial District is composed of Harris County.

25 Sec. 24.60057 [~~24.623~~]. 315TH JUDICIAL DISTRICT (HARRIS
26 COUNTY). The 315th Judicial District is composed of Harris County.

27 Sec. 24.60058 [~~24.624~~]. 316TH JUDICIAL DISTRICT

1 (HUTCHINSON COUNTY). The 316th Judicial District is composed of
2 Hutchinson County.

3 Sec. 24.60059 [~~24.625~~]. 317TH JUDICIAL DISTRICT (JEFFERSON
4 COUNTY). The 317th Judicial District is composed of Jefferson
5 County.

6 Sec. 24.60060 [~~24.626~~]. 318TH JUDICIAL DISTRICT (MIDLAND
7 COUNTY). The 318th Judicial District is composed of Midland
8 County.

9 Sec. 24.60061 [~~24.627~~]. 319TH JUDICIAL DISTRICT (NUECES
10 COUNTY). (a) The 319th Judicial District is composed of Nueces
11 County.

12 (b) [~~The terms of the 319th District Court begin on the~~
13 ~~first Mondays in April and in October.~~

14 [(c)] In addition to other jurisdiction provided by law, the
15 319th District Court has concurrent jurisdiction with the county
16 courts at law in Nueces County to receive a guilty plea in a
17 misdemeanor case pending in a county court at law in Nueces County
18 and dispose of the case, regardless of whether the case is
19 transferred to the district court. The judgment, order, or action
20 of the district court is valid and binding as if the case were
21 pending in the district court.

22 Sec. 24.60062 [~~24.628~~]. 320TH JUDICIAL DISTRICT (POTTER
23 COUNTY). The 320th Judicial District is composed of Potter County.

24 Sec. 24.60063 [~~24.629~~]. 321ST JUDICIAL DISTRICT (SMITH
25 COUNTY). The 321st Judicial District is composed of Smith County.

26 Sec. 24.60064 [~~24.630~~]. 322ND JUDICIAL DISTRICT (TARRANT
27 COUNTY). The 322nd Judicial District is composed of Tarrant

1 County.

2 Sec. 24.60065 [~~24.631~~]. 323RD JUDICIAL DISTRICT (TARRANT
3 COUNTY). The 323rd Judicial District is composed of Tarrant
4 County.

5 Sec. 24.60066 [~~24.632~~]. 324TH JUDICIAL DISTRICT (TARRANT
6 COUNTY). The 324th Judicial District is composed of Tarrant
7 County.

8 Sec. 24.60067 [~~24.633~~]. 325TH JUDICIAL DISTRICT (TARRANT
9 COUNTY). The 325th Judicial District is composed of Tarrant
10 County.

11 Sec. 24.60068 [~~24.634~~]. 326TH JUDICIAL DISTRICT (TAYLOR
12 COUNTY). The 326th Judicial District is composed of Taylor County.

13 Sec. 24.60069 [~~24.635~~]. 65TH JUDICIAL DISTRICT (EL PASO
14 COUNTY). The 65th Judicial District is composed of El Paso County.

15 Sec. 24.60070 [~~24.636~~]. 328TH JUDICIAL DISTRICT (FORT BEND
16 COUNTY). The 328th Judicial District is composed of Fort Bend
17 County.

18 Sec. 24.60071 [~~24.637~~]. 329TH JUDICIAL DISTRICT (WHARTON
19 COUNTY). (a) The 329th Judicial District is composed of Wharton
20 County.

21 (b) Section 24.124, relating to the 23rd District Court,
22 contains provisions applicable to both that court and the 329th
23 [~~Family~~] District Court [~~for the 329th Judicial District~~].

24 Sec. 24.60072 [~~24.638~~]. 330TH JUDICIAL DISTRICT (DALLAS
25 COUNTY). The 330th Judicial District is composed of Dallas County.

26 Sec. 24.60073 [~~24.639~~]. 360TH JUDICIAL DISTRICT (TARRANT
27 COUNTY). The 360th Judicial District is composed of Tarrant

1 County.

2 Sec. 24.60074 [~~24.640~~]. 444TH JUDICIAL DISTRICT (CAMERON
3 COUNTY). The 444th Judicial District is composed of Cameron
4 County.

5 SECTION 3.58. Sections 24.901, 24.902, 24.903, 24.904,
6 24.905, 24.906, 24.907, 24.908, 24.910, 24.911, 24.912, 24.913, and
7 24.920, Government Code, are transferred to Subchapter C, Chapter
8 24, Government Code, and redesignated as Sections 24.6005, 24.6006,
9 24.6007, 24.6008, 24.6009, 24.60010, 24.60011, 24.60012, 24.60013,
10 24.60014, 24.60015, 24.60016, and 24.60017, respectively, and
11 amended to read as follows:

12 Sec. 24.6005 [~~24.901~~]. 461ST [~~CRIMINAL~~] JUDICIAL DISTRICT
13 (DALLAS [~~OF DALLAS~~] COUNTY). (a) The 461st [~~Criminal~~] Judicial
14 District [~~of Dallas County~~] is composed of Dallas County.

15 (b) [~~The terms of the criminal district court begin on the~~
16 ~~first Mondays in January, April, July, and October.~~

17 [~~(c)~~] The 461st, 462nd, 463rd, 464th, 465th, 466th, and
18 467th [~~criminal~~] district courts [~~in Dallas County~~] have concurrent
19 original misdemeanor jurisdiction with the county courts in Dallas
20 County that have criminal jurisdiction.

21 (c) [~~(d)~~] Section 24.115, relating to the 14th District
22 Court, contains provisions applicable to both that court and the
23 461st [~~Criminal~~] District Court [~~of Dallas County~~].

24 Sec. 24.6006 [~~24.902~~]. 462ND [~~DALLAS COUNTY CRIMINAL~~]
25 JUDICIAL DISTRICT (DALLAS COUNTY) [~~NO. 2~~]. (a) The 462nd [~~Dallas~~
26 ~~County Criminal~~] Judicial District [~~No. 2~~] is composed of Dallas
27 County.

1 (b) ~~[The terms of the criminal district court no. 2 begin on~~
2 ~~the first Mondays in January, April, July, and October.~~

3 ~~[(c)]~~ Section 24.6005 ~~[24.901]~~, relating to the 461st
4 ~~[Criminal] District Court [of Dallas County]~~, contains provisions
5 applicable to both that court and the 462nd ~~[Dallas County~~
6 ~~Criminal] District Court [No. 2]~~.

7 (c) ~~[(d)]~~ Section 24.115, relating to the 14th District
8 Court, contains provisions applicable to both that court and the
9 462nd ~~[Dallas County Criminal] District Court [No. 2]~~.

10 Sec. 24.6007 ~~[24.903]~~. 463RD ~~[DALLAS COUNTY CRIMINAL]~~
11 JUDICIAL DISTRICT (DALLAS COUNTY) ~~[NO. 3]~~. (a) The 463rd ~~[Dallas~~
12 ~~County Criminal] Judicial District [No. 3]~~ is composed of Dallas
13 County.

14 (b) ~~[The terms of the criminal district court no. 3 begin on~~
15 ~~the first Mondays in January, April, July, and October.~~

16 ~~[(c)]~~ Section 24.6005 ~~[24.901]~~, relating to the 461st
17 ~~[Criminal] District Court [of Dallas County]~~, contains provisions
18 applicable to both that court and the 463rd ~~[Dallas County~~
19 ~~Criminal] District Court [No. 3]~~.

20 (c) ~~[(d)]~~ Section 24.115, relating to the 14th District
21 Court, contains provisions applicable to both that court and the
22 463rd ~~[Dallas County Criminal] District Court [No. 3]~~.

23 Sec. 24.6008 ~~[24.904]~~. 464TH ~~[DALLAS COUNTY CRIMINAL]~~
24 JUDICIAL DISTRICT (DALLAS COUNTY) ~~[NO. 4]~~. (a) The 464th ~~[Dallas~~
25 ~~County Criminal] Judicial District [No. 4]~~ is composed of Dallas
26 County.

27 (b) ~~[The terms of the criminal district court no. 4 begin on~~

1 ~~the first Mondays in January, April, July, and October.~~

2 ~~[(c)]~~ Section 24.6005 [~~24.901~~], relating to the 461st
3 ~~[Criminal]~~ District Court [~~of Dallas County~~], contains provisions
4 applicable to both that court and the 464th [~~Dallas County~~
5 ~~Criminal]~~ District Court [~~No. 4~~].

6 (c) ~~[(d)]~~ Section 24.115, relating to the 14th District
7 Court, contains provisions applicable to both that court and the
8 464th [~~Dallas County Criminal]~~ District Court [~~No. 4~~].

9 Sec. 24.6009 [~~24.905~~]. 465TH [~~DALLAS COUNTY CRIMINAL]~~
10 JUDICIAL DISTRICT (DALLAS COUNTY) [~~NO. 5~~]. (a) The 465th [~~Dallas~~
11 ~~County Criminal]~~ Judicial District [~~No. 5~~] is composed of Dallas
12 County.

13 (b) ~~[The terms of the criminal district court no. 5 begin on~~
14 ~~the first Mondays in January, April, July, and October.~~

15 ~~[(c)]~~ Section 24.6005 [~~24.901~~], relating to the 461st
16 ~~[Criminal]~~ District Court [~~of Dallas County~~], contains provisions
17 applicable to both that court and the 465th [~~Dallas County~~
18 ~~Criminal]~~ District Court [~~No. 5~~].

19 (c) ~~[(d)]~~ Section 24.115, relating to the 14th District
20 Court, contains provisions applicable to both that court and the
21 465th [~~Dallas County Criminal]~~ District Court [~~No. 5~~].

22 Sec. 24.60010 [~~24.906~~]. 466TH [~~DALLAS COUNTY CRIMINAL]~~
23 JUDICIAL DISTRICT (DALLAS COUNTY) [~~NO. 6~~]. (a) The 466th [~~Dallas~~
24 ~~County Criminal]~~ Judicial District [~~No. 6~~] is composed of Dallas
25 County.

26 (b) ~~[The terms of the criminal district court no. 6 begin on~~
27 ~~the first Mondays in January, April, July, and October.~~

1 ~~[(c)]~~ Section 24.6005 [~~24.901~~], relating to the 461st
2 ~~[Criminal]~~ District Court [~~of Dallas County~~], contains provisions
3 applicable to both that court and the 466th [~~Dallas County~~
4 ~~Criminal]~~ District Court [~~No. 6~~].

5 (c) ~~[(d)]~~ Section 24.115, relating to the 14th District
6 Court, contains provisions applicable to both that court and the
7 466th [~~Dallas County Criminal]~~ District Court [~~No. 6~~].

8 Sec. 24.60011 [~~24.907~~]. 467TH [~~DALLAS COUNTY CRIMINAL]~~
9 JUDICIAL DISTRICT (DALLAS COUNTY) [~~NO. 7~~]. (a) The 467th [~~Dallas~~
10 ~~County Criminal]~~ Judicial District [~~No. 7~~] is composed of Dallas
11 County.

12 (b) ~~[The terms of the criminal district court no. 7 begin on~~
13 ~~the first Mondays in January, April, July, and October.~~

14 ~~[(c)]~~ Section 24.6005 [~~24.901~~], relating to the 461st
15 ~~[Criminal]~~ District Court [~~of Dallas County~~], contains provisions
16 applicable to both that court and the 467th [~~Dallas County~~
17 ~~Criminal]~~ District Court [~~No. 7~~].

18 (c) ~~[(d)]~~ Section 24.115, relating to the 14th District
19 Court, contains provisions applicable to both that court and the
20 467th [~~Dallas County Criminal]~~ District Court [~~No. 7~~].

21 Sec. 24.60012 [~~24.908~~]. 468TH [~~EL PASO COUNTY CRIMINAL]~~
22 JUDICIAL DISTRICT (EL PASO COUNTY) [~~NO. 1~~]. ~~[(a)]~~ The 468th [~~El~~
23 ~~Paso County Criminal]~~ Judicial District [~~No. 1~~] is composed of El
24 Paso County.

25 ~~[(b)]~~ ~~The El Paso County Criminal District Court No. 1 shall~~
26 ~~give primary preference to felony drug cases and associated civil~~
27 ~~cases emanating from those felony drug cases. The criminal~~

1 ~~district court shall give secondary preference to other criminal~~
2 ~~cases and associated civil cases emanating from those criminal~~
3 ~~cases.~~

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

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

10 Sec. 24.60013 ~~[24.910]~~. 469TH ~~[TARRANT COUNTY CRIMINAL]~~
11 ~~JUDICIAL DISTRICT (TARRANT COUNTY) [NO. 1]~~. (a) The 469th ~~[Tarrant~~
12 ~~County Criminal]~~ Judicial District ~~[No. 1]~~ is composed of Tarrant
13 County.

14 (b) ~~[This section applies to the Tarrant County Criminal~~
15 ~~District Courts Nos. 1, 2, and 3.~~

16 ~~[(c)]~~ The 469th, 470th, and 471st ~~[criminal]~~ district
17 courts have ~~[jurisdiction of criminal cases within the jurisdiction~~
18 ~~of a district court. The criminal district courts also have]~~
19 concurrent original jurisdiction with the county criminal courts
20 over misdemeanor cases. ~~[The criminal district courts do not have~~
21 ~~appellate misdemeanor jurisdiction.]~~

22 ~~[(d) The terms of the criminal district courts begin on the~~
23 ~~first Mondays in January, April, July, and October.~~

24 ~~[(e) The judge of each criminal district court or county~~
25 ~~criminal court may, on motion of the judge or the criminal district~~
26 ~~attorney, transfer misdemeanor cases between the courts by an order~~
27 ~~entered in the minutes of the transferring court. The clerk of the~~

1 ~~transferring court shall certify the style and number of the case to~~
2 ~~the clerk of the court to which it is transferred and include the~~
3 ~~papers of the case with the certification. The receiving clerk~~
4 ~~shall promptly docket the transferred case. The receiving court~~
5 ~~shall dispose of the case as if it had been originally instituted in~~
6 ~~that court.~~

7 ~~[(f) The criminal district courts nos. 1 and 2 shall have a~~
8 ~~seal similar to the seal of a district court with "Criminal District~~
9 ~~Court No. _____ of Tarrant County" engraved in the margin.]~~

10 Sec. 24.60014 [~~24.911~~]. 470TH [~~TARRANT COUNTY CRIMINAL~~
11 ~~JUDICIAL DISTRICT (TARRANT COUNTY)~~ [~~NO. 2~~]. (a) The 470th [~~Tarrant~~
12 ~~County Criminal~~] Judicial District [~~No. 2~~] is composed of Tarrant
13 County.

14 (b) Section 24.60013 [~~24.910~~], relating to the 469th
15 [~~Tarrant County Criminal~~] District Court [~~No. 1~~], contains
16 provisions applicable to both that court and the 470th [~~Tarrant~~
17 ~~County Criminal~~] District Court [~~No. 2~~].

18 Sec. 24.60015 [~~24.912~~]. 471ST [~~TARRANT COUNTY CRIMINAL~~
19 ~~JUDICIAL DISTRICT (TARRANT COUNTY)~~ [~~NO. 3~~]. (a) The 471st [~~Tarrant~~
20 ~~County Criminal~~] Judicial District [~~No. 3~~] is composed of Tarrant
21 County.

22 (b) Section 24.60013 [~~24.910~~], relating to the 469th
23 [~~Tarrant County Criminal~~] District Court [~~No. 1~~], contains
24 provisions applicable to both that court and the 471st [~~Tarrant~~
25 ~~County Criminal~~] District Court [~~No. 3~~].

26 Sec. 24.60016 [~~24.913~~]. 472ND [~~CRIMINAL~~] JUDICIAL DISTRICT
27 (TARRANT [~~NO. 4 OF TARRANT~~] COUNTY). (a) The 472nd [~~Criminal~~]

1 Judicial District [~~No. 4 of Tarrant County~~] is composed of Tarrant
2 County.

3 (b) [~~The court shall give preference to criminal cases.~~

4 [~~(c) The terms of court begin on the first Mondays in~~
5 ~~January, April, July, and October of each year.~~

6 [~~(d) Subchapter C applies to the Tarrant County Criminal~~
7 ~~District Court No. 4 of Tarrant County.~~

8 [~~(e)~~] In addition to the jurisdiction provided by this
9 subchapter [~~Subchapter C~~] and other law, the 472nd [~~Tarrant County~~
10 ~~Criminal~~] District Court [~~No. 4~~] has concurrent original
11 jurisdiction with the county criminal courts in Tarrant County over
12 misdemeanor cases.

13 Sec. 24.60017 [~~24.920~~]. 473RD [~~CRIMINAL~~] JUDICIAL DISTRICT
14 (JEFFERSON [~~OF JEFFERSON~~] COUNTY). (a) The 473rd [~~Criminal~~]
15 Judicial District [~~of Jefferson County~~] is composed of Jefferson
16 County.

