

By: Hunter

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) Section 25.0171(b), Government Code, is  
15 amended to read as follows:

- 16 (b) Bexar County has the following county courts at law:
- 17 (1) County Court at Law No. 1 of Bexar County, Texas;
  - 18 (2) County Court at Law No. 2 of Bexar County, Texas;
  - 19 (3) County Court at Law No. 3 of Bexar County, Texas;
  - 20 (4) County Court at Law No. 4 of Bexar County, Texas;
  - 21 (5) County Court at Law No. 5 of Bexar County, Texas;
  - 22 (6) County Court at Law No. 6 of Bexar County, Texas;
  - 23 (7) County Court at Law No. 7 of Bexar County, Texas;
  - 24 (8) County Court at Law No. 8 of Bexar County, Texas;
  - 25 (9) County Court at Law No. 9 of Bexar County, Texas;
  - 26 (10) County Court at Law No. 10 of Bexar County, Texas;
  - 27 (11) County Court at Law No. 11 of Bexar County, Texas;

1 [~~and~~]

2 (12) County Court at Law No. 12 of Bexar County, Texas;

3 (13) County Court at Law No. 13 of Bexar County, Texas;

4 (14) County Court at Law No. 14 of Bexar County, Texas;

5 and

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

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

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

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

15 (2) Section 25.07, Penal Code.

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

22 (1) If the judge of the County Court at Law No. 4, 6, 7, 8, 9,  
23 10, 11, [~~or~~] 12, 13, 14, or 15 is absent, disabled, or disqualified  
24 from presiding, a special judge may be appointed or elected in the  
25 manner provided by law for the appointment or election of a special  
26 county judge. A special judge must take the oath of office required  
27 by law for the regular judge. A special judge has the power and

1 jurisdiction of the court and of the regular judge for whom the  
2 special judge is sitting and may sign orders, judgments, decrees,  
3 and other process of any kind as "Judge Presiding." A special judge  
4 is entitled to receive for services performed the same amount of  
5 compensation as the regular judge, to be paid out of county funds.  
6 The compensation paid a special judge may not be deducted from the  
7 salary of the regular judge.

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

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

26 (u) The official court reporter of a county court at law is  
27 entitled to receive an annual salary set by the judge and approved

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

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

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

16 SECTION 9. (a) Effective October 1, 2009, Subchapter C,  
17 Chapter 25, Government Code, is amended by adding Sections 25.0201  
18 and 25.0202 to read as follows:

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

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

25 (1) family law cases and proceedings;

26 (2) civil cases in which the matter in controversy  
27 exceeds \$500 but does not exceed \$100,000, excluding interest,

1 court costs, and attorney's fees; and

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

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

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

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

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

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

24 (g) Jurors regularly impaneled for a week by the district  
25 court may, on request of the county judge or the judge of a county  
26 court at law, be made available and shall serve for the week in the  
27 county court or the county court at law.

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

3 (a) Bosque County is included in the Bosque, Comanche, and  
4 Hamilton counties juvenile board. The juvenile board is composed  
5 of:

- 6 (1) the county judge in Bosque County;
- 7 (2) the county judge in Comanche County;
- 8 (3) the county judge in Hamilton County; ~~and~~
- 9 (4) the 220th Judicial District judge; and
- 10 (5) the judge of the County Court at Law in Bosque  
11 County.

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

14 SECTION 10. (a) Subchapter C, Chapter 25, Government Code,  
15 is amended by adding Sections 25.0761 and 25.0762 to read as  
16 follows:

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

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

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

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

27 (b) A county court at law does not have jurisdiction of



1 proceedings under:

2 (1) Section 262.201, Family Code; or

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

4 (c) A county court at law shall transfer a family law case or  
5 proceeding instituted under Chapter 262, Family Code, from that  
6 court to the district court before a hearing governed by Section  
7 262.201, Family Code, is commenced. A case or proceeding  
8 transferred as required by this subsection shall be completed under  
9 the same cause number and in the same manner as if the case or  
10 proceeding were originally filed in the district court. The  
11 district court may not transfer the case or proceeding back to the  
12 county court at law, except as provided by Section 262.203(a),  
13 Family Code.

14 (d) A county court at law shall transfer a juvenile case or  
15 proceeding instituted under Title 3, Family Code, from that court  
16 to another court designated as a juvenile court under Section  
17 51.04, Family Code, before a hearing governed by Section 54.03,  
18 Family Code, is commenced. A case or proceeding transferred as  
19 required by this subsection shall be completed under the same cause  
20 number and in the same manner as if the case or proceeding were  
21 originally filed in the juvenile court. The juvenile court may not  
22 transfer the case or proceeding back to the county court at law.

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

25 SECTION 11. (a) Subchapter C, Chapter 25, Government Code,  
26 is amended by adding Sections 25.1771 and 25.1772 to read as  
27 follows:

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

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

8           (1) felony cases to:

9                   (A) conduct arraignments;

10                   (B) conduct pretrial hearings;

11                   (C) accept guilty pleas; and

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

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

16           (3) family law matters;

17           (4) juvenile matters;

18           (5) probate matters; and

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

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

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

25           (2) felony cases involving capital murder;

26           (3) misdemeanors involving official misconduct; or

27           (4) contested elections.

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

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

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

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

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

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

24       (b) Notwithstanding Section 25.1771, Government Code, as  
25 added by this section, the County Court at Law of Navarro County is  
26 created on January 1, 2011, or on an earlier date determined by the  
27 Commissioners Court of Navarro County by an order entered in its

1 minutes.

2 SECTION 12. (a) Effective September 1, 2010, Subchapter C,  
3 Chapter 25, Government Code, is amended by adding Sections 25.2361  
4 and 25.2362 to read as follows:

5 Sec. 25.2361. VAN ZANDT COUNTY. Van Zandt County has one  
6 statutory county court, the County Court at Law of Van Zandt County.

7 Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a)  
8 In addition to the jurisdiction provided by Section 25.0003, a  
9 county court at law in Van Zandt County has, concurrent with the  
10 district court, the jurisdiction provided by the constitution and  
11 general law for district courts, except that the county court at law  
12 does not have jurisdiction in capital felony cases.

13 (b) The county clerk serves as clerk of a county court at law  
14 for cases and proceedings originally filed in the county court at  
15 law, and the district clerk serves as clerk of a county court at law  
16 for cases and proceedings originally filed in the district courts  
17 in the county.

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

20 (a) The Van Zandt County Juvenile Board is composed of the  
21 county judge, the criminal district attorney of Van Zandt County,  
22 the judge of the County Court at Law of Van Zandt County, and the  
23 judge of the 294th Judicial District.

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

27 (d) Notwithstanding Section 25.0009, Government Code, the

1 initial vacancy in the office of judge of the County Court at Law of  
2 Van Zandt County shall be filled by election. The office exists for  
3 purposes of the primary and general elections in 2010. A vacancy  
4 after the initial vacancy is filled as provided by Section 25.0009,  
5 Government Code.

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

8 SECTION 13. This Act takes effect September 1, 2009.