

By: Hunter

H.B. No. 4833

Substitute the following for H.B. No. 4833:

By: Alonzo

C.S.H.B. No. 4833

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of district courts and statutory county
3 courts and to the composition of the juvenile boards in certain
4 counties.

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

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

8 Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). The
9 431st Judicial District is composed of Denton County.

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

12 SECTION 2. (a) Effective October 1, 2009, Subchapter C,
13 Chapter 24, Government Code, is amended by adding Section 24.580 to
14 read as follows:

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

17 (b) The 436th District Court shall give preference to
18 juvenile matters.

19 (b) The 436th Judicial District is created on October 1,
20 2009.

21 SECTION 3. (a) Effective January 1, 2010, Subchapter C,
22 Chapter 24, Government Code, is amended by adding Section 24.581 to
23 read as follows:

24 Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)

1 The 437th Judicial District is composed of Bexar County.

2 (b) The 437th District Court shall give preference to
3 criminal matters.

4 (b) The 437th Judicial District is created on January 1,
5 2010.

6 SECTION 4. (a) Effective September 1, 2010, Subchapter C,
7 Chapter 24, Government Code, is amended by adding Section 24.582 to
8 read as follows:

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

11 (b) The 438th District Court shall give preference to civil
12 matters.

13 (b) The 438th Judicial District is created on September 1,
14 2010.

15 SECTION 5. (a) Effective November 1, 2010, Subchapter C,
16 Chapter 24, Government Code, is amended by adding Section 24.583 to
17 read as follows:

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

20 (b) The 439th Judicial District is created on November 1,
21 2010.

22 SECTION 6. (a) Subchapter C, Chapter 24, Government Code,
23 is amended by adding Section 24.584 to read as follows:

24 Sec. 24.584. 440TH JUDICIAL DISTRICT (KAUFMAN COUNTY). The
25 440th Judicial District is composed of Kaufman County.

26 (b) The 440th Judicial District is created on the effective
27 date of this Act.

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

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

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

12 (c) The 441st Judicial District is created on October 1,
13 2010.

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

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

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

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

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

- 23 (1) County Court at Law No. 1 of Bexar County, Texas;
- 24 (2) County Court at Law No. 2 of Bexar County, Texas;
- 25 (3) County Court at Law No. 3 of Bexar County, Texas;
- 26 (4) County Court at Law No. 4 of Bexar County, Texas;
- 27 (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, October, and December.

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

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

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

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

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

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

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

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

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

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

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

4 (1) family law cases and proceedings;

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

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

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

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

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

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

26 (f) If a family law case or proceeding is tried before a
27 jury, the jury shall be composed of 12 members. In all other cases,

1 except as otherwise required by law, the jury shall be composed of
2 six members.

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

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

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

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

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

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

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

25 Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a)
26 In addition to the jurisdiction provided by Section 25.0003 and
27 other law and except as provided by Subsection (b), a county court

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

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

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

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

8 (1) Section 262.201, Family Code; or

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

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

20 (d) A county court at law shall transfer a juvenile case or
21 proceeding instituted under Title 3, Family Code, from that court
22 to another court designated as a juvenile court under Section
23 51.04, Family Code, before a hearing governed by Section 54.03,
24 Family Code, is commenced. A case or proceeding transferred as
25 required by this subsection shall be completed under the same cause
26 number and in the same manner as if the case or proceeding were
27 originally filed in the juvenile court. The juvenile court may not

1 transfer the case or proceeding back to the county court at law.

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

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

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

8 (1) County Court at Law No. 1 of Hidalgo County;

9 (2) County Court at Law No. 2 of Hidalgo County;

10 (3) County Court at Law No. 4 of Hidalgo County;

11 (4) County Court at Law No. 5 of Hidalgo County; ~~and~~

12 (5) County Court at Law No. 6 of Hidalgo County;

13 (6) County Court at Law No. 7 of Hidalgo County; and

14 (7) County Court at Law No. 8 of Hidalgo County.

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

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

20 SECTION 13. (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 14. (a) Effective September 1, 2010, Subchapter C,
25 Chapter 25, Government Code, is amended by adding Sections 25.2361
26 and 25.2362 to read as follows:

27 Sec. 25.2361. VAN ZANDT COUNTY. Van Zandt County has one

1 statutory county court, the County Court at Law of Van Zandt County.

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

3 In addition to the jurisdiction provided by Section 25.0003, a
4 county court at law in Van Zandt County has, concurrent with the
5 district court, the jurisdiction provided by the constitution and
6 general law for district courts, except that the county court at law
7 does not have jurisdiction in capital felony cases.

8 (b) The county clerk serves as clerk of a county court at law
9 for cases and proceedings originally filed in the county court at
10 law, and the district clerk serves as clerk of a county court at law
11 for cases and proceedings originally filed in the district courts
12 in the county.

13 (b) Effective September 1, 2010, Section 152.2401(a), Human
14 Resources Code, is amended to read as follows:

15 (a) The Van Zandt County Juvenile Board is composed of the
16 county judge, the criminal district attorney of Van Zandt County,
17 the judge of the County Court at Law of Van Zandt County, and the
18 judge of the 294th Judicial District.

19 (c) Chapter 969 (H.B. 4139), Acts of the 80th Legislature,
20 Regular Session, 2007, which added Section 25.2361, Government
21 Code, to be effective January 1, 2011, is repealed.

22 (d) Notwithstanding Section 25.0009, Government Code, the
23 initial vacancy in the office of judge of the County Court at Law of
24 Van Zandt County shall be filled by election. The office exists for
25 purposes of the primary and general elections in 2010. A vacancy
26 after the initial vacancy is filled as provided by Section 25.0009,
27 Government Code.

1 (e) The County Court at Law of Van Zandt County is created on
2 September 1, 2010.

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