

1-1 By: Hunter, et al. (Senate Sponsor - Wentworth) H.B. No. 4833  
1-2 (In the Senate - Received from the House May 15, 2009;  
1-3 May 18, 2009, read first time and referred to Committee on  
1-4 Jurisprudence; May 22, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4833 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of district courts and statutory county  
1-11 courts and to the composition of juvenile boards in certain  
1-12 counties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. (a) Effective January 1, 2011, Subchapter C,  
1-15 Chapter 24, Government Code, is amended by adding Section 24.575 to  
1-16 read as follows:

1-17 Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). The  
1-18 431st Judicial District is composed of Denton County.

1-19 (b) The 431st Judicial District is created on January 1,  
1-20 2011.

1-21 SECTION 2. (a) Subchapter C, Chapter 24, Government Code,  
1-22 is amended by adding Section 24.576 to read as follows:

1-23 Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a)  
1-24 The 432nd Judicial District is composed of Tarrant County.

1-25 (b) The 432nd District Court shall give preference to  
1-26 criminal matters.

1-27 (b) The 432nd Judicial District is created on the effective  
1-28 date of this Act.

1-29 SECTION 3. (a) Effective October 1, 2009, Subchapter C,  
1-30 Chapter 24, Government Code, is amended by adding Section 24.580 to  
1-31 read as follows:

1-32 Sec. 24.580. 436TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)  
1-33 The 436th Judicial District is composed of Bexar County.

1-34 (b) The 436th District Court shall give preference to  
1-35 juvenile matters.

1-36 (b) The 436th Judicial District is created on October 1,  
1-37 2009.

1-38 SECTION 4. (a) Effective December 15, 2009, Subchapter C,  
1-39 Chapter 24, Government Code, is amended by adding Section 24.581 to  
1-40 read as follows:

1-41 Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)  
1-42 The 437th Judicial District is composed of Bexar County.

1-43 (b) The 437th District Court shall give preference to  
1-44 criminal matters.

1-45 (b) The 437th Judicial District is created on December 15,  
1-46 2009.

1-47 SECTION 5. (a) Effective September 1, 2010, Subchapter C,  
1-48 Chapter 24, Government Code, is amended by adding Section 24.582 to  
1-49 read as follows:

1-50 Sec. 24.582. 438TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)  
1-51 The 438th Judicial District is composed of Bexar County.

1-52 (b) The 438th District Court shall give preference to civil  
1-53 matters.

1-54 (b) The 438th Judicial District is created on September 1,  
1-55 2010.

1-56 SECTION 6. (a) Section 25.0171(b), Government Code, is  
1-57 amended to read as follows:

1-58 (b) Bexar County has the following county courts at law:

1-59 (1) County Court at Law No. 1 of Bexar County, Texas;

1-60 (2) County Court at Law No. 2 of Bexar County, Texas;

1-61 (3) County Court at Law No. 3 of Bexar County, Texas;

1-62 (4) County Court at Law No. 4 of Bexar County, Texas;

1-63 (5) County Court at Law No. 5 of Bexar County, Texas;

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

2-11 and

2-12 (15) County Court at Law No. 15 of Bexar County, Texas.

2-13 (b) Section 25.0172, Government Code, is amended by adding  
2-14 Subsection (c-1) and amending Subsections (d), (l), (n), (o), (u),  
2-15 and (v) to read as follows:

2-16 (c-1) The County Court at Law No. 13 of Bexar County, Texas,  
2-17 shall give preference to cases prosecuted under:

2-18 (1) Section 22.01, Penal Code, in which the victim is a  
2-19 person whose relationship to or association with the defendant is  
2-20 described by Chapter 71, Family Code; and

2-21 (2) Section 25.07, Penal Code.

2-22 (d) The County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,  
2-23 [~~and~~] 12, 13, 14, and 15 have six terms of court beginning on the  
2-24 first Mondays in January, March, May, July, September, and  
2-25 November. The County Court at Law No. 2 has six terms of court  
2-26 beginning on the first Mondays in February, April, June, August,  
2-27 October, and December.

2-28 (l) If the judge of the County Court at Law No. 4, 6, 7, 8, 9,  
2-29 10, 11, [~~or~~] 12, 13, 14, or 15 is absent, disabled, or disqualified  
2-30 from presiding, a special judge may be appointed or elected in the  
2-31 manner provided by law for the appointment or election of a special  
2-32 county judge. A special judge must take the oath of office required  
2-33 by law for the regular judge. A special judge has the power and  
2-34 jurisdiction of the court and of the regular judge for whom the  
2-35 special judge is sitting and may sign orders, judgments, decrees,  
2-36 and other process of any kind as "Judge Presiding." A special judge  
2-37 is entitled to receive for services performed the same amount of  
2-38 compensation as the regular judge, to be paid out of county funds.  
2-39 The compensation paid a special judge may not be deducted from the  
2-40 salary of the regular judge.

2-41 (n) The criminal district attorney shall attend the County  
2-42 Court at Law No. 4, 6, 7, 8, 9, 10, 11, [~~or~~] 12, 13, 14, or 15 as  
2-43 required by the judge. The criminal district attorney serves the  
2-44 county courts at law as provided by Section 25.0010(b).

2-45 (o) The judge of the County Court at Law No. 4 or 6 may  
2-46 appoint a court coordinator or administrative assistant for the  
2-47 court. The judge of the County Court at Law No. 7, 8, 9, 10, 11,  
2-48 [~~or~~] 12, 13, 14, or 15 may, with the approval of the commissioners  
2-49 court, appoint a court coordinator or administrative assistant for  
2-50 the court. A court coordinator or administrative assistant  
2-51 performs the duties prescribed by the judge and cooperates with the  
2-52 administrative judges and state agencies for the uniform and  
2-53 efficient operation of the courts and the administration of  
2-54 justice. The court coordinator or administrative assistant is  
2-55 entitled to be paid from county funds the compensation, fees, and  
2-56 allowances that are set by the commissioners court or as otherwise  
2-57 provided by law. These provisions are in addition to the provisions  
2-58 in Subchapter F, Chapter 75.

2-59 (u) The official court reporter of a county court at law is  
2-60 entitled to receive an annual salary set by the judge and approved  
2-61 by the commissioners court at an amount not less than \$35,256. The  
2-62 official court reporter's fee shall be taxed as costs in civil  
2-63 actions in County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,  
2-64 [~~and~~] 12, 13, 14, and 15 in the same manner as that fee is taxed in  
2-65 district court. In County Court at Law No. 2, the clerk collects  
2-66 the official court reporters' fee of \$3 and pays it into the county  
2-67 treasury in the same manner as district clerks are required to  
2-68 collect and pay costs.

2-69 (v) Section 25.0006(a) does not apply to County Courts at

3-1 Law Nos. 4, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 of Bexar  
3-2 County. Section 25.0006(b) does not apply to County Courts at Law  
3-3 Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 of Bexar  
3-4 County.

3-5 (c) The County Courts at Law Nos. 13, 14, and 15 of Bexar  
3-6 County, Texas, are created on the effective date of this Act.

3-7 SECTION 7. (a) Effective October 1, 2009, Subchapter C,  
3-8 Chapter 25, Government Code, is amended by adding Sections 25.0201  
3-9 and 25.0202 to read as follows:

3-10 Sec. 25.0201. BOSQUE COUNTY. Bosque County has one  
3-11 statutory county court, the County Court at Law of Bosque County.

3-12 Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a)  
3-13 In addition to the jurisdiction provided by Section 25.0003 and  
3-14 other law, a county court at law in Bosque County has concurrent  
3-15 jurisdiction with the district court in:

3-16 (1) family law cases and proceedings;

3-17 (2) civil cases in which the matter in controversy  
3-18 exceeds \$500 but does not exceed \$100,000, excluding interest,  
3-19 court costs, and attorney's fees; and

3-20 (3) contested probate matters under Section 5(b),  
3-21 Texas Probate Code.

3-22 (b) The County Court at Law of Bosque County has primary  
3-23 jurisdiction over juvenile matters.

3-24 (c) A county court at law has the same terms of court as the  
3-25 County Court of Bosque County.

3-26 (d) The judge of a county court at law may not engage in the  
3-27 private practice of law and must meet the qualifications  
3-28 established by Section 25.0014.

3-29 (e) The judge of a county court at law shall be paid as  
3-30 provided by Section 25.0005. The judge's salary shall be paid out  
3-31 of the county treasury on order of the commissioners court.  
3-32 Notwithstanding any other law, the judge is entitled to necessary  
3-33 office and operational expenses, including administrative and  
3-34 clerical personnel, on the approval of the commissioners court.  
3-35 Administrative and clerical personnel to which a judge is entitled  
3-36 on approval under this subsection includes a court coordinator,  
3-37 court reporter, and bailiff.

3-38 (f) If a family law case or proceeding is tried before a  
3-39 jury, the jury shall be composed of 12 members. In all other cases,  
3-40 except as otherwise required by law, the jury shall be composed of  
3-41 six members.

3-42 (g) Jurors regularly impaneled for a week by the district  
3-43 court may, on request of the county judge or the judge of a county  
3-44 court at law, be made available and shall serve for the week in the  
3-45 county court or the county court at law.

3-46 (b) Effective October 1, 2009, Section 152.0241(a), Human  
3-47 Resources Code, is amended to read as follows:

3-48 (a) Bosque County is included in the Bosque, Comanche, and  
3-49 Hamilton counties juvenile board. The juvenile board is composed  
3-50 of:

3-51 (1) the county judge in Bosque County;

3-52 (2) the county judge in Comanche County;

3-53 (3) the county judge in Hamilton County; [~~and~~]

3-54 (4) the 220th Judicial District judge; and

3-55 (5) the judge of the County Court at Law in Bosque  
3-56 County.

3-57 (c) The County Court at Law of Bosque County is created on  
3-58 October 1, 2009.

3-59 SECTION 8. (a) Subchapter C, Chapter 25, Government Code,  
3-60 is amended by adding Sections 25.0761 and 25.0762 to read as  
3-61 follows:

3-62 Sec. 25.0761. FANNIN COUNTY. Fannin County has one  
3-63 statutory county court, the County Court at Law of Fannin County.

3-64 Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a)  
3-65 In addition to the jurisdiction provided by Section 25.0003 and  
3-66 other law and except as provided by Subsection (b), a county court  
3-67 at law in Fannin County has concurrent jurisdiction with the  
3-68 district court in:

3-69 (1) family law cases and proceedings, including

4-1 proceedings under Chapter 262, Family Code; and  
4-2 (2) proceedings under Title 3, Family Code.

4-3 (b) A county court at law does not have jurisdiction of  
4-4 proceedings under:

- 4-5 (1) Section 262.201, Family Code; or
- 4-6 (2) Section 54.03 or 54.04, Family Code.

4-7 (c) A county court at law shall transfer a family law case or  
4-8 proceeding instituted under Chapter 262, Family Code, from that  
4-9 court to the district court before a hearing governed by Section  
4-10 262.201, Family Code, is commenced. A case or proceeding  
4-11 transferred as required by this subsection shall be completed under  
4-12 the same cause number and in the same manner as if the case or  
4-13 proceeding were originally filed in the district court. The  
4-14 district court may not transfer the case or proceeding back to the  
4-15 county court at law, except as provided by Section 262.203(a),  
4-16 Family Code.

4-17 (d) A county court at law shall transfer a juvenile case or  
4-18 proceeding instituted under Title 3, Family Code, from that court  
4-19 to another court designated as a juvenile court under Section  
4-20 51.04, Family Code, before a hearing governed by Section 54.03,  
4-21 Family Code, is commenced. A case or proceeding transferred as  
4-22 required by this subsection shall be completed under the same cause  
4-23 number and in the same manner as if the case or proceeding were  
4-24 originally filed in the juvenile court. The juvenile court may not  
4-25 transfer the case or proceeding back to the county court at law.

4-26 (b) The County Court at Law of Fannin County is created on  
4-27 the effective date of this Act.

4-28 SECTION 9. (a) Effective September 1, 2011, Section  
4-29 25.1101(a), Government Code, is amended to read as follows:

4-30 (a) Hidalgo County has the following statutory county  
4-31 courts:

- 4-32 (1) County Court at Law No. 1 of Hidalgo County;
- 4-33 (2) County Court at Law No. 2 of Hidalgo County;
- 4-34 (3) County Court at Law No. 4 of Hidalgo County;
- 4-35 (4) County Court at Law No. 5 of Hidalgo County; ~~and~~
- 4-36 (5) County Court at Law No. 6 of Hidalgo County;
- 4-37 (6) County Court at Law No. 7 of Hidalgo County; and
- 4-38 (7) County Court at Law No. 8 of Hidalgo County.

4-39 (b) The County Court at Law No. 7 of Hidalgo County is  
4-40 created on September 1, 2011.

4-41 (c) Notwithstanding Section 25.1101(a)(7), Government  
4-42 Code, as added by this Act, the County Court at Law No. 8 of Hidalgo  
4-43 County is created on September 1, 2012.

4-44 SECTION 10. (a) Section 25.1182, Government Code, is  
4-45 amended by adding Subsections (a) and (a-1) to read as follows:

4-46 (a) In addition to the jurisdiction provided by Section  
4-47 25.0003 and other law, a county court at law in Hunt County has  
4-48 concurrent jurisdiction with the district court in:

- 4-49 (1) civil cases in which the matter in controversy  
4-50 does not exceed \$250,000; and
- 4-51 (2) family law cases and proceedings.

4-52 (a-1) A county court at law does not have jurisdiction  
4-53 of felony cases.

4-54 (b) Sections 152.1221(a), (b), and (d), Human Resources  
4-55 Code, are amended to read as follows:

4-56 (a) The Hunt County Juvenile Board is composed of the county  
4-57 judge, the district judges in Hunt County, and the judges ~~[judge]~~  
4-58 of the county courts ~~[court]~~ at law.

4-59 (b) The board shall designate a juvenile court judge as ~~[is]~~  
4-60 the chairman of the board and its chief administrative officer.

4-61 (d) Each judge on the board may ~~[shall]~~ appoint one citizen  
4-62 to serve on the advisory council. Members of the advisory council  
4-63 serve without compensation.

4-64 SECTION 11. (a) Effective January 1, 2011, Section  
4-65 25.1671, Government Code, is amended to read as follows:

4-66 Sec. 25.1671. MIDLAND COUNTY. Midland County has the  
4-67 following statutory county courts:

- 4-68 (1) County Court at Law of Midland County; ~~and~~
- 4-69 (2) County Court at Law No. 2 of Midland County; and

5-1 (3) County Court at Law No. 3 of Midland County.

5-2 (b) Effective January 1, 2011, Section 25.1672, Government  
5-3 Code, is amended by amending Subsection (a) and adding Subsection  
5-4 (h) to read as follows:

5-5 (a) In addition to the jurisdiction provided by Section  
5-6 25.0003 and other law, the County Court at Law of Midland County and  
5-7 the County Court at Law No. 2 of Midland County have [a county court  
5-8 at law in Midland County has] concurrent jurisdiction with the  
5-9 district court in:

- 5-10 (1) family law cases and proceedings; and
- 5-11 (2) civil cases in which the matter in controversy  
5-12 exceeds \$500 but does not exceed \$500,000, excluding interest,  
5-13 statutory or punitive damages and penalties, and attorney's fees  
5-14 and costs, as alleged on the face of the petition.

5-15 (h) In addition to the jurisdiction provided by Section  
5-16 25.0003 and other law, the County Court at Law No. 3 of Midland  
5-17 County has concurrent jurisdiction with the district court in:

- 5-18 (1) civil cases in which the matter in controversy  
5-19 does not exceed \$250,000;
- 5-20 (2) family law cases and proceedings; and
- 5-21 (3) state jail felony cases.

5-22 (c) The County Court at Law No. 3 of Midland County is  
5-23 created on January 1, 2011.

5-24 SECTION 12. (a) Subchapter C, Chapter 25, Government Code,  
5-25 is amended by adding Sections 25.1771 and 25.1772 to read as  
5-26 follows:

5-27 Sec. 25.1771. NAVARRO COUNTY. Navarro County has one  
5-28 statutory county court, the County Court at Law of Navarro County.

5-29 Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a)  
5-30 In addition to the jurisdiction provided by Section 25.0003 and  
5-31 other law, and except as limited by Subsection (b), a county court  
5-32 at law in Navarro County has concurrent jurisdiction with the  
5-33 district court in:

- 5-34 (1) felony cases to:
  - 5-35 (A) conduct arraignments;
  - 5-36 (B) conduct pretrial hearings;
  - 5-37 (C) accept guilty pleas; and
  - 5-38 (D) conduct jury trials on assignment of a  
5-39 district judge presiding in Navarro County and acceptance of the  
5-40 assignment by the judge of the county court at law;
- 5-41 (2) Class A and Class B misdemeanor cases;
- 5-42 (3) family law matters;
- 5-43 (4) juvenile matters;
- 5-44 (5) probate matters; and
- 5-45 (6) appeals from the justice and municipal courts.

5-46 (b) A county court at law does not have general supervisory  
5-47 control or appellate review of the commissioners court or  
5-48 jurisdiction of:

- 5-49 (1) suits on behalf of this state to recover penalties  
5-50 or escheated property;
- 5-51 (2) felony cases involving capital murder;
- 5-52 (3) misdemeanors involving official misconduct; or
- 5-53 (4) contested elections.

5-54 (c) The judge of a county court at law must have the same  
5-55 qualifications as those required by law for a district judge.

5-56 (d) The judge of a county court at law shall be paid a total  
5-57 annual salary set by the commissioners court at an amount that is  
5-58 not less than \$1,000 less than the total annual salary received by a  
5-59 district judge in the county. A district judge's or statutory  
5-60 county court judge's total annual salary does not include  
5-61 contributions and supplements paid by a county.

5-62 (e) The judge of a county court at law may not engage in the  
5-63 private practice of law.

5-64 (f) The district clerk serves as clerk of a county court at  
5-65 law in matters of concurrent jurisdiction with the district court,  
5-66 and the county clerk shall serve as clerk of a county court at law in  
5-67 all other matters. Each clerk shall establish a separate docket for  
5-68 a county court at law.

5-69 (g) The official court reporter of a county court at law is

6-1 entitled to receive a salary set by the judge of the county court at  
6-2 law with the approval of the commissioners court.

6-3 (h) Jurors summoned for a county court at law or a district  
6-4 court in the county may by order of the judge of the court to which  
6-5 they are summoned be transferred to another court for service and  
6-6 may be used as if summoned for the court to which they are  
6-7 transferred.

6-8 (b) Notwithstanding Section 25.1771, Government Code, as  
6-9 added by this section, the County Court at Law of Navarro County is  
6-10 created on January 1, 2011, or on an earlier date determined by the  
6-11 Commissioners Court of Navarro County by an order entered in its  
6-12 minutes.

6-13 SECTION 13. (a) Effective January 1, 2011, Subchapter C,  
6-14 Chapter 25, Government Code, is amended by adding Section 25.2362  
6-15 to read as follows:

6-16 Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a)  
6-17 In addition to the jurisdiction provided by Section 25.0003 and  
6-18 other law, a county court at law in Van Zandt County has concurrent  
6-19 jurisdiction with the district court in:

6-20 (1) civil cases in which the matter in controversy  
6-21 does not exceed \$250,000; and

6-22 (2) family law cases and proceedings.

6-23 (b) A county court at law does not have jurisdiction  
6-24 of felony cases.

6-25 (b) Effective January 1, 2011, Section 152.2401(a), Human  
6-26 Resources Code, is amended to read as follows:

6-27 (a) The Van Zandt County Juvenile Board is composed of the  
6-28 county judge, the criminal district attorney of Van Zandt County,  
6-29 ~~and~~ the judge of the 294th Judicial District, and the judge of the  
6-30 county court at law.

6-31 (c) Notwithstanding Section 25.0009, Government Code, the  
6-32 initial vacancy in the office of judge of the County Court at Law of  
6-33 Van Zandt County shall be filled by election. The office exists for  
6-34 purposes of the primary and general elections in 2010. A vacancy  
6-35 after the initial vacancy is filled as provided by Section 25.0009,  
6-36 Government Code.

6-37 (d) This section takes effect January 1, 2011.

6-38 SECTION 14. This Act takes effect September 1, 2009.

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