

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hunter, et al.

H.B. No. 4833

A BILL TO BE ENTITLED

1 AN ACT

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) Subchapter C, Chapter 24, Government Code,  
13 is amended by adding Section 24.576 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 [~~and~~]

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

19 and

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

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

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

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

1 described by Chapter 71, Family Code; and

2 (2) Section 25.07, Penal Code.

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

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

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

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

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

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

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

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

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

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

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

12 (1) family law cases and proceedings;

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

16 (1) Section 262.201, Family Code; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (3) family law matters;

20 (4) juvenile matters;

21 (5) probate matters; and

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

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

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

- 1           (2) felony cases involving capital murder;  
2           (3) misdemeanors involving official misconduct; or  
3           (4) contested elections.

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

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

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

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

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

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

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

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

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

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

**ADOPTED**

MAY 27 2009

*Atty Gen*  
Secretary of the Senate

By: Wentworth

H.B. No. 4833

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

By: Wentworth

C.S.H.B. No. 4833

A BILL TO BE ENTITLED

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

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

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

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

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

Sec. 24.580. 436TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)

1 The 436th Judicial District is composed of Bexar County.

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

4 (b) The 436th Judicial District is created on October 1,  
5 2009.

6 SECTION 4. (a) Effective December 15, 2009, Subchapter C,  
7 Chapter 24, Government Code, is amended by adding Section 24.581 to  
8 read as follows:

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

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

13 (b) The 437th Judicial District is created on December 15,  
14 2009.

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

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

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

22 (b) The 438th Judicial District is created on September 1,  
23 2010.

24 SECTION 6. (a) Section 25.0171(b), Government Code, is  
25 amended to read as follows:

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

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

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

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

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

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

25 (2) Section 25.07, Penal Code.

26 (d) The County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,  
27 [~~and~~] 12, 13, 14, and 15 have six terms of court beginning on the



1 first Mondays in January, March, May, July, September, and  
2 November. The County Court at Law No. 2 has six terms of court  
3 beginning on the first Mondays in February, April, June, August,  
4 October, and December.

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

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

22 (o) The judge of the County Court at Law No. 4 or 6 may  
23 appoint a court coordinator or administrative assistant for the  
24 court. The judge of the County Court at Law No. 7, 8, 9, 10, 11,  
25 [~~or~~] 12, 13, 14, or 15 may, with the approval of the commissioners  
26 court, appoint a court coordinator or administrative assistant for  
27 the court. A court coordinator or administrative assistant

1 performs the duties prescribed by the judge and cooperates with the  
2 administrative judges and state agencies for the uniform and  
3 efficient operation of the courts and the administration of  
4 justice. The court coordinator or administrative assistant is  
5 entitled to be paid from county funds the compensation, fees, and  
6 allowances that are set by the commissioners court or as otherwise  
7 provided by law. These provisions are in addition to the provisions  
8 in Subchapter F, Chapter 75.

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

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

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

26 SECTION 7. (a) Effective October 1, 2009, Subchapter C,  
27 Chapter 25, Government Code, is amended by adding Sections 25.0201

1 and 25.0202 to read as follows:

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

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

8 (1) family law cases and proceedings;

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

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

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

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

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

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

1 on approval under this subsection includes a court coordinator,  
2 court reporter, and bailiff.

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

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

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

13 (a) Bosque County is included in the Bosque, Comanche, and  
14 Hamilton counties juvenile board. The juvenile board is composed  
15 of:

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

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

24 SECTION 8. (a) Subchapter C, Chapter 25, Government Code,  
25 is amended by adding Sections 25.0761 and 25.0762 to read as  
26 follows:

27 Sec. 25.0761. FANNIN COUNTY. Fannin County has one

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

2 Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a)

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

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

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

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

12 (1) Section 262.201, Family Code; or

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

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

24 (d) A county court at law shall transfer a juvenile case or  
25 proceeding instituted under Title 3, Family Code, from that court  
26 to another court designated as a juvenile court under Section  
27 51.04, Family Code, before a hearing governed by Section 54.03,

1 Family Code, is commenced. A case or proceeding transferred as  
2 required by this subsection shall be completed under the same cause  
3 number and in the same manner as if the case or proceeding were  
4 originally filed in the juvenile court. The juvenile court may not  
5 transfer the case or proceeding back to the county court at law.

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

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

10 (a) Hidalgo County has the following statutory county  
11 courts:

- 12 (1) County Court at Law No. 1 of Hidalgo County;
- 13 (2) County Court at Law No. 2 of Hidalgo County;
- 14 (3) County Court at Law No. 4 of Hidalgo County;
- 15 (4) County Court at Law No. 5 of Hidalgo County; [~~and~~]
- 16 (5) County Court at Law No. 6 of Hidalgo County;
- 17 (6) County Court at Law No. 7 of Hidalgo County; and
- 18 (7) County Court at Law No. 8 of Hidalgo County.

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

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

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

26 (a) In addition to the jurisdiction provided by Section  
27 25.0003 and other law, a county court at law in Hunt County has

1 concurrent jurisdiction with the district court in:

2 (1) civil cases in which the matter in controversy  
3 does not exceed \$250,000; and

4 (2) family law cases and proceedings.

5 (a-1) A county court at law does not have jurisdiction  
6 of felony cases.

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

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

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

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

17 SECTION 11. (a) Effective January 1, 2011, Section  
18 25.1671, Government Code, is amended to read as follows:

19 Sec. 25.1671. MIDLAND COUNTY. Midland County has the  
20 following statutory county courts:

21 (1) County Court at Law of Midland County; [~~and~~]

22 (2) County Court at Law No. 2 of Midland County; and

23 (3) County Court at Law No. 3 of Midland County.

24 (b) Effective January 1, 2011, Section 25.1672, Government  
25 Code, is amended by amending Subsection (a) and adding Subsection  
26 (h) to read as follows:

27 (a) In addition to the jurisdiction provided by Section

1 25.0003 and other law, the County Court at Law of Midland County and  
2 the County Court at Law No. 2 of Midland County have [~~a county court~~  
3 ~~at law in Midland County has~~] concurrent jurisdiction with the  
4 district court in:

5 (1) family law cases and proceedings; and

6 (2) civil cases in which the matter in controversy  
7 exceeds \$500 but does not exceed \$500,000, excluding interest,  
8 statutory or punitive damages and penalties, and attorney's fees  
9 and costs, as alleged on the face of the petition.

10 (h) In addition to the jurisdiction provided by Section  
11 25.0003 and other law, the County Court at Law No. 3 of Midland  
12 County has concurrent jurisdiction with the district court in:

13 (1) civil cases in which the matter in controversy  
14 does not exceed \$250,000;

15 (2) family law cases and proceedings; and

16 (3) state jail felony cases.

17 (c) The County Court at Law No. 3 of Midland County is  
18 created on January 1, 2011.

19 SECTION 12. (a) Subchapter C, Chapter 25, Government Code,  
20 is amended by adding Sections 25.1771 and 25.1772 to read as  
21 follows:

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

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



1 district court in:

2 (1) felony cases to:

3 (A) conduct arraignments;

4 (B) conduct pretrial hearings;

5 (C) accept guilty pleas; and

6 (D) conduct jury trials on assignment of a

7 district judge presiding in Navarro County and acceptance of the

8 assignment by the judge of the county court at law;

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

10 (3) family law matters;

11 (4) juvenile matters;

12 (5) probate matters; and

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

14 (b) A county court at law does not have general supervisory  
15 control or appellate review of the commissioners court or  
16 jurisdiction of:

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

19 (2) felony cases involving capital murder;

20 (3) misdemeanors involving official misconduct; or

21 (4) contested elections.

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

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

1 county court judge's total annual salary does not include  
2 contributions and supplements paid by a county.

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

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

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

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

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

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

26 Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a)  
27 In addition to the jurisdiction provided by Section 25.0003 and

1 other law, a county court at law in Van Zandt County has concurrent  
2 jurisdiction with the district court in:

3 (1) civil cases in which the matter in controversy  
4 does not exceed \$250,000; and

5 (2) family law cases and proceedings.

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

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

10 (a) The Van Zandt County Juvenile Board is composed of the  
11 county judge, the criminal district attorney of Van Zandt County,  
12 ~~and~~ the judge of the 294th Judicial District, and the judge of the  
13 county court at law.

14 (c) Notwithstanding Section 25.0009, Government Code, the  
15 initial vacancy in the office of judge of the County Court at Law of  
16 Van Zandt County shall be filled by election. The office exists for  
17 purposes of the primary and general elections in 2010. A vacancy  
18 after the initial vacancy is filled as provided by Section 25.0009,  
19 Government Code.

20 (d) This section takes effect January 1, 2011.

21 SECTION 14. This Act takes effect September 1, 2009.

# ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 1

*Atty Gen* BY: *Dewell*  
Secretary of the Senate

1 Amend H.B. No. 4833 (senate committee printing) by striking  
2 Subsection (a) of SECTION 10 of the bill, amending Section  
3 25.1182, Government Code (page 4, lines 44 through 53), and  
4 substituting the following:

5 (a) Section 25.1182, Government Code, is amended to read  
6 as follows:

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

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

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

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

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

1  
28

- 1           (2) felony cases involving capital murder;  
2           (3) misdemeanors involving official misconduct; or  
3           (4) contested elections ~~[has the same terms of court~~  
4 ~~as the County Court of Hunt County].~~

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

7           (d) The judge of a county court at law shall be paid a  
8 total ~~[an]~~ annual salary set by the commissioners court at an  
9 amount that is not less than \$1,000 less than the total annual  
10 salary received by a district judge in the county. A district  
11 judge's or statutory county court judge's total annual salary  
12 does not include contributions and supplements paid by a  
13 county ~~[that is at least \$42,500, to be paid from the same fund~~  
14 ~~and in the same manner as the county judge. The judge is~~  
15 ~~entitled to receive travel expenses and necessary office~~  
16 ~~expenses in the same manner as is allowed the county judge].~~

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

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

1           (g) The official court reporter of a county court at law  
2 is entitled to receive a salary set by the judge of the county  
3 court at law with the approval of the commissioners court [~~The~~  
4 ~~county sheriff shall, in person or by deputy, attend a county~~  
5 ~~court at law as required by the judge].~~

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

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

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 27 2009

*Larry Saw*  
Secretary of the Senate

BY: *Daniel*

1 Amend C.S.H.B. No. 4833 (senate committee printing) by  
2 striking Subsection (a) of SECTION 13 of the bill (page 6, lines  
3 13 through 24) and substituting the following:

4 (a) Effective January 1, 2011, Subchapter C, Chapter 25,  
5 Government Code, is amended by adding Section 25.2362 to read as  
6 follows:

7 Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS.

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

12 (1) felony cases to:

13 (A) conduct arraignments;

14 (B) conduct pretrial hearings;

15 (C) accept guilty pleas; and

16 (D) conduct jury trials on assignment of a

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

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

20 (3) family law matters;

21 (4) juvenile matters;

22 (5) probate matters; and

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

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

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

1           (2) felony cases involving capital murder;

2           (3) misdemeanors involving official misconduct; or

3           (4) contested elections.

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

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

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

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

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

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



**ADOPTED**

MAY 27 2009

FLOOR AMENDMENT NO. 3

BY: Daniel

*Atty. Gen.*  
Secretary of the Senate

1 Amend House Bill 4833 (Senate Committee Printing) by adding  
2 the following appropriately numbered sections and renumbering  
3 accordingly:

4 SECTION \_\_\_\_\_. Effective January 1, 2011, Section 25.1311,  
5 Government Code, is amended to read as follows:

6 Sec. 25.1311. KAUFMAN COUNTY. Kaufman County has the  
7 following statutory county courts:

- 8 (1) the County Court at Law of Kaufman County; [~~and~~]  
9 (2) the County Court at Law No. 2 of Kaufman County;  
10 and  
11 (3) the County Court at Law No. 3 of Kaufman County.

12 Section \_\_\_\_\_. Effective January 1, 2011, Section 25.1312,  
13 Government Code, is amended to read as follows:

14 Sec. 25.1312. KAUFMAN COUNTY COURT AT LAW  
15 PROVISIONS. (a) In addition to the jurisdiction provided by  
16 Section 25.0003 and other law, a statutory county court in  
17 Kaufman County has, except as limited by Subsections (b)\_\_, ~~and~~  
18 (b-1), and (b-2), the jurisdiction provided by the constitution  
19 and general law for district courts.

20 (b) A statutory county court in Kaufman County does not  
21 have general supervisory control or appellate review of the  
22 commissioners court or jurisdiction of:

- 23 (1) felony cases involving capital murder;  
24 (2) suits on behalf of the state to recover penalties  
25 or escheated property;  
26 (3) misdemeanors involving official misconduct; or  
27 (4) contested elections.

28 (b-1) The County Court at Law No. 2 of Kaufman County does  
29 not have jurisdiction of civil cases in which the amount in

1 controversy exceeds the limit prescribed by Section  
2 25.0003(c)(1).

3 (b-2) The County Court at Law No. 3 of Kaufman County does  
4 not have jurisdiction of civil cases in which the amount in  
5 controversy exceeds \$250,000.

6 SECTION \_\_\_\_\_. Notwithstanding Section 25.0009, Government  
7 Code, the initial vacancy in the office of judge of the County  
8 Court at Law No. 3 of Kaufman County shall be filled by  
9 election. The office exists for purposes of the primary and  
10 general elections in 2010. A vacancy after the initial vacancy  
11 is filled as provided by Section 25.0009, Government Code.

12 SECTION \_\_\_\_\_. The County Court at Law No. 3 of Kaufman  
13 County is created January 1, 2011.

# ADOPTED

MAY 27 2009

*Atty. Gen.*  
Secretary of the Senate

FLOOR AMENDMENT NO. 4

BY: *Robyn Ellis*

1 Amend C.S.H.B. No. 4833 (senate committee printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering the subsequent SECTIONS accordingly:

4 SECTION \_\_\_\_\_. (a) Subtitle E, Title 7, Health and Safety  
5 Code, is amended by adding Chapter 617 to read as follows:

6 CHAPTER 617. VETERANS COURT PROGRAM

7 Sec. 617.001. VETERANS COURT PROGRAM DEFINED; PROCEDURES  
8 FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans court  
9 program" means a program that has the following essential  
10 characteristics:

11 (1) the integration of services in the processing of  
12 cases in the judicial system;

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

16 (3) early identification and prompt placement of  
17 eligible participants in the program;

18 (4) access to a continuum of alcohol, controlled  
19 substance, mental health, and other related treatment and  
20 rehabilitative services;

21 (5) careful monitoring of treatment and services  
22 provided to program participants;

23 (6) a coordinated strategy to govern program responses  
24 to participants' compliance;

25 (7) ongoing judicial interaction with program  
26 participants;

27 (8) monitoring and evaluation of program goals and

1 effectiveness;

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

4 (10) development of partnerships with public agencies  
5 and community organizations, including the United States  
6 Department of Veterans Affairs.

7 (b) If a defendant successfully completes a veterans court  
8 program, as authorized under Section 76.011, Government Code, after  
9 notice to the attorney representing the state and a hearing in the  
10 veterans court at which that court determines that a dismissal is in  
11 the best interest of justice, the court in which the criminal case  
12 is pending shall dismiss the criminal action against the defendant.

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

14 (a) The commissioners court of a county may establish a veterans  
15 court program for persons arrested for or charged with any  
16 misdemeanor or felony offense. A defendant is eligible to  
17 participate in a veterans court program established under this  
18 chapter only if the attorney representing the state consents to the  
19 defendant's participation in the program and if the court in which  
20 the criminal case is pending finds that the defendant:

21 (1) is a veteran or current member of the United States  
22 armed forces, including a member of the reserves, national guard,  
23 or state guard; and

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

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

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

30 (b) The court in which the criminal case is pending shall  
31 allow an eligible defendant to choose whether to proceed through

1 the veterans court program or otherwise through the criminal  
2 justice system.

3 (c) Proof of matters described by Subsection (a) may be  
4 submitted to the court in which the criminal case is pending in any  
5 form the court determines to be appropriate, including military  
6 service and medical records, previous determinations of a  
7 disability by a veteran's organization or by the United States  
8 Department of Veterans Affairs, testimony or affidavits of other  
9 veterans or service members, and prior determinations of  
10 eligibility for benefits by any state or county veterans office.  
11 The court's findings must accompany any docketed case.

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

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

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

19 (3) provide a participant with a court-ordered  
20 individualized treatment plan indicating the services that will be  
21 provided to the participant; and

22 (4) ensure that the jurisdiction of the veterans court  
23 continues for a period of not less than six months but does not  
24 continue beyond the period of community supervision for the offense  
25 charged.

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

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

1           Sec. 617.004. ESTABLISHMENT OF REGIONAL PROGRAM.       The  
2 commissioners courts of two or more counties may elect to establish  
3 a regional veterans court program under this chapter for the  
4 participating counties.

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

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

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

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

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

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

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

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

27           (b) Fees collected under this section may be paid on a  
28 periodic basis or on a deferred payment schedule at the discretion  
29 of the judge, magistrate, or program director administering the  
30 program. The fees must be:

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

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

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

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

8                   (1) the person is tried for the offense for which the  
9 person was arrested and is:

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

12                           (B) convicted and subsequently pardoned; or

13           (2) each of the following conditions exist:

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

20                                   (i) the limitations period expired before  
21 the date on which a petition for expunction was filed under Article  
22 55.02; or

23                                   (ii) the court finds that the indictment or  
24 information was dismissed or quashed because the person completed a  
25 pretrial intervention program authorized under Section 76.011,  
26 Government Code, or because the presentment had been made because  
27 of mistake, false information, or other similar reason indicating  
28 absence of probable cause at the time of the dismissal to believe  
29 the person committed the offense or because it was void;

30                           (B) the person has been released and the charge,  
31 if any, has not resulted in a final conviction and is no longer

1 pending and there was no court ordered community supervision under  
2 Article 42.12 for any offense other than a Class C misdemeanor; and  
3 (C) the person has not been convicted of a felony  
4 in the five years preceding the date of the arrest.



# ADOPTED

FLOOR AMENDMENT NO. 5

MAY 27 2009

BY:

Robert Duncan

Atty. Gen.  
Secretary of the Senate

1 Amend C.S.H.B. No. 4833 (senate committee printing) by  
2 adding the following appropriately numbered SECTION to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. (a) Subsection (a), Section 43.134, Government  
5 Code, is amended to read as follows:

6 (a) The voters of Hale County [~~and Swisher counties~~] elect  
7 a district attorney for the 64th Judicial District who  
8 represents the state in that district court only in Hale County  
9 [~~these counties~~].

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

12 Sec. 45.319. SWISHER COUNTY. The county attorney in  
13 Swisher County shall represent the state in all matters pending  
14 before the district court in Swisher County.

15 (c) Section 46.002, Government Code, is amended to read as  
16 follows:

17 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
18 applies to the state prosecuting attorney, all county  
19 prosecutors, and the following state prosecutors:

20 (1) the district attorneys for Kenedy and Kleberg  
21 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
22 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th,  
23 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd,  
24 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th,  
25 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th,  
26 112th, 118th, 119th, 123rd, 142nd, 143rd, 145th, 156th, 159th,  
27 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th,  
28 259th, 266th, 268th, 271st, 286th, 329th, 344th, 349th, 355th,  
29 and 506th judicial districts;

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

9           (3) the county attorneys performing the duties of  
10 district attorneys in the counties of Andrews, Callahan,  
11 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,  
12 Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris,  
13 Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Swisher,  
14 Terry, Webb, and Willacy.

15           (d) This section does not make an appropriation. A  
16 provision in this section that creates a new governmental  
17 program, creates a new entitlement, or imposes a new duty on a  
18 governmental entity is not mandatory during a fiscal period for  
19 which the legislature has not made a specific appropriation to  
20 implement the provision.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 6

*Leta Spaw*  
Secretary of the Senate

BY: *Robert Duncan*

1 Amend C.S.H.B. 4833 (Senate committee printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_ . Section 24.212(b), Government Code, is  
5 amended to read as follows:

6 (b) The terms of the 110th District Court begin[+]

7 [~~1~~] in each county [~~Brisee County~~] on the first  
8 Mondays in January and July [~~June~~]

9 [~~2~~] in ~~Dickens County on the first Mondays in April~~  
10 ~~and November~~;

11 [~~3~~] in ~~Floyd County on the first Mondays in February~~  
12 ~~and July~~; and


13 [~~4~~] in ~~Motley County on the first Mondays in March~~  
14 ~~and August~~].

ADOPTED

FLOOR AMENDMENT NO. 7

FEB 27 2003

BY: 

  
Secretary of the Senate

1 Amend CSHB 4833 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering subsequent SECTIONS  
3 of the bill appropriately:

4 SECTION \_\_\_\_\_. This Act does not make an appropriation.  
5 A provision in this Act that creates a new governmental program,  
6 creates a new entitlement, or imposes a new duty on a  
7 governmental entity is not mandatory during a fiscal period for  
8 which the legislature has not made a specific appropriation to  
9 implement the provision.

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4833** by Hunter (Relating to the creation of district courts and statutory county courts and to the composition of juvenile boards in certain counties. ), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4833, As Passed 2nd House: a negative impact of (\$914,240) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$363,274)
2011	(\$550,966)
2012	(\$581,610)
2013	(\$581,610)
2014	(\$581,610)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/ (Cost) from <i>General Revenue Fund</i> 1	Probable Savings/ (Cost) from <i>Judicial Fund</i> 573	Probable Revenue Gain from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2009
2010	(\$363,274)	(\$645,267)	\$443,750	4.0
2011	(\$550,966)	(\$887,431)	\$550,000	6.0
2012	(\$581,610)	(\$1,034,621)	\$675,000	6.0
2013	(\$581,610)	(\$1,109,621)	\$750,000	6.0
2014	(\$581,610)	(\$1,109,621)	\$750,000	6.0

**Fiscal Analysis**

The bill would amend Chapter 24, Government Code, to create a new judicial district in Tarrant County, the 432nd Judicial District. The court would be created September 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 436th Judicial District. The bill would require the 436th Judicial District to give preference to juvenile matters. The court would be created October 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 437th Judicial District. The 437th Judicial District would be required to give preference to criminal matters. The judicial district would be created December 15, 2009.



The bill would amend Chapter 24 Government Code, to create a new judicial district in Bexar County, the 438th Judicial District. The bill would require the 438th Judicial District to give preference to civil matters. The district court would be created September 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The court would be created January 1, 2011.

The bill would also amend the Government Code to amend the terms of the 110<sup>th</sup> Judicial District to begin on the first Monday of July for all counties within the judicial district.

The bill would amend Chapter 25, Government Code, to create three new County Courts at Law in Bexar County (County Court at Law No. 13, County Court at Law No. 14, and County Court at Law No. 15). The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Fannin County, the County Court at Law of Fannin County. All four of the above county courts at law would be created September 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Bosque County, the County Court at Law of Bosque County. The County Court at Law of Bosque County would be created October 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Navarro County, the County Court at Law of Navarro County. According to the bill the County Court at Law of Navarro County would be created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County. Under the effective date of the bill the County Court at Law of Navarro County could be created September 1, 2009, if determined by the Commissioners Court of the county.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 7. The court would be created September 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Midland County, County Court at Law of Midland County No. 3. The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Kaufman County, County Court at Law of Kaufman County No. 3. The two county courts at law would be created January 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 8. The court would be created September 1, 2012.

The bill would amend Chapter 25, Government Code, concerning the County Court at Law Provisions for both Hunt County and Van Zandt County. The bill would allow County Court at Laws in Hunt and Van Zandt County to have concurrent jurisdiction with district courts of the counties in certain cases.

The bill would amend the Government Code relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District. The Swisher County Attorney would become subject to the Professional Prosecutors Act and prohibited from the private practice of law.

The bill would amend the Health and Safety Code and the Code of Criminal Procedure relating to the establishment of veterans court programs in this State. The bill would authorize a county to establish a veterans court program for persons arrested for, charged with, or convicted of both misdemeanor and felony offenses. A veterans court program created under the bill would be required to have certain characteristics, including provision of various treatment and service programs. The bill would allow a court to dismiss a criminal case if the defendant successfully completes a veterans court program, under certain conditions. A veterans court program is authorized to collect reasonable program fees, not to exceed \$1,000 to cover costs. Fees may be used only for the veterans court program. The bill would provide for legislative oversight of state veterans court programs. In addition, the bill would

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amend the Code of Criminal Procedure to allow a court to expunge records and files in certain cases if a defendant successfully completes a veterans court program, under certain conditions. To the extent that the bill would alter judicial procedures in certain cases, no significant fiscal implication to the State is anticipated from implementation of veterans court programs.

Pertaining to veterans court programs, the bill would prescribe additional statutory duties and responsibilities to the State Auditor's Office (SAO), in that a legislative committee or the Governor may request the State Auditor to perform a management, operations, financial, or accounting audit of a Program. This analysis assumes the SAO would not receive a request from a legislative committee or the Governor for an audit of these Programs during fiscal years 2010 and 2011. Assumed that the SAO would receive one request for an audit of one Program in one county during fiscal year 2012 and one request in fiscal year 2014, this analysis estimates each audit would require 1,500 hours to complete and, using the SAO's current billing rate of \$90 per hour, cost \$149,400 (inclusive of \$14,400 for travel expenses). These costs in future years are not assumed to be a significant fiscal implication to the SAO. Also, in accordance with current Government Code 321.013, all additional duties and responsibilities prescribed by the bill would be proposed in the SAO's annual audit plan for Legislative Audit Committee approval.

The bill would take effect September 1, 2009.

### **Methodology**

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

Because the 436th Judicial District would not be created until October 1, 2009, this amount is prorated for 11 months in fiscal year 2010. Additionally, the 437th Judicial District, which would be created December 15, 2009, is prorated for 8.5 months in fiscal year 2010. The 431st Judicial District would be created January 1, 2011, is prorated for 8 months for fiscal year 2011.

The annual recurring cost to the state for each county court at law is \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). This estimate prorates the salary supplement for the County Court at Law of Bosque County in fiscal year 2010 for 11 instead of 12 months since the court would be created October 1st. This estimate prorates the salary supplements for the County Courts at Law of Midland County and Kaufman County in fiscal year 2011 for 8 months instead of 12 months since the courts would be created January 1st. Additionally, this estimate assumes that the County Court at Law of Navarro County would be created September 1, 2009, because under provisions of the bill, the court could be created on that date if approved by a vote of the Commissioners Court of Navarro County.

The salary supplement program for county court at law judges is self-funded by fees and court costs collected by county courts at law and deposited into Judicial Fund No. 573. This estimate assumes that all ten county courts at law created by the bill would generate sufficient revenue to cover the cost of the salary supplement.

Local governments pay the other operating costs associated with district courts and county courts at law.

In this new capacity, the Swisher County Attorney would be entitled to a salary of \$125,000 from the state plus benefits (\$20,526) from General Revenue and the Judicial Fund No. 573. However, the Swisher County Attorney would also forgo the annual \$31,250 state salary supplement the county attorney receives, which is also paid from these two funding sources. Therefore, the net cost to the state due to the salary increase would be \$114,276. Finally, district and county attorneys in the Professional Prosecutors Act are entitled to \$34,450 per year from the state to defray office expenses, which are paid from General Revenue.



## Local Government Impact

The bill would authorize the commissioners court of a county to establish a veterans court program. Harris and Travis Counties reported the costs to establish a program would be significant; however, Williamson County reported no fiscal implication because it is unlikely the county commissioners would authorize a program.

The Harris County Office of Budget and Management reported that to establish a veterans court program on the docket of an existing court, would cost at least \$2.65 million annually (the average cost of a county criminal court), and up to \$3.85 million annually (the average cost of a criminal district court). It is likely the costs would be greater than this because the program described in the bill would have the court taking on certain responsibilities of one of the county probate courts, such as decisions regarding competency to stand trial, civil, or forensic commitment to the state hospital system, etc.

Harris County also stated the county's best estimate is that dedicating a district or criminal court to a veterans court program as required by the provisions of the bill would cost Harris County an estimated \$3.25 to \$4.25 million annually.

Travis County reported that without veteran specific data, the county can only extrapolate from other programs. For example, Travis County reports its drug court costs would be \$774,790 in fiscal year 2008 (information taken from the Travis County fiscal year 2009 budget). This program screened around 3,000 potential participants in a program with a static capacity of 300.

Williamson County reported for felony cases, there would be no fiscal impact on the county budget because the District Attorney's Office would not seek to establish such a program in Williamson County.

The bill would amend the Government Code relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District. The Swisher County Attorney would become subject to the Professional Prosecutors Act and would be prohibited from the private practice of law.

### *Local Government Analysis for District Courts:*

The bill would change the 110th District Court terms in each county to the first Mondays in January and July.

Denton County is currently served by the 16th, 158th, 211th, 362nd, 367th, and 393rd judicial districts. The bill would create a seventh judicial district, the 431st, effective January 1, 2011. For the proposed 431st Judicial District, Denton County would be responsible for paying the salary and benefits for court personnel. The estimated average annual cost of court operations for fiscal years 2011 to 2014 would be \$1,684,598. This total is comprised of \$1,153,633 for salary and benefits and \$530,964 for operating and miscellaneous expenses.

The creation of the 431st Judicial District would create 12 positions in addition to the district judge. The positions that would be created include a Court Reporter, a Court Administrator, an Assistant Department Supervisor in the District Clerk's Office, a Senior District Clerk, a Bailiff, a Transport Deputy, a Felony Prosecutor I, a Felony Prosecutor II, an Appellate Attorney I, a Felony Intake Attorney, a Felony Investigator, and an Administrative Assistant.

Denton County's fiscal year begins on October 1. The Denton County Budget Office estimated average annual expenditures of \$1,684,598 and annual revenue of \$270,816.

Tarrant County's fiscal year begins on October 1. The bill would create the 432nd Judicial District, effective September 1, 2009. The Tarrant County Auditor indicated that the annual cost of the district court for fiscal year 2010 is estimated at \$3,287,845, which includes \$1,520,454 for court personnel and benefits, \$1,145,391 for office operation expenditures plus \$622,000 for initial office start-up and capital outlay costs. Fiscal year 2009 would be pro-rated for one month. The annual operating cost



would increase four percent for fiscal years 2011 to 2014. The County Auditor estimated revenue of \$130,000 starting in fiscal year 2010 with a \$10,000 increase each year thereafter except for fiscal year 2014 which would be a \$5,000 increase.

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 436th Judicial District operating as a juvenile court's start-up expense in fiscal year 2010 is estimated at \$603,800. This total would include costs for furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expenses in fiscal year 2010 are estimated at \$5,000. The county expects to use existing space for the Juvenile Court. Annual operating costs in fiscal year 2010 are estimated at \$1,504,142, which would include \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$181,250 beginning in 2010.

For the 437th Judicial District serving as a criminal court, start-up expenses in fiscal year 2010 are estimated at \$24,000. Capital outlay expenses in the second year are \$300,000 and \$1,444,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal year 2010 are estimated at \$995,522, which includes \$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 438th Judicial District civil court's start-up expense in fiscal year 2010 is estimated at \$24,000. Capital outlay expenses in the second year would be \$300,000 and \$1,360,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal year 2010 are estimated at \$37,547, which would include \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 438th Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

*Local Government Analysis for County Courts at Law:*

Bexar County is currently served by County Courts at Law No. 1 - 12. The bill would create County Courts at Law No. 13, 14, and 15, effective September 1, 2009. Bexar County's fiscal year begins on October 1.

According to the Bexar County Auditor's Office, start-up expenses for the County Court at Law No. 13 are estimated at \$12,000 for furniture and fixtures. The Auditor's Office estimated that fiscal year 2009 expenses for the court would be \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 for County Court at Law No. 13 would be \$973,201; which would include \$496,892 for salaries, \$134,909 for benefits, and \$341,400 for operating costs. County Court at Law No. 13 would have a capital outlay expense of \$200,000 for technology enhancements in fiscal year 2012.

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The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 14 at \$48,000 for furniture and fixtures, \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$496,892 for salaries, \$134,909 for benefits, and 341,400 for operating costs. In fiscal year 2011 the court would have a capital outlay expense of \$300,000 for courthouse modifications. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expenses, and courthouse modifications, and \$200,000 for technology enhancements.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 15 would be \$12,000 for furniture and fixtures, \$18,758 for salaries, \$5,065 for benefits, and \$27,100 for operating costs. The fiscal year 2010 expenses are estimated at \$225,100 for salaries, \$60,777 for benefits and \$145,000 for operating costs. The fiscal year 2011 expenses for the court are estimated at \$225,100 for salaries, \$60,777 for benefits, \$150,000 for operating costs, and a capital outlay expense of \$300,000 for courthouse modifications. The estimated average annual cost of court operations for fiscal years 2012 to 2014 would be \$502,374 for salaries, \$137,133 for benefits and \$350,000 for operating costs. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and courthouse modifications, and \$200,000 for technology enhancements.

The creation of County Courts at Law No. 13, 14, and 15 would create a total of 24 positions. The positions are: County Court at Law Judge (3), First Chair Prosecutor (3), Second Chair Prosecutor (3), Court Coordinator (3), Bailiff (3), Court Reporter (3), and Court Clerk (6).

The bill would create a County Court at Law in Bosque County that would have concurrent jurisdiction with the district court in family law cases, civil cases between \$500 and \$100,000, and contested probate cases. The bill would also amend Section 152.0241(a) of the Human Resources Code to add the judge of the newly created County Court at Law of Bosque County to the juvenile board of Bosque, Comanche, and Hamilton Counties. The County Court at Law in Bosque County would be created on October 1, 2009.

Bosque County's fiscal year begins October 1. According to the Bosque County Auditor, the average estimated annual cost of court personnel would be \$239,087 including benefits. The annual office expense would be \$7,750 plus \$5,000 for initial office start-up costs and \$3,000 for the initial capital outlay and \$1,000 each year thereafter. The County Auditor estimated revenue of \$487,500 for each fiscal year. The judge of the County Court at Law of Bosque County would serve on the Juvenile Board of Bosque, Comanche, and Hamilton Counties.

The bill would create a County Court at Law in Fannin County that would have concurrent jurisdiction with the district court for family law cases and proceedings under Title 3, Family Code. The County Court at Law shall refer a family law case to a district court before a hearing is commenced. A County Court at Law shall transfer a juvenile case to another court designated as a juvenile court before a hearing is commenced. The County Court at Law in Fannin County would be created on September 1, 2009.

Fannin County's fiscal year begins on October 1. According to the Fannin County Auditor's Office, the start-up costs for technology, furnishings and uniforms are \$19,000 and capital costs for converting building space for the new court are \$16,500. The cost of salaries and benefits for fiscal year 2009 is \$23,101; 2010 is \$278,596; 2011 is \$286,954; 2012 is \$295,562; 2013 is \$304,429 and 2014 is \$313,563. The County Auditor estimated revenue for fiscal year 2009 at \$19,167; 2010 at \$253,000; 2011 at \$278,000; 2012 at \$306,000; 2013 at \$336,000; and 2014 at \$370,000. In fiscal years 2009 to 2011, the county would have a net cost, whereas in fiscal years 2012 to 2014 the county would have a net gain. According to the County Auditor, the Fannin County Commissioners Court would appoint a judge to fill this position beginning September 1, 2009.





Hidalgo County's fiscal year begins January 1. The county is currently served by County Courts at Law No. 1 - 6. The bill would create County Courts at Law No. 7 and 8. Hidalgo County Court at Law No. 7 would be effective September 1, 2011, and No. 8 would be effective September 1, 2012. There would be no costs to the county for fiscal years 2009 to 2011. The average annual total operating costs for the two courts is estimated at \$1,041,373 for fiscal years 2013 to 2014. Fiscal year 2012 would be half of that amount. First year, start-up costs for technology are estimated at \$18,953.

Hidalgo County would be responsible for paying salary and benefits for court personnel. According to the County, it would need two judges, two court reporters, two court coordinators, two bailiffs, and two court administrators. According to Hidalgo County, the average cost of personnel total for two courts is estimated at \$975,525.

Kaufman County is currently served by the County Court at Law of Kaufman County and the County Court at Law No. 2. The bill would create County Court at Law No. 3, effective January 1, 2011.

Kaufman County's fiscal year begins October 1. Kaufman County would be responsible for all costs of the new court, including the salary and benefits of the judge and other court personnel. According to the Kaufman County Auditor, Kaufman County's costs would be the one-time first year expenditure of an estimated \$150,000 for remodeling of a facility, technology, furniture and equipment. Full year costs for court personnel are estimated at \$274,800 (judge's salary of \$131,500, court reporter's salary of \$60,000, court coordinator's salary of \$42,000, payroll taxes of \$18,000, retirement contribution of \$16,500 and \$6,800 for dues, travel and training). There would also be \$6,800 in operating expenses for a total annual cost of \$281,600. The estimated annual costs for fiscal years 2012 to 2014 would increase by \$29,300 (additional costs of an assistant court coordinator would be \$27,000 for salary, \$2,000 for payroll taxes, and \$1,900 for benefits, less \$1,600 for reduced maintenance and operations costs), for a total annual cost of \$310,900. The County Auditor's salary projections do not take into account the \$75,000 salary supplement the county would receive from the state for the judge's salary.

The bill would authorize the County Court at Law in Kaufman County to have concurrent jurisdiction with a district court as defined by the provisions of the bill.

The bill would authorize the County Court at Law in Hunt County to have concurrent jurisdiction with a district court in capital felony cases, Class A and B misdemeanor cases, family law, juvenile and probate matters, appeals from justice and municipal courts, and civil cases that do not exceed \$200,000. The judge of the County Court at Law would serve on the Hunt County Juvenile Board.

The bill would create a County Court at Law in Midland County that has concurrent jurisdiction with the district court in family law cases, civil cases, and state jail felony cases. The County Court at Law in Midland County would be created on January 1, 2011.

According to the Midland County Auditor's Office, the full-year fiscal 2011 costs of the new Midland County Court at Law No. 3 would include salary and benefits of \$391,016 and operational costs of \$347,303. These amounts would be pro-rated for nine months to account for the January 1, 2011, startup costs. The Midland County Auditor also indicated that they would incur approximately \$5,000 for start-up costs (furnishings and technology). According to the Midland County Auditor's Office, the county would use available office space and courtroom to accommodate the new court. The total cost of salaries and benefits and operational costs for fiscal year 2012 is \$746,829; 2013 is \$769,999 and 2014 is \$794,108. The Midland County Auditor estimated annual revenue for fiscal years 2012 to 2014 at \$60,000. This amount would be pro-rated for fiscal 2011.

The bill would create a County Court at Law in Navarro County that would have concurrent jurisdiction with the district court in felony cases, Class A and B misdemeanors, family law, juvenile and probate matters, and appeals from justice and municipal courts. The County Court at Law in Navarro County would be created on January 1, 2011, unless the Commissioners Court of Navarro County voted to establish the court at an earlier date, which could be September 1, 2009.

Navarro County's fiscal year begins October 1. The Navarro County Auditor's Office estimates the pro-rated operating costs for a county court at \$237,974 in fiscal year 2011. Operating expenses in



2012 are estimated at \$318,290, and in fiscal years 2013 to 2014 operating expenses would increase by three percent annually. According to the Navarro County Auditor's Office, the county will use available office space and courtroom to accommodate the new court. The Navarro County Commissioners Court indicated that they would appoint a judge to fill this position beginning January 1, 2011. The County Auditor estimated the net cost for fiscal year 2011 at \$69,224; a net revenue gain in fiscal year 2012 at \$6,510; in fiscal year 2013 at \$26,251; and in fiscal year 2014 at \$41,326.

The bill would authorize the County Court at Law in Van Zandt County to have concurrent jurisdiction with a district court in capital felony cases, Class A and B misdemeanor cases, family law, juvenile and probate matters, appeals from justice and municipal courts, and civil cases that do not exceed \$200,000. The County Court at Law judge would serve on the Van Zandt County Juvenile Board. The bill would require an election to be held to fill the initial vacancy of the judge. This section would be effective January 1, 2010.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, TP, JP



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4833** by Hunter (Relating to the creation of district courts and statutory county courts and to the composition of juvenile boards in certain counties.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4833, Committee Report 2nd House, Substituted: a negative impact of (\$670,330) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$241,319)
2011	(\$429,011)
2012	(\$459,655)
2013	(\$459,655)
2014	(\$459,655)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/ (Cost) from General Revenue Fund 1	Probable (Cost) from Judicial Fund 573	Probable Revenue Gain from Judicial Fund 573	Change in Number of State Employees from FY 2009
2010	(\$241,319)	(\$618,496)	\$443,750	3.0
2011	(\$429,011)	(\$810,660)	\$500,000	5.0
2012	(\$459,655)	(\$932,850)	\$600,000	5.0
2013	(\$459,655)	(\$1,007,850)	\$675,000	5.0
2014	(\$459,655)	(\$1,007,850)	\$675,000	5.0

**Fiscal Analysis**

The bill would amend Chapter 24, Government Code, to create a new judicial district in Tarrant County, the 432nd Judicial District. The court would be created September 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 436th Judicial District. The bill would require the 436th Judicial District to give preference to juvenile matters. The court would be created October 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 437th Judicial District. The 437th Judicial District would be required to give preference to



criminal matters. The judicial district would be created December 15, 2009.

The bill would amend Chapter 24 Government Code, to create a new judicial district in Bexar County, the 438th Judicial District. The bill would require the 438th Judicial District to give preference to civil matters. The district court would be created September 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The court would be created January 1, 2011.

The bill would amend Chapter 25, Government Code, to create three new County Courts at Law in Bexar County (County Court at Law No. 13, County Court at Law No. 14, and County Court at Law No. 15). The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Fannin County, the County Court at Law of Fannin County. All four of the above county courts at law would be created September 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Bosque County, the County Court at Law of Bosque County. The County Court at Law of Bosque County would be created October 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Navarro County, the County Court at Law of Navarro County. According to the bill the County Court at Law of Navarro County would be created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County. Under the effective date of the bill the County Court at Law of Navarro County could be created September 1, 2009, if determined by the Commissioners Court of the county.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 7. The court would be created September 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Midland County, County Court at Law of Midland County No. 3. The court would be created January 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 8. The court would be created September 1, 2012.

The bill would take effect September 1, 2009.

## **Methodology**

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

Because the 436th Judicial District would not be created until October 1, 2009, this amount is prorated for 11 months in fiscal year 2010. Additionally, the 437th Judicial District, which would be created December 15, 2009, is prorated for 8.5 months in fiscal year 2010. The 431st Judicial District would be created January 1, 2011, is prorated for 8 months for fiscal year 2011.

The annual recurring cost to the state for each county court at law is \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). This estimate prorates the salary supplement for the County Court at Law of Bosque County in fiscal year 2010 for 11 instead of 12 months since the court would be created October 1st. This estimate prorates the salary supplement for the County Court at Law of Midland County in fiscal year 2011 for 8 months instead of 12 months since the court would be created January 1st. Additionally, this estimate assumes that the County





Court at Law of Navarro County would be created September 1, 2009, because under provisions of the bill, the court could be created on that date if approved by a vote of the Commissioners Court of Navarro County.

The salary supplement program for county court at law judges is self-funded by fees and court costs collected by county courts at law and deposited into Judicial Fund No. 573. This estimate assumes that all nine county courts at law created by the bill would generate sufficient revenue to cover the cost of the salary supplement.

Local governments pay the other operating costs associated with district courts and county courts at law.

## **Local Government Impact**

### *Local Government Analysis for District Courts:*

Denton County is currently served by the 16th, 158th, 211th, 362nd, 367th, and 393rd judicial districts. The bill would create a seventh judicial district, the 431st, effective January 1, 2011. For the proposed 431st Judicial District, Denton County would be responsible for paying the salary and benefits for court personnel. The estimated average annual cost of court operations for fiscal years 2011 to 2014 would be \$1,684,598. This total is comprised of \$1,153,633 for salary and benefits and \$530,964 for operating and miscellaneous expenses.

The creation of the 431st Judicial District would create 12 positions in addition to the district judge. The positions that would be created include a Court Reporter, a Court Administrator, an Assistant Department Supervisor in the District Clerk's Office, a Senior District Clerk, a Bailiff, a Transport Deputy, a Felony Prosecutor I, a Felony Prosecutor II, an Appellate Attorney I, a Felony Intake Attorney, a Felony Investigator, and an Administrative Assistant.

Denton County's fiscal year begins on October 1. The Denton County Budget Office estimated average annual expenditures of \$1,684,598 and annual revenue of \$270,816.

Tarrant County's fiscal year begins on October 1. The bill would create the 432nd Judicial District, effective September 1, 2009. The Tarrant County Auditor indicated that the annual cost of the district court for fiscal year 2010 is estimated at \$3,287,845, which includes \$1,520,454 for court personnel and benefits, \$1,145,391 for office operation expenditures plus \$622,000 for initial office start-up and capital outlay costs. Fiscal year 2009 would be pro-rated for one-month. The annual operating cost would increase four percent for fiscal years 2011 to 2014. The County Auditor estimated revenue of \$130,000 starting fiscal year 2010 with a \$10,000 increase each year thereafter except for fiscal year 2014 which is a \$5,000 increase.

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 436th Judicial District operating as a juvenile court's start-up expense in fiscal 2010 is estimated at \$603,800. This total would include furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expenses in fiscal year 2010 are estimated at \$5,000. The county expects to use existing space for the Juvenile Court. Annual operating costs in fiscal year 2010 are estimated at \$1,504,142, which would include \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$181,250 beginning in 2010.

For the 437th Judicial District serving as a criminal court, start-up expenses in fiscal 2010 are estimated at \$24,000. Capital outlay expenses in year 2 are \$300,000 and \$1,444,000 in year 3. The



County expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$995,522, which includes \$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court 2 of 3 Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 438th Judicial District civil court's start-up expense in fiscal year 2010 is estimated at \$24,000. Capital outlay expenses in the second year would be \$300,000 and \$1,360,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$37,547, which would include \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 438th Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

*Local Government Analysis for County Courts at Law:*

Bexar County is currently served by County Courts at Law No. 1 - 12. The bill would create County Courts at Law No. 13, 14, and 15, effective September 1, 2009. Bexar County's fiscal year begins on October 1.

According to the Bexar County Auditor's Office, start-up expenses for the County Court at Law No. 13 are estimated at \$12,000 for furniture and fixtures. The Auditor's Office estimated that the fiscal year 2009 expenses for the court would be \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 for County Court at Law No. 13 would be \$973,201; which would include \$496,892 for salaries, \$134,909 for benefits, and \$341,400 for operating costs. County Court at Law No. 13 would have a capital outlay expense of \$200,000 for technology enhancements in fiscal year 2012.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 14 at \$48,000 for furniture and fixtures and \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$496,892 for salaries, \$134,909 for benefits, and 341,400 for operating costs. In fiscal year 2011 the court would have a capital outlay expense of \$300,000 for court house modifications. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 15 would be \$12,000 for furniture and fixtures and \$18,758 for salaries, \$5,065 for benefits, and \$27,100 for operating costs. The fiscal year 2010 expenses are estimated at \$225,100 for salaries, \$60,777 for benefits and \$145,000 for operating costs. The fiscal year 2011 expenses for the court are estimated at \$225,100 for salaries, \$60,777 for benefits, \$150,000 for operating costs, and a capital outlay expense of \$300,000 for court house modifications. The estimated average annual cost of court operations for fiscal years 2012 to 2014 would be \$502,374 for salaries, \$137,133 for benefits and \$350,000 for operating costs. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The creation of County Courts at Law No. 13, 14, and 15 would create a total of 24 positions. The positions are: County Court at Law Judge (3), First Chair Prosecutor (3), Second Chair Prosecutor (3), Court Coordinator (3), Bailiff (3), Court Reporter (3), and Court Clerk (6).



The bill would create a County Court at Law in Bosque County that has concurrent jurisdiction as a district court in family law cases and civil cases between \$500 and \$100,000 and contested probate cases. The bill would also amend Section 152.0241 (a) of the Human Resources Code to add the judge of the newly created County Court at Law of Bosque County to the juvenile board of Bosque, Comanche, and Hamilton Counties. The County Court at Law in Bosque County would be created on October 1, 2009.

Bosque County's fiscal year begins October 1. According to the Bosque County Auditor, the average estimated annual cost of court personnel would be \$239,087 including benefits. The annual office expense would be \$7,750 plus \$5,000 for initial office start-up costs and \$3,000 for the initial capital outlay and \$1,000 each year thereafter. The County Auditor estimated revenue of \$487,500 for each fiscal year. The judge of the newly created County Court at Law of Bosque County duties would include being a member to the juvenile board of Bosque, Comanche, and Hamilton Counties.

The bill would create a County Court at Law in Fannin County with concurrent jurisdiction with the district court for family law cases and proceedings under Title 3, Family Code. The County Court at Law shall refer a family law case to district court before a hearing is commenced. A County Court at Law shall transfer a juvenile case to another court designated as a juvenile court before a hearing is commenced. The County Court at Law in Fannin County would be created on September 1, 2009.

Fannin County's fiscal year begins on October 1. According to the Fannin County Auditor's Office, the start-up costs for technology, furnishings and uniforms are \$19,000 and capital costs for converting building space for the new court are \$16,500. The cost of salaries and benefits for fiscal year 2009 is \$23,101; 2010 is \$278,596; 2011 is \$286,954; 2012 is \$295,562; 2013 is \$304,429 and 2014 is \$313,563. The County Auditor estimated revenue for fiscal year 2009 at \$19,167; 2010 at \$253,000; 2011 at \$278,000; 2012 at \$306,000; 2013 at \$336,000; and 2014 at \$370,000. In 2009 to 2011, the county would have a net cost, whereas in fiscal years 2012 to 2014 the county would have a net gain. According to the County Auditor, the Fannin County Commissioners Court would appoint a judge to fill this position beginning September 1, 2009.

Hidalgo County's fiscal year begins January 1. The county is currently served by County Courts at Law No. 1 - 6. The bill would create County Courts at Law No. 7 and 8. Hidalgo County Court at Law No. 7 would be effective September 1, 2011, and No. 8 would be effective September 1, 2012. There would be no costs to the county for fiscal years 2009 to 2011. The average annual total operating costs for the two courts are estimated at \$1,041,373 for fiscal years 2013 to 2014. Fiscal year 2012 would be half of that amount. First year, start-up costs for technology are estimated at \$18,953. Hidalgo County would be responsible for paying salary and benefits for court personnel. According to the County, it would need two judges, two court reporters, two court coordinators, two bailiffs, and two court administrators. According to Hidalgo County, the average cost of personnel total for two courts is estimated at \$975,525.

The bill would authorize the County Court at Law in Hunt County to have concurrent jurisdiction with a district court but without jurisdiction in capital felony cases. The County Court at Law judge would serve on the Hunt County Juvenile Board.

The bill would create a County Court at Law in Midland County that has concurrent jurisdiction with the district court in family law cases, civil cases, and state jail felony cases. The County Court at Law in Midland County would be created on January 1, 2011.

According to the Midland County Auditor's Office, the full-year fiscal 2011 costs of the new Midland County Court at Law No. 3 would include salary and benefits of \$391,016 and operational costs of \$347,303. These amounts would be pro-rated for nine months to account for the January 1, 2011, start-up costs. The Midland County Auditor also indicated that they would incur approximately \$5,000 for start-up costs (furnishings and technology). According to the Midland County Auditor's Office, the county would use available office space and courtroom to accommodate the new court. The total cost of salaries and benefits and operational costs for fiscal year 2012 is \$746,829; 2013 is \$769,999 and 2014 is \$794,108. The Midland County Auditor estimated annual revenue for fiscal year 2012-2014 at \$60,000. This amount would be pro-rated for fiscal 2011.



The bill would create a County Court at Law in Navarro County that has concurrent jurisdiction with the district court in family law cases, felony cases, Class A and B misdemeanors, family law matters, juvenile matters, probate matters and appeals from justice and municipal courts. The County Court at Law in Navarro County would be created on January 1, 2011, unless the Commissioners Court of Navarro County voted to establish the court at an earlier date, which could be September 1, 2009.

Navarro County's fiscal year begins October 1. The Navarro County Auditor's Office estimates the pro-rated operating costs for a county court at \$237,974 in fiscal 2011. Operating expenses in 2012 are \$318,290 and in fiscal 2013-2014 operating expenses would increase by three percent annually. According to the Navarro County Auditor's Office, the County will use available office space and courtroom to accommodate the new court. The Navarro County Commissioners Court indicated that they would appoint a judge to fill this position beginning January 1, 2011. The County Auditor estimated the net cost for fiscal year 2011 at \$69,224; a net revenue gain in fiscal year 2012 at \$6,510; fiscal year 2013 at \$26,251; and fiscal year 2014 at \$41,326.

The bill would authorize the County Court at Law in Van Zandt County to have concurrent jurisdiction with a district court but without jurisdiction in capital felony cases. The County Court at Law judge would serve on the Van Zandt County Juvenile Board. The bill would require an election to be held to fill the initial vacancy of the judge. This section would be effective January 1, 2010.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, JP, MN, ZS, TP





**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 19, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4833** by Hunter (Relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4833, As Engrossed: a negative impact of (\$1,133,815) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$421,350)
2011	(\$712,465)
2012	(\$735,448)
2013	(\$735,448)
2014	(\$735,448)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/ (Cost) from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>Judicial Fund</i> 573	Probable Revenue Gain from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2009
2010	(\$421,350)	(\$748,863)	\$443,750	5.0
2011	(\$712,465)	(\$1,040,918)	\$525,000	8.0
2012	(\$735,448)	(\$1,132,560)	\$600,000	8.0
2013	(\$735,448)	(\$1,207,560)	\$675,000	8.0
2014	(\$735,448)	(\$1,207,560)	\$675,000	8.0

**Fiscal Analysis**

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The bill would amend Chapter 24, Government Code, to create a new judicial district in Tarrant County, the 432nd Judicial District. The bill would amend Chapter 24, Government Code, to create a new judicial district in Midland County, the 475th Judicial District. The above three judicial districts would be created September 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 436th Judicial District. The bill would require the 436th Judicial District to give preference to juvenile matters. The court would be created October 1, 2009.



The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 437th Judicial District. The 437th Judicial District would be required to give preference to criminal matters. The judicial district would be created January 1, 2010.

The bill would amend Chapter 24 Government Code, to create a new judicial district in Bexar County, the 438th Judicial District. The bill would require the 438th Judicial District to give preference to civil matters. The district court would be created September 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Van Zandt County, the 441st Judicial District. The court would be created October 1, 2010.

The bill would also amend Chapter 24, Government Code, to create a new judicial district in Rockwall County, the 439th Judicial District. The judicial district would be created November 1, 2010.

The bill would amend Chapter 25, Government Code, to create three new County Courts at Law in Bexar County (County Court at Law No. 13, County Court at Law No. 14, and County Court at Law No. 15). The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Fannin County, the County Court at Law of Fannin County. All four of the above county courts at law would be created September 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Bosque County, the County Court at Law of Bosque County. The County Court at Law of Bosque County would be created October 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Navarro County, the County Court at Law of Navarro County. According to the bill the County Court at Law of Navarro County would be created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County. Under the effective date of the bill the County Court at Law of Navarro County could be created September 1, 2009, if determined by the Commissioners Court of the county.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 7. The court would be created September 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 8. The court would be created September 1, 2012.

The bill would take effect September 1, 2009.

## **Methodology**

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

Because the 436th Judicial District would not be created until October 1, 2009, this amount is prorated for 11 months in fiscal year 2010. Additionally, the 437th Judicial District, which would be created January 1, 2010, is prorated for 8 months in fiscal year 2010. The 441st Judicial District would be created October 1, 2010, is prorated for 11 months for fiscal year 2011. The 439th Judicial District created November 1, 2010, is prorated for 10 months in fiscal year 2011.

The annual recurring cost to the state for each county court at law is \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). This estimate prorates the salary supplement for the County Court at Law of Bosque County in fiscal year 2010 for 11 instead of 12 months since the court would be created October 1st. Additionally, this estimate assumes that the



County Court at Law of Navarro County would be created September 1, 2009, because under provisions of the bill, the court could be created on that date if approved by a vote of the Commissioners Court of Navarro County.

The salary supplement program for county court at law judges is self-funded by fees and court costs collected by county courts at law and deposited into Judicial Fund No. 573. This estimate assumes that all nine county courts at law created by the bill would generate sufficient revenue to cover the cost of the salary supplement.

Local governments pay the other operating costs associated with district courts and county courts at law.

### **Local Government Impact**

#### *Local Government Analysis for District Courts:*

Denton County is currently served by the 16th, 158th, 211th, 362nd, 367th, and 393rd judicial districts. The bill would create a seventh judicial district, the 431st, effective September 1, 2009. For the proposed 431st Judicial District, Denton County would be responsible for paying the salary and benefits for court personnel. According to the Denton County Budget Office, there would be a one-time expenditure of \$209,608 for fiscal year 2010, which would include \$85,332 for salary and benefits, \$39,275 for operating expenses, and \$85,000 for establishing the court. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$1,684,598. This total is comprised of \$1,153,633 for salary and benefits and \$530,964 for operating and miscellaneous expenses.

The creation of the 431st Judicial District would create 12 positions in addition to the district judge. The positions that would be created include a Court Reporter, a Court Administrator, an Assistant Department Supervisor in the District Clerk's Office, a Senior District Clerk, a Bailiff, a Transport Deputy, a Felony Prosecutor I, a Felony Prosecutor II, an Appellate Attorney I, a Felony Intake Attorney, a Felony Investigator, and an Administrative Assistant.

Denton County's fiscal year begins on October 1. The Denton County Budget Office estimated average annual expenditures of \$1,684,598 and annual revenue of \$270,816 for fiscal years 2010 to 2014. The fiscal impact would be an estimated \$1,413,782.

Tarrant County's fiscal year begins on October 1. The bill would create the 432nd Judicial District, effective September 1, 2009. The Tarrant County Auditor indicated that the annual cost of the district court for fiscal year 2010 is estimated at \$3,287,845, which includes \$1,520,454 for court personnel and benefits, \$1,145,391 for office operation expenditures plus \$622,000 for initial office start-up and capital outlay costs. Fiscal year 2009 would be pro-rated for one-month. The annual operating cost would increase four percent for fiscal years 2011 to 2014. The County Auditor estimated revenue of \$130,000 starting fiscal year 2010 with a \$10,000 increase each year thereafter except for fiscal year 2014 which is a \$5,000 increase.

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 436th Judicial District operating as a juvenile court's start-up expense in fiscal 2010 is estimated at \$603,800. This total would include furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expenses in fiscal year 2010 are estimated at \$5,000. The county expects to use existing space for the Juvenile Court. Annual operating costs in fiscal year 2010 are estimated at \$1,504,142, which would include \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual



revenue of \$181,250 beginning in 2010.

For the 437th Judicial District serving as a criminal court, start-up expenses in fiscal 2010 are estimated at \$24,000. Capital outlay expenses in year 2 are \$300,000 and \$1,444,000 in year 3. The County expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$995,522, which includes \$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court 2 of 3 Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 438th Judicial District civil court's start-up expense in fiscal year 2010 is estimated at \$24,000. Capital outlay expenses in the second year would be \$300,000 and \$1,360,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$37,547, which would include \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 438th Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

Rockwall County is currently served by the 382nd Judicial District. The bill would create the 439th Judicial District, effective November 1, 2010. Rockwall County's fiscal year begins on October 1.

For fiscal years 2012 to 2014, Rockwall County would be responsible for paying the salary and benefits for court personnel. According to the Rockwall County Auditor, the estimated annual salary and benefits for court personnel would be three percent above the projected \$350,000 for each year after 2011. The new District Court would require a Court Administrator, Court Reporter, and a Bailiff. The annual operating expense would be \$232,131. For fiscal year 2011, Rockwall County would be responsible for the 11 month pro-rated amount paying the salary and benefits for court personnel totaling \$320,816. The annual operating expense would be \$212,804. The county is in the process of designing a new courthouse which would house all current district courts and county courts at law plus the new court if granted. These are would be built with \$30 million bond instruments.

Van Zandt County is currently served by the 294th judicial district. The bill would create the 441st Judicial District, effective October 1, 2010. Van Zandt County's fiscal year begins on October 1.

According to the Van Zandt County Auditor's Office, in fiscal year 2010 there would be \$127,450 in start-up costs consisting of office space, furnishings, equipment, and technology. The estimated cost of court operations for fiscal year 2010 is \$165,796; fiscal year 2011 is \$170,680; fiscal year 2012 is \$175,710; fiscal year 2013 is \$180,892 and fiscal year 2014 is \$186,228. The estimated cost of salaries and benefits for fiscal year 2010 is \$201,924; fiscal year 2011 is \$207,982; fiscal year 2012 is \$214,221; fiscal year 2013 is \$220,648 and fiscal year 2014 is \$227,267. The creation of the 474th Judicial District would create the following positions: Court Reporter, Bailiff, and a Court Coordinator I. The judge of the 441st Judicial District would serve on the Van Zandt County Juvenile Board beginning on October 1, 2010.

The bill would create the 475th Judicial District in Midland County, effective September 1, 2009. Midland County's fiscal year begins October 1.

According to the Midland County Auditor, the county would incur an estimated \$5,000 in one-time start-up expenses for technology and furnishings. For fiscal year 2009, Midland County would incur \$46,318 in prorated expenses, including salary, benefits and operational expenses. The Midland





County Auditor estimated expenses for fiscal year 2010 would be \$555,812 and these expenses would rise approximately four percent every year thereafter. The Midland County Auditor did not estimate any revenue being generated by the new court.

*Local Government Analysis for County Courts at Law:*

Bexar County is currently served by County Courts at Law No. 1 - 12. The bill would create County Courts at Law No. 13, 14, and 15, effective September 1, 2009. Bexar County's fiscal year begins on October 1.

According to the Bexar County Auditor's Office, start-up expense for the County Court at Law No. 13 are estimated at \$12,000 for furniture and fixtures. The Auditor's Office estimated that the fiscal year 2009 expenses for the court would be \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 for County Court at Law No. 13 would be \$973,201; which would include \$496,892 for salaries, \$134,909 for benefits, and \$341,400 for operating costs. County Court at Law No. 13 would have a capital outlay expense of \$200,000 for technology enhancements in fiscal year 2012.

The Auditor's Office estimated for fiscal year 2009 start-up expense for County Court at Law No. 14 at \$48,000 for furniture and fixtures and \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$496,892 for salaries, \$134,909 for benefits, and 341,400 for operating costs. In fiscal year 2011 the court would have a capital outlay expense of \$300,000 for court house modifications. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 15 would be \$12,000 for furniture and fixtures and \$18,758 for salaries, \$5,065 for benefits, and \$27,100 for operating costs. The fiscal year 2010 expenses are estimated at \$225,100 for salaries, \$60,777 for benefits and \$145,000 for operating costs. The fiscal year 2011 expenses for the court are estimated at \$225,100 for salaries, \$60,777 for benefits, \$150,000 for operating costs, and a capital outlay expense of \$300,000 for court house modifications. The estimated average annual cost of court operations for fiscal years 2012 to 2014 would be \$502,374 for salaries, \$137,133 for benefits and \$350,000 for operating costs. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The creation of County Courts at Law No. 13, 14, and 15 would create a total of 24 positions. The positions are: County Court at Law Judge (3), First Chair Prosecutor (3), Second Chair Prosecutor (3), Court Coordinator (3), Bailiff (3), Court Reporter (3), and Court Clerk (6).

The bill would create a County Court at Law in Bosque County that has concurrent jurisdiction as a district court in family law cases and civil cases between \$500 and \$100,000 and contested probate cases. The bill would also amend Section 152.0241 (a) of the Human Resources Code to add the judge of the newly created County Court at Law of Bosque County to the juvenile board of Bosque, Comanche, and Hamilton Counties. The County Court at Law in Bosque County would be created on October 1, 2009.

Bosque County's fiscal year begins October 1. According to the Bosque County Auditor, the average estimated annual cost of court personnel would be \$239,087 including benefits. The annual office expense would be \$7,750 plus \$5,000 for initial office start-up costs and \$3,000 for the initial capital outlay and \$1,000 each year thereafter. The County Auditor estimated revenue of \$487,500 for each fiscal year. The judge of the newly created County Court at Law of Bosque County duties would include being a member to the juvenile board of Bosque, Comanche, and Hamilton Counties.

The bill would create a County Court at Law in Fannin County with concurrent jurisdiction with the district court for family law cases and proceedings under Title 3, Family Code. The County Court at Law shall refer a family law case to district court before a hearing is commenced. A County Court at Law shall transfer a juvenile case to another court designated as a juvenile court before a hearing is



commenced. The County Court at Law in Fannin County would be created on September 1, 2009.

Fannin County's fiscal year begins on October 1. According to the Fannin County Auditor's Office, the start-up costs for technology, furnishings and uniforms are \$19,000 and capital costs for converting building space for the new court are \$16,500. The cost of salaries and benefits for fiscal year 2009 is \$23,101; 2010 is \$278,596; 2011 is \$286,954; 2012 is \$295,562; 2013 is \$304,429 and 2014 is \$313,563. The County Auditor estimated revenue for fiscal year 2009 at \$19,167; 2010 at \$253,000; 2011 at \$278,000; 2012 at \$306,000; 2013 at \$336,000; and 2014 at \$370,000. In 2009-2011, the county would have a net cost, whereas in fiscal years 2012 to 2014 the county would have a net gain. According to the County Auditor, the Fannin County Commissioners Court would appoint a judge to fill this position beginning September 1, 2009.

Hidalgo County's fiscal year begins January 1. The county is currently served by County Courts at Law No. 1 - 6. The bill would create County Courts at Law No. 7 and 8. Hidalgo County Court at Law No. 7 would be effective September 1, 2011, and No. 8 would be effective September 1, 2012. There would be no costs to the county for fiscal years 2009 to 2011. The average annual total operating costs for the two courts are estimated at \$1,041,373 for fiscal years 2013 to 2014. Fiscal year 2012 would be half of that amount. First year, start-up costs for technology are estimated at \$18,953.

Hidalgo County would be responsible for paying salary and benefits for court personnel. According to the County, it would need two judges, two court reporters, two court coordinators, two bailiffs, and two court administrators. According to Hidalgo County, the average cost of personnel total for two courts is estimated at \$975,525.

The bill would create a County Court at Law in Navarro County that has concurrent jurisdiction with a district court in family law cases, felony cases, Class A and B misdemeanors, family law matters, juvenile matters, probate matters and appeals from justice and municipal courts. The County Court at Law in Navarro County would be created on January 1, 2011, unless the Commissioners Court of Navarro County voted to establish the court at an earlier date. Under the bill that could be September 1, 2009.

Navarro County's fiscal year begins October 1. The Navarro County Auditor's Office estimates the pro-rated operating costs for a county court at \$237,974 in fiscal 2011. Operating expenses in 2012 are \$318,290 and in fiscal 2013-2014 operating expenses would increase by three percent annually. According to the Navarro County Auditor's Office, the County will use available office space and courtroom to accommodate the new court. The Navarro County Commissioners Court indicated that they would appoint a judge to fill this position beginning January 1, 2011. The County Auditor estimated the net cost for fiscal year 2011 at \$69,224; a net revenue gain in fiscal year 2012 at \$6,510; fiscal year 2013 at \$26,251; and fiscal year 2014 at \$41,326.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, JP, MN, ZS, TP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 11, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4833** by Hunter (Relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4833, Committee Report 1st House, Substituted: a negative impact of (\$1,133,815) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$421,350)
2011	(\$712,465)
2012	(\$735,448)
2013	(\$735,448)
2014	(\$735,448)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/ (Cost) from General Revenue Fund 1	Probable (Cost) from Judicial Fund 573	Probable Revenue Gain from Judicial Fund 573	Change in Number of State Employees from FY 2009
2010	(\$421,350)	(\$748,863)	\$443,750	5.0
2011	(\$712,465)	(\$1,040,918)	\$525,000	8.0
2012	(\$735,448)	(\$1,132,560)	\$600,000	8.0
2013	(\$735,448)	(\$1,207,560)	\$675,000	8.0
2014	(\$735,448)	(\$1,207,560)	\$675,000	8.0

**Fiscal Analysis**

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The bill would also amend Chapter 24, Government Code, to create a new judicial district in Kaufman County, the 440<sup>th</sup> Judicial District. The bill would amend Chapter 24, Government Code, to create a new judicial district in Midland County, the 475th Judicial District. The above three judicial districts would be created September 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 436<sup>th</sup> Judicial District. The bill would require the 436<sup>th</sup> Judicial District to give preference to juvenile matters. The court would be created October 1, 2009.



The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 437<sup>th</sup> Judicial District. The 437<sup>th</sup> Judicial District would be required to give preference to criminal matters. The judicial district would be created January 1, 2010.

The bill would amend Chapter 24 Government Code, to create a new judicial district in Bexar County, the 438<sup>th</sup> Judicial District. The bill would require the 438<sup>th</sup> Judicial District to give preference to civil matters. The district court would be created September 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Van Zandt County, the 441<sup>st</sup> Judicial District. The court would be created October 1, 2010.

The bill would also amend Chapter 24, Government Code, to create a new judicial district in Rockwall County, the 439<sup>th</sup> Judicial District. The judicial district would be created November 1, 2010.

The bill would amend Chapter 25, Government Code, to create three new County Courts at Law in Bexar County (County Court at Law No. 13, County Court at Law No. 14, and County Court at Law No. 15). The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Fannin County, the County Court at Law of Fannin County. All four of the above county courts at law would be created September 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Bosque County, the County Court at Law of Bosque County. The County Court at Law of Bosque County would be created October 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Navarro County, the County Court at Law of Navarro County. According to the bill the County Court at Law of Navarro County would be created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County. Under the effective date of the bill the County Court at Law of Navarro County could be created September 1, 2009, if determined by the Commissioners Court of the county.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 7. The court would be created September 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 8. The court would be created September 1, 2012.

The bill would take effect September 1, 2009.

## **Methodology**

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

Because the 436<sup>th</sup> Judicial District would not be created until October 1, 2009, this amount is prorated for 11 months in fiscal year 2010. Additionally, the 437<sup>th</sup> Judicial District, which would be created January 1, 2010, is prorated for 8 months in fiscal year 2010. The 441<sup>st</sup> Judicial District would be created October 1, 2010, is prorated for 11 months for fiscal year 2011. The 439<sup>th</sup> Judicial District created November 1, 2010, is prorated for 10 months in fiscal year 2011.

The annual recurring cost to the state for each county court at law is \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). This estimate prorates the salary





supplement for the County Court at Law of Bosque County in fiscal year 2010 for 11 instead of 12 months since the court would be created October 1st. Additionally, this estimate assumes that the County Court at Law of Navarro County would be created September 1, 2009, because under provisions of the bill, the court could be created on that date if approved by a vote of the Commissioners Court of Navarro County.

The salary supplement program for county court at law judges is self-funded by fees and court costs collected by county courts at law and deposited into Judicial Fund No. 573. This estimate assumes that all nine county courts at law created by the bill would generate sufficient revenue to cover the cost of the salary supplement.

Local governments pay the other operating costs associated with district courts and county courts at law.

## **Local Government Impact**

### *Local Government Analysis for District Courts:*

Denton County is currently served by the 16th, 158th, 211th, 362nd, 367th, and 393rd judicial districts. The bill would create a seventh judicial district, the 431st, effective September 1, 2009. For the proposed 431st Judicial District, Denton County would be responsible for paying the salary and benefits for court personnel. According to the Denton County Budget Office, there would be a one-time expenditure of \$209,608 for fiscal year 2010, which would include \$85,332 for salary and benefits, \$39,275 for operating expenses, and \$85,000 for establishing the court. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$1,684,598. This total is comprised of \$1,153,633 for salary and benefits and \$530,964 for operating and miscellaneous expenses.

The creation of the 431st Judicial District would create 12 positions in addition to the district judge. The positions that would be created include a Court Reporter, a Court Administrator, an Assistant Department Supervisor in the District Clerk's Office, a Senior District Clerk, a Bailiff, a Transport Deputy, a Felony Prosecutor I, a Felony Prosecutor II, an Appellate Attorney I, a Felony Intake Attorney, a Felony Investigator, and an Administrative Assistant.

Denton County's fiscal year begins on October 1. The Denton County Budget Office estimated average annual expenditures of \$1,684,598 and annual revenue of \$270,816 for fiscal years 2010 to 2014. The fiscal impact would be an estimated \$1,413,782.

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 436th Judicial District operating as a juvenile court's start-up expense in fiscal 2010 is estimated at \$603,800. This total would include furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expenses in fiscal year 2010 are estimated at \$5,000. The county expects to use existing space for the Juvenile Court. Annual operating costs in fiscal year 2010 are estimated at \$1,504,142, which would include \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$181,250 beginning in 2010.

For the 437th Judicial District serving as a criminal court, start-up expenses in fiscal 2010 are estimated at \$24,000. Capital outlay expenses in year 2 are \$300,000 and \$1,444,000 in year 3. The County expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$995,522, which includes



\$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court 2 of 3 Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 438th Judicial District civil court's start-up expense in fiscal year 2010 is estimated at \$24,000. Capital outlay expenses in the second year would be \$300,000 and \$1,360,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$37,547, which would include \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 438th Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

Rockwall County is currently served by the 382nd Judicial District. The bill would create the 439th Judicial District, effective November 1, 2010. Rockwall County's fiscal year begins on October 1.

For fiscal years 2012 to 2014, Rockwall County would be responsible for paying the salary and benefits for court personnel. According to the Rockwall County Auditor, the estimated annual salary and benefits for court personnel would be three percent above the projected \$350,000 for each year after 2011. The new District Court would require a Court Administrator, Court Reporter, and a Bailiff. The annual operating expense would be \$232,131. For fiscal year 2011, Rockwall County would be responsible for the 11 month pro-rated amount paying the salary and benefits for court personnel totaling \$320,816. The annual operating expense would be \$212,804. The county is in the process of designing a new courthouse which would house all current district courts and county courts at law plus the new court if granted. These are would be built with \$30 million bond instruments.

Kaufman County is currently served by the 86th Judicial District and the 422nd Judicial District Courts. The bill would create the 440th Judicial District, effective September 1, 2009. Kaufman County's fiscal year begins on October 1.

In fiscal year 2009, the Kaufman County Auditor estimated start up expenditures of \$100,000 for furnishings, equipment and information technology. Other estimated costs for the month of September 2009 are a pro-rata share of annual operating expenses, \$3,417, of personnel salary and benefits, \$10,792, and of the salary supplement for the district judge, \$1,250. Total estimated costs for 2009 would be \$115,548. The Kaufman County Auditor estimated the cost of court personnel for fiscal year 2010 at \$144,499 (a Court Reporter's salary of \$61,000 and benefits of \$14,587, and a court coordinator's salary of \$42,000 and benefits of \$11,912, and the judge's supplement of \$15,000). There would also be operating expenses of \$41,000 per year, (space for the new courtroom at \$24,000 and maintenance and supplies of \$17,000). Total estimated costs for 2010 would be \$185,499. The estimated annual cost of court personnel for fiscal years 2011 to 2014 would increase due to the addition of one court assistant, with a salary of \$27,000 and benefits of \$9,838 each year. This would bring the total estimated annual costs for 2011 to 2014 to \$222,300. The County Auditor's office estimated revenues for the new district court would be \$0 in fiscal 2009, \$15,555 in 2010, and \$25,000 annually for 2011 to 2014.

Van Zandt County is currently served by the 294th judicial district. The bill would create the 441st Judicial District, effective October 1, 2010. Van Zandt County's fiscal year begins on October 1.

According to the Van Zandt County Auditor's Office, in fiscal year 2010 there would \$127,450 in start-up costs consisting of office space, furnishings, equipment, and technology. The estimated cost of court operations for fiscal year 2010 is \$165,796; fiscal year 2011 is \$170,680; fiscal year 2012 is \$175,710; fiscal year 2013 is \$180,892 and fiscal year 2014 is \$186,228. The estimated cost of salaries



and benefits for fiscal year 2010 is \$201,924; fiscal year 2011 is \$207,982; fiscal year 2012 is \$214,221; fiscal year 2013 is \$220,648 and fiscal year 2014 is \$227,267. The creation of the 474th Judicial District would create the following positions: Court Reporter, Bailiff, and a Court Coordinator I.

The bill would create the 475th Judicial District in Midland County, effective September 1, 2009. Midland County's fiscal year begins October 1.

According to the Midland County Auditor, the county would incur an estimated \$5,000 in one-time start-up expenses for technology and furnishings. For fiscal year 2009, Midland County would incur \$46,318 in prorated expenses, including salary, benefits and operational expenses. The Midland County Auditor estimated expenses for fiscal year 2010 would be \$555,812 and these expenses would rise approximately four percent every year thereafter. The Midland County Auditor did not estimate any revenue being generated by the new court.

*Local Government Analysis for County Courts at Law:*

Bexar County is currently served by County Courts at Law No. 1 - 12. The bill would create County Courts at Law No. 13, 14, and 15, effective September 1, 2009. Bexar County's fiscal year begins on October 1.

According to the Bexar County Auditor's Office, start-up expense for the County Court at Law No. 13 are estimated at \$12,000 for furniture and fixtures. The Auditor's Office estimated that the fiscal year 2009 expenses for the court would be \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 for County Court at Law No. 13 would be \$973,201; which would include \$496,892 for salaries, \$134,909 for benefits, and \$341,400 for operating costs. County Court at Law No. 13 would have a capital outlay expense of \$200,000 for technology enhancements in fiscal year 2012.

The Auditor's Office estimated for fiscal year 2009 start-up expense for County Court at Law No. 14 at \$48,000 for furniture and fixtures and \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$496,892 for salaries, \$134,909 for benefits, and 341,400 for operating costs. In fiscal year 2011 the court would have a capital outlay expense of \$300,000 for court house modifications. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 15 would be \$12,000 for furniture and fixtures and \$18,758 for salaries, \$5,065 for benefits, and \$27,100 for operating costs. The fiscal year 2010 expenses are estimated at \$225,100 for salaries, \$60,777 for benefits and \$145,000 for operating costs. The fiscal year 2011 expenses for the court are estimated at \$225,100 for salaries, \$60,777 for benefits, \$150,000 for operating costs, and a capital outlay expense of \$300,000 for court house modifications. The estimated average annual cost of court operations for fiscal years 2012 to 2014 would be \$502,374 for salaries, \$137,133 for benefits and \$350,000 for operating costs. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The creation of County Courts at Law No. 13, 14, and 15 would create a total of 24 positions. The positions are: County Court at Law Judge (3), First Chair Prosecutor (3), Second Chair Prosecutor (3), Court Coordinator (3), Bailiff (3), Court Reporter (3), and Court Clerk (6).

The bill would create a County Court at Law in Bosque County that has concurrent jurisdiction as a district court in family law cases and civil cases between \$500 and \$100,000 and contested probate cases. The bill would also amend Section 152.0241 (a) of the Human Resources Code to add the judge of the newly created County Court at Law of Bosque County to the juvenile board of Bosque, Comanche, and Hamilton Counties. The County Court at Law in Bosque County would be created on October 1, 2009.



Bosque County's fiscal year begins October 1. According to the Bosque County Auditor, the average estimated annual cost of court personnel would be \$239,087 including benefits. The annual office expense would be \$7,750 plus \$5,000 for initial office start-up costs and \$3,000 for the initial capital outlay and \$1,000 each year thereafter. The County Auditor estimated revenue of \$487,500 for each fiscal year. The judge of the newly created County Court at Law of Bosque County duties would include being a member to the juvenile board of Bosque, Comanche, and Hamilton Counties.

The bill would create a County Court at Law in Fannin County with concurrent jurisdiction with the district court for family law cases and proceedings under Title 3, Family Code. The County Court at Law shall refer a family law case to district court before a hearing is commenced. A County Court at Law shall transfer a juvenile case to another court designated as a juvenile court before a hearing is commenced. The County Court at Law in Fannin County would be created on September 1, 2009.

Fannin County's fiscal year begins on October 1. According to the Fannin County Auditor's Office, the start-up costs for technology, furnishings and uniforms are \$19,000 and capital costs for converting building space for the new court are \$16,500. The cost of salaries and benefits for fiscal year 2009 is \$23,101; 2010 is \$278,596; 2011 is \$286,954; 2012 is \$295,562; 2013 is \$304,429 and 2014 is \$313,563. The County Auditor estimated revenue for fiscal year 2009 at \$19,167; 2010 at \$253,000; 2011 at \$278,000; 2012 at \$306,000; 2013 at \$336,000; and 2014 at \$370,000. In 2009-2011, the county would have a net cost, whereas in fiscal years 2012 to 2014 the county would have a net gain. According to the County Auditor, the Fannin County Commissioners Court would appoint a judge to fill this position beginning September 1, 2009.

Hidalgo County's fiscal year begins January 1. The bill would create two County Courts at Law in Hidalgo County. The county is currently served by six county courts at law. There would be no costs to the county for fiscal 2009-2011. The average annual total operating costs for the two courts are estimated at \$1,041,373 for fiscal 2013-2014. Fiscal year 2012 would be half of that amount. First year, start-up costs for technology are estimated at \$18,953.

Hidalgo County would be responsible for paying salary and benefits for court personnel. According to the County, it would need two judges, two court reporters, two court coordinators, two bailiffs, and two court administrators. According to Hidalgo County, the average cost of personnel total for two courts is estimated at \$975,525.

The bill would create a County Court at Law in Navarro County that has concurrent jurisdiction with a district court in family law cases, felony cases, Class A and B misdemeanors, family law matters, juvenile matters, probate matters and appeals from justice and municipal courts. The County Court at Law in Navarro County would be created on January 1, 2011, unless the Commissioners Court of Navarro County voted to establish the court at an earlier date. Under the bill that could be September 1, 2009.

Navarro County's fiscal year begins October 1. The Navarro County Auditor's Office estimates the pro-rated operating costs for a county court at \$237,974 in fiscal 2011. Operating expenses in 2012 are \$318,290 and in fiscal 2013-2014 operating expenses would increase by three percent annually. According to the Navarro County Auditor's Office, the County will use available office space and courtroom to accommodate the new court. The Navarro County Commissioners Court indicated that they would appoint a judge to fill this position beginning January 1, 2011. The County Auditor estimated the net cost for fiscal year 2011 at \$69,224; a net revenue gain in fiscal year 2012 at \$6,510; fiscal year 2013 at \$26,251; and fiscal year 2014 at \$41,326.

The bill would create a County Court at Law in Van Zandt County that has concurrent jurisdiction with a district court but without jurisdiction in capital felony cases. The County Court at Law judge would serve on the Van Zandt County Juvenile Board. The County Court at Law in Van Zandt County would be created on September 1, 2010.

Van Zandt County's fiscal year begins October 1. The Van Zandt County Auditor's Office estimated \$127,450 in start-up costs in 2009 consisting of office space, furnishings, equipment and technology. Estimated salary and benefits of \$262,442 and \$162,796 in operational expenses totaling \$426,739 would be pro-rated for the one remaining month in fiscal 2010. The County Court at Law Judge would





receive a \$75,000 salary supplement from the state. The County Auditor estimated the cost for fiscal 2011 is \$439,496. The County expects costs to increase annually by 3 percent. The creation of the County Court at Law would create the following positions: court reporter, bailiff, court clerk deputy, and a court coordinator. In 2010, the County estimates revenue of \$102,500 from county court fees and fines, indigent legal fees being recouped and the State Jury Fee Reimbursement. This amount is prorated for one-month. The County Auditor estimated revenues for fiscal 2011 is \$105,063. The County Auditor estimates an annual 2.5 percent increase in revenues.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, JP, MN, ZS, TP



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 7, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4833** by Hunter (Relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4833, As Introduced: a negative impact of (\$949,953) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$329,419)
2011	(\$620,534)
2012	(\$643,517)
2013	(\$643,517)
2014	(\$643,517)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/ (Cost) from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>Judicial Fund</i> 573	Probable Revenue Gain from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2009
2010	(\$329,419)	(\$682,293)	\$443,750	4.0
2011	(\$620,534)	(\$974,348)	\$525,000	7.0
2012	(\$643,517)	(\$990,990)	\$525,000	7.0
2013	(\$643,517)	(\$990,990)	\$525,000	7.0
2014	(\$643,517)	(\$990,990)	\$525,000	7.0

**Fiscal Analysis**

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The bill would also amend Chapter 24, Government Code, to create a new judicial district in Kaufman County, the 440<sup>th</sup> Judicial District. The above two judicial districts would be created September 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 436<sup>th</sup> Judicial District. The bill would require the 436<sup>th</sup> Judicial District to give preference to juvenile matters. The court would be created October 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar



County, the 437<sup>th</sup> Judicial District. The 437<sup>th</sup> Judicial District would be required to give preference to criminal matters. The judicial district would be created January 1, 2010.

The bill would amend Chapter 24 Government Code, to create a new judicial district in Bexar County, the 438<sup>th</sup> Judicial District. The bill would require the 438<sup>th</sup> Judicial District to give preference to civil matters. The district court would be created September 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Van Zandt County, the 441<sup>st</sup> Judicial District. The court would be created October 1, 2010.

The bill would also amend Chapter 24, Government Code, to create a new judicial district in Rockwall County, the 439<sup>th</sup> Judicial District. The judicial district would be created November 1, 2010.

The bill would amend Chapter 25, Government Code, to create three new County Courts at Law in Bexar County (County Court at Law No. 13, County Court at Law No. 14, and County Court at Law No. 15). The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Fannin County, the County Court at Law of Fannin County. All four of the above county courts at law would be created September 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Bosque County, the County Court at Law of Bosque County. The County Court at Law of Bosque County would be created October 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Navarro County, the County Court at Law of Navarro County. According to the bill the County Court at Law of Navarro County would be created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County. Under the effective date of the bill the County Court at Law of Navarro County could be created September 1, 2009, if determined by the Commissioners Court of the county.

The bill would take effect September 1, 2009.

## **Methodology**

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

Because the 436th Judicial District would not be created until October 1, 2009, this amount is prorated for 11 months in fiscal year 2010. Additionally, the 437th Judicial District, which would be created January 1, 2010, is prorated for 8 months in fiscal year 2010. The 441st Judicial District would be created October 1, 2010, is prorated for 11 months for fiscal year 2011. The 439th Judicial District created November 1, 2010, is prorated for 10 months in fiscal year 2011.

The annual recurring cost to the state for each county court at law is \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). This estimate prorates the salary supplement for the County Court at Law of Bosque County in fiscal year 2010 for 11 instead of 12 months since the court would be created October 1st. Additionally, this estimate assumes that the County Court at Law of Navarro County would be created September 1, 2009, because under provisions of the bill, the court could be created on that date if approved by a vote of the Commissioners Court of Navarro County.

The salary supplement program for county court at law judges is self-funded by fees and court costs collected by county courts at law and deposited into Judicial Fund No. 573. This estimate assumes that all seven county courts at law created by the bill would generate sufficient revenue to cover the cost of the salary supplement.



Local governments pay the other operating costs associated with district courts and county courts at law.

## **Local Government Impact**

### *Local Government Analysis for District Courts:*

Denton County is currently served by the 16th, 158th, 211th, 362nd, 367th, and 393rd judicial districts. The bill would create a seventh judicial district, the 431st, effective September 1, 2009. For the proposed 431st Judicial District, Denton County would be responsible for paying the salary and benefits for court personnel. According to the Denton County Budget Office, there would be a one-time expenditure of \$209,608 for fiscal year 2010, which would include \$85,332 for salary and benefits, \$39,275 for operating expenses, and \$85,000 for establishing the court. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$1,684,598. This total is comprised of \$1,153,633 for salary and benefits and \$530,964 for operating and miscellaneous expenses.

The creation of the 431st Judicial District would create 12 positions in addition to the district judge. The positions that would be created include a Court Reporter, a Court Administrator, an Assistant Department Supervisor in the District Clerk's Office, a Senior District Clerk, a Bailiff, a Transport Deputy, a Felony Prosecutor I, a Felony Prosecutor II, an Appellate Attorney I, a Felony Intake Attorney, a Felony Investigator, and an Administrative Assistant.

Denton County's fiscal year begins on October 1. The Denton County Budget Office estimated average annual expenditures of \$1,684,598 and annual revenue of \$270,816 for fiscal years 2010 to 2014. The fiscal impact would be an estimated \$1,413,782.

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 436th Judicial District operating as a juvenile court's start-up expense in fiscal 2010 is estimated at \$603,800. This total would include furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expenses in fiscal year 2010 are estimated at \$5,000. The county expects to use existing space for the Juvenile Court. Annual operating costs in fiscal year 2010 are estimated at \$1,504,142, which would include \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$181,250 beginning in 2010.

For the 437th Judicial District serving as a criminal court, start-up expenses in fiscal 2010 are estimated at \$24,000. Capital outlay expenses in year 2 are \$300,000 and \$1,444,000 in year 3. The County expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$995,522, which includes \$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court 2 of 3 Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 438th Judicial District civil court's start-up expense in fiscal year 2010 is estimated at \$24,000. Capital outlay expenses in the second year would be \$300,000 and \$1,360,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center.





Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$37,547, which would include \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 438th Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

Rockwall County is currently served by the 382nd Judicial District. The bill would create the 439th Judicial District, effective November 1, 2010. Rockwall County's fiscal year begins on October 1.

For fiscal years 2012 to 2014, Rockwall County would be responsible for paying the salary and benefits for court personnel. According to the Rockwall County Auditor, the estimated annual salary and benefits for court personnel would be three percent above the projected \$350,000 for each year after 2011. The new District Court would require a Court Administrator, Court Reporter, and a Bailiff. The annual operating expense would be \$232,131. For fiscal year 2011, Rockwall County would be responsible for the 11 month pro-rated amount paying the salary and benefits for court personnel totaling \$320,816. The annual operating expense would be \$212,804. The county is in the process of designing a new courthouse which would house all current district courts and county courts at law plus the new court if granted. These are would be built with \$30 million bond instruments.

Kaufman County is currently served by the 86th Judicial District and the 422nd Judicial District Courts. The bill would create the 440th Judicial District, effective September 1, 2009. Kaufman County's fiscal year begins on October 1.

In fiscal year 2009, the Kaufman County Auditor estimated start up expenditures of \$100,000 for furnishings, equipment and information technology. Other estimated costs for the month of September 2009 are a pro-rata share of annual operating expenses, \$3,417, of personnel salary and benefits, \$10,792, and of the salary supplement for the district judge, \$1,250. Total estimated costs for 2009 would be \$115,548. The Kaufman County Auditor estimated the cost of court personnel for fiscal year 2010 at \$144,499 (a Court Reporter's salary of \$61,000 and benefits of \$14,587, and a court coordinator's salary of \$42,000 and benefits of \$11,912, and the judge's supplement of \$15,000). There would also be operating expenses of \$41,000 per year, (space for the new courtroom at \$24,000 and maintenance and supplies of \$17,000). Total estimated costs for 2010 would be \$185,499. The estimated annual cost of court personnel for fiscal years 2011 to 2014 would increase due to the addition of one court assistant, with a salary of \$27,000 and benefits of \$9,838 each year. This would bring the total estimated annual costs for 2011 to 2014 to \$222,300. The County Auditor's office estimated revenues for the new district court would be \$0 in fiscal 2009, \$15,555 in 2010, and \$25,000 annually for 2011 to 2014.

Van Zandt County is currently served by the 294th judicial district. The bill would create the 441st Judicial District, effective October 1, 2010. Van Zandt County's fiscal year begins on October 1.

According to the Van Zandt County Auditor's Office, in fiscal year 2010 there would \$127,450 in start-up costs consisting of office space, furnishings, equipment, and technology. The estimated cost of court operations for fiscal year 2010 is \$165,796; fiscal year 2011 is \$170,680; fiscal year 2012 is \$175,710; fiscal year 2013 is \$180,892 and fiscal year 2014 is \$186,228. The estimated cost of salaries and benefits for fiscal year 2010 is \$201,924; fiscal year 2011 is \$207,982; fiscal year 2012 is \$214,221; fiscal year 2013 is \$220,648 and fiscal year 2014 is \$227,267. The creation of the 474th Judicial District would create the following positions: Court Reporter, Bailiff, and a Court Coordinator I.

*Local Government Analysis for County Courts at Law:*

Bexar County is currently served by County Courts at Law No. 1 - 12. The bill would create County Courts at Law No. 13, 14, and 15, effective September 1, 2009. Bexar County's fiscal year begins on October 1.



According to the Bexar County Auditor's Office, start-up expense for the County Court at Law No. 13 are estimated at \$12,000 for furniture and fixtures. The Auditor's Office estimated that the fiscal year 2009 expenses for the court would be \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 for County Court at Law No. 13 would be \$973,201; which would include \$496,892 for salaries, \$134,909 for benefits, and \$341,400 for operating costs. County Court at Law No. 13 would have a capital outlay expense of \$200,000 for technology enhancements in fiscal year 2012.

The Auditor's Office estimated for fiscal year 2009 start-up expense for County Court at Law No. 14 at \$48,000 for furniture and fixtures and \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$496,892 for salaries, \$134,909 for benefits, and 341,400 for operating costs. In fiscal year 2011 the court would have a capital outlay expense of \$300,000 for court house modifications. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 15 would be \$12,000 for furniture and fixtures and \$18,758 for salaries, \$5,065 for benefits, and \$27,100 for operating costs. The fiscal year 2010 expenses are estimated at \$225,100 for salaries, \$60,777 for benefits and \$145,000 for operating costs. The fiscal year 2011 expenses for the court are estimated at \$225,100 for salaries, \$60,777 for benefits, \$150,000 for operating costs, and a capital outlay expense of \$300,000 for court house modifications. The estimated average annual cost of court operations for fiscal years 2012 to 2014 would be \$502,374 for salaries, \$137,133 for benefits and \$350,000 for operating costs. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and court house modifications; and \$200,000 for technology enhancements.

The creation of County Courts at Law No. 13, 14, and 15 would create a total of 24 positions. The positions are: County Court at Law Judge (3), First Chair Prosecutor (3), Second Chair Prosecutor (3), Court Coordinator (3), Bailiff (3), Court Reporter (3), and Court Clerk (6).

The bill would create a County Court at Law in Bosque County that has concurrent jurisdiction as a district court in family law cases and civil cases between \$500 and \$100,000 and contested probate cases. The bill would also amend Section 152.0241 (a) of the Human Resources Code to add the judge of the newly created County Court at Law of Bosque County to the juvenile board of Bosque, Comanche, and Hamilton Counties. The County Court at Law in Bosque County would be created on October 1, 2009.

Bosque County's fiscal year begins October 1. According to the Bosque County Auditor, the average estimated annual cost of court personnel would be \$239,087 including benefits. The annual office expense would be \$7,750 plus \$5,000 for initial office start-up costs and \$3,000 for the initial capital outlay and \$1,000 each year thereafter. The County Auditor estimated revenue of \$487,500 for each fiscal year. The judge of the newly created County Court at Law of Bosque County duties would include being a member to the juvenile board of Bosque, Comanche, and Hamilton Counties.

The bill would create a County Court at Law in Fannin County with concurrent jurisdiction with the district court for family law cases and proceedings under Title 3, Family Code. The County Court at Law shall refer a family law case to district court before a hearing is commenced. A County Court at Law shall transfer a juvenile case to another court designated as a juvenile court before a hearing is commenced. The County Court at Law in Fannin County would be created on September 1, 2009.

Fannin County's fiscal year begins on October 1. According to the Fannin County Auditor's Office, the start-up costs for technology, furnishings and uniforms are \$19,000 and capital costs for converting building space for the new court are \$16,500. The cost of salaries and benefits for fiscal year 2009 is \$23,101; 2010 is \$278,596; 2011 is \$286,954; 2012 is \$295,562; 2013 is \$304,429 and 2014 is \$313,563. The County Auditor estimated revenue for fiscal year 2009 at \$19,167; 2010 at \$253,000; 2011 at \$278,000; 2012 at \$306,000; 2013 at \$336,000; and 2014 at \$370,000. In 2009-2011, the county would have a net cost, whereas in fiscal years 2012 to 2014 the county would have a net gain. According to the County Auditor, the Fannin County Commissioners Court would appoint a



judge to fill this position beginning September 1, 2009.

The bill would create a County Court at Law in Navarro County that has concurrent jurisdiction with a district court in family law cases, felony cases, Class A and B misdemeanors, family law matters, juvenile matters, probate matters and appeals from justice and municipal courts. The County Court at Law in Navarro County would be created on January 1, 2011, unless the Commissioners Court of Navarro County voted to establish the court at an earlier date. Under the bill that could be September 1, 2009.

Navarro County's fiