

By: Homer

H.B. No. 4518

A BILL TO BE ENTITLED

AN ACT

relating to district court cases that may be considered by judges of constitutional county courts located within the 76th judicial district and 276th judicial district.

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

SECTION 1. Title 2, Subtitle A, Chapter 24, Subchapter A, Section 24.178, Government Code, is amended by adding a new subsection (f) to read as follows:

(f)(1) The judges of the 76th judicial district court and a constitutional county court located within the 76th judicial district may enter into a written agreement for the constitutional county court judge to consider guilty pleas in felony cases, default judgments, civil and family law cases which are uncontested and in which a final judgment will be entered, and civil and family law cases in which an agreed final judgment will be entered all of which are within the jurisdiction of the 76th judicial district court provided that:

(A) the county has no county court at law, the constitutional county court retains original misdemeanor jurisdiction, and specific statutory authority is granted to the constitutional county court judge to consider such cases; and,

(B) the presiding judge of the constitutional county court is a lawyer who is licensed to practice law in this state and who meets the qualifications for holding the office of

1 district judge in this state.

2 (2) The written agreement may provide that final judgments
3 be approved by the judge of the 76th judicial district court.

4 (3) When presiding over the cases authorized by this
5 section, the constitutional county court judge shall have the same
6 judicial immunity as the district judge.

7 (4) All pleadings, documents, records, and other papers in
8 the cases shall remain under the control of the district clerk, and
9 the district clerk may establish a separate docket for the cases
10 that will be considered by the constitutional county court judge.

11 SECTION 2. Title 2, Subtitle A, Chapter 24, Subchapter A,
12 Section 24.453, Government Code, is amended by adding a new
13 subsection (f) to read as follows:

14 (f)(1) The judges of the 276th judicial district court and a
15 constitutional county court located within the 276th judicial
16 district may enter into a written agreement for the constitutional
17 county court judge to consider guilty pleas in felony cases,
18 default judgments, civil and family law cases which are uncontested
19 and in which a final judgment will be entered, and civil and family
20 law cases in which an agreed final judgment will be entered all of
21 which are within the jurisdiction of the 276th judicial district
22 court provided that:

23 (A) the county has no county court at law, the
24 constitutional county court retains original misdemeanor
25 jurisdiction, and specific statutory authority is granted to the
26 constitutional county court judge to consider such cases; and,

27 (B) the presiding judge of the constitutional

1 county court is a lawyer who is licensed to practice law in this
2 state and who meets the qualifications for holding the office of
3 district judge in this state.

4 (2) The written agreement may provide that final judgments
5 be approved by the judge of the 276th judicial district court.

6 (3) When presiding over the cases authorized by this
7 section, the constitutional county court judge shall have the same
8 judicial immunity as the district judge.

9 (4) All pleadings, documents, records, and other papers in
10 the cases shall remain under the control of the district clerk, and
11 the district clerk may establish a separate docket for the cases
12 that will be considered by the constitutional county court judge.

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