

By: Hunter, et al.

H.B. No. 4833

A BILL TO BE ENTITLED

AN ACT

relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties.

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

SECTION 1. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.575 to read as follows:

Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). The 431st Judicial District is composed of Denton County.

(b) The 431st Judicial District is created on the effective date of this Act.

SECTION 2. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.576 to read as follows:

Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 432nd Judicial District is composed of Tarrant County.

(b) The 432nd District Court shall give preference to criminal matters.

(b) The 432nd Judicial District is created on the effective date of this Act.

SECTION 3. (a) Effective October 1, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.580 to read as follows:

Sec. 24.580. 436TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 436th Judicial District is composed of Bexar County.

1 (b) The 436th District Court shall give preference to
2 juvenile matters.

3 (b) The 436th Judicial District is created on October 1,
4 2009.

5 SECTION 4. (a) Effective January 1, 2010, Subchapter C,
6 Chapter 24, Government Code, is amended by adding Section 24.581 to
7 read as follows:

8 Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)
9 The 437th Judicial District is composed of Bexar County.

10 (b) The 437th District Court shall give preference to
11 criminal matters.

12 (b) The 437th Judicial District is created on January 1,
13 2010.

14 SECTION 5. (a) Effective September 1, 2010, Subchapter C,
15 Chapter 24, Government Code, is amended by adding Section 24.582 to
16 read as follows:

17 Sec. 24.582. 438TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)
18 The 438th Judicial District is composed of Bexar County.

19 (b) The 438th District Court shall give preference to civil
20 matters.

21 (b) The 438th Judicial District is created on September 1,
22 2010.

23 SECTION 6. (a) Effective November 1, 2010, Subchapter C,
24 Chapter 24, Government Code, is amended by adding Section 24.583 to
25 read as follows:

26 Sec. 24.583. 439TH JUDICIAL DISTRICT (ROCKWALL COUNTY).
27 The 439th Judicial District is composed of Rockwall County.

1 (b) The 439th Judicial District is created on November 1,
2 2010.

3 SECTION 7. (a) Effective October 1, 2010, Subchapter C,
4 Chapter 24, Government Code, is amended by adding Section 24.585 to
5 read as follows:

6 Sec. 24.585. 441ST JUDICIAL DISTRICT (VAN ZANDT COUNTY).
7 The 441st Judicial District is composed of Van Zandt County.

8 (b) Notwithstanding Section 24.311, Government Code, the
9 initial vacancy in the office of judge of the 441st Judicial
10 District shall be filled by election. The office exists for
11 purposes of the primary and general elections in 2010. A vacancy
12 after the initial vacancy is filled as provided by Section 28,
13 Article V, Texas Constitution.

14 (c) The 441st Judicial District is created on October 1,
15 2010.

16 (d) Effective October 1, 2010, Section 152.2401(a), Human
17 Resources Code, is amended to read as follows:

18 (a) The Van Zandt County Juvenile Board is composed of the
19 county judge, the criminal district attorney of Van Zandt County,
20 [~~and~~] the judge of the 294th Judicial District, and the judge of the
21 441st Judicial District.

22 SECTION 8. (a) Subchapter C, Chapter 24, Government Code,
23 is amended by adding Section 24.60019 to read as follows:

24 Sec. 24.60019. 475TH JUDICIAL DISTRICT (MIDLAND COUNTY).
25 The 475th Judicial District is composed of Midland County.

26 (b) The 475th Judicial District is created on the effective
27 date of this Act.

1 SECTION 9. (a) Section 25.0171(b), Government Code, is
2 amended to read as follows:

3 (b) Bexar County has the following county courts at law:

- 4 (1) County Court at Law No. 1 of Bexar County, Texas;
- 5 (2) County Court at Law No. 2 of Bexar County, Texas;
- 6 (3) County Court at Law No. 3 of Bexar County, Texas;
- 7 (4) County Court at Law No. 4 of Bexar County, Texas;
- 8 (5) County Court at Law No. 5 of Bexar County, Texas;
- 9 (6) County Court at Law No. 6 of Bexar County, Texas;
- 10 (7) County Court at Law No. 7 of Bexar County, Texas;
- 11 (8) County Court at Law No. 8 of Bexar County, Texas;
- 12 (9) County Court at Law No. 9 of Bexar County, Texas;
- 13 (10) County Court at Law No. 10 of Bexar County, Texas;
- 14 (11) County Court at Law No. 11 of Bexar County, Texas;

