

AN ACT

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

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

SECTION 1. Section 24.212(b), Government Code, is amended to read as follows:

(b) The terms of the 110th District Court begin[+] ~~[(1)] in each county [Briscoe County]~~ on the first Mondays in January and July ~~[June,~~
~~[(2) in Dickens County on the first Mondays in April and November,~~
~~[(3) in Floyd County on the first Mondays in February and July, and~~
~~[(4) in Motley County on the first Mondays in March and August].~~

SECTION 2. (a) Effective January 1, 2011, 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 January 1, 2011.

SECTION 3. (a) Subchapter C, Chapter 24, Government Code,

1 is amended by adding Section 24.576 to read as follows:

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

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

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

8 SECTION 4. (a) Effective October 1, 2009, Subchapter C,
9 Chapter 24, Government Code, is amended by adding Section 24.580 to
10 read as follows:

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

13 (b) The 436th District Court shall give preference to
14 juvenile matters.

15 (b) The 436th Judicial District is created on October 1,
16 2009.

17 SECTION 5. (a) Effective December 15, 2009, Subchapter C,
18 Chapter 24, Government Code, is amended by adding Section 24.581 to
19 read as follows:

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

22 (b) The 437th District Court shall give preference to
23 criminal matters.

24 (b) The 437th Judicial District is created on December 15,
25 2009.

26 SECTION 6. (a) Effective September 1, 2010, Subchapter C,
27 Chapter 24, Government Code, is amended by adding Section 24.582 to

1 read as follows:

2 Sec. 24.582. 438TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)

3 The 438th Judicial District is composed of Bexar County.

4 (b) The 438th District Court shall give preference to civil
5 matters.

6 (b) The 438th Judicial District is created on September 1,
7 2010.

8 SECTION 7. (a) Effective November 1, 2010, Subchapter C,
9 Chapter 24, Government Code, is amended by adding Section 24.583 to
10 read as follows:

11 Sec. 24.583. 439TH JUDICIAL DISTRICT (ROCKWALL COUNTY).

12 The 439th Judicial District is composed of Rockwall County.

13 (b) The 439th Judicial District is created on November 1,
14 2010.

15 SECTION 8. (a) Subchapter C, Chapter 24, Government Code,
16 is amended by adding Section 24.585 to read as follows:

17 Sec. 24.585. 441ST JUDICIAL DISTRICT (MIDLAND COUNTY). The

18 441st Judicial District is composed of Midland County.

19 (b) The 441st Judicial District is created on the effective
20 date of this Act.

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

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

24 (1) County Court at Law No. 1 of Bexar County, Texas;

25 (2) County Court at Law No. 2 of Bexar County, Texas;

26 (3) County Court at Law No. 3 of Bexar County, Texas;

27 (4) County Court at Law No. 4 of Bexar County, Texas;

- (5) County Court at Law No. 5 of Bexar County, Texas;
- (6) County Court at Law No. 6 of Bexar County, Texas;
- (7) County Court at Law No. 7 of Bexar County, Texas;
- (8) County Court at Law No. 8 of Bexar County, Texas;
- (9) County Court at Law No. 9 of Bexar County, Texas;
- (10) County Court at Law No. 10 of Bexar County, Texas;
- (11) County Court at Law No. 11 of Bexar County, Texas;

~~and~~

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

and

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

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

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

(1) Section 22.01, Penal Code, in which the victim is a person whose relationship to or association with the defendant is described by Chapter 71, Family Code; and

(2) Section 25.07, Penal Code.

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

1 October, and December.

2 (1) If the judge of the County Court at Law No. 4, 6, 7, 8, 9,
3 10, 11, [~~or~~] 12, 13, 14, or 15 is absent, disabled, or disqualified
4 from presiding, a special judge may be appointed or elected in the
5 manner provided by law for the appointment or election of a special
6 county judge. A special judge must take the oath of office required
7 by law for the regular judge. A special judge has the power and
8 jurisdiction of the court and of the regular judge for whom the
9 special judge is sitting and may sign orders, judgments, decrees,
10 and other process of any kind as "Judge Presiding." A special judge
11 is entitled to receive for services performed the same amount of
12 compensation as the regular judge, to be paid out of county funds.
13 The compensation paid a special judge may not be deducted from the
14 salary of the regular judge.