17 (b) [~~The terms of the criminal district court begin on the~~
18 ~~first Mondays in April, July, October, and January.~~

19 [~~(c) The criminal district court has:~~

20 [~~(1) original jurisdiction of criminal cases within~~
21 ~~the jurisdiction of a district court,~~

22 [~~(2) concurrent original and appellate jurisdiction~~
23 ~~with the county courts at law of misdemeanor cases normally within~~
24 ~~the exclusive jurisdiction of the county courts at law, and~~

25 [~~(3) civil jurisdiction in cases of:~~

26 [~~(A) divorce, as provided by Chapter 3, Family~~
27 ~~Code,~~

1 ~~[(B) dependent and delinquent children, as~~
2 ~~provided by Section 23.001, by the Family Code, and by Title 43,~~
3 ~~Revised Statutes,~~

4 ~~[(C) adoption, as provided by the Family Code,~~
5 ~~and~~

6 ~~[(D) habeas corpus proceedings.~~

7 ~~[(d) The judge of the criminal district court or of a county~~
8 ~~court at law may, on motion of the judge or the criminal district~~
9 ~~attorney, transfer misdemeanor cases between the courts by an order~~
10 ~~entered in the minutes of the transferring court. The clerk of the~~
11 ~~transferring court shall certify the style and number of the case to~~
12 ~~the clerk of the receiving court and include the papers of the case~~
13 ~~with the certification. The receiving clerk shall promptly docket~~
14 ~~the transferred case. The receiving court shall dispose of the case~~
15 ~~as if it had been originally instituted in that court.~~

16 ~~[(e) The court shall have a seal similar to the seal of a~~
17 ~~district court with "Criminal District Court of Jefferson County"~~
18 ~~engraved on the seal.~~

19 ~~[(f)]~~ The court may sit at the City of Port Arthur in
20 addition to Beaumont to try, hear, and determine nonjury civil
21 cases and to hear and determine motions, arguments, and the other
22 nonjury civil matters that are within the court's jurisdiction.
23 The district clerk or the clerk's deputy serves as clerk of the
24 court when it sits in Port Arthur and may transfer all necessary
25 books, minutes, records, and papers to Port Arthur while the court
26 is in session there, and transfer them from Port Arthur to Beaumont
27 at the end of each session in Port Arthur. The Commissioners Court

1 of Jefferson County may provide suitable quarters for the court in
2 the subcourthouse while it sits in Port Arthur. The Jefferson
3 County sheriff or the sheriff's deputy shall attend the court in
4 Port Arthur and perform all required duties.

5 SECTION 3.59. Section 25.0362(g), Government Code, is
6 amended to read as follows:

7 (g) In matters of concurrent jurisdiction, a judge of a
8 county court at law and a judge of a district court in Cass County
9 may transfer cases between the courts in the same manner that judges
10 of district courts may transfer cases under Section 24.003
11 [~~24.303~~].

12 SECTION 3.60. Section 25.0732(w), Government Code, is
13 amended to read as follows:

14 (w) In matters of concurrent jurisdiction, a judge of a
15 statutory county court in El Paso County and a judge of a district
16 court or another statutory county court in El Paso County may
17 transfer cases between the courts in the same manner judges of
18 district courts transfer cases under Section 24.003 [~~24.303~~].

19 SECTION 3.61. Section 25.1672(c), Government Code, is
20 amended to read as follows:

21 (c) In matters of concurrent jurisdiction, judges of the
22 county courts at law and district courts in the county may exchange
23 benches and courtrooms and may transfer cases between their dockets
24 in the same manner that district court judges exchange benches and
25 transfer cases under Section 24.003 [~~24.303~~].

26 SECTION 3.62. Section 25.1862(v), Government Code, is
27 amended to read as follows:

1 (v) In matters of concurrent jurisdiction, a judge of a
2 county court at law and a judge of a district court or another
3 county court at law may transfer cases between the courts in the
4 same manner judges of district courts transfer cases under Section
5 24.003 [~~24.303~~].

6 SECTION 3.63. Section 25.1932(k), Government Code, is
7 amended to read as follows:

8 (k) Notwithstanding Section 74.121(b)(1), in matters of
9 concurrent jurisdiction, the judge of a county court at law and the
10 judges of the district courts in the county may exchange benches and
11 courtrooms and may transfer cases between their dockets in the same
12 manner that judges of district courts exchange benches and transfer
13 cases under Section 24.003 [~~24.303~~].

14 SECTION 3.64. Sections 53.001(c) and (e), Government Code,
15 are amended to read as follows:

16 (c) Each [~~criminal~~] district court in Tarrant County
17 hearing criminal cases must have at least three bailiffs assigned
18 regularly to the court. Each judge of a [~~criminal~~] district court
19 in Tarrant County hearing criminal cases shall appoint two officers
20 of the court to serve as bailiffs for the [~~his~~] court.

21 (e) The county sheriff shall appoint one bailiff for each
22 district court in Tarrant County that gives preference to criminal
23 cases [~~and one bailiff for each criminal district court in Tarrant~~
24 ~~County~~] in the same manner as authorized by law.

25 SECTION 3.65. Sections 53.002(c) and (g), Government Code,
26 are amended to read as follows:

27 (c) The judges of the district courts[~~, including family~~

1 ~~district courts,~~] having jurisdiction in El Paso County and the
2 judges of the county courts at law in El Paso County may each
3 appoint a person to serve the court as bailiff. A bailiff for a
4 district court that is composed of more than one county serves the
5 court in each county of the district.

6 (g) The judge of each district court in Tarrant County that
7 gives preference to criminal cases and the judge of each [~~criminal~~]
8 district court in Tarrant County hearing criminal cases may appoint
9 two persons to serve as bailiffs. Notwithstanding Section 53.071
10 or Article 19.36, Code of Criminal Procedure, the district judges
11 of the courts in Tarrant County that give preference to criminal
12 cases [~~and the criminal district courts in Tarrant County~~] may
13 appoint one bailiff for each grand jury.

14 SECTION 3.66. Section 53.003(b), Government Code, is
15 amended to read as follows:

16 (b) The judge of each court listed in Sections 53.001(d) and
17 53.002(a), (c), (e), and (f), the judge of the 341st District Court,
18 and the judge of each district court in Tarrant County that gives
19 preference to criminal cases[~~, and the judge of each criminal~~
20 ~~district court in Tarrant County~~] shall give each commissioners
21 court in the judicial district written notification of the
22 bailiff's or grand jury bailiff's appointment and date of
23 employment. The judge of each court listed in Section 53.002(c) and
24 [~~]~~ the judge of each district court in Tarrant County that gives
25 preference to criminal cases[~~, and the judge of each criminal~~
26 ~~district court in Tarrant County~~] shall also give each
27 commissioners court written notification of the compensation to be

1 paid by the county.

2 SECTION 3.67. Section 53.006(c), Government Code, is
3 amended to read as follows:

4 (c) A bailiff or grand jury bailiff appointed under Section
5 53.001(d) or 53.002(a), (c), (e), (f), or (g) by the judge of the
6 341st District Court or [7] by a judge of a district court in
7 Tarrant County that gives preference to criminal cases[~~, or by a~~
8 ~~judge of a criminal district court in Tarrant County~~] has only the
9 duties assigned by the judge of the court that the bailiff or grand
10 jury bailiff serves.

11 SECTION 3.68. Sections 53.007(a) and (c), Government Code,
12 are amended to read as follows:

13 (a) This section applies to:

14 (1) the 22nd, 34th, 70th, 71st, 86th, 97th, 142nd,
15 161st, 238th, 318th, 341st, 355th, and 385th district courts;

16 (2) the County Court of Harrison County;

17 (3) the [~~criminal~~] district courts of Tarrant County
18 designated by the county with a preference for criminal cases;

19 (4) the district courts in Taylor County;

20 (5) the courts described in Section 53.002(c), (d),
21 (e), or (f);

22 (6) the county courts at law of Taylor County; and

23 (7) [~~the district courts in Tarrant County that give~~
24 ~~preference to criminal cases, and~~

25 [~~8~~] the 115th District Court in Upshur County.

26 (c) A request under this section by a judge of a court listed
27 in Section 53.001(d), 53.002(a), 53.002(c), or 53.002(e), by the

1 judge of the 341st District Court, by a judge of a district court in
2 Tarrant County that gives preference to criminal cases, [~~by a judge~~
3 ~~of a criminal district court in Tarrant County,~~] by the judge of a
4 district court in Taylor County, or by the judge of a county court
5 at law of Taylor County must be in writing.

6 SECTION 3.69. Section 53.008, Government Code, is amended
7 to read as follows:

8 Sec. 53.008. OATH. The bailiffs of the 22nd, 34th, 70th,
9 86th, 97th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th
10 district courts, the bailiffs of the courts described in Section
11 53.002(c), (d), (e), or (f), the bailiffs and the grand jury
12 bailiffs of the district courts in Tarrant County that give
13 preference to criminal cases, [~~the bailiffs and grand jury bailiffs~~
14 ~~of the criminal district courts in Tarrant County,~~] the bailiffs of
15 the district courts in Taylor County, and the bailiffs of the county
16 courts at law of Taylor County shall each swear to the following
17 oath, to be administered by the judge: "I solemnly swear that I
18 will faithfully and impartially perform all duties as may be
19 required of me by law, so help me God."

20 SECTION 3.70. Section 53.009(f), Government Code, is
21 amended to read as follows:

22 (f) The bailiffs and grand jury bailiffs appointed by the
23 judges of the district courts in Tarrant County that give
24 preference to criminal cases [~~and the bailiffs and grand jury~~
25 ~~bailiffs appointed by the judges of the criminal district courts in~~
26 ~~Tarrant County]~~ are entitled to receive from the county general
27 fund a salary set in writing by the judge that is in the same pay

1 grade as the salary of certified and noncertified peace officers
2 who are appointed as bailiffs by the sheriff. The county shall
3 administer the bailiff salary under salary administration
4 guidelines.

5 SECTION 3.71. The heading to Subchapter D, Chapter 53,
6 Government Code, is amended to read as follows:

7 SUBCHAPTER D. BAILIFFS FOR CERTAIN [~~FAMILY~~] DISTRICT COURTS IN
8 HARRIS COUNTY

9 SECTION 3.72. Section 53.051, Government Code, is amended
10 to read as follows:

11 Sec. 53.051. OFFICE OF BAILIFF. The judges of the 245th,
12 246th, 247th, 257th, 308th, 309th, 310th, 311th, and 312th [~~family~~]
13 district courts shall appoint a person to serve their respective
14 courts as bailiff. A bailiff is an officer of the court and
15 performs the duties of the office under the direction and
16 supervision of the judge of the court.

17 SECTION 3.73. Section 62.201, Government Code, is amended
18 to read as follows:

19 Sec. 62.201. NUMBER OF JURORS. The jury in a district court
20 is composed of 12 persons, except that the parties may agree to try
21 a particular case with fewer than 12 jurors unless a jury of six or
22 12 is required by Section 13, Article V, Texas Constitution.

23 SECTION 3.74. Section 74.121(b)(2), Government Code, is
24 amended to read as follows:

25 (2) Notwithstanding Subdivision (1), in matters of
26 concurrent jurisdiction, a judge of a statutory county court in
27 Midland County and a judge of a district court in Midland County may

1 exchange benches and courtrooms with each other and may transfer
2 cases between their dockets in the same manner that judges of
3 district courts exchange benches and transfer cases under Section
4 24.003 [~~24.303~~].

5 SECTION 3.75. (a) The following sections of the Government
6 Code are repealed:

- 7 (1) Section 24.013;
- 8 (2) Section 24.139(d);
- 9 (3) Section 24.175(c);
- 10 (4) Section 24.302;
- 11 (5) Section 24.303;
- 12 (6) Section 24.304;
- 13 (7) Section 24.305;
- 14 (8) Section 24.307;
- 15 (9) Section 24.308;
- 16 (10) Section 24.309;
- 17 (11) Section 24.310;
- 18 (12) Section 24.311;
- 19 (13) Section 24.312;
- 20 (14) Section 24.313;
- 21 (15) Section 24.314;
- 22 (16) Section 24.353(b);
- 23 (17) Section 24.362(b);
- 24 (18) Section 24.363(b);
- 25 (19) Section 24.364(b);
- 26 (20) Section 24.365(b);
- 27 (21) Section 24.381(b);

- 1 (22) Section 24.384(b);
- 2 (23) Section 24.387(b);
- 3 (24) Section 24.388(b);
- 4 (25) Section 24.393(b);
- 5 (26) Section 24.402(b);
- 6 (27) Section 24.403(b);
- 7 (28) Section 24.404(b);
- 8 (29) Section 24.405(b);
- 9 (30) Section 24.406(b);
- 10 (31) Section 24.407(b);
- 11 (32) Section 24.409(b);
- 12 (33) Section 24.425(b);
- 13 (34) Section 24.429(b);
- 14 (35) Section 24.439(b);
- 15 (36) Section 24.440(b);
- 16 (37) Section 24.462(b);
- 17 (38) Section 24.465(b);
- 18 (39) Section 24.466(b);
- 19 (40) Section 24.467(b);
- 20 (41) Section 24.474(b);
- 21 (42) Section 24.483(b);
- 22 (43) Section 24.484(b);
- 23 (44) Section 24.485(b);
- 24 (45) Section 24.497(b);
- 25 (46) Section 24.516(b);
- 26 (47) Section 24.517(b);
- 27 (48) Section 24.528(c);

- 1 (49) Section 24.529(c);
- 2 (50) Section 24.541(b);
- 3 (51) Section 24.551(b);
- 4 (52) Section 24.574(b);
- 5 (53) Section 24.579(b);
- 6 (54) Section 24.601;
- 7 (55) Section 24.602;
- 8 (56) Section 24.603;
- 9 (57) Section 24.604;
- 10 (58) Section 24.605;
- 11 (59) Section 24.606; and
- 12 (60) Section 24.607.

13 (b) The heading to Subchapter D, Chapter 24, Government
14 Code, is repealed.

15 (c) The heading to Subchapter E, Chapter 24, Government
16 Code, is repealed.

17 SECTION 3.76. On the effective date of this Act:

18 (1) the 65th, 300th, 301st, 302nd, 303rd, 304th,
19 305th, 306th, 307th, 308th, 309th, 310th, 311th, 312th, 313th,
20 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd,
21 323rd, 324th, 325th, 326th, 328th, 329th, 330th, 360th, and 444th
22 Family District Courts are redesignated as district courts governed
23 by Subchapter C, Chapter 24, Government Code;

24 (2) the judges of the 65th, 300th, 301st, 302nd,
25 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311th,
26 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th,
27 321st, 322nd, 323rd, 324th, 325th, 326th, 328th, 329th, 330th,

1 360th, and 444th Family District Courts continue to serve as the
2 judges of the courts as redesignated by Subdivision (1) of this
3 section for the remainder of the term to which elected, unless
4 otherwise removed as provided by law; and

5 (3) a matter pending on that date in the 65th, 300th,
6 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th,
7 310th, 311th, 312th, 313th, 314th, 315th, 316th, 317th, 318th,
8 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 328th,
9 329th, 330th, 360th, or 444th Family District Court remains in that
10 court as redesignated by Subdivision (1) of this section unless
11 otherwise transferred to a different court as provided by law.

12 SECTION 3.77. On the effective date of this Act:

13 (1) the Criminal Judicial District of Dallas County,
14 Dallas County Criminal Judicial District No. 2, Dallas County
15 Criminal Judicial District No. 3, Dallas County Criminal Judicial
16 District No. 4, Dallas County Criminal Judicial District No. 5,
17 Dallas County Criminal Judicial District No. 6, Dallas County
18 Criminal Judicial District No. 7, El Paso County Criminal Judicial
19 District No. 1, Tarrant County Criminal Judicial District No. 1,
20 Tarrant County Criminal Judicial District No. 2, Tarrant County
21 Criminal Judicial District No. 3, Criminal Judicial District No. 4
22 of Tarrant County, and Criminal Judicial District of Jefferson
23 County are redesignated as the 461st Judicial District, 462nd
24 Judicial District, 463rd Judicial District, 464th Judicial
25 District, 465th Judicial District, 466th Judicial District, 467th
26 Judicial District, 468th Judicial District, 469th Judicial
27 District, 470th Judicial District, 471st Judicial District, 472nd

1 Judicial District, and 473rd Judicial District, respectively, and
2 are governed by Subchapter C, Chapter 24, Government Code;

3 (2) the judges of the Criminal Judicial District of
4 Dallas County, Dallas County Criminal Judicial District No. 2,
5 Dallas County Criminal Judicial District No. 3, Dallas County
6 Criminal Judicial District No. 4, Dallas County Criminal Judicial
7 District No. 5, Dallas County Criminal Judicial District No. 6,
8 Dallas County Criminal Judicial District No. 7, El Paso County
9 Criminal Judicial District No. 1, Tarrant County Criminal Judicial
10 District No. 1, Tarrant County Criminal Judicial District No. 2,
11 Tarrant County Criminal Judicial District No. 3, Criminal Judicial
12 District No. 4 of Tarrant County, and Criminal Judicial District of
13 Jefferson County continue to serve as the judges of the courts as
14 redesignated by Subdivision (1) of this section for the remainder
15 of the term to which elected, unless otherwise removed as provided
16 by law; and

17 (3) a matter pending on that date in the Criminal
18 Judicial District of Dallas County, Dallas County Criminal Judicial
19 District No. 2, Dallas County Criminal Judicial District No. 3,
20 Dallas County Criminal Judicial District No. 4, Dallas County
21 Criminal Judicial District No. 5, Dallas County Criminal Judicial
22 District No. 6, Dallas County Criminal Judicial District No. 7, El
23 Paso County Criminal Judicial District No. 1, Tarrant County
24 Criminal Judicial District No. 1, Tarrant County Criminal Judicial
25 District No. 2, Tarrant County Criminal Judicial District No. 3,
26 Criminal Judicial District No. 4 of Tarrant County, and Criminal
27 Judicial District of Jefferson County remains in that court as

1 redesignated by Subdivision (1) of this section unless otherwise
2 transferred to a different court as provided by law.

3 ARTICLE 4. STATUTORY COUNTY COURTS

4 SECTION 4.01. (a) Section 25.0001(a), Government Code, is
5 amended to read as follows:

6 (a) This subchapter applies to each statutory county court
7 in this state. If a provision of this subchapter, other than
8 Section 25.0003, conflicts with a specific provision for a
9 particular court or county, the specific provision controls.

10 (b) This section takes effect September 1, 2012.

11 SECTION 4.02. Section 25.0002, Government Code, is amended
12 to read as follows:

13 Sec. 25.0002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

14 (1) "Criminal law cases and proceedings" includes
15 cases and proceedings for allegations of conduct punishable in part
16 by confinement in the county jail not to exceed one year.

17 (2) "Family[, ~~"family~~] law cases and proceedings"
18 includes cases and proceedings under Titles 1, 2, 4, and 5, Family
19 Code [~~involving adoptions, birth records, or removal of disability~~
20 ~~of minority or coverture, change of names of persons, child~~
21 ~~welfare, custody, support and reciprocal support, dependency,~~
22 ~~neglect, or delinquency, paternity, termination of parental~~
23 ~~rights, divorce and marriage annulment, including the adjustment of~~
24 ~~property rights, custody and support of minor children involved~~
25 ~~therein, temporary support pending final hearing, and every other~~
26 ~~matter incident to divorce or annulment proceedings, independent~~
27 ~~actions involving child support, custody of minors, and wife or~~

1 ~~child desertion, and independent actions involving controversies~~
2 ~~between parent and child, between parents, and between spouses].~~

3 (3) "Juvenile law cases and proceedings" includes all
4 cases and proceedings brought under Title 3, Family Code.

5 (4) "Mental health causes and proceedings" includes
6 all cases and proceedings brought under Subtitle C, Title 7, Health
7 and Safety Code.

8 SECTION 4.03. (a) Section 25.0003(c), Government Code, is
9 amended to read as follows:

10 (c) In addition to other jurisdiction provided by law, a
11 statutory county court exercising civil jurisdiction concurrent
12 with the constitutional jurisdiction of the county court has
13 concurrent jurisdiction with the district court in:

14 (1) civil cases in which the matter in controversy
15 exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding
16 interest, statutory or punitive damages and penalties, and
17 attorney's fees and costs, as alleged on the face of the petition;
18 and

19 (2) appeals of final rulings and decisions of the
20 division of workers' compensation of the Texas Department of
21 Insurance regarding workers' compensation claims, regardless of
22 the amount in controversy.

23 (b) This section takes effect September 1, 2012.

24 SECTION 4.04. Section 25.0004, Government Code, is amended
25 by adding Subsection (f) to read as follows:

26 (f) The judge of a statutory county court does not have
27 general supervisory control or appellate review of the

1 commissioners court.

2 SECTION 4.05. Section 25.0007, Government Code, is amended
3 to read as follows:

4 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The
5 drawing of jury panels, selection of jurors, and practice in the
6 statutory county courts must conform to that prescribed by law for
7 county courts.

8 (b) Practice in a statutory county court is that prescribed
9 by law for county courts, except that practice, procedure, rules of
10 evidence, issuance of process and writs, and all other matters
11 pertaining to the conduct of trials and hearings in the statutory
12 county courts, other than the number of jurors, that involve those
13 matters of concurrent jurisdiction with district courts are
14 governed by the laws and rules pertaining to district courts. This
15 section does not affect local rules of administration adopted under
16 Section 74.093.

17 SECTION 4.06. Section 25.0010, Government Code, is amended
18 by amending Subsection (b) and adding Subsections (c), (d), (e),
19 and (f) to read as follows:

20 (b) The county attorney, assistant county attorney, [~~or~~
21 criminal district attorney, or assistant district attorney [~~and~~
22 ~~sheriff~~] shall attend and serve each statutory county court as
23 required by the judge of the court.

24 (c) A county sheriff shall in person or by deputy attend a
25 statutory county court as required by the court. A deputy sheriff
26 serves at the pleasure of the court to which the deputy is assigned
27 and may perform any official act or service required of the sheriff.

1 (d) The county clerk shall serve as clerk of each statutory
2 county court. The court officials shall perform the duties and
3 responsibilities of their offices and are entitled to the
4 compensation, fees, and allowances prescribed by law for those
5 offices.

6 (e) With the approval of the commissioners court, the judge
7 of a statutory county court may appoint the personnel necessary for
8 the operation of the court, including a court coordinator or
9 administrative assistant.

10 (f) The commissioners court may employ as many additional
11 assistant county attorneys, deputy sheriffs, and clerks as are
12 necessary for a statutory county court.

13 SECTION 4.07. (a) Section 25.0014, Government Code, is
14 amended to read as follows:

15 Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a
16 statutory county court must:

- 17 (1) be at least 25 years of age;
- 18 (2) be a United States citizen and have resided in the
19 county for at least two years before election or appointment; and
- 20 (3) be a licensed attorney in this state who has
21 practiced law or served as a judge of a court in this state, or both
22 combined, for the four years preceding election or appointment,
23 unless otherwise provided for by law.

24 (b) The change in law made by this Act to Section 25.0014,
25 Government Code, does not apply to a person serving as a statutory
26 county court judge immediately before the effective date of this
27 Act who met the qualifications of Section 25.0014, Government Code,

1 as it existed on that date, and the former law is continued in
2 effect for determining that person's qualifications to serve as a
3 statutory county court judge.

4 SECTION 4.08. Subchapter A, Chapter 25, Government Code, is
5 amended by adding Sections 25.0016, 25.00161, and 25.00162 to read
6 as follows:

7 Sec. 25.0016. TERMS OF COURT. The commissioners court, by
8 order, shall set at least two terms a year for the statutory county
9 court.

10 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge
11 of a statutory county court shall diligently discharge the duties
12 of the office on a full-time basis and may not engage in the private
13 practice of law.

14 Sec. 25.00162. SPECIAL JUDGE. A special judge of a
15 statutory county court may be appointed in the manner provided by
16 law for the appointment of a special county judge. If the judge of a
17 statutory county court is disqualified to try a case pending in the
18 judge's court, the parties or their attorneys may agree on the
19 selection of a special judge. A special judge must have the same
20 qualifications, and is entitled to the same rate of compensation,
21 as the regular judge. The commissioners court shall pay a special
22 judge out of the county's general fund.

23 SECTION 4.09. Section 25.0042(g), Government Code, is
24 amended to read as follows:

25 (g) The district clerk serves as clerk of a county court at
26 law in all cases arising under the Family Code and Section 23.001
27 and shall establish a separate docket for a county court at law; the

1 county clerk serves as clerk of the court in all other cases. [~~The~~
2 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
3 ~~as are necessary to serve the court.~~]

4 SECTION 4.10. Section 25.0102(h), Government Code, is
5 amended to read as follows:

6 (h) [~~Practice in a county court at law is that prescribed by~~
7 ~~law for county courts, except that practice and procedure, rules of~~
8 ~~evidence, issuance of process and writs, and all other matters~~
9 ~~pertaining to the conduct of trials and hearings in the county court~~
10 ~~at law involving family law cases and proceedings shall be governed~~
11 ~~by this section and the laws and rules pertaining to district~~
12 ~~courts.~~] If a family law case or proceeding is tried before a jury,
13 the jury shall be composed of 12 members; in all other cases the
14 jury shall be composed of six members.

15 SECTION 4.11. Sections 25.0132(e) and (f), Government Code,
16 are amended to read as follows:

17 (e) The district clerk serves as clerk of a county court at
18 law in family law cases and proceedings, and the county clerk serves
19 as clerk of the court in all other cases. The district clerk shall
20 establish a separate docket for a county court at law. [~~The~~
21 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
22 ~~as are necessary to serve a county court at law.~~]

23 (f) [~~Practice in a county court at law is that prescribed by~~
24 ~~law for county courts, except that practice and procedure, rules of~~
25 ~~evidence, issuance of process and writs, and all other matters~~
26 ~~pertaining to the conduct of trials and hearings in a county court~~
27 ~~at law involving family law cases and proceedings is that~~

1 ~~prescribed by law for district courts and county courts.]~~ If a
2 family law case or proceeding is tried before a jury, the jury shall
3 be composed of 12 members.

4 SECTION 4.12. Section 25.0172(s), Government Code, is
5 amended to read as follows:

6 (s) [~~Practice in a county court at law is that prescribed by~~
7 ~~law for county courts.]~~ Appeals and writs of error may be taken
8 from judgments and orders of a county court at law, in civil and
9 criminal cases, in the manner prescribed by law relating to appeals
10 and writs of error from a county court. Appeals may be taken from
11 interlocutory orders of a county court at law appointing a
12 receiver, overruling a motion to vacate, or overruling an order
13 appointing a receiver, and the procedure and manner in which
14 appeals from interlocutory orders are taken are governed by the
15 laws relating to the appeals from similar orders of district
16 courts.

17 SECTION 4.13. Section 25.0212(b), Government Code, is
18 amended to read as follows:

19 (b) A county court at law does not have [~~general supervisory~~
20 ~~control or appellate review of the commissioners court or~~
21 jurisdiction of:

- 22 (1) felony criminal matters;
- 23 (2) suits on behalf of the state to recover penalties
24 or escheated property;
- 25 (3) misdemeanors involving official misconduct;
- 26 (4) contested elections; or
- 27 (5) civil cases in which the matter in controversy

1 exceeds \$100,000, excluding interest, statutory or punitive
2 damages and penalties, and attorney's fees and costs, as alleged on
3 the face of the petition.

4 SECTION 4.14. Section 25.0222(k), Government Code, is
5 amended to read as follows:

6 (k) The district clerk serves as clerk of the statutory
7 county courts in cases instituted in the district courts in which
8 the district courts and statutory county courts have concurrent
9 jurisdiction, and the county clerk serves as clerk for all other
10 cases. [~~The commissioners court may employ as many additional
11 assistant criminal district attorneys, deputy sheriffs, and deputy
12 clerks as are necessary to serve the statutory county courts.~~]

13 SECTION 4.15. Section 25.0312(b), Government Code, is
14 amended to read as follows:

15 (b) A county court at law does not have [~~general supervisory
16 control or appellate review of the commissioners court or~~]
17 jurisdiction of:

- 18 (1) felony cases other than writs of habeas corpus;
- 19 (2) misdemeanors involving official misconduct;
- 20 (3) contested elections; or
- 21 (4) appeals from county court.

22 SECTION 4.16. Section 25.0362(b), Government Code, is
23 amended to read as follows:

24 (b) A county court at law does not have [~~general supervisory
25 control or appellate review of the commissioners court or~~]
26 jurisdiction of:

- 27 (1) misdemeanors involving official misconduct;

- 1 (2) suits on behalf of the state to recover penalties
2 or escheated property;
- 3 (3) contested elections;
- 4 (4) suits in which the county is a party; or
- 5 (5) felony cases involving capital murder.

6 SECTION 4.17. Section 25.0632(g), Government Code, is
7 amended to read as follows:

8 (g) [~~Jurors regularly impaneled for the week by the district~~
9 ~~courts of Denton County must include sufficient numbers to serve in~~
10 ~~the statutory county courts and statutory probate courts as well as~~
11 ~~the district courts. The jurors shall be made available by the~~
12 ~~district judge as necessary.] The jury in a statutory county court
13 or statutory probate court in all civil or criminal matters is
14 composed of 12 members, except that in misdemeanor criminal cases
15 and any other case in which the court has jurisdiction that under
16 general law would be concurrent with the county court, the jury is
17 composed of six members.~~

18 SECTION 4.18. Section 25.0633(f), Government Code, is
19 amended to read as follows:

20 (f) The County Court at Law No. 2 of Denton County does not
21 have jurisdiction over [+

22 ~~(1) causes and proceedings concerning roads,~~
23 ~~bridges, and public highways,~~

24 ~~(2) the general administration of county business~~
25 ~~that is within the jurisdiction of the commissioners court of each~~
26 ~~county, or~~

27 ~~(3)]~~ criminal causes and proceedings.

1 SECTION 4.19. Section 25.0732(r), Government Code, is
2 amended to read as follows:

3 (r) Section [~~Sections~~] 25.0006(b) does [~~and 25.0007 do~~] not
4 apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso
5 County, Texas.

6 SECTION 4.20. Sections 25.0733(a) and (c), Government Code,
7 are amended to read as follows:

8 (a) Sections 25.0732(g) and [~~25.0732(d), (h), (i), (j),~~
9 ~~(m), (n), (o), (p), (q),~~] (r) [~~, and (v)~~], relating to county courts
10 at law in El Paso County, apply to a statutory probate court in El
11 Paso County.

12 (c) With the approval of the commissioners court, a judge of
13 a statutory probate court may appoint an [~~administrative assistant,~~
14 ~~court coordinator,~~] auditor [~~, and other staff necessary for the~~
15 ~~operation of the courts~~]. The commissioners court, with the advice
16 and counsel of the judge, sets the salary [~~salaries~~] of the auditor
17 [~~staff~~].

18 SECTION 4.21. Sections 25.0862(i) and (l), Government Code,
19 are amended to read as follows:

20 (i) [~~The clerk of the statutory county courts and statutory~~
21 ~~probate court shall keep a separate docket for each court.~~] The
22 clerk shall tax the official court reporter's fees as costs in civil
23 actions in the same manner as the fee is taxed in civil cases in the
24 district courts. [~~The district clerk serves as clerk of the county~~
25 ~~courts in a cause of action arising under the Family Code and an~~
26 ~~appeal of a final ruling or decision of the division of workers'~~
27 ~~compensation of the Texas Department of Insurance regarding~~

1 ~~workers' compensation claims, and the county clerk serves as clerk~~
2 ~~of the court in all other cases.]~~

3 (1) Each reporter may be made available when not engaged in
4 proceedings in their court to report proceedings in all other
5 courts. [~~Practice, appeals, and writs of error in a statutory~~
6 ~~county court are as prescribed by law for county courts and county~~
7 ~~courts at law.] Appeals and writs of error may be taken from
8 judgments and orders of the County Courts Nos. 1, 2, and 3 of
9 Galveston County and the judges, in civil and criminal cases, in the
10 manner prescribed by law for appeals and writs of error. Appeals
11 from interlocutory orders of the County Courts Nos. 1, 2, and 3
12 appointing a receiver or overruling a motion to vacate or appoint a
13 receiver may be taken and are governed by the laws relating to
14 appeals from similar orders of district courts.~~

15 SECTION 4.22. Section 25.0962(f), Government Code, is
16 amended to read as follows:

17 (f) [~~Practice in a county court at law is that prescribed by~~
18 ~~law for county courts, except that practice and procedure, rules of~~
19 ~~evidence, issuance of process and writs, and all other matters~~
20 ~~pertaining to the conduct of trials and hearings in a county court~~
21 ~~at law involving cases in the court's concurrent jurisdiction with~~
22 ~~the district court shall be governed by this section and the laws~~
23 ~~and rules pertaining to district courts as well as county courts.]~~

24 If a case in the court's concurrent jurisdiction with the district
25 court is tried before a jury, the jury shall be composed of 12
26 members.

27 SECTION 4.23. Section 25.1034(i), Government Code, is

1 amended to read as follows:

2 (i) With the approval of the commissioners court, a judge of
3 a statutory probate court may appoint an ~~[administrative assistant,~~
4 ~~a court coordinator, an]~~ auditor ~~[, and other staff necessary for~~
5 ~~the operation of the courts]~~. The commissioners court, with the
6 advice and counsel of the judges, sets the salary ~~[salaries]~~ of the
7 auditor ~~[staff]~~.

8 SECTION 4.24. Section 25.1042(g), Government Code, is
9 amended to read as follows:

10 (g) The criminal district attorney is entitled to the same
11 fees prescribed by law for prosecutions in the county court. ~~[The~~
12 ~~commissioners court may employ as many additional deputy sheriffs~~
13 ~~and clerks as are necessary to serve a county court at law.]~~

14 SECTION 4.25. Sections 25.1072(e) and (f), Government Code,
15 are amended to read as follows:

16 (e) The county clerk serves as clerk of a county court at
17 law, except that the district clerk serves as clerk of the court in
18 family law cases and proceedings. The district clerk shall
19 establish a separate docket for a county court at law. ~~[The~~
20 ~~commissioners court may employ as many assistant district~~
21 ~~attorneys, deputy sheriffs, and bailiffs as are necessary to serve~~
22 ~~the court.]~~

23 (f) ~~[Practice in a county court at law is that prescribed by~~
24 ~~law for county courts, except that practice and procedure, rules of~~
25 ~~evidence, issuance of process and writs, and other matters~~
26 ~~pertaining to the conduct of trials and hearings in a county court~~
27 ~~at law involving family law cases and proceedings are governed by~~

1 ~~this section and the laws and rules pertaining to district courts,~~
2 ~~as well as county courts.]~~ If a family law case or proceeding is
3 tried before a jury, the jury shall be composed of 12 members.

4 SECTION 4.26. Section 25.1142(b), Government Code, is
5 amended to read as follows:

6 (b) A county court at law does not have [~~general supervisory~~
7 ~~control or appellate review of the commissioners court or~~]
8 jurisdiction of:

9 (1) civil cases in which the amount in controversy
10 exceeds \$100,000, excluding interest;

11 (2) felony jury trials;

12 (3) suits on behalf of the state to recover penalties
13 or escheated property;

14 (4) misdemeanors involving official misconduct; or

15 (5) contested elections.

16 SECTION 4.27. Section 25.1312(b), Government Code, is
17 amended to read as follows:

18 (b) A statutory county court in Kaufman County does not have
19 [~~general supervisory control or appellate review of the~~
20 ~~commissioners court or~~] jurisdiction of:

21 (1) felony cases involving capital murder;

22 (2) suits on behalf of the state to recover penalties
23 or escheated property;

24 (3) misdemeanors involving official misconduct; or

25 (4) contested elections.

26 SECTION 4.28. Section 25.1412(c), Government Code, is
27 amended to read as follows:

1 (c) The judge of a county court at law[+
2 [~~(1)~~ may not engage in the private practice of law; and
3 [~~(2)~~] must comply with Canon 4 of the Code of Judicial
4 Conduct.

5 SECTION 4.29. Section 25.1542(m), Government Code, is
6 amended to read as follows:

7 (m) [~~Practice and procedure and rules of evidence governing
8 trials in and appeals from a county court apply to a county court at
9 law, except that practice and procedure, rules of evidence,
10 issuance of process and writs, and all other matters pertaining to
11 the conduct of trials and hearings involving family law cases and
12 proceedings shall be governed by this section and the laws and rules
13 pertaining to district courts as well as county courts.] In family
14 law cases, juries shall be composed of 12 members.~~

15 SECTION 4.30. Section 25.1652(g), Government Code, is
16 amended to read as follows:

17 (g) [~~Practice in a county court at law is that prescribed by
18 law for county courts, except that practice and procedure, rules of
19 evidence, issuance of process and writs, and all other matters
20 pertaining to the conduct of trials and hearings involving family
21 law matters and proceedings shall be governed by this section and
22 the laws and rules pertaining to district courts.] If a family law
23 case is tried before a jury, the jury shall be composed of 12
24 members.~~

25 SECTION 4.31. Section 25.1762(i), Government Code, is
26 amended to read as follows:

27 (i) [~~The laws governing the drawing, selection, service,~~

1 ~~and pay of jurors for county courts apply to a county court at law.~~
2 ~~Jurors regularly impaneled for a week by a district court may, at~~
3 ~~the request of the judge of a county court at law, be made available~~
4 ~~by the district judge in the numbers requested and shall serve for~~
5 ~~the week in the county court at law.]~~ In matters of concurrent
6 jurisdiction with the district court, if a party to a suit files a
7 written request for a 12-member jury with the clerk of the county
8 court at law at a reasonable time that is not later than 30 days
9 before the date the suit is set for trial, the jury shall be
10 composed of 12 members.

11 SECTION 4.32. Section 25.1792(e), Government Code, is
12 amended to read as follows:

13 (e) The judge may not receive from a law firm any money other
14 than money earned before taking office. [~~The judge may not engage~~
15 ~~in the private practice of law.]~~

16 SECTION 4.33. Sections 25.1852(e) and (i), Government Code,
17 are amended to read as follows:

18 (e) The judge may not receive any money from a law firm,
19 except money earned before taking office. [~~The judge of a county~~
20 ~~court at law may not engage in the private practice of law.]~~

21 (i) [~~If the regular judge of a county court at law is absent~~
22 ~~or disqualified from presiding, the presiding judge of the~~
23 ~~administrative judicial region in which the county is located may~~
24 ~~appoint a person with the same qualifications as the regular judge~~
25 ~~to sit as special judge. A retired district or county court at law~~
26 ~~judge may be appointed as a special judge. The only residency~~
27 ~~requirement for a retired judge is that the judge reside in the~~

1 ~~administrative judicial region.]~~ A special judge must take the
2 oath of office required by law for the regular judge and has the
3 power and jurisdiction of the court and of the regular judge. A
4 special judge may sign orders, judgments, decrees, or other process
5 of any kind as "Judge Presiding" when acting for the regular judge.
6 ~~[A special judge receives the same rate of compensation as the~~
7 ~~regular judge. The compensation shall be paid out of the county~~
8 ~~funds on certification by the presiding judge of the administrative~~
9 ~~judicial region that the special judge has rendered the services~~
10 ~~and is entitled to receive the compensation. The amount paid to the~~
11 ~~special judge may not be deducted from the salary of the regular~~
12 ~~judge.]~~

13 SECTION 4.34. Section 25.1892(e), Government Code, is
14 amended to read as follows:

15 (e) ~~[The county attorney or district attorney serves a~~
16 ~~county court at law as required by the judge.]~~ The district clerk
17 serves as clerk of a county court at law in cases enumerated in
18 Subsection (a)(2), and the county clerk serves as clerk in all other
19 cases. The district clerk shall establish a separate docket for a
20 county court at law. ~~[The commissioners court may employ as many~~
21 ~~additional assistant county attorneys, deputy sheriffs, and clerks~~
22 ~~as are necessary to serve a county court at law.]~~

23 SECTION 4.35. Section 25.1932(i), Government Code, is
24 amended to read as follows:

25 (i) ~~[Practice in a county court at law is that prescribed by~~
26 ~~law for county courts, except that practice and procedure, rules of~~
27 ~~evidence, issuance of process and writs, and all other matters~~

1 ~~pertaining to the conduct of trials and hearings in a county court~~
2 ~~at law involving cases in the court's concurrent jurisdiction with~~
3 ~~the district court shall be governed by this section and the laws~~
4 ~~and rules pertaining to district courts as well as county courts.]~~

5 If a case in the court's concurrent jurisdiction with the district
6 court is tried before a jury, the jury shall be composed of 12
7 members.

8 SECTION 4.36. Section 25.2012(b), Government Code, is
9 amended to read as follows:

10 (b) A county court at law does not have [~~general supervisory~~
11 ~~control or appellate review of the commissioners court or~~
12 jurisdiction of:

- 13 (1) felony cases involving capital murder;
14 (2) suits on behalf of the state to recover penalties
15 or escheated property;
16 (3) misdemeanors involving official misconduct; or
17 (4) contested elections.

18 SECTION 4.37. Section 25.2142(n), Government Code, is
19 amended to read as follows:

20 (n) [~~A special judge of a county court at law is entitled to~~
21 ~~receive for services actually performed the same amount of~~
22 ~~compensation as the regular judge.] A former judge sitting as a
23 visiting judge of a county court at law is entitled to receive for
24 services performed the same amount of compensation that the regular
25 judge receives, less an amount equal to the pro rata annuity
26 received from any state, district, or county retirement fund. An
27 active judge sitting as a visiting judge of a county court at law is~~

1 entitled to receive for services performed the same amount of
2 compensation that the regular judge receives, less an amount equal
3 to the pro rata compensation received from state or county funds as
4 salary, including supplements.

5 SECTION 4.38. Section 25.2293(j), Government Code, is
6 amended to read as follows:

7 (j) The judge of a statutory probate court may appoint an
8 ~~[administrative assistant and an]~~ auditor to aid the judge in the
9 performance of his duties. The judge sets the salary of the
10 ~~[administrative assistant and the salary of the]~~ auditor by an
11 order entered in the minutes of the court. The appointment
12 ~~[appointments]~~ and the salary ~~[salaries]~~ may be changed only by
13 order of the judge. The salary ~~[salaries]~~ of the auditor ~~[and the~~
14 ~~administrative assistant]~~ shall be paid monthly out of the county's
15 general fund or any other fund available for that purpose.

16 SECTION 4.39. Section 25.2352(i), Government Code, is
17 amended to read as follows:

18 (i) ~~[Practice in a county court at law is that prescribed by~~
19 ~~law for county courts, except that practice and procedure, rules of~~
20 ~~evidence, issuance of process and writs, and all other matters~~
21 ~~pertaining to the conduct of trials and hearings involving family~~
22 ~~law cases and proceedings shall be governed by this section and the~~
23 ~~laws and rules pertaining to district courts.]~~ If a family law case
24 is tried before a jury, the jury shall be composed of 12 members.

25 SECTION 4.40. Section 25.2382(i), Government Code, is
26 amended to read as follows:

27 (i) ~~[Practice in a county court at law is that prescribed by~~

1 ~~law for county courts, except that practice and procedure, rules of~~
2 ~~evidence, issuance of process and writs, and all other matters~~
3 ~~pertaining to the conduct of trials and hearings in a county court~~
4 ~~at law involving matters enumerated in Subsection (a)(2)(B) or (C)~~
5 ~~shall be governed by this section and the laws and rules pertaining~~
6 ~~to district courts.] If a family law case [~~in Subsection (a)(2)(B)~~~~

7 ~~or (C)] is tried before a jury, the jury shall be composed of 12~~

8 members.

9 SECTION 4.41. Sections 25.2422(g) and (h), Government Code,
10 are amended to read as follows:

11 (g) The district attorney of the 49th Judicial District
12 serves as district attorney of a county court at law, except that
13 the county attorney of Webb County prosecutes all juvenile, child
14 welfare, mental health, and other civil cases in which the state is
15 a party. The district clerk serves as clerk of a county court at law
16 in the cases enumerated in Subsection (a)(2), and the county clerk
17 serves as clerk of a county court at law in all other cases. [~~The~~
18 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
19 ~~as are necessary to serve the court.]~~

20 (h) [~~Practice and procedure, rules of evidence, issuance of~~
21 ~~process and writs, and all other matters pertaining to the conduct~~
22 ~~of trials and hearings in a county court at law involving those~~
23 ~~matters of concurrent jurisdiction enumerated in Subsection~~
24 ~~(a)(2)(B) or (C) are governed by this section and the laws and rules~~
25 ~~pertaining to district courts, as well as county courts.] If a
26 family law case [~~enumerated in Subsection (a)(2)(B) or (C)] is~~
27 tried before a jury, the jury shall be composed of 12 members.~~

1 SECTION 4.42. Section 25.2452(k), Government Code, is
2 amended to read as follows:

3 (k) Except as otherwise required by law, if a case is tried
4 before a jury, the jury shall be composed of six members and may
5 render verdicts by a five to one margin in civil cases and a
6 unanimous verdict in criminal cases. ~~[The laws governing the
7 drawing, selection, service, and pay of jurors for county courts
8 apply to the county courts at law. Jurors regularly impaneled for a
9 week by a district court may, on request of the county judge
10 exercising the jurisdiction provided by this section or a county
11 court at law judge, be made available and shall serve for the week
12 in the county court or county court at law.]~~

13 SECTION 4.43. Section 25.2462(h), Government Code, is
14 amended to read as follows:

15 (h) ~~[The county attorney and the county sheriff shall attend
16 a county court at law as required by the judge.]~~ The district clerk
17 serves as clerk of a county court at law in family law cases and
18 proceedings, and the county clerk serves as clerk of the court in
19 all other cases and proceedings.

20 SECTION 4.44. Section 25.2482(i), Government Code, is
21 amended to read as follows:

22 (i) ~~[The county attorney and the county sheriff shall attend
23 a county court at law as required by the judge.]~~ The district clerk
24 serves as clerk of a county court at law in family law cases and
25 proceedings, and the county clerk serves as clerk of the court in
26 all other cases and proceedings.

27 SECTION 4.45. The following sections of Chapter 25,

1 Government Code, are repealed:

- 2 (1) Sections 25.0042(b), (d), (f), (i), and (j);
- 3 (2) Sections 25.0052(b), (f), (g), and (h);
- 4 (3) Sections 25.0102(b), (d), (f), and (i);
- 5 (4) Sections 25.0132(d), (g), and (h);
- 6 (5) Sections 25.0152(c) and (e);
- 7 (6) Sections 25.0162(b), (f), (g), (h), and (i);
- 8 (7) Sections 25.0172(m) and (n);
- 9 (8) Section 25.0173(d);
- 10 (9) Sections 25.0212(c), (e), and (g);
- 11 (10) Sections 25.0222(d), (e), (i), (j), and (n);
- 12 (11) Sections 25.0232(b), (d), (f), (h), and (i);
- 13 (12) Sections 25.0272(b), (c), and (e);
- 14 (13) Sections 25.0292(b), (c), (h), and (i);
- 15 (14) Sections 25.0302(b), (d), (f), and (g);
- 16 (15) Sections 25.0312(c), (e), and (j);
- 17 (16) Sections 25.0332(e), (g), (i), (k), (l), and (m);
- 18 (17) Section 25.0362(c);
- 19 (18) Sections 25.0392(b), (d), (f), (i), (j), and (k);
- 20 (19) Sections 25.0452(b), (c), and (d);
- 21 (20) Sections 25.0453(a), (c), (d), and (e);
- 22 (21) Sections 25.0482(b), (d), (e), (g), and (h);
- 23 (22) Sections 25.0512(a), (b), (d), (g), and (h);
- 24 (23) Sections 25.0522(b), (d), (f), and (g);
- 25 (24) Sections 25.0592(b), (h), (i), (j), and (k);
- 26 (25) Sections 25.0593(d), (f), (g), (h), (i), and (j);
- 27 (26) Sections 25.0594(d), (e), (g), (h), (i), (j), and

- 1 (k);
- 2 (27) Sections 25.0595(c), (d), (f), and (g);
- 3 (28) Section 25.0596;
- 4 (29) Sections 25.0632(a), (b), and (d);
- 5 (30) Sections 25.0702(b), (g), (h), (j), (k), and (l);
- 6 (31) Sections 25.0722(b), (d), (f), (j), and (k);
- 7 (32) Sections 25.0732(d), (h), (i), (j), (m), (n),
- 8 (o), (p), (s), and (v);
- 9 (33) Section 25.0733(d);
- 10 (34) Section 25.0742(b);
- 11 (35) Sections 25.0812(d), (f), (h), (j), and (l);
- 12 (36) Section 25.0862(f);
- 13 (37) Sections 25.0932(e), (f), and (i);
- 14 (38) Sections 25.0942(c), (f), (g), (j), and (k);
- 15 (39) Sections 25.0962(d), (e), and (g);
- 16 (40) Sections 25.1032(d), (e), (g), (h), and (k);
- 17 (41) Sections 25.1033(d), (e), (f), (i), (m), and (o);
- 18 (42) Sections 25.1034(c), (h), (k), and (l);
- 19 (43) Sections 25.1042(b), (d), (f), (h), and (i);
- 20 (44) Sections 25.1072(b), (d), (g), and (h);
- 21 (45) Sections 25.1092(e), (f), (l), and (o);
- 22 (46) Sections 25.1102(d), (e), (h), (i), (j), and (l);
- 23 (47) Section 25.1103;
- 24 (48) Sections 25.1112(b), (c), (f), and (k);
- 25 (49) Sections 25.1132(f), (g), (h), (j), (l), (m), and
- 26 (p);
- 27 (50) Sections 25.1142(c), (e), and (g);

- 1 (51) Sections 25.1152(b), (e), (f), (h), and (i);
- 2 (52) Sections 25.1182(b), (e), (f), (g), and (h);
- 3 (53) Sections 25.1252(c), (g), and (i);
- 4 (54) Sections 25.1282(b), (d), (f), (h), and (i);
- 5 (55) Sections 25.1312(d), (e), (i), (k), (l), and (n);
- 6 (56) Sections 25.1322(d), (e), (f), (i), and (j);
- 7 (57) Sections 25.1352(d) and (h);
- 8 (58) Sections 25.1392(e), (g), and (i);
- 9 (59) Sections 25.1412(b), (e), (h), (i), and (k);
- 10 (60) Sections 25.1482(d), (g), (h), (l), and (m);
- 11 (61) Sections 25.1542(f), (i), (k), and (n);
- 12 (62) Sections 25.1572(e), (f), and (g);
- 13 (63) Sections 25.1652(d), (f), and (h);
- 14 (64) Sections 25.1672(b) and (f);
- 15 (65) Sections 25.1722(b), (c), and (g);
- 16 (66) Sections 25.1732(d), (e), (f), (h), and (i);
- 17 (67) Sections 25.1762(b), (e), (f), and (h);
- 18 (68) Sections 25.1792(f), (h), (i), and (j);
- 19 (69) Sections 25.1802(c), (h), (i), (j), (k), (l), and
- 20 (q);
- 21 (70) Sections 25.1832(b), (d), and (j);
- 22 (71) Section 25.1852(f);
- 23 (72) Sections 25.1862(c), (f), (h), (i), (j), (m),
- 24 (n), (p), (q), and (u);
- 25 (73) Section 25.1892(d);
- 26 (74) Sections 25.1902(e), (g), (i), (j), and (k);
- 27 (75) Sections 25.1932(b), (c), (f), (h), and (j);

- 1 (76) Sections 25.1972(b), (d), (f), (h), and (j);
- 2 (77) Sections 25.2012(d), (e), (i), (k), (l), and (n);
- 3 (78) Sections 25.2032(c), (e), and (h);
- 4 (79) Sections 25.2072(c), (e), (f), (h), and (i);
- 5 (80) Sections 25.2142(c), (e), (i), (r), (t), and (u);
- 6 (81) Sections 25.2162(d), (f), (h), (j), and (k);
- 7 (82) Sections 25.2222(c), (g), (h), (i), (k), and (n);
- 8 (83) Sections 25.2223(c), (e), (g), (h), and (j);
- 9 (84) Sections 25.2224(b), (c), (f), (g), (i), and (j);
- 10 (85) Sections 25.2232(b), (e), (f), and (g);
- 11 (86) Sections 25.2282(b), (d), (f), (g), (i), and (j);
- 12 (87) Sections 25.2292(b), (e), (i), (k), and (l);
- 13 (88) Sections 25.2293(e), (f), (g), (k), and (l);
- 14 (89) Sections 25.2352(b), (d), (f), (g), and (j);
- 15 (90) Sections 25.2372(c), (f), (g), (h), and (i);
- 16 (91) Sections 25.2382(b), (d), (f), and (j);
- 17 (92) Sections 25.2392(b), (d), (f), and (j);
- 18 (93) Sections 25.2412(b), (d), (f), (i), and (k);
- 19 (94) Sections 25.2422(b), (d), (f), (i), and (j);
- 20 (95) Sections 25.2452(f), (h), and (j);
- 21 (96) Sections 25.2462(c), (d), (e), (g), (i), and (j);
- 22 (97) Sections 25.2482(d), (e), (f), (h), (j), and (k);
- 23 and
- 24 (98) Sections 25.2512(b), (e), (h), and (i).

25 ARTICLE 5. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

26 SECTION 5.01. Section 27.004(b), Government Code, is
27 amended to read as follows:

1 (b) A person who has possession of dockets, books, or papers
2 belonging to the office of any justice of the peace shall deliver
3 them to the justice on demand. If the person refuses to deliver
4 them, on a motion supported by an affidavit, the person may be
5 attached and imprisoned by the order of the district court [~~county~~
6 ~~judge~~] until the person makes delivery. [~~The county judge may issue~~
7 ~~the order in termtime or vacation.~~] The person against whom the
8 motion is made must be given three days' notice of the motion before
9 the person may be attached.

10 SECTION 5.02. (a) Section 27.005(a), Government Code, is
11 amended to read as follows:

12 (a) For purposes of removal under Chapter 87, Local
13 Government Code, "incompetency" in the case of a justice of the
14 peace includes the failure of the justice to successfully complete:

15 (1) within one year after the date the justice is first
16 elected, an 80-hour course in the performance of the justice's
17 duties; and

18 (2) each following year:

19 (A) [~~7~~] a 20-hour course in the performance of
20 the justice's duties; and

21 (B) a 10-hour course in substantive, procedural,
22 and evidentiary law.

23 (b) Subject to Subsection (c) of this section, Section
24 27.005(a), Government Code, as amended by this section, applies to
25 a justice of the peace serving on or after the effective date of
26 this article, regardless of the date the justice was elected or
27 appointed.

1 (c) A justice of the peace serving on the effective date of
2 this article must complete the justice's initial 10-hour course in
3 substantive, procedural, and evidentiary law required by Section
4 27.005(a)(2)(B), Government Code, as added by this section, not
5 later than August 31, 2010.

6 SECTION 5.03. Subchapter B, Chapter 27, Government Code, is
7 amended by adding Section 27.035 to read as follows:

8 Sec. 27.035. LIMITATION ON AWARDS. A justice court may not
9 award a judgment that exceeds \$10,000, exclusive of interest and
10 costs of court.

11 SECTION 5.04. Subchapter C, Chapter 27, Government Code, is
12 amended by adding Section 27.060 to read as follows:

13 Sec. 27.060. SMALL CLAIMS. (a) A justice court shall
14 conduct proceedings in a small claims case, as that term is defined
15 by the supreme court, in accordance with rules of civil procedure
16 promulgated by the supreme court to ensure the fair, expeditious,
17 and inexpensive resolution of small claims cases.

18 (b) Rules of the supreme court must provide that:

19 (1) if both parties appear, the judge shall proceed to
20 hear the case;

21 (2) formal pleadings other than the statement are not
22 required;

23 (3) the judge shall hear the testimony of the parties
24 and the witnesses that the parties produce and shall consider the
25 other evidence offered;

26 (4) the hearing is informal, with the sole objective
27 being to dispense speedy justice between the parties;

1 (5) discovery is limited to that considered
2 appropriate and permitted by the judge; and

3 (6) the judge shall develop the facts of the case, and
4 for that purpose may question a witness or party and may summon any
5 party to appear as a witness as the judge considers necessary to a
6 correct judgment and speedy disposition of the case.

7 SECTION 5.05. Subchapter C, Chapter 27, Government Code, is
8 amended by adding Section 27.061 to read as follows:

9 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the
10 peace in each county shall, by majority vote, adopt local rules of
11 administration.

12 SECTION 5.06. Subchapter A, Chapter 28, Government Code, is
13 amended by adding Section 28.007 to read as follows:

14 Sec. 28.007. LIMITATION ON AWARDS. A small claims court may
15 not award a judgment that exceeds \$10,000, exclusive of interest
16 and costs of court.

17 SECTION 5.07. (a) Section 28.053(d), Government Code, is
18 amended to read as follows:

19 (d) Judgment of the county court or county court at law on
20 the appeal may be appealed to the appropriate court of appeals [~~is~~
21 ~~final~~].

22 (b) Section 28.053(d), Government Code, as amended by this
23 section takes effect September 1, 2009.

24 SECTION 5.08. Subchapter E, Chapter 15, Civil Practice and
25 Remedies Code, is amended by adding Section 15.0821 to read as
26 follows:

27 Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The

1 justices of the peace in each county shall, by majority vote, adopt
2 local rules of administration regarding the transfer of a pending
3 case from one precinct to a different precinct.

4 SECTION 5.09. Article 4.12, Code of Criminal Procedure, is
5 amended by adding Subsection (e) to read as follows:

6 (e) The justices of the peace in each county shall, by
7 majority vote, adopt local rules of administration regarding the
8 transfer of a pending misdemeanor case from one precinct to a
9 different precinct.

10 SECTION 5.10. (a) Chapter 28, Government Code, is
11 repealed.

12 (b) On the effective date of this section, each small claims
13 court under Chapter 28, Government Code, is abolished.

14 SECTION 5.11. Not later than January 1, 2011, the Texas
15 Supreme Court shall promulgate:

16 (1) rules to define cases that constitute small claims
17 cases;

18 (2) rules of civil procedure applicable to small
19 claims cases as required by Section 27.060, Government Code, as
20 added by this article; and

21 (3) rules for eviction proceedings.

22 SECTION 5.12. (a) Immediately before the date the small
23 claims court in a county is abolished in accordance with this
24 article, the justice of the peace sitting as judge of that court
25 shall transfer all cases pending in the court to a justice court in
26 the county.

27 (b) When a case is transferred as provided by Subsection (a)

1 of this section, all processes, writs, bonds, recognizances, or
2 other obligations issued from the transferring court are returnable
3 to the court to which the case is transferred as if originally
4 issued by that court. The obligees on all bonds and recognizances
5 taken in and for the transferring court and all witnesses summoned
6 to appear in the transferring court are required to appear before
7 the court to which the case is transferred as if originally required
8 to appear before that court.

9 SECTION 5.13. Sections 5.04 and 5.10 of this article take
10 effect January 1, 2011.

11 ARTICLE 6. ASSOCIATE JUDGES

12 SECTION 6.01. Subtitle D, Title 2, Government Code, is
13 amended by adding Chapter 54A to read as follows:

14 CHAPTER 54A. ASSOCIATE JUDGES

15 SUBCHAPTER A. CRIMINAL LAW ASSOCIATE JUDGES

16 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
17 district court or a statutory county court that gives preference to
18 criminal cases.

19 Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject
20 to this subchapter, with the consent and approval of the
21 commissioners court of the county in which the court has
22 jurisdiction, may appoint a full-time or part-time associate judge
23 to perform the duties authorized by this subchapter.

24 (b) If a court has jurisdiction in more than one county, an
25 associate judge appointed by that court may serve only in a county
26 in which the commissioners court has authorized the appointment.

27 (c) If more than one court in a county is subject to this

1 subchapter, the commissioners court may authorize the appointment
2 of an associate judge for each court or may authorize one or more
3 associate judges to share service with two or more courts.

4 (d) If an associate judge serves more than one court, the
5 associate judge's appointment must be made with the unanimous
6 approval of all the judges under whom the associate judge serves.

7 Sec. 54A.003. QUALIFICATIONS. To qualify for appointment
8 as an associate judge under this subchapter, a person must:

9 (1) be a resident of this state and one of the counties
10 the person will serve;

11 (2) have been licensed to practice law in this state
12 for at least four years;

13 (3) not have been defeated for reelection to a
14 judicial office;

15 (4) not have been removed from office by impeachment,
16 by the supreme court, by the governor on address to the legislature,
17 by a tribunal reviewing a recommendation of the State Commission on
18 Judicial Conduct, or by the legislature's abolition of the judge's
19 court; and

20 (5) not have resigned from office after having
21 received notice that formal proceedings by the State Commission on
22 Judicial Conduct had been instituted as provided by Section 33.022
23 and before final disposition of the proceedings.

24 Sec. 54A.004. COMPENSATION. (a) An associate judge shall
25 be paid a salary determined by the commissioners court of the county
26 in which the associate judge serves.

27 (b) If an associate judge serves in more than one county,

1 the associate judge shall be paid a salary as determined by
2 agreement of the commissioners courts of the counties in which the
3 associate judge serves.

4 (c) The associate judge's salary is paid from the county
5 fund available for payment of officers' salaries.

6 Sec. 54A.005. TERMINATION. (a) An associate judge who
7 serves a single court serves at the will of the judge of that court.

8 (b) The employment of an associate judge who serves more
9 than two courts may only be terminated by a majority vote of all the
10 judges of the courts the associate judge serves.

11 (c) The employment of an associate judge who serves two
12 courts may be terminated by either of the judges of the courts the
13 associate judge serves.

14 (d) To terminate an associate judge's employment, the
15 appropriate judges must sign a written order of termination. The
16 order must state:

17 (1) the associate judge's name and state bar
18 identification number;

19 (2) each court ordering termination; and

20 (3) the date the associate judge's employment ends.

21 Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) A
22 judge may refer to an associate judge any matter arising out of a
23 criminal case involving:

24 (1) a negotiated plea of guilty before the court;

25 (2) a bond forfeiture;

26 (3) a pretrial motion;

27 (4) a postconviction writ of habeas corpus;

- 1 (5) an examining trial;
2 (6) an occupational driver's license;
3 (7) an appeal of an administrative driver's license
4 revocation hearing; and
5 (8) any other matter the judge considers necessary and
6 proper.

7 (b) An associate judge may accept a plea of guilty from a
8 defendant charged with misdemeanor, felony, or both misdemeanor and
9 felony offenses.

10 (c) An associate judge has all of the powers of a magistrate
11 under the laws of this state and may administer an oath for any
12 purpose.

13 (d) An associate judge may select a jury. An associate
14 judge may not preside over a trial on the merits, whether or not the
15 trial is before a jury.

16 Sec. 54A.007. ORDER OF REFERRAL. (a) To refer one or more
17 cases to an associate judge, a judge must issue a written order of
18 referral that specifies the associate judge's duties.

19 (b) An order of referral may:

20 (1) limit the powers of the associate judge and direct
21 the associate judge to report only on specific issues, do
22 particular acts, or receive and report on evidence only;

23 (2) set the time and place for the hearing;

24 (3) prescribe a closing date for the hearing;

25 (4) provide a date for filing the associate judge's
26 findings;

27 (5) designate proceedings for more than one case over

1 which the associate judge shall preside;

2 (6) direct the associate judge to call the court's
3 docket; and

4 (7) set forth general powers and limitations or
5 authority of the associate judge applicable to any case referred.

6 Sec. 54A.008. POWERS. (a) Except as limited by an order of
7 referral, an associate judge to whom a case is referred may:

8 (1) conduct hearings;

9 (2) hear evidence;

10 (3) compel production of relevant evidence;

11 (4) rule on the admissibility of evidence;

12 (5) issue summons for the appearance of witnesses;

13 (6) examine a witness;

14 (7) swear a witness for a hearing;

15 (8) make findings of fact on evidence;

16 (9) formulate conclusions of law;

17 (10) rule on pretrial motions;

18 (11) recommend the rulings, orders, or judgment to be
19 made in a case;

20 (12) regulate proceedings in a hearing;

21 (13) order the attachment of a witness or party who
22 fails to obey a subpoena;

23 (14) accept a plea of guilty from a defendant charged
24 with misdemeanor, felony, or both misdemeanor and felony offenses;

25 (15) select a jury; and

26 (16) take action as necessary and proper for the
27 efficient performance of the duties required by the order of

1 referral.

2 (b) An associate judge may not enter a ruling on any issue of
3 law or fact if that ruling could result in dismissal or require
4 dismissal of a pending criminal prosecution, but the associate
5 judge may make findings, conclusions, and recommendations on those
6 issues.

7 (c) Except as limited by an order of referral, an associate
8 judge who is appointed by a district or statutory county court judge
9 and to whom a case is referred may accept a plea of guilty or nolo
10 contendere in a misdemeanor case for a county criminal court. The
11 associate judge shall forward any fee or fine collected for the
12 misdemeanor offense to the county clerk.

13 (d) An associate judge may, in the interest of justice,
14 refer a case back to the referring court regardless of whether a
15 timely objection to the associate judge hearing the trial on the
16 merits or presiding at a jury trial has been made by any party.

17 Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff may attend a
18 hearing by an associate judge if directed by the referring court.

19 Sec. 54A.010. COURT REPORTER. At the request of a party in
20 a felony case, the court shall provide a court reporter to record
21 the proceedings before the associate judge.

22 Sec. 54A.011. WITNESS. (a) A witness appearing before an
23 associate judge is subject to the penalties for perjury provided by
24 law.

25 (b) A referring court may issue attachment against and may
26 fine or imprison a witness whose failure to appear after being
27 summoned or whose refusal to answer questions has been certified to

1 the court.

2 Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the
3 conclusion of the proceedings, an associate judge shall transmit to
4 the referring court any papers relating to the case, including the
5 associate judge's findings, conclusions, orders, recommendations,
6 or other action taken.

7 Sec. 54A.013. JUDICIAL ACTION. (a) A referring court may
8 modify, correct, reject, reverse, or recommit for further
9 information any action taken by the associate judge.

10 (b) If the court does not modify, correct, reject, reverse,
11 or recommit an action to the associate judge, the action becomes the
12 decree of the court.

13 Sec. 54A.014. COSTS OF ASSOCIATE JUDGE. The court shall
14 determine if the nonprevailing party is able to defray the costs of
15 the associate judge. If the court determines that the
16 nonprevailing party is able to pay those costs, the court shall tax
17 the associate judge's fees as costs against the nonprevailing
18 party.

19 Sec. 54A.015. JUDICIAL IMMUNITY. An associate judge has
20 the same judicial immunity as a district judge.

21 [Sections 54A.016-54A.100 reserved for expansion]

22 SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

23 Sec. 54A.101. APPLICABILITY. This subchapter applies to a
24 district court or a statutory county court that is assigned civil
25 cases.

26 Sec. 54A.102. APPOINTMENT. (a) A judge of a court subject
27 to this subchapter, with the consent and approval of the

1 commissioners court of the county in which the court has
2 jurisdiction, may appoint a full-time or part-time associate judge
3 to perform the duties authorized by this subchapter.

4 (b) If a district court has jurisdiction in more than one
5 county, an associate judge appointed by that court may serve only in
6 a county in which the commissioners court has authorized the
7 appointment.

8 (c) If more than one court in a county is subject to this
9 subchapter, the commissioners court may authorize the appointment
10 of an associate judge for each court or may authorize one or more
11 associate judges to share service with two or more courts.

12 (d) If an associate judge serves more than one court, the
13 associate judge's appointment must be made with the unanimous
14 approval of all the judges under whom the associate judge serves.

15 Sec. 54A.103. QUALIFICATIONS. To qualify for appointment
16 as an associate judge under this subchapter, a person must:

17 (1) be a resident of this state and one of the counties
18 the person will serve;

19 (2) have been licensed to practice law in this state
20 for at least four years;

21 (3) not have been defeated for reelection to a
22 judicial office;

23 (4) not have been removed from office by impeachment,
24 by the supreme court, by the governor on address to the legislature,
25 by a tribunal reviewing a recommendation of the State Commission on
26 Judicial Conduct, or by the legislature's abolition of the judge's
27 court; and

1 (5) not have resigned from office after having
2 received notice that formal proceedings by the State Commission on
3 Judicial Conduct had been instituted as provided in Section 33.022
4 and before final disposition of the proceedings.

5 Sec. 54A.104. COMPENSATION. (a) An associate judge shall
6 be paid a salary determined by the commissioners court of the county
7 in which the associate judge serves.

8 (b) If an associate judge serves in more than one county,
9 the associate judge shall be paid a salary as determined by
10 agreement of the commissioners courts of the counties in which the
11 associate judge serves.

12 (c) The associate judge's salary is paid from the county
13 fund available for payment of officers' salaries.

14 Sec. 54A.105. TERMINATION. (a) An associate judge who
15 serves a single court serves at the will of the judge of that court.

16 (b) The employment of an associate judge who serves more
17 than two courts may only be terminated by a majority vote of all the
18 judges of the courts the associate judge serves.

19 (c) The employment of an associate judge who serves two
20 courts may be terminated by either of the judges of the courts the
21 associate judge serves.

22 (d) To terminate an associate judge's employment, the
23 appropriate judges must sign a written order of termination. The
24 order must state:

25 (1) the associate judge's name and state bar
26 identification number;

27 (2) each court ordering termination; and

1 (3) the date the associate judge's employment ends.

2 Sec. 54A.106. CASES THAT MAY BE REFERRED. (a) Except as
3 provided by this section, a judge of a court may refer any civil
4 case or portion of a civil case to an associate judge for
5 resolution.

6 (b) Unless a party files a written objection to the
7 associate judge hearing a trial on the merits, the judge may refer
8 the trial to the associate judge. A trial on the merits is any final
9 adjudication from which an appeal may be taken to a court of
10 appeals.

11 (c) A party must file an objection to an associate judge
12 hearing a trial on the merits or presiding at a jury trial not later
13 than the 10th day after the date the party receives notice that the
14 associate judge will hear the trial. If an objection is filed, the
15 referring court shall hear the trial on the merits or preside at a
16 jury trial.

17 Sec. 54A.107. METHODS OF REFERRAL. (a) A case may be
18 referred to an associate judge by an order of referral in a specific
19 case or by an omnibus order.

20 (b) The order of referral may limit the powers or duties of
21 an associate judge.

22 Sec. 54A.108. POWERS. (a) Except as limited by an order of
23 referral, an associate judge may:

24 (1) conduct hearings;

25 (2) hear evidence;

26 (3) compel production of relevant evidence;

27 (4) rule on the admissibility of evidence;

1 (5) issue summons for the appearance of witnesses;

2 (6) examine a witness;

3 (7) swear a witness for a hearing;

4 (8) make findings of fact on evidence;

5 (9) formulate conclusions of law;

6 (10) rule on pretrial motions;

7 (11) recommend the rulings, orders, or judgment to be
8 made in a case;

9 (12) regulate proceedings in a hearing;

10 (13) order the attachment of a witness or party who
11 fails to obey a subpoena; and

12 (14) take action as necessary and proper for the
13 efficient performance of the duties required by the order of
14 referral.

15 (b) An associate judge may, in the interest of justice,
16 refer a case back to the referring court regardless of whether a
17 timely objection to the associate judge hearing the trial on the
18 merits or presiding at a jury trial has been made by any party.

19 Sec. 54A.109. WITNESS. (a) A witness appearing before an
20 associate judge is subject to the penalties for perjury provided by
21 law.

22 (b) A referring court may fine or imprison a witness who:

23 (1) failed to appear before an associate judge after
24 being summoned; or

25 (2) improperly refused to answer questions if the
26 refusal has been certified to the court by the associate judge.

27 Sec. 54A.110. COURT REPORTER; RECORD. (a) A court reporter

1 may be provided during a hearing held by an associate judge
2 appointed under this subchapter. A court reporter is required to be
3 provided when the associate judge presides over a jury trial.

4 (b) A party, the associate judge, or the referring court may
5 provide for a reporter during the hearing if one is not otherwise
6 provided.

7 (c) Except as provided by Subsection (a), in the absence of
8 a court reporter or on agreement of the parties, the record may be
9 preserved by any means approved by the associate judge.

10 (d) The referring court or associate judge may assess the
11 expense of preserving the record under Subsection (c) as costs.

12 (e) On appeal of the associate judge's report or proposed
13 order, the referring court may consider testimony or other evidence
14 in the record if the record is taken by a court reporter.

15 Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) After
16 hearing a matter, an associate judge shall notify each attorney
17 participating in the hearing of the associate judge's decision. An
18 associate judge's decision has the same force and effect as an order
19 of the referring court unless a party appeals the decision as
20 provided by Subsection (b).

21 (b) To appeal an associate judge's decision, other than the
22 issuance of a temporary restraining order or temporary injunction,
23 a party must file an appeal in the referring court not later than
24 the seventh day after the date the party receives notice of the
25 decision under Subsection (a).

26 (c) A temporary restraining order issued by an associate
27 judge is effective immediately and expires on the 15th day after the

1 date of issuance unless, after a hearing, the order is modified or
2 extended by the associate judge or referring judge.

3 (d) A temporary injunction issued by an associate judge is
4 effective immediately and continues during the pendency of a trial
5 unless, after a hearing, the order is modified by a referring judge.

6 (e) A matter appealed to the referring court shall be tried
7 de novo and is limited to only those matters specified in the
8 appeal. Except on leave of court, a party may not submit on appeal
9 any additional evidence or pleadings.

10 Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

11 (a) Notice of the right to a de novo hearing before the referring
12 court shall be given to all parties.

13 (b) The notice may be given:

14 (1) by oral statement in open court;

15 (2) by posting inside or outside the courtroom of the
16 referring court; or

17 (3) as otherwise directed by the referring court.

18 (c) Before the start of a hearing by an associate judge, a
19 party may waive the right of a de novo hearing before the referring
20 court in writing or on the record.

21 Sec. 54A.113. ORDER OF COURT. (a) Pending a de novo

22 hearing before the referring court, a proposed order or judgment of
23 the associate judge is in full force and effect and is enforceable
24 as an order or judgment of the referring court, except for an order
25 providing for the appointment of a receiver.

26 (b) If a request for a de novo hearing before the referring
27 court is not timely filed or the right to a de novo hearing before

1 the referring court is waived, the proposed order or judgment of the
2 associate judge becomes the order or judgment of the referring
3 court only on the referring court's signing the proposed order or
4 judgment.

5 (c) An order by an associate judge for the temporary
6 detention or incarceration of a witness or party shall be presented
7 to the referring court on the day the witness or party is detained
8 or incarcerated. The referring court, without prejudice to the
9 right to a de novo hearing provided by Section 54A.115, may approve
10 the temporary detention or incarceration or may order the release
11 of the party or witness, with or without bond, pending a de novo
12 hearing. If the referring court is not immediately available, the
13 associate judge may order the release of the party or witness, with
14 or without bond, pending a de novo hearing or may continue the
15 person's detention or incarceration for not more than 72 hours.

16 Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
17 ORDER OR JUDGMENT. Unless a party files a written request for a de
18 novo hearing before the referring court, the referring court may:

19 (1) adopt, modify, or reject the associate judge's
20 proposed order or judgment;

21 (2) hear additional evidence; or

22 (3) recommit the matter to the associate judge for
23 further proceedings.

24 Sec. 54A.115. DE NOVO HEARING. (a) A party may request a de
25 novo hearing before the referring court by filing with the clerk of
26 the referring court a written request not later than the seventh
27 working day after the date the party receives notice of the

1 substance of the associate judge's decision as provided by Section
2 54A.111.

3 (b) A request for a de novo hearing under this section must
4 specify the issues that will be presented to the referring court.
5 The de novo hearing is limited to the specified issues.

6 (c) Notice of a request for a de novo hearing before the
7 referring court shall be given to the opposing attorney in the
8 manner provided by Rule 21a, Texas Rules of Civil Procedure.

9 (d) If a request for a de novo hearing before the referring
10 court is filed by a party, any other party may file a request for a
11 de novo hearing before the referring court not later than the
12 seventh working day after the date the initial request was filed.

13 (e) The referring court, after notice to the parties, shall
14 hold a de novo hearing not later than the 30th day after the date the
15 initial request for a de novo hearing was filed with the clerk of
16 the referring court.

17 (f) In the de novo hearing before the referring court, the
18 parties may present witnesses on the issues specified in the
19 request for hearing. The referring court may also consider the
20 record from the hearing before the associate judge, including the
21 charge to and verdict returned by a jury, if the record was taken by
22 a court reporter.

23 (g) The denial of relief to a party after a de novo hearing
24 under this section or a party's waiver of the right to a de novo
25 hearing before the referring court does not affect the right of a
26 party to file a motion for new trial, a motion for judgment
27 notwithstanding the verdict, or other posttrial motions.

1 (h) A party may not demand a second jury in a de novo hearing
2 before the referring court if the associate judge's proposed order
3 or judgment resulted from a jury trial.

4 Sec. 54A.116. APPELLATE REVIEW. (a) A party's failure to
5 request a de novo hearing before the referring court or a party's
6 waiver of the right to request a de novo hearing before the
7 referring court does not deprive the party of the right to appeal to
8 or request other relief from a court of appeals or the supreme
9 court.

10 (b) Except as provided by Subsection (c), the date an order
11 or judgment by the referring court is signed is the controlling date
12 for the purposes of appeal to or request for other relief from a
13 court of appeals or the supreme court.

14 (c) The date an agreed order or a default order is signed by
15 an associate judge is the controlling date for the purpose of an
16 appeal to, or a request for other relief relating to the order from,
17 a court of appeals or the supreme court.

18 SECTION 6.02. Subchapter G, Chapter 54, Government Code,
19 is transferred to Chapter 54A, Government Code, as added by this
20 Act, redesignated as Subchapter C, Chapter 54A, Government Code,
21 and amended to read as follows:

22 SUBCHAPTER C [~~C~~]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

23 Sec. 54A.201 [~~54.601~~]. DEFINITION. In this subchapter,
24 "statutory probate court" has the meaning assigned by Section 3,
25 Texas Probate Code.

26 Sec. 54A.202. APPLICABILITY. This subchapter applies to a
27 statutory probate court.

1 Sec. 54A.203 [~~54.603~~]. APPOINTMENT. (a) After obtaining
2 the approval of the commissioners court, the judge of a statutory
3 probate court by order may appoint a full-time or part-time [~~person~~
4 ~~to act as~~] associate judge to perform the duties authorized by this
5 subchapter [~~for the statutory probate court~~].

6 (b) If a statutory probate court has jurisdiction in more
7 than one county, an associate judge appointed by that court may
8 serve only in a county in which the commissioners court has
9 authorized the appointment.

10 (c) The commissioners court may authorize the appointment
11 of an associate judge for each court or may authorize one or more
12 associate judges to share service with two or more courts, if more
13 than one statutory probate court exists in a county.

14 (d) [~~(c)~~] If an associate judge serves more than one court,
15 the associate judge's appointment must be made with the unanimous
16 approval of all the judges under whom the associate judge serves.

17 [~~(d) An associate judge must meet the qualifications to~~
18 ~~serve as a judge of the court to which the associate judge is~~
19 ~~appointed.~~]

20 (e) An associate judge appointed under this subchapter may
21 serve as a master appointed under Section 574.0085, Health and
22 Safety Code.

23 Sec. 54A.204. QUALIFICATIONS. To qualify for appointment
24 as an associate judge under this subchapter, a person must:

25 (1) be a resident of this state and one of the counties
26 the person will serve;

27 (2) have been licensed to practice law in this state

1 for at least four years;

2 (3) not have been defeated for reelection to a
3 judicial office;

4 (4) not have been removed from office by impeachment,
5 by the supreme court, by the governor on address to the legislature,
6 by a tribunal reviewing a recommendation of the State Commission on
7 Judicial Conduct, or by the legislature's abolition of the judge's
8 court; and

9 (5) not have resigned from office after having
10 received notice that formal proceedings by the State Commission on
11 Judicial Conduct had been instituted as provided in Section 33.022
12 and before final disposition of the proceedings.

13 Sec. 54A.205 [~~54.605~~]. COMPENSATION. (a) An associate
14 judge shall be paid a salary determined [~~is entitled to the~~
15 ~~compensation set by the appointing judge and approved~~] by the
16 commissioners court of the county in which the associate judge
17 serves. [~~The salary of the associate judge may not exceed the~~
18 ~~salary of the appointing judge.~~]

19 (b) If an associate judge serves in more than one county,
20 the associate judge shall be paid a salary as determined by
21 agreement of the commissioners courts of the counties in which the
22 associate judge serves.

23 (c) The associate judge's salary is paid from the county
24 fund available for payment of officers' salaries. [~~Except as~~
25 ~~provided by Subsection (c), the compensation of the associate judge~~
26 ~~shall be paid by the county from the county general fund. The~~
27 ~~compensation must be paid in the same manner that the appointing~~

1 ~~judge's salary is paid.~~

2 ~~[(c) On the recommendation of the statutory probate court~~
3 ~~judges in the county and subject to the approval of the county~~
4 ~~commissioners court, the county may pay all or part of the~~
5 ~~compensation of the associate judge from the excess contributions~~
6 ~~remitted to the county under Section 25.00212 and deposited in the~~
7 ~~contributions fund created under Section 25.00213.]~~

8 Sec. 54A.206 [~~54.604~~]. TERMINATION OF ASSOCIATE JUDGE. (a)
9 An associate judge who serves a single court serves at the will of
10 the judge of that court.

11 (b) The employment of an associate judge who serves more
12 than two courts may only be terminated by a majority vote of all the
13 judges of the courts that the associate judge serves.

14 (c) The employment of an associate judge who serves two
15 courts may be terminated by either of the judges of the courts that
16 the associate judge serves.

17 (d) The appointment of the associate judge terminates if:
18 (1) the appointing judge vacates the judge's office;
19 (2) the associate judge becomes a candidate for
20 election to public office; or
21 (3) the commissioners court does not appropriate funds
22 in the county's budget to pay the salary of the associate judge.

23 Sec. 54A.207 [~~54.608~~]. CASES THAT MAY BE REFERRED. (a)
24 Except as provided by this section, a judge of a court may refer to
25 an associate judge any aspect of a suit over which the probate court
26 has jurisdiction, including any matter ancillary to the suit.

27 (b) Unless a party files a written objection to the

1 associate judge hearing a trial on the merits, the judge may refer
2 the trial to the associate judge. A trial on the merits is any final
3 adjudication from which an appeal may be taken to a court of
4 appeals.

5 (c) A party must file an objection to an associate judge
6 hearing a trial on the merits or presiding at a jury trial not later
7 than the 10th day after the date the party receives notice that the
8 associate judge will hear the trial. If an objection is filed, the
9 referring court shall hear the trial on the merits or preside at a
10 jury trial.

11 ~~[Sec. 54.606. OATH. An associate judge must take the~~
12 ~~constitutional oath of office required of appointed officers of~~
13 ~~this state.]~~

14 ~~[Sec. 54.607. MAGISTRATE. An associate judge appointed~~
15 ~~under this subchapter is a magistrate.]~~

16 Sec. 54A.208 ~~[54.609]~~. METHODS ~~[ORDER]~~ OF REFERRAL. (a) A
17 case may be referred to an associate judge by an order of referral
18 in a specific case or by an omnibus order ~~[In referring a case to an~~
19 ~~associate judge, the judge of the referring court shall render:~~

20 ~~[(1) an individual order of referral, or~~
21 ~~[(2) a general order of referral]~~ specifying the class
22 and type of cases to be referred ~~[heard by the associate judge]~~.

23 (b) The order of referral may limit the power or duties of an
24 associate judge.

25 Sec. 54A.209 ~~[54.610]~~. POWERS OF ASSOCIATE JUDGE. (a)
26 Except as limited by an order of referral, an associate judge may:

27 (1) conduct a hearing;

- 1 (2) hear evidence;
- 2 (3) compel production of relevant evidence;
- 3 (4) rule on the admissibility of evidence;
- 4 (5) issue a summons for the appearance of witnesses;
- 5 (6) examine a witness;
- 6 (7) swear a witness for a hearing;
- 7 (8) make findings of fact on evidence;
- 8 (9) formulate conclusions of law;
- 9 (10) rule on pretrial motions;
- 10 (11) recommend the rulings, orders, or judgment to be
- 11 made [~~an order to be rendered~~] in a case;
- 12 (12) [~~(11)~~] regulate all proceedings in a hearing
- 13 before the associate judge;
- 14 (13) order the attachment of a witness or party who
- 15 fails to obey a subpoena; and
- 16 (14) [~~(12)~~] take action as necessary and proper for
- 17 the efficient performance of the [~~associate judge's~~] duties
- 18 required by the order of referral.

19 (b) An associate judge may, in the interest of justice,

20 refer a case back to the referring court regardless of whether a

21 timely objection to the associate judge hearing the trial on the

22 merits or presiding at a jury trial has been made by any party.

23 [~~Sec. 54.611. ATTENDANCE OF BAILIFF. A bailiff shall~~

24 ~~attend a hearing conducted by an associate judge if directed to~~

25 ~~attend by the referring court.~~

26 [~~Sec. 54.612. COURT REPORTER. (a) A court reporter is not~~

27 ~~required during a hearing held by an associate judge appointed~~

1 ~~under this subchapter unless required by other law.~~

2 ~~[(b) A party, the associate judge, or the referring court~~
3 ~~may provide for a reporter during the hearing.]~~

4 ~~[(c) The record of a hearing before an associate judge may~~
5 ~~be preserved by any means approved by the referring court.]~~

6 ~~[(d) The referring court or associate judge may impose on a~~
7 ~~party the expense of preserving the record as a court cost.]~~

8 Sec. 54A.210 [~~54.613~~]. WITNESS. (a) A witness appearing
9 before an associate judge is subject to the penalties for perjury
10 provided by law.

11 (b) A referring court may issue attachment against and may
12 fine or imprison a witness whose failure [~~who~~

13 ~~[(1) fails]~~ to appear [~~before an associate judge]~~
14 after being summoned or whose refusal to answer questions has been
15 certified to the court [~~, or~~

16 ~~[(2) improperly refuses to answer a question if the~~
17 ~~refusal has been certified to the court by the associate judge].~~

18 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court reporter
19 may be provided during a hearing held by an associate judge
20 appointed under this subchapter. A court reporter is required to be
21 provided when the associate judge presides over a jury trial.

22 (b) A party, the associate judge, or the referring court may
23 provide for a reporter during the hearing if one is not otherwise
24 provided.

25 (c) Except as provided by Subsection (a), in the absence of
26 a court reporter or on agreement of the parties, the record may be
27 preserved by any means approved by the associate judge.

1 (d) The referring court or associate judge may access the
2 expense of preserving the record as court costs.

3 (e) On appeal of the associate judge's report or proposed
4 order, the referring court may consider testimony or other evidence
5 in the record if the record is taken by a court reporter.

6 Sec. 54A.212 [~~54.614~~]. REPORT. (a) The associate judge's
7 report may contain the associate judge's findings, conclusions, or
8 recommendations and may be in the form of a proposed order.

9 (b) The associate judge shall prepare a [~~written~~] report in
10 the form directed by the referring court. The form may be a
11 notation on the referring court's docket sheet or in the court's
12 jacket.

13 (c) [~~(b)~~] After a hearing, the associate judge shall
14 provide the parties participating in the hearing notice of the
15 substance of the associate judge's report, including any proposed
16 order.

17 (d) [~~(c)~~] Notice may be given to the parties:

18 (1) in open court, by an oral statement, or by
19 providing a copy of the associate judge's written report, including
20 any proposed order; [~~or~~]

21 (2) by certified mail, return receipt requested; or

22 (3) by facsimile.

23 (e) [~~(d)~~] The associate judge shall certify the date of
24 mailing of notice by certified mail. Notice is considered given on
25 the third day after the date of mailing.

26 (f) [~~(e)~~] After a hearing conducted by an associate judge,
27 the associate judge shall send the associate judge's signed and

1 dated report, including any proposed order, and all other papers
2 relating to the case to the referring court.

3 Sec. 54A.213 [~~54.615~~]. NOTICE OF RIGHT TO DE NOVO HEARING
4 [~~APPEAL~~]. (a) An associate judge shall give all parties notice of
5 the right to a de novo hearing before [~~of appeal to the judge of~~] the
6 referring court.

7 (b) The notice may be given:

8 (1) by oral statement in open court;

9 (2) by posting inside or outside the courtroom of the
10 referring court; or

11 (3) as otherwise directed by the referring court.

12 (c) Before the start of a hearing by an associate judge, a
13 party may waive the right to a de novo hearing before the referring
14 court in writing or on the record.

15 Sec. 54A.214 [~~54.616~~]. ORDER OF COURT. (a) Pending a de
16 novo hearing before [~~appeal of the associate judge's report to~~] the
17 referring court, the decisions and recommendations of the associate
18 judge or a proposed order or judgment of the associate judge has
19 [~~judge's report have~~] the full force and effect, and is [~~are~~]
20 enforceable as [7] an order or judgment of the referring court,
21 except for an order [~~orders~~] providing for [~~incarceration or for~~]
22 the appointment of a receiver.

23 (b) If a request for a de novo hearing before [~~an appeal to~~]
24 the referring court is not timely filed or the right to a de novo
25 hearing before [~~an appeal to~~] the referring court is waived, the
26 findings and recommendations of the associate judge become the
27 order of the referring court only on the referring court's signing

1 of [~~at the time the judge of the referring court signs~~] an order
2 conforming to the associate judge's report.

3 (c) An order by an associate judge for the temporary
4 detention or incarceration of a witness or party shall be presented
5 to the referring court on the day the witness or party is detained
6 or incarcerated. The referring court, without prejudice to the
7 right to a de novo hearing provided by Section 54A.216, may approve
8 the temporary detention or incarceration or may order the release
9 of the party or witness, with or without bond, pending a de novo
10 hearing. If the referring court is not immediately available, the
11 associate judge may order the release of the party or witness, with
12 or without bond, pending a de novo hearing or may continue the
13 person's detention or incarceration for not more than 72 hours.

14 Sec. 54A.215 [~~54.617~~]. JUDICIAL ACTION ON ASSOCIATE
15 JUDGE'S PROPOSED ORDER OR JUDGMENT [~~REPORT~~]. Unless a party files a
16 written request for a de novo hearing before the referring court
17 [~~notice of appeal~~], the referring court may:

18 (1) adopt, modify, or reject the associate judge's
19 proposed order or judgment [~~report~~];

20 (2) hear additional [~~further~~] evidence; or

21 (3) recommit the matter to the associate judge for
22 further proceedings.

23 Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE [~~APPEAL TO~~]
24 REFERRING COURT. (a) A party may request a de novo hearing before
25 the referring court [~~appeal an associate judge's report~~] by filing
26 with the clerk of the referring court a written request [~~notice of~~
27 ~~appeal~~] not later than the seventh working [~~third~~] day after the

1 date the party receives notice of the substance of the associate
2 judge's report as provided by Section 54A.212 [~~54.614~~].

3 (b) A request for a de novo hearing under this section must
4 specify the issues that will be presented [~~An appeal~~] to the
5 referring court. The de novo hearing is limited to the specified
6 issues [~~must be made in writing and specify the findings and~~
7 ~~conclusions of the associate judge to which the party objects. The~~
8 ~~appeal is limited to the findings and conclusions specified in the~~
9 ~~written appeal~~].

10 (c) In the de novo hearing before the referring court, the
11 [~~The~~] parties may present witnesses [~~on appeal to the referring~~
12 ~~court as in a hearing de novo~~] on the issues specified [~~raised~~] in
13 the request for hearing [~~appeal~~]. The referring court may also
14 consider the record from the hearing before the associate judge,
15 including the charge to and verdict returned by a jury, if the
16 record was taken by a court reporter.

17 (d) Notice of a request for a de novo hearing before [~~an~~
18 ~~appeal to~~] the referring court shall [~~must~~] be given to the opposing
19 attorney in the manner provided by Rule 21a, Texas Rules of Civil
20 Procedure.

21 (e) If a request for a de novo hearing before [~~an appeal to~~]
22 the referring court is filed by a party, any other party may file a
23 request for a de novo hearing before [~~an appeal to~~] the referring
24 court not later than the seventh working day after the date of
25 filing of the initial request [~~appeal~~].

26 (f) The referring court, after notice to the parties, shall
27 hold a de novo hearing [~~on all appeals~~] not later than the 30th day

1 after the date on which the initial request for a de novo hearing
2 ~~[appeal]~~ was filed with the clerk of the referring court~~[, unless~~
3 ~~all of the parties agree to a later date]~~.

4 (g) The denial of relief to a party after a de novo hearing
5 under this section or a party's waiver of the right to a de novo
6 hearing before the referring court does not affect the right of a
7 party to file a motion for new trial, a motion for judgment
8 notwithstanding the verdict, or other posttrial motions ~~[Before the~~
9 ~~start of a hearing conducted by an associate judge, the parties may~~
10 ~~waive the right of appeal to the referring court. The waiver may be~~
11 ~~in writing or on the record]~~.

12 (h) A party may not demand a second jury in a de novo hearing
13 before the referring court if the associate judge's proposed order
14 or judgment resulted from a jury trial.

15 Sec. 54A.217 ~~[54.619]~~. APPELLATE REVIEW. (a) A party's
16 failure to request a de novo hearing before ~~[Failure to appeal to]~~
17 the referring court or a party's waiver of the right to request a de
18 novo hearing before ~~[, by waiver or otherwise, the approval by]~~ the
19 referring court ~~[of an associate judge's report]~~ does not deprive
20 the ~~[a]~~ party of the right to appeal to or request other relief from
21 a court of appeals or the supreme court.

22 (b) Except as provided by Subsection (c), the ~~[The]~~ date the
23 judge of a referring court signs an order or judgment is the
24 controlling date for the purposes of appeal to or request for other
25 relief from a court of appeals or the supreme court.

26 (c) The date an agreed order or a default order is signed by
27 an associate judge is the controlling date for the purpose of an

1 appeal to or a request for other relief relating to the order from a
2 court of appeals or the supreme court.

3 ~~[Sec. 54.620. IMMUNITY. An associate judge appointed under~~
4 ~~this subchapter has the judicial immunity of a probate judge. All~~
5 ~~existing immunity granted an associate judge by law, express or~~
6 ~~implied, continues in full force and effect.]~~

7 SECTION 6.03. Chapter 201, Family Code, is amended by
8 adding Subchapter D to read as follows:

9 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

10 Sec. 201.301. APPLICABILITY. This subchapter applies only
11 to an associate judge appointed under this subchapter.

12 Sec. 201.302. APPOINTMENT. (a) A judge of a court that is
13 designated as a juvenile court, with the consent and approval of the
14 commissioners court of a county in which the court has
15 jurisdiction, may appoint a full-time or part-time associate judge
16 to perform the duties authorized by this chapter.

17 (b) If a court has jurisdiction in more than one county, an
18 associate judge appointed by that court may serve only in a county
19 in which the commissioners court has authorized the appointment.

20 (c) If more than one court in a county has been designated as
21 a juvenile court the commissioners court may authorize the
22 appointment of an associate judge for each court or may authorize
23 one or more associate judges to share service with two or more
24 courts.

25 (d) If an associate judge serves more than one court, the
26 associate judge's appointment must be made with the unanimous
27 approval of all the judges under whom the associate judge serves.

1 Sec. 201.303. QUALIFICATIONS. To qualify for appointment
2 as an associate judge under this subchapter, a person must meet the
3 requirements and qualifications to serve as a judge of the court or
4 courts for which the associate judge is appointed.

5 Sec. 201.304. COMPENSATION. (a) An associate judge shall
6 be paid a salary determined by the commissioners court of the county
7 in which the associate judge serves.

8 (b) If an associate judge serves in more than one county,
9 the associate judge shall be paid a salary as determined by
10 agreement of the commissioners courts of the counties in which the
11 associate judge serves.

12 (c) The associate judge's salary is paid from the county
13 fund available for payment of officers' salaries.

14 Sec. 201.305. TERMINATION. (a) An associate judge who
15 serves a single court serves at the will of the judge of that court.

16 (b) The employment of an associate judge who serves more
17 than two courts may only be terminated by a majority vote of all the
18 judges of the courts which the associate judge serves.

19 (c) The employment of an associate judge who serves two
20 courts may be terminated by either of the judges of the courts which
21 the associate judge serves.

22 (d) To terminate an associate judge's employment, the
23 appropriate judges must sign a written order of termination. The
24 order must state:

25 (1) the associate judge's name and state bar
26 identification number;

27 (2) each court ordering termination; and

1 (3) the date the associate judge's employment ends.

2 Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as
3 provided by this section, a judge of a juvenile court may refer to
4 an associate judge any aspect of a civil case brought:

5 (1) under this title or Title 3; or

6 (2) in connection with Rule 308, Texas Rules of Civil
7 Procedure.

8 (b) Unless a party files a written objection to the
9 associate judge hearing a trial on the merits, the judge may refer
10 the trial to the associate judge. A trial on the merits is any final
11 adjudication from which an appeal may be taken to a court of
12 appeals.

13 (c) A party must file an objection to an associate judge
14 hearing a trial on the merits or presiding at a jury trial not later
15 than the 10th day after the date the party receives notice that the
16 associate judge will hear the trial. If an objection is filed, the
17 referring court shall hear the trial on the merits or preside at a
18 jury trial.

19 (d) The requirements of Subsections (b) and (c) apply when a
20 judge has authority to refer the trial of a suit under this title,
21 Title 1, or Title 4 to an associate judge, master, or other
22 assistant judge regardless of whether the assistant judge is
23 appointed under this subchapter.

24 Sec. 201.307. METHODS OF REFERRAL. (a) A case may be
25 referred to an associate judge by an order of referral in a specific
26 case or by a general order of referral specifying the class and
27 type of cases to be referred.

1 (b) The order of referral may limit the power or duties of an
2 associate judge.

3 Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as
4 limited by an order of referral, an associate judge may:

5 (1) conduct a hearing;

6 (2) hear evidence;

7 (3) compel production of relevant evidence;

8 (4) rule on the admissibility of evidence;

9 (5) issue a summons for:

10 (A) the appearance of witnesses; and

11 (B) the appearance of a parent who has failed to
12 appear before an agency authorized to conduct an investigation of
13 an allegation of abuse or neglect of a child after receiving proper
14 notice;

15 (6) examine a witness;

16 (7) swear a witness for a hearing;

17 (8) make findings of fact on evidence;

18 (9) formulate conclusions of law;

19 (10) recommend an order to be rendered in a case;

20 (11) regulate all proceedings in a hearing before the
21 associate judge;

22 (12) order the attachment of a witness or party who
23 fails to obey a subpoena;

24 (13) order the detention of a witness or party found
25 guilty of contempt, pending approval by the referring court;

26 (14) without prejudice to the right of appeal under
27 Section 201.317, render and sign:

1 (A) a final order agreed to in writing as to both
2 form and substance by all parties;

3 (B) a final default order;

4 (C) a temporary order; or

5 (D) a final order in a case in which a party files
6 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
7 Civil Procedure, that waives notice to the party of the final
8 hearing or waives the party's appearance at the final hearing;

9 (15) take action as necessary and proper for the
10 efficient performance of the associate judge's duties; and

11 (16) sign a final order that includes a waiver of the
12 right of appeal as provided by Section 201.317.

13 (b) An associate judge may, in the interest of justice,
14 refer a case back to the referring court regardless of whether a
15 timely objection to the associate judge hearing the trial on the
16 merits or presiding at a jury trial has been made by any party.

17 (c) An order described by Subsection (a)(14) that is
18 rendered and signed by an associate judge constitutes an order of
19 the referring court.

20 (d) An answer filed by or on behalf of a party who previously
21 filed a waiver described in Subsection (a)(14)(D) revokes the
22 waiver.

23 Sec. 201.309. REFEREES. (a) An associate judge appointed
24 under this subchapter may serve as a referee as provided by Sections
25 51.04(g) and 54.10.

26 (b) A referee appointed under Section 51.04(g) may be
27 appointed to serve as an associate judge under this subchapter.

1 Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a
2 hearing by an associate judge if directed by the referring court.

3 Sec. 201.311. COURT REPORTER; RECORD. (a) A court reporter
4 may be provided during a hearing held by an associate judge
5 appointed under this subchapter. A court reporter is required to be
6 provided when the associate judge presides over a jury trial or a
7 contested final termination hearing.

8 (b) A party, the associate judge, or the referring court may
9 provide for a reporter during the hearing if one is not otherwise
10 provided.

11 (c) Except as provided by Subsection (a), in the absence of
12 a court reporter or on agreement of the parties, the record may be
13 preserved by any means approved by the associate judge.

14 (d) The referring court or associate judge may assess the
15 expense of preserving the record as costs.

16 (e) On a request for a de novo hearing, the referring court
17 may consider testimony or other evidence in the record, if the
18 record is taken by a court reporter, in addition to witnesses or
19 other matters presented under Section 201.317.

20 Sec. 201.312. WITNESS. (a) A witness appearing before an
21 associate judge is subject to the penalties for perjury provided by
22 law.

23 (b) A referring court may fine or imprison a witness who:

24 (1) failed to appear before an associate judge after
25 being summoned; or

26 (2) improperly refused to answer questions if the
27 refusal has been certified to the court by the associate judge.

1 Sec. 201.313. REPORT. (a) The associate judge's report may
2 contain the associate judge's findings, conclusions, or
3 recommendations and may be in the form of a proposed order. The
4 associate judge's report must be in writing and in the form directed
5 by the referring court.

6 (b) After a hearing, the associate judge shall provide the
7 parties participating in the hearing notice of the substance of the
8 associate judge's report, including any proposed order.

9 (c) Notice may be given to the parties:

10 (1) in open court, by an oral statement or by providing
11 a copy of the associate judge's written report, including any
12 proposed order;

13 (2) by certified mail, return receipt requested; or

14 (3) by facsimile.

15 (d) A rebuttable presumption exists that notice is received
16 on the date stated on:

17 (1) the signed return receipt, if notice was provided
18 by certified mail; or

19 (2) the confirmation page produced by the facsimile
20 machine, if notice was provided by facsimile.

21 (e) After a hearing conducted by an associate judge, the
22 associate judge shall send the associate judge's signed and dated
23 report, including any proposed order, and all other papers relating
24 to the case to the referring court.

25 Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING. (a) An
26 associate judge shall give all parties notice of the right to a de
27 novo hearing to the judge of the referring court.

1 (b) The notice may be given:

2 (1) by oral statement in open court;

3 (2) by posting inside or outside the courtroom of the
4 referring court; or

5 (3) as otherwise directed by the referring court.

6 Sec. 201.315. ORDER OF COURT. (a) Pending a de novo
7 hearing before the referring court, a proposed order or judgment of
8 the associate judge is in full force and effect and is enforceable
9 as an order or judgment of the referring court, except for an order
10 providing for the appointment of a receiver.

11 (b) If a request for a de novo hearing before the referring
12 court is not timely filed or the right to a de novo hearing before
13 the referring court is waived, the proposed order or judgment of the
14 associate judge becomes the order or judgment of the referring
15 court only on the referring court's signing the proposed order or
16 judgment.

17 (c) An order by an associate judge for the temporary
18 detention or incarceration of a witness or party shall be presented
19 to the referring court on the day the witness or party is detained
20 or incarcerated. The referring court, without prejudice to the
21 right to a de novo hearing provided by Section 201.317, may approve
22 the temporary detention or incarceration or may order the release
23 of the party or witness, with or without bond, pending a de novo
24 hearing. If the referring court is not immediately available, the
25 associate judge may order the release of the party or witness, with
26 or without bond, pending a de novo hearing or may continue the
27 person's detention or incarceration for not more than 72 hours.

1 Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
2 ORDER OR JUDGMENT. Unless a party files a written request for a de
3 novo hearing before the referring court, the referring court may:

4 (1) adopt, modify, or reject the associate judge's
5 proposed order or judgment;

6 (2) hear additional evidence; or

7 (3) recommit the matter to the associate judge for
8 further proceedings.

9 Sec. 201.317. DE NOVO HEARING. (a) A party may request a de
10 novo hearing before the referring court by filing with the clerk of
11 the referring court a written request not later than the seventh
12 working day after the date the party receives notice of the
13 substance of the associate judge's report as provided by Section
14 201.313.

15 (b) A request for a de novo hearing under this section must
16 specify the issues that will be presented to the referring court.
17 The de novo hearing is limited to the specified issues.

18 (c) Notice of a request for a de novo hearing before the
19 referring court shall be given to the opposing attorney in the
20 manner provided by Rule 21a, Texas Rules of Civil Procedure.

21 (d) If a request for a de novo hearing before the referring
22 court is filed by a party, any other party may file a request for a
23 de novo hearing before the referring court not later than the
24 seventh working day after the date the initial request was filed.

25 (e) The referring court, after notice to the parties, shall
26 hold a de novo hearing not later than the 30th day after the date the
27 initial request for a de novo hearing was filed with the clerk of

1 the referring court.

2 (f) Before the start of a hearing by an associate judge, the
3 parties may waive the right of a de novo hearing before the
4 referring court in writing or on the record.

5 (g) In the de novo hearing before the referring court, the
6 parties may present witnesses on the issues specified in the
7 request for hearing. The referring court may also consider the
8 record from the hearing before the associate judge, including the
9 charge to and verdict returned by a jury, if the record was taken by
10 a court reporter.

11 (h) The denial of relief to a party after a de novo hearing
12 under this section or a party's waiver of the right to a de novo
13 hearing before the referring court does not affect the right of a
14 party to file a motion for new trial, a motion for judgment
15 notwithstanding the verdict, or other posttrial motions.

16 (i) A party may not demand a second jury in a de novo hearing
17 before the referring court if the associate judge's proposed order
18 or judgment resulted from a jury trial.

19 Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to
20 request a de novo hearing before the referring court or a party's
21 waiver of the right to request a de novo hearing before the
22 referring court does not deprive the party of the right to appeal to
23 or request other relief from a court of appeals or the supreme
24 court.

25 (b) Except as provided by Subsection (c), the date an order
26 or judgment by the referring court is signed is the controlling date
27 for the purposes of appeal to or request for other relief from a

1 court of appeals or the supreme court.

2 (c) The date an agreed order or a default order is signed by
3 an associate judge is the controlling date for the purpose of an
4 appeal to, or a request for other relief relating to the order from,
5 a court of appeals or the supreme court.

6 Sec. 201.319. JUDICIAL IMMUNITY. An associate judge
7 appointed under this subchapter has the judicial immunity of a
8 district judge.

9 Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) If an
10 associate judge appointed under this subchapter is temporarily
11 unable to perform the judge's official duties because of absence or
12 illness, injury, or other disability, a judge of a court having
13 jurisdiction of a suit under this title or Title 1 or 4 may appoint a
14 visiting associate judge to perform the duties of the associate
15 judge during the period of the associate judge's absence or
16 disability if the commissioners court of a county in which the court
17 has jurisdiction authorizes the employment of a visiting associate
18 judge.

19 (b) To be eligible for appointment under this section, a
20 person must have served as an associate judge for at least two
21 years.

22 (c) Sections 201.001 through 201.017 apply to a visiting
23 associate judge appointed under this section.

24 SECTION 6.04. Section 22.110(b), Government Code, is
25 amended to read as follows:

26 (b) The court of criminal appeals shall adopt the rules
27 necessary to accomplish the purposes of this section. The rules

1 must require each district judge, judge of a statutory county
2 court, associate judge appointed under Chapter 54A [54] of this
3 code or Chapter 201, Family Code, master, referee, and magistrate
4 to complete at least 12 hours of the training within the judge's
5 first term of office or the judicial officer's first four years of
6 service and provide a method for certification of completion of
7 that training. At least four hours of the training must be
8 dedicated to issues related to child abuse and neglect and must
9 cover at least two of the topics described in Subsections
10 (d)(8)-(12). At least six hours of the training must be dedicated
11 to the training described by Subsections (d)(5), (6), and (7). The
12 rules must require each judge and judicial officer to complete an
13 additional five hours of training during each additional term in
14 office or four years of service. At least two hours of the
15 additional training must be dedicated to issues related to child
16 abuse and neglect. The rules must exempt from the training
17 requirement of this subsection each judge or judicial officer who
18 files an affidavit stating that the judge or judicial officer does
19 not hear any cases involving family violence, sexual assault, or
20 child abuse and neglect.