15 [~~and~~]

- 16 (12) County Court at Law No. 12 of Bexar County, Texas;
- 17 (13) County Court at Law No. 13 of Bexar County, Texas;
- 18 (14) County Court at Law No. 14 of Bexar County, Texas;

19 and

- 20 (15) County Court at Law No. 15 of Bexar County, Texas.

21 (b) Section 25.0172, Government Code, is amended by adding
22 Subsection (c-1) and amending Subsections (d), (l), (n), (o), (u),
23 and (v) to read as follows:

24 (c-1) The County Court at Law No. 13 of Bexar County, Texas,
25 shall give preference to cases prosecuted under:

26 (1) Section 22.01, Penal Code, in which the victim is a
27 person whose relationship to or association with the defendant is

1 described by Chapter 71, Family Code; and

2 (2) Section 25.07, Penal Code.

3 (d) The County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,
4 ~~and~~ 12, 13, 14, and 15 have six terms of court beginning on the
5 first Mondays in January, March, May, July, September, and
6 November. The County Court at Law No. 2 has six terms of court
7 beginning on the first Mondays in February, April, June, August,
8 October, and December.

9 (1) If the judge of the County Court at Law No. 4, 6, 7, 8, 9,
10 10, 11, ~~or~~ 12, 13, 14, or 15 is absent, disabled, or disqualified
11 from presiding, a special judge may be appointed or elected in the
12 manner provided by law for the appointment or election of a special
13 county judge. A special judge must take the oath of office required
14 by law for the regular judge. A special judge has the power and
15 jurisdiction of the court and of the regular judge for whom the
16 special judge is sitting and may sign orders, judgments, decrees,
17 and other process of any kind as "Judge Presiding." A special judge
18 is entitled to receive for services performed the same amount of
19 compensation as the regular judge, to be paid out of county funds.
20 The compensation paid a special judge may not be deducted from the
21 salary of the regular judge.

22 (n) The criminal district attorney shall attend the County
23 Court at Law No. 4, 6, 7, 8, 9, 10, 11, ~~or~~ 12, 13, 14, or 15 as
24 required by the judge. The criminal district attorney serves the
25 county courts at law as provided by Section 25.0010(b).

26 (o) The judge of the County Court at Law No. 4 or 6 may
27 appoint a court coordinator or administrative assistant for the

1 court. The judge of the County Court at Law No. 7, 8, 9, 10, 11,
2 [~~or~~] 12, 13, 14, or 15 may, with the approval of the commissioners
3 court, appoint a court coordinator or administrative assistant for
4 the court. A court coordinator or administrative assistant
5 performs the duties prescribed by the judge and cooperates with the
6 administrative judges and state agencies for the uniform and
7 efficient operation of the courts and the administration of
8 justice. The court coordinator or administrative assistant is
9 entitled to be paid from county funds the compensation, fees, and
10 allowances that are set by the commissioners court or as otherwise
11 provided by law. These provisions are in addition to the provisions
12 in Subchapter F, Chapter 75.

13 (u) The official court reporter of a county court at law is
14 entitled to receive an annual salary set by the judge and approved
15 by the commissioners court at an amount not less than \$35,256. The
16 official court reporter's fee shall be taxed as costs in civil
17 actions in County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,
18 [~~and~~] 12, 13, 14, and 15 in the same manner as that fee is taxed in
19 district court. In County Court at Law No. 2, the clerk collects
20 the official court reporters' fee of \$3 and pays it into the county
21 treasury in the same manner as district clerks are required to
22 collect and pay costs.

23 (v) Section 25.0006(a) does not apply to County Courts at
24 Law Nos. 4, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 of Bexar
25 County. Section 25.0006(b) does not apply to County Courts at Law
26 Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 of Bexar
27 County.

1 (c) The County Courts at Law Nos. 13, 14, and 15 of Bexar
2 County, Texas, are created on the effective date of this Act.

3 SECTION 10. (a) Effective October 1, 2009, Subchapter C,
4 Chapter 25, Government Code, is amended by adding Sections 25.0201
5 and 25.0202 to read as follows:

6 Sec. 25.0201. BOSQUE COUNTY. Bosque County has one
7 statutory county court, the County Court at Law of Bosque County.

8 Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a)
9 In addition to the jurisdiction provided by Section 25.0003 and
10 other law, a county court at law in Bosque County has concurrent
11 jurisdiction with the district court in:

12 (1) family law cases and proceedings;

13 (2) civil cases in which the matter in controversy
14 exceeds \$500 but does not exceed \$100,000, excluding interest,
15 court costs, and attorney's fees; and

16 (3) contested probate matters under Section 5(b),
17 Texas Probate Code.

18 (b) The County Court at Law of Bosque County has primary
19 jurisdiction over juvenile matters.

20 (c) A county court at law has the same terms of court as the
21 County Court of Bosque County.

22 (d) The judge of a county court at law may not engage in the
23 private practice of law and must meet the qualifications
24 established by Section 25.0014.

25 (e) The judge of a county court at law shall be paid as
26 provided by Section 25.0005. The judge's salary shall be paid out
27 of the county treasury on order of the commissioners court.

1 Notwithstanding any other law, the judge is entitled to necessary
2 office and operational expenses, including administrative and
3 clerical personnel, on the approval of the commissioners court.
4 Administrative and clerical personnel to which a judge is entitled
5 on approval under this subsection includes a court coordinator,
6 court reporter, and bailiff.

7 (f) If a family law case or proceeding is tried before a
8 jury, the jury shall be composed of 12 members. In all other cases,
9 except as otherwise required by law, the jury shall be composed of
10 six members.

11 (g) Jurors regularly impaneled for a week by the district
12 court may, on request of the county judge or the judge of a county
13 court at law, be made available and shall serve for the week in the
14 county court or the county court at law.

15 (b) Effective October 1, 2009, Section 152.0241(a), Human
16 Resources Code, is amended to read as follows:

17 (a) Bosque County is included in the Bosque, Comanche, and
18 Hamilton counties juvenile board. The juvenile board is composed
19 of:

- 20 (1) the county judge in Bosque County;
- 21 (2) the county judge in Comanche County;
- 22 (3) the county judge in Hamilton County; ~~and~~
- 23 (4) the 220th Judicial District judge; and
- 24 (5) the judge of the County Court at Law in Bosque
25 County.

26 (c) The County Court at Law of Bosque County is created on
27 October 1, 2009.

1 SECTION 11. (a) Subchapter C, Chapter 25, Government Code,
2 is amended by adding Sections 25.0761 and 25.0762 to read as
3 follows:

4 Sec. 25.0761. FANNIN COUNTY. Fannin County has one
5 statutory county court, the County Court at Law of Fannin County.

6 Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a)
7 In addition to the jurisdiction provided by Section 25.0003 and
8 other law and except as provided by Subsection (b), a county court
9 at law in Fannin County has concurrent jurisdiction with the
10 district court in:

11 (1) family law cases and proceedings, including
12 proceedings under Chapter 262, Family Code; and

13 (2) proceedings under Title 3, Family Code.

14 (b) A county court at law does not have jurisdiction of
15 proceedings under:

16 (1) Section 262.201, Family Code; or

17 (2) Section 54.03 or 54.04, Family Code.

18 (c) A county court at law shall transfer a family law case or
19 proceeding instituted under Chapter 262, Family Code, from that
20 court to the district court before a hearing governed by Section
21 262.201, Family Code, is commenced. A case or proceeding
22 transferred as required by this subsection shall be completed under
23 the same cause number and in the same manner as if the case or
24 proceeding were originally filed in the district court. The
25 district court may not transfer the case or proceeding back to the
26 county court at law, except as provided by Section 262.203(a),
27 Family Code.

1 (d) A county court at law shall transfer a juvenile case or
2 proceeding instituted under Title 3, Family Code, from that court
3 to another court designated as a juvenile court under Section
4 51.04, Family Code, before a hearing governed by Section 54.03,
5 Family Code, is commenced. A case or proceeding transferred as
6 required by this subsection shall be completed under the same cause
7 number and in the same manner as if the case or proceeding were
8 originally filed in the juvenile court. The juvenile court may not
9 transfer the case or proceeding back to the county court at law.

10 (b) The County Court at Law of Fannin County is created on
11 the effective date of this Act.

12 SECTION 12. (a) Effective September 1, 2011, Section
13 25.1101(a), Government Code, is amended to read as follows:

14 (a) Hidalgo County has the following statutory county
15 courts:

- 16 (1) County Court at Law No. 1 of Hidalgo County;
- 17 (2) County Court at Law No. 2 of Hidalgo County;
- 18 (3) County Court at Law No. 4 of Hidalgo County;
- 19 (4) County Court at Law No. 5 of Hidalgo County; ~~and~~
- 20 (5) County Court at Law No. 6 of Hidalgo County;
- 21 (6) County Court at Law No. 7 of Hidalgo County; and
- 22 (7) County Court at Law No. 8 of Hidalgo County.

23 (b) The County Court at Law No. 7 of Hidalgo County is
24 created on September 1, 2011.

25 (c) Notwithstanding Section 25.1101(a)(7), Government
26 Code, as added by this Act, the County Court at Law No. 8 of Hidalgo
27 County is created on September 1, 2012.

1 SECTION 13. (a) Subchapter C, Chapter 25, Government Code,
2 is amended by adding Sections 25.1771 and 25.1772 to read as
3 follows:

4 Sec. 25.1771. NAVARRO COUNTY. Navarro County has one
5 statutory county court, the County Court at Law of Navarro County.

6 Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a)
7 In addition to the jurisdiction provided by Section 25.0003 and
8 other law, and except as limited by Subsection (b), a county court
9 at law in Navarro County has concurrent jurisdiction with the
10 district court in:

11 (1) felony cases to:
12 (A) conduct arraignments;
13 (B) conduct pretrial hearings;
14 (C) accept guilty pleas; and
15 (D) conduct jury trials on assignment of a
16 district judge presiding in Navarro County and acceptance of the
17 assignment by the judge of the county court at law;

18 (2) Class A and Class B misdemeanor cases;
19 (3) family law matters;
20 (4) juvenile matters;
21 (5) probate matters; and
22 (6) appeals from the justice and municipal courts.

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

26 (1) suits on behalf of this state to recover penalties
27 or escheated property;

1 (2) felony cases involving capital murder;

2 (3) misdemeanors involving official misconduct; or

3 (4) contested elections.

4 (c) The judge of a county court at law must have the same
5 qualifications as those required by law for a district judge.

6 (d) The judge of a county court at law shall be paid a total
7 annual salary set by the commissioners court at an amount that is
8 not less than \$1,000 less than the total annual salary received by a
9 district judge in the county. A district judge's or statutory
10 county court judge's total annual salary does not include
11 contributions and supplements paid by a county.

12 (e) The judge of a county court at law may not engage in the
13 private practice of law.

14 (f) The district clerk serves as clerk of a county court at
15 law in matters of concurrent jurisdiction with the district court,
16 and the county clerk shall serve as clerk of a county court at law in
17 all other matters. Each clerk shall establish a separate docket for
18 a county court at law.

19 (g) The official court reporter of a county court at law is
20 entitled to receive a salary set by the judge of the county court at
21 law with the approval of the commissioners court.

22 (h) Jurors summoned for a county court at law or a district
23 court in the county may by order of the judge of the court to which
24 they are summoned be transferred to another court for service and
25 may be used as if summoned for the court to which they are
26 transferred.

27 (b) Notwithstanding Section 25.1771, Government Code, as

1 added by this section, the County Court at Law of Navarro County is
2 created on January 1, 2011, or on an earlier date determined by the
3 Commissioners Court of Navarro County by an order entered in its
4 minutes.

5 SECTION 14. Chapter 969 (H.B. 4139), Acts of the 80th
6 Legislature, Regular Session, 2007, which added Section 25.2361,
7 Government Code, to be effective January 1, 2011, is repealed.

8 SECTION 15. This Act takes effect September 1, 2009.