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

19 (o) The judge of the County Court at Law No. 4 or 6 may
20 appoint a court coordinator or administrative assistant for the
21 court. The judge of the County Court at Law No. 7, 8, 9, 10, 11,
22 [~~or~~] 12, 13, 14, or 15 may, with the approval of the commissioners
23 court, appoint a court coordinator or administrative assistant for
24 the court. A court coordinator or administrative assistant
25 performs the duties prescribed by the judge and cooperates with the
26 administrative judges and state agencies for the uniform and
27 efficient operation of the courts and the administration of

1 justice. The court coordinator or administrative assistant is
2 entitled to be paid from county funds the compensation, fees, and
3 allowances that are set by the commissioners court or as otherwise
4 provided by law. These provisions are in addition to the provisions
5 in Subchapter F, Chapter 75.

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

16 (v) Section 25.0006(a) does not apply to County Courts at
17 Law Nos. 4, 6, 7, 8, 9, 10, 11, ~~and~~ 12, 13, 14, and 15 of Bexar
18 County. Section 25.0006(b) does not apply to County Courts at Law
19 Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~and~~ 12, 13, 14, and 15 of Bexar
20 County.

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

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

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

1 Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a)

2 In addition to the jurisdiction provided by Section 25.0003 and
3 other law, a county court at law in Bosque County has concurrent
4 jurisdiction with the district court in:

5 (1) family law cases and proceedings;

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

9 (3) contested probate matters under Section 5(b),
10 Texas Probate Code.

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

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

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

18 (e) The judge of a county court at law shall be paid as
19 provided by Section 25.0005. The judge's salary shall be paid out
20 of the county treasury on order of the commissioners court.
21 Notwithstanding any other law, the judge is entitled to necessary
22 office and operational expenses, including administrative and
23 clerical personnel, on the approval of the commissioners court.
24 Administrative and clerical personnel to which a judge is entitled
25 on approval under this subsection includes a court coordinator,
26 court reporter, and bailiff.

27 (f) If a family law case or proceeding is tried before a

1 jury, the jury shall be composed of 12 members. In all other cases,
2 except as otherwise required by law, the jury shall be composed of
3 six members.

4 (g) Jurors regularly impaneled for a week by the district
5 court may, on request of the county judge or the judge of a county
6 court at law, be made available and shall serve for the week in the
7 county court or the county court at law.

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

10 (a) Bosque County is included in the Bosque, Comanche, and
11 Hamilton counties juvenile board. The juvenile board is composed
12 of:

- 13 (1) the county judge in Bosque County;
- 14 (2) the county judge in Comanche County;
- 15 (3) the county judge in Hamilton County; ~~and~~
- 16 (4) the 220th Judicial District judge; and
- 17 (5) the judge of the County Court at Law in Bosque
18 County.

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

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

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

26 Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a)
27 In addition to the jurisdiction provided by Section 25.0003 and

1 other law and except as provided by Subsection (b), a county court
2 at law in Fannin County has concurrent jurisdiction with the
3 district court in:

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

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

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

9 (1) Section 262.201, Family Code; or

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

11 (c) A county court at law shall transfer a family law case or
12 proceeding instituted under Chapter 262, Family Code, from that
13 court to the district court before a hearing governed by Section
14 262.201, Family Code, is commenced. A case or proceeding
15 transferred as required by this subsection shall be completed under
16 the same cause number and in the same manner as if the case or
17 proceeding were originally filed in the district court. The
18 district court may not transfer the case or proceeding back to the
19 county court at law, except as provided by Section 262.203(a),
20 Family Code.

21 (d) A county court at law shall transfer a juvenile case or
22 proceeding instituted under Title 3, Family Code, from that court
23 to another court designated as a juvenile court under Section
24 51.04, Family Code, before a hearing governed by Section 54.03,
25 Family Code, is commenced. A case or proceeding transferred as
26 required by this subsection shall be completed under the same cause
27 number and in the same manner as if the case or proceeding were

1 originally filed in the juvenile court. The juvenile court may not
2 transfer the case or proceeding back to the county court at law.

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

5 SECTION 12. (a) Effective September 1, 2011, Section
6 25.1101(a), Government Code, is amended to read as follows:

7 (a) Hidalgo County has the following statutory county
8 courts:

- 9 (1) County Court at Law No. 1 of Hidalgo County;
- 10 (2) County Court at Law No. 2 of Hidalgo County;
- 11 (3) County Court at Law No. 4 of Hidalgo County;
- 12 (4) County Court at Law No. 5 of Hidalgo County; ~~and~~
- 13 (5) County Court at Law No. 6 of Hidalgo County;
- 14 (6) County Court at Law No. 7 of Hidalgo County; and
- 15 (7) County Court at Law No. 8 of Hidalgo County.

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

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

21 SECTION 13. (a) Section 25.1182, Government Code, is
22 amended to read as follows:

23 Sec. 25.1182. HUNT COUNTY COURT AT LAW PROVISIONS. (a) In
24 addition to the jurisdiction provided by Section 25.0003 and other
25 law, and except as limited by Subsection (b), a county court at law
26 in Hunt County has concurrent jurisdiction with the district court
27 in:

1 (1) felony cases to:

2 (A) conduct arraignments;

3 (B) conduct pretrial hearings;

4 (C) accept guilty pleas; and

5 (D) conduct jury trials on assignment of a
6 district judge presiding in Hunt County and acceptance of the
7 assignment by the judge of the county court at law;

8 (2) Class A and Class B misdemeanor cases;

9 (3) family law matters;

10 (4) juvenile matters;

11 (5) probate matters; and

12 (6) appeals from the justice and municipal courts.

13 (b) A county court at law's civil jurisdiction concurrent
14 with the district court in civil cases is limited to cases in which
15 the matter in controversy does not exceed \$200,000. A county court
16 at law does not have general supervisory control or appellate
17 review of the commissioners court or jurisdiction of:

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

20 (2) felony cases involving capital murder;

21 (3) misdemeanors involving official misconduct; or

22 (4) contested elections [~~has the same terms of court~~
23 ~~as the County Court of Hunt County]~~.

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

26 (d) The judge of a county court at law shall be paid a total
27 [~~an~~] annual salary set by the commissioners court at an amount that

1 is not less than \$1,000 less than the total annual salary received
2 by a district judge in the county. A district judge's or statutory
3 county court judge's total annual salary does not include
4 contributions and supplements paid by a county [~~that is at least~~
5 ~~\$42,500, to be paid from the same fund and in the same manner as the~~
6 ~~county judge. The judge is entitled to receive travel expenses and~~
7 ~~necessary office expenses in the same manner as is allowed the~~
8 ~~county judge~~].

9 (e) The judge of a county court at law [~~shall diligently~~
10 ~~discharge the duties of his office on a full-time basis and~~] may not
11 engage in the private practice of law.

12 (f) The district clerk serves as clerk of a county court at
13 law in matters of concurrent jurisdiction with the district court,
14 and the county clerk shall serve as clerk of a county court at law in
15 all other matters. Each clerk shall establish a separate docket for
16 a county court at law [~~A special judge of a county court at law with~~
17 ~~the same qualifications as the regular judge may be appointed or~~
18 ~~elected in the manner provided by law for county courts. If the~~
19 ~~judge of a county court at law is disqualified to try a case pending~~
20 ~~in the judge's court, the parties or their attorneys may agree on~~
21 ~~the selection of a special judge to try the case. A special judge is~~
22 ~~entitled to receive \$100 for each day served to be paid out of the~~
23 ~~general fund of the county by the commissioners court~~].

24 (g) The official court reporter of a county court at law is
25 entitled to receive a salary set by the judge of the county court at
26 law with the approval of the commissioners court [~~The county~~
27 ~~sheriff shall, in person or by deputy, attend a county court at law~~

1 ~~as required by the judge].~~

2 (h) Jurors summoned for a county court at law or a district
3 court in the county may by order of the judge of the court to which
4 they are summoned be transferred to another court for service and
5 may be used as if summoned for the court to which they are
6 transferred [~~Practice in a county court at law is that prescribed~~
7 ~~by law for county courts].~~

8 [~~(i) Section 25.0005(b) does not apply to a county court at~~
9 ~~law in Hunt County.]~~

10 (b) Sections 152.1221(a), (b), and (d), Human Resources
11 Code, are amended to read as follows:

12 (a) The Hunt County Juvenile Board is composed of the county
13 judge, the district judges in Hunt County, and the judges [~~judge~~] of
14 the county courts [~~court~~] at law.

15 (b) The board shall designate a juvenile court judge as [~~is~~]
16 the chairman of the board and its chief administrative officer.