21 SECTION 6.05. Article 2.09, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
24 officers is a magistrate within the meaning of this Code: The
25 justices of the Supreme Court, the judges of the Court of Criminal
26 Appeals, the justices of the Courts of Appeals, the judges of the
27 District Court, an associate judge appointed under Chapter 54A [the

1 ~~magistrates appointed by the judges of the district courts of Bexar~~
2 ~~County, Dallas County, or Tarrant County that give preference to~~
3 ~~criminal cases, the criminal law hearing officers for Harris County~~
4 ~~appointed under Subchapter L, Chapter 54], Government Code, [the~~
5 ~~criminal law hearing officers for Cameron County appointed under~~
6 ~~Subchapter BB, Chapter 54, Government Code, the magistrates~~
7 ~~appointed by the judges of the district courts of Lubbock County,~~
8 ~~Nolan County, or Webb County, the magistrates appointed by the~~
9 ~~judges of the criminal district courts of Dallas County or Tarrant~~
10 ~~County, the masters appointed by the judges of the district courts~~
11 ~~and the county courts at law that give preference to criminal cases~~
12 ~~in Jefferson County, the magistrates appointed by the judges of the~~
13 ~~district courts and the statutory county courts of Brazos County,~~
14 ~~Nueces County, or Williamson County, the magistrates appointed by~~
15 ~~the judges of the district courts and statutory county courts that~~
16 ~~give preference to criminal cases in Travis County,]~~ the county
17 judges, the judges of the county courts at law, judges of the county
18 criminal courts, the judges of statutory probate courts, [~~the~~
19 ~~associate judges appointed by the judges of the statutory probate~~
20 ~~courts under Subchapter G, Chapter 54, Government Code,]~~ the
21 justices of the peace, and the mayors and recorders and the judges
22 of the municipal courts of incorporated cities or towns.

23 SECTION 6.06. Article 102.017(d), Code of Criminal
24 Procedure, is amended to read as follows:

25 (d) Except as provided by Subsection (d-2), the clerks of
26 the respective courts shall collect the costs and pay them to the
27 county or municipal treasurer, as appropriate, or to any other

1 official who discharges the duties commonly delegated to the county
2 or municipal treasurer, as appropriate, for deposit in a fund to be
3 known as the courthouse security fund or a fund to be known as the
4 municipal court building security fund, as appropriate. Money
5 deposited in a courthouse security fund may be used only for
6 security personnel, services, and items related to buildings that
7 house the operations of district, county, or justice courts, and
8 money deposited in a municipal court building security fund may be
9 used only for security personnel, services, and items related to
10 buildings that house the operations of municipal courts. For
11 purposes of this subsection, operations of a district, county, or
12 justice court include the activities of associate judges, masters,
13 magistrates, referees, hearing officers, criminal law magistrate
14 court judges, and masters in chancery appointed under:

- 15 (1) Section 61.311, Alcoholic Beverage Code;
- 16 (2) Section 51.04(g) or Chapter 201, Family Code;
- 17 (3) Section 574.0085, Health and Safety Code;
- 18 (4) Section 33.71, Tax Code;
- 19 (5) Chapter 54A [~~Chapter 54~~], Government Code; or
- 20 (6) Rule 171, Texas Rules of Civil Procedure.

21 SECTION 6.07. Section 54.10(a), Family Code, is amended to
22 read as follows:

23 (a) Except as provided by Subsection (e), a hearing under
24 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
25 under Chapter 55, including a jury trial, or a hearing under the
26 Interstate Compact for Juveniles (Chapter 60) may be held by a
27 referee appointed in accordance with Section 51.04(g) or an

1 associate judge [~~a master~~] appointed under Chapter 54A [54],
2 Government Code, provided:

3 (1) the parties have been informed by the referee or
4 master that they are entitled to have the hearing before the
5 juvenile court judge; and

6 (2) after each party is given an opportunity to
7 object, no party objects to holding the hearing before the referee
8 or master.

9 SECTION 6.08. A magistrate, master, referee, associate
10 judge, or hearing officer appointed as provided by Chapter 54,
11 Government Code, before the effective date of this Act, continues
12 to serve as an associate judge under Chapter 54A, Government Code,
13 as added by this article, with the powers and duties provided by
14 that chapter, provided the court for which the magistrate, master,
15 referee, associate judge, or hearing officer serves has authority
16 to appoint an associate judge under Chapter 54A, Government Code.

17 SECTION 6.09. The changes in law made by this article apply
18 to a matter referred to an associate judge on or after the effective
19 date of this article. A matter referred to an associate judge
20 before the effective date of this article is governed by the law in
21 effect on the date the matter was referred to the associate judge,
22 and the former law is continued in effect for that purpose.

23 SECTION 6.10. (a) The following subchapters of Chapter 54,
24 Government Code, are repealed:

25 (1) Subchapter A;

26 (2) Subchapter B;

27 (3) Subchapter C;

- 1 (4) Subchapter D;
- 2 (5) Subchapter E;
- 3 (6) Subchapter F;
- 4 (7) Subchapter H;
- 5 (8) Subchapter I;
- 6 (9) Subchapter J;
- 7 (10) Subchapter K;
- 8 (11) Subchapter L;
- 9 (12) Subchapter M;
- 10 (13) Subchapter N;
- 11 (14) Subchapter O;
- 12 (15) Subchapter P;
- 13 (16) Subchapter Q;
- 14 (17) Subchapter R;
- 15 (18) Subchapter S;
- 16 (19) Subchapter T;
- 17 (20) Subchapter U;
- 18 (21) Subchapter V;
- 19 (22) Subchapter W;
- 20 (23) Subchapter X;
- 21 (24) Subchapter Y;
- 22 (25) Subchapter BB;
- 23 (26) Subchapter CC;
- 24 (27) Subchapter FF; and
- 25 (28) Subchapter GG.
- 26 (b) The heading to Chapter 54, Government Code, is repealed.

ARTICLE 7. COURT ADMINISTRATION

SECTION 7.01. Section 74.005, Government Code, is amended to read as follows:

Sec. 74.005. APPOINTMENT OF ~~[REGIONAL]~~ PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the advice and consent of the senate, shall appoint one judge in each administrative judicial region as presiding judge of the region.

(b) On the death, resignation, removal, or expiration of the term of office of a presiding judge, the governor immediately shall appoint or reappoint a presiding judge.

SECTION 7.02. Section 74.050, Government Code, is amended to read as follows:

Sec. 74.050. SUPPORT STAFF ~~[ADMINISTRATIVE ASSISTANT]~~. (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant and up to three full-time equivalent staff attorneys.

(b) An administrative assistant ~~[must have the qualifications established by rule of the supreme court]~~.

~~[(c) An administrative assistant]~~ shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) under the direction of the presiding judge, make an annual report of the activities of the administrative region and

1 special reports as provided by the rules of administration to the
2 supreme court, which shall be made in the manner directed by the
3 supreme court; and

4 (4) attend to other matters that are prescribed by the
5 council of judges.

6 (c) [~~(d)~~] An administrative assistant, with the approval of
7 the presiding judge, may purchase the necessary office equipment,
8 stamps, stationery, and supplies and employ additional personnel as
9 authorized by the presiding judge.

10 (d) [~~(e)~~] An administrative assistant or staff attorney is
11 entitled to receive the compensation from the state provided by the
12 General Appropriations Act, from county funds, or from any public
13 or private grant.

14 (e) A staff attorney may provide assistance to a district
15 judge for a specific case at the direction of the judicial committee
16 for additional resources.

17 (f) The office of court administration shall assist the
18 presiding judges in:

19 (1) monitoring the compliance of staff attorneys with
20 any job performance standards, uniform practices adopted by the
21 presiding judges, and federal and state laws and policies;

22 (2) addressing the training needs and resource
23 requirements of the staff attorneys;

24 (3) conducting annual performance evaluations for the
25 staff attorneys based on written personnel performance standards
26 adopted by the presiding judges; and

27 (4) receiving, investigating, and resolving

1 complaints about particular staff attorneys based on a uniform
2 process adopted by the presiding judges.

3 SECTION 7.03. Section 74.093(c), Government Code, is
4 amended to read as follows:

5 (c) The rules may provide for:

6 (1) the selection and authority of a presiding judge
7 of a division or branch of the courts as provided by Subsection
8 (b)(2);

9 (2) assigning courts a [giving] preference for [to] a
10 specified class of cases, such as civil, criminal, juvenile, child
11 protection, or family law, or other cases requiring special
12 judicial attention;

13 (3) other strategies for managing cases that require
14 special judicial attention;

15 (4) a coordinated response for the transaction of
16 essential judicial functions in the event of a disaster; and

17 (5) [~~(2)~~] any other matter necessary to carry out this
18 chapter or to improve the administration and management of the
19 court system and its auxiliary services.

20 SECTION 7.04. Chapter 74, Government Code, is amended by
21 adding Subchapter J to read as follows:

22 SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

23 Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter
24 does not apply to:

25 (1) a criminal matter;

26 (2) a case in which judicial review is sought under
27 Subchapter G, Chapter 2001; or

1 (3) a case that has been transferred by the judicial
2 panel on multidistrict litigation to a district court for
3 consolidated or coordinated pretrial proceedings under Subchapter
4 H.

5 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE
6 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt
7 rules under which courts, presiding judges of the administrative
8 judicial regions, and the judicial committee for additional
9 resources may determine whether a case requires additional
10 resources to ensure efficient judicial management of the case.

11 (b) In developing the rules, the supreme court shall include
12 considerations regarding whether a case involves or is likely to
13 involve:

14 (1) a large number of parties who are separately
15 represented by counsel;

16 (2) coordination with related actions pending in one
17 or more courts in other counties of this state or in one or more
18 United States district courts;

19 (3) numerous pretrial motions that present difficult
20 or novel legal issues that will be time-consuming to resolve;

21 (4) a large number of witnesses or substantial
22 documentary evidence;

23 (5) substantial postjudgment supervision;

24 (6) a trial that will last more than four weeks; and

25 (7) a substantial additional burden on the trial
26 court's docket and the resources available to the trial court to
27 hear the case.

1 Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of
2 a party in a case, or on the court's own motion, the judge of the
3 court in which the case is pending shall review the case and
4 determine whether, under rules adopted by the supreme court under
5 Section 74.252, the case will require additional resources to
6 ensure efficient judicial management. The judge is not required to
7 conduct an evidentiary hearing for purposes of making the
8 determination but may, in the judge's discretion, direct the
9 attorneys for the parties to the case and the parties to appear
10 before the judge for a conference to provide information to assist
11 the judge in making the determination.

12 (b) On determining that a case will require additional
13 resources as provided by Subsection (a), the judge shall:

14 (1) notify the presiding judge of the administrative
15 judicial region in which the court is located about the case; and

16 (2) request any specific additional resources that are
17 needed, including the assignment of a judge under this chapter.

18 (c) If the presiding judge of the administrative judicial
19 region agrees that, in accordance with the rules adopted by the
20 supreme court under Section 74.252, the case will require
21 additional resources to ensure efficient judicial management, the
22 presiding judge shall:

23 (1) use resources previously allotted to the presiding
24 judge; or

25 (2) submit a request for specific additional resources
26 to the judicial committee for additional resources.

27 Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

1 (a) The judicial committee for additional resources is composed
2 of:

3 (1) the chief justice of the supreme court; and

4 (2) the nine presiding judges of the administrative
5 judicial regions.

6 (b) The chief justice of the supreme court serves as
7 presiding officer. The office of court administration shall
8 provide staff support to the committee.

9 (c) On receipt of a request for additional resources from a
10 presiding judge of an administrative judicial region under Section
11 74.253, the committee shall determine whether the case that is the
12 subject of the request requires additional resources in accordance
13 with the rules adopted under Section 74.252. If the committee
14 determines that the case does require additional resources, the
15 committee shall make available the resources requested by the trial
16 judge to the extent funds are available for those resources under
17 the General Appropriations Act and to the extent the committee
18 determines the requested resources are appropriate to the
19 circumstances of the case.

20 (d) Subject to Subsections (c) and (f), additional
21 resources the committee may make available under this section
22 include:

23 (1) the assignment of an active or retired judge under
24 this chapter, subject to the consent of the judge of the court in
25 which the case for which the resources are provided is pending;

26 (2) additional legal, administrative, or clerical
27 personnel;

1 (3) information and communication technology,
2 including case management software, video teleconferencing, and
3 specially designed courtroom presentation hardware or software to
4 facilitate presentation of the evidence to the trier of fact;

5 (4) specialized continuing legal education;

6 (5) an associate judge;

7 (6) special accommodations or furnishings for the
8 parties;

9 (7) other services or items determined necessary to
10 try the case; and

11 (8) any other resources the committee considers
12 appropriate.

13 (e) Notwithstanding any provision of Subchapter C, a
14 justice or judge to whom Section 74.053(d) applies may not be
15 assigned under Subsection (d).

16 (f) The judicial committee for additional resources may not
17 provide additional resources under this subchapter in an amount
18 that is more than the amount appropriated for this purpose.

19 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of
20 additional resources provided for a case under this subchapter
21 shall be paid by the state and may not be taxed against any party in
22 the case for which the resources are provided or against the county
23 in which the case is pending.

24 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.
25 The filing of a motion under Section 74.253 in a case is not grounds
26 for a stay or continuance of the proceedings in the case in the
27 court in which the case is pending during the period the motion or

1 request is being considered by:

2 (1) the judge of that court;

3 (2) the presiding judge of the administrative judicial
4 region; or

5 (3) the judicial committee for additional resources.

6 Sec. 74.257. APPELLATE REVIEW. A determination made by a
7 trial court judge, the presiding judge of an administrative
8 judicial region, or the judicial committee for additional resources
9 under this subchapter is not appealable or subject to review by
10 mandamus.

11 SECTION 7.05. (a) The Texas Supreme Court shall request the
12 president of the State Bar of Texas to appoint a task force to
13 consider and make recommendations regarding the rules for
14 determining whether civil cases pending in trial courts require
15 additional resources for efficient judicial management required by
16 Section 74.252, Government Code, as added by this Act. The
17 president of the State Bar of Texas shall ensure that the task force
18 has diverse representation and includes judges of trial courts and
19 attorneys licensed to practice law in this state who regularly
20 appear in civil cases before courts in this state. The task force
21 shall provide recommendations on the rules to the Texas Supreme
22 Court not later than November 1, 2009.

23 (b) The Texas Supreme Court shall:

24 (1) consider the recommendations of the task force
25 provided as required by Subsection (a) of this section; and

26 (2) adopt the rules required by Section 74.252,
27 Government Code, as added by this Act, not later than January 1,

1 2010.

2 SECTION 7.06. The changes in law made by this article apply
3 to cases pending on or after January 1, 2010.

4 ARTICLE 8. GRANT PROGRAMS

5 SECTION 8.01. Subchapter C, Chapter 72, Government Code, is
6 amended by adding Section 72.029 to read as follows:

7 Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) The
8 office shall develop and administer, except as provided by
9 Subsection (c), a program to provide grants from available funds to
10 counties for initiatives that will enhance their court systems or
11 otherwise carry out the purposes of this chapter.

12 (b) To be eligible for a grant under this section, a county
13 must:

14 (1) use the grant money to implement initiatives that
15 will enhance the county's court system or otherwise carry out the
16 purposes of this chapter; and

17 (2) apply for the grant in accordance with procedures
18 developed by the office and comply with any other requirements of
19 the office.

20 (c) The judicial committee for additional resources shall
21 determine whether to award a grant to a county that meets the
22 eligibility requirements prescribed by Subsection (b).

23 (d) If the judicial committee for additional resources
24 awards a grant to a county, the office shall:

25 (1) direct the comptroller to distribute the grant
26 money to the county; and

27 (2) monitor the county's use of the grant money.

1 SECTION 8.02. Subchapter A, Chapter 22, Government Code, is
2 amended by adding Section 22.016 to read as follows:

3 Sec. 22.016. GRANTS FOR CHILD PROTECTION. (a) In this
4 section, "commission" means the permanent judicial commission for
5 children, youth, and families established by the supreme court.

6 (b) The commission shall develop and administer a program to
7 provide grants from available funds for initiatives that will
8 improve safety and permanency outcomes, enhance due process, or
9 increase the timeliness of resolution in child protection cases.

10 (c) To be eligible for a grant under this section, a
11 prospective recipient must:

12 (1) use the grant money to improve safety or
13 permanency outcomes, enhance due process, or increase timeliness of
14 resolution in child protection cases; and

15 (2) apply for the grant in accordance with procedures
16 developed by the commission and comply with any other requirements
17 of the supreme court.

18 (d) If the commission awards a grant, the commission shall:

19 (1) direct the comptroller to distribute the grant
20 money; and

21 (2) monitor the use of the grant money.

22 ARTICLE 9. STUDY BY OFFICE OF COURT ADMINISTRATION OF THE TEXAS
23 JUDICIAL SYSTEM

24 SECTION 9.01. In this article, "office of court
25 administration" means the Office of Court Administration of the
26 Texas Judicial System.

27 SECTION 9.02. (a) The office of court administration shall

1 study the district courts and statutory county courts of this state
2 to determine overlapping jurisdiction in civil cases in which the
3 amount in controversy is more than \$200,000. The study must
4 determine the feasibility, efficiency, and potential cost of
5 converting to district courts those statutory county courts with
6 jurisdiction in civil cases in which the amount in controversy is
7 more than \$200,000.

8 (b) Not later than October 1, 2010, the office of court
9 administration shall submit a report regarding the conversion of
10 statutory county courts to district courts to the governor, the
11 lieutenant governor, the speaker of the house of representatives,
12 the chairs of the standing committees of the senate and house of
13 representatives with primary jurisdiction over the judicial
14 system, and the commissioners court of any county with a statutory
15 county court with jurisdiction in civil cases in which the amount in
16 controversy is more than \$200,000.

17 (c) Not later than January 1, 2011, a county with a
18 statutory county court shall notify the office of court
19 administration whether the statutory county court prefers to remain
20 a statutory county court with a reduced jurisdictional limit or
21 prefers to convert to a district court. The office of court
22 administration shall submit a report to the governor, the
23 lieutenant governor, the speaker of the house of representatives,
24 and the chairs of the standing committees of the senate and house of
25 representatives with primary jurisdiction over the judicial system
26 outlining the statutory county courts that prefer to remain county
27 courts with a reduced jurisdictional limit and the statutory county

1 courts that prefer to convert to district courts.

2 ARTICLE 10. GENERAL EFFECTIVE DATE

3 SECTION 10.01. Except as otherwise provided by this Act,
4 this Act takes effect September 1, 2009.