17 (d) Each judge on the board may [~~shall~~] appoint one citizen
18 to serve on the advisory council. Members of the advisory council
19 serve without compensation.

20 SECTION 14. (a) Subchapter C, Chapter 25, Government Code,
21 is amended by adding Sections 25.1771 and 25.1772 to read as
22 follows:

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

25 Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a)
26 In addition to the jurisdiction provided by Section 25.0003 and
27 other law, and except as limited by Subsection (b), a county court

1 at law in Navarro County has concurrent jurisdiction with the
2 district court in:

3 (1) felony cases to:

4 (A) conduct arraignments;

5 (B) conduct pretrial hearings;

6 (C) accept guilty pleas; and

7 (D) conduct jury trials on assignment of a
8 district judge presiding in Navarro County and acceptance of the
9 assignment by the judge of the county court at law;

10 (2) Class A and Class B misdemeanor cases;

11 (3) family law matters;

12 (4) juvenile matters;

13 (5) probate matters; and

14 (6) appeals from the justice and municipal courts.

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) suits on behalf of this state to recover penalties
19 or escheated property;

20 (2) felony cases involving capital murder;

21 (3) misdemeanors involving official misconduct; or

22 (4) contested elections.

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

25 (d) The judge of a county court at law shall be paid a total
26 annual salary set by the commissioners court at an amount that is
27 not less than \$1,000 less than the total annual salary received by a

1 district judge in the county. A district judge's or statutory
2 county court judge's total annual salary does not include
3 contributions and supplements paid by a county.

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

6 (f) The district clerk serves as clerk of a county court at
7 law in matters of concurrent jurisdiction with the district court,
8 and the county clerk shall serve as clerk of a county court at law in
9 all other matters. Each clerk shall establish a separate docket for
10 a county court at law.

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

14 (h) Jurors summoned for a county court at law or a district
15 court in the county may by order of the judge of the court to which
16 they are summoned be transferred to another court for service and
17 may be used as if summoned for the court to which they are
18 transferred.

19 (b) Notwithstanding Section 25.1771, Government Code, as
20 added by this section, the County Court at Law of Navarro County is
21 created on January 1, 2011, or on an earlier date determined by the
22 Commissioners Court of Navarro County by an order entered in its
23 minutes.

24 SECTION 15. (a) Effective January 1, 2011, Subchapter C,
25 Chapter 25, Government Code, is amended by adding Section 25.2362
26 to read as follows:

27 Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a)

1 In addition to the jurisdiction provided by Section 25.0003 and
2 other law, and except as limited by Subsection (b), a county court
3 at law in Van Zandt County has concurrent jurisdiction with the
4 district court in:

5 (1) felony cases to:

6 (A) conduct arraignments;

7 (B) conduct pretrial hearings;

8 (C) accept guilty pleas; and

9 (D) conduct jury trials on assignment of a

10 district judge presiding in Van Zandt County and acceptance of the
11 assignment by the judge of the county court at law;

12 (2) Class A and Class B misdemeanor cases;

13 (3) family law matters;

14 (4) juvenile matters;

15 (5) probate matters; and

16 (6) appeals from the justice and municipal courts.

17 (b) A county court at law's civil jurisdiction concurrent
18 with the district court in civil cases is limited to cases in which
19 the matter in controversy does not exceed \$200,000. A county court
20 at law does not have general supervisory control or appellate
21 review of the commissioners court or jurisdiction of:

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

24 (2) felony cases involving capital murder;

25 (3) misdemeanors involving official misconduct; or

26 (4) contested elections.

27 (c) The judge of a county court at law must have the same

1 qualifications as those required by law for a district judge.

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

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

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

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

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

23 (b) Effective January 1, 2011, Section 152.2401(a), Human
24 Resources Code, is amended to read as follows:

25 (a) The Van Zandt County Juvenile Board is composed of the
26 county judge, the criminal district attorney of Van Zandt County,
27 ~~and~~ the judge of the 294th Judicial District, and the judge of the

1 county court at law.

2 (c) Notwithstanding Section 25.0009, Government Code, the
3 initial vacancy in the office of judge of the County Court at Law of
4 Van Zandt County shall be filled by election. The office exists for
5 purposes of the primary and general elections in 2010. A vacancy
6 after the initial vacancy is filled as provided by Section 25.0009,
7 Government Code. This subsection takes effect September 1, 2009.

8 (d) Except as otherwise provided by this section, this
9 section takes effect January 1, 2011.

10 SECTION 16. (a) Section 43.134(a), Government Code, is
11 amended to read as follows:

12 (a) The voters of Hale County [~~and Swisher counties~~] elect a
13 district attorney for the 64th Judicial District who represents the
14 state in that district court only in Hale County [~~those counties~~].

15 (b) Subchapter B, Chapter 45, Government Code, is amended by
16 adding Section 45.319 to read as follows:

17 Sec. 45.319. SWISHER COUNTY. The county attorney in
18 Swisher County shall represent the state in all matters pending
19 before the district court in Swisher County.

20 (c) Section 46.002, Government Code, is amended to read as
21 follows:

22 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
23 applies to the state prosecuting attorney, all county prosecutors,
24 and the following state prosecutors:

25 (1) the district attorneys for Kenedy and Kleberg
26 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
27 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,

1 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
2 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
3 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
4 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
5 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
6 271st, 286th, 329th, 344th, 349th, 355th, and 506th judicial
7 districts;

8 (2) the criminal district attorneys for the counties
9 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
10 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
11 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
12 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
13 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
14 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
15 Waller, Wichita, Wood, and Yoakum; and

16 (3) the county attorneys performing the duties of
17 district attorneys in the counties of Andrews, Callahan, Cameron,
18 Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb,
19 Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
20 Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb,
21 and Willacy.

22 SECTION 17. (a) Subtitle E, Title 7, Health and Safety
23 Code, is amended by adding Chapter 617 to read as follows:

24 CHAPTER 617. VETERANS COURT PROGRAM

25 Sec. 617.001. VETERANS COURT PROGRAM DEFINED; PROCEDURES
26 FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans court
27 program" means a program that has the following essential

1 characteristics:

2 (1) the integration of services in the processing of
3 cases in the judicial system;

4 (2) the use of a nonadversarial approach involving
5 prosecutors and defense attorneys to promote public safety and to
6 protect the due process rights of program participants;

7 (3) early identification and prompt placement of
8 eligible participants in the program;

9 (4) access to a continuum of alcohol, controlled
10 substance, mental health, and other related treatment and
11 rehabilitative services;

12 (5) careful monitoring of treatment and services
13 provided to program participants;

14 (6) a coordinated strategy to govern program responses
15 to participants' compliance;

16 (7) ongoing judicial interaction with program
17 participants;

18 (8) monitoring and evaluation of program goals and
19 effectiveness;

20 (9) continuing interdisciplinary education to promote
21 effective program planning, implementation, and operations; and

22 (10) development of partnerships with public agencies
23 and community organizations, including the United States
24 Department of Veterans Affairs.

25 (b) If a defendant successfully completes a veterans court
26 program, as authorized under Section 76.011, Government Code, after
27 notice to the attorney representing the state and a hearing in the

1 veterans court at which that court determines that a dismissal is in
2 the best interest of justice, the court in which the criminal case
3 is pending shall dismiss the criminal action against the defendant.

4 Sec. 617.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.

5 (a) The commissioners court of a county may establish a veterans
6 court program for persons arrested for or charged with any
7 misdemeanor or felony offense. A defendant is eligible to
8 participate in a veterans court program established under this
9 chapter only if the attorney representing the state consents to the
10 defendant's participation in the program and if the court in which
11 the criminal case is pending finds that the defendant:

12 (1) is a veteran or current member of the United States
13 armed forces, including a member of the reserves, national guard,
14 or state guard; and

15 (2) suffers from a brain injury, mental illness, or
16 mental disorder, including post-traumatic stress disorder, that:

17 (A) resulted from the defendant's military
18 service in a combat zone or other similar hazardous duty area; and

19 (B) materially affected the defendant's criminal
20 conduct at issue in the case.

21 (b) The court in which the criminal case is pending shall
22 allow an eligible defendant to choose whether to proceed through
23 the veterans court program or otherwise through the criminal
24 justice system.

25 (c) Proof of matters described by Subsection (a) may be
26 submitted to the court in which the criminal case is pending in any
27 form the court determines to be appropriate, including military

1 service and medical records, previous determinations of a
2 disability by a veteran's organization or by the United States
3 Department of Veterans Affairs, testimony or affidavits of other
4 veterans or service members, and prior determinations of
5 eligibility for benefits by any state or county veterans office.
6 The court's findings must accompany any docketed case.

7 Sec. 617.003. DUTIES OF VETERANS COURT. (a) A veterans
8 court program established under this chapter must:

9 (1) ensure a person eligible for the program is
10 provided legal counsel before volunteering to proceed through the
11 program and while participating in the program;

12 (2) allow a participant to withdraw from the program
13 at any time before a trial on the merits has been initiated;

14 (3) provide a participant with a court-ordered
15 individualized treatment plan indicating the services that will be
16 provided to the participant; and

17 (4) ensure that the jurisdiction of the veterans court
18 continues for a period of not less than six months but does not
19 continue beyond the period of community supervision for the offense
20 charged.

21 (b) A veterans court program established under this chapter
22 shall make, establish, and publish local procedures to ensure
23 maximum participation of eligible defendants in the county or
24 counties in which those defendants reside.

25 (c) This chapter does not prevent the initiation of
26 procedures under Chapter 46B, Code of Criminal Procedure.

27 Sec. 617.004. ESTABLISHMENT OF REGIONAL PROGRAM. The

1 commissioners courts of two or more counties may elect to establish
2 a regional veterans court program under this chapter for the
3 participating counties.

4 Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and
5 the speaker of the house of representatives may assign to
6 appropriate legislative committees duties relating to the
7 oversight of veterans court programs established under this
8 chapter.

9 (b) A legislative committee or the governor may request the
10 state auditor to perform a management, operations, or financial or
11 accounting audit of a veterans court program established under this
12 chapter.

13 (c) A veterans court program established under this chapter
14 shall:

15 (1) notify the criminal justice division of the
16 governor's office before or on implementation of the program; and

17 (2) provide information regarding the performance of
18 the program to that division on request.

19 Sec. 617.006. FEES. (a) A veterans court program
20 established under this chapter may collect from a participant in
21 the program:

22 (1) a reasonable program fee not to exceed \$1,000; and

23 (2) a testing, counseling, and treatment fee in an
24 amount necessary to cover the costs of any testing, counseling, or
25 treatment performed or provided under the program.

26 (b) Fees collected under this section may be paid on a
27 periodic basis or on a deferred payment schedule at the discretion

1 of the judge, magistrate, or program director administering the
2 program. The fees must be:

3 (1) based on the participant's ability to pay; and

4 (2) used only for purposes specific to the program.

5 (b) Article 55.01(a), Code of Criminal Procedure, is
6 amended to read as follows:

7 (a) A person who has been placed under a custodial or
8 noncustodial arrest for commission of either a felony or
9 misdemeanor is entitled to have all records and files relating to
10 the arrest expunged if:

11 (1) the person is tried for the offense for which the
12 person was arrested and is:

13 (A) acquitted by the trial court, except as
14 provided by Subsection (c) of this section; or

15 (B) convicted and subsequently pardoned; or

16 (2) each of the following conditions exist:

17 (A) an indictment or information charging the
18 person with commission of a felony has not been presented against
19 the person for an offense arising out of the transaction for which
20 the person was arrested or, if an indictment or information
21 charging the person with commission of a felony was presented, the
22 indictment or information has been dismissed or quashed, and:

23 (i) the limitations period expired before
24 the date on which a petition for expunction was filed under Article
25 55.02; or

26 (ii) the court finds that the indictment or
27 information was dismissed or quashed because the person completed a

1 pretrial intervention program authorized under Section 76.011,
2 Government Code, or because the presentment had been made because
3 of mistake, false information, or other similar reason indicating
4 absence of probable cause at the time of the dismissal to believe
5 the person committed the offense or because it was void;

6 (B) the person has been released and the charge,
7 if any, has not resulted in a final conviction and is no longer
8 pending and there was no court ordered community supervision under
9 Article 42.12 for any offense other than a Class C misdemeanor; and

10 (C) the person has not been convicted of a felony
11 in the five years preceding the date of the arrest.

12 SECTION 18. This Act does not make an appropriation. A
13 provision in this Act that creates a new governmental program,
14 creates a new entitlement, or imposes a new duty on a governmental
15 entity is not mandatory during a fiscal period for which the
16 legislature has not made a specific appropriation to implement the
17 provision.

18 SECTION 19. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 4833 was passed by the House on May 14, 2009, by the following vote: Yeas 132, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 4833 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 4833 on May 31, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 4833

I certify that H.B. No. 4833 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 4833 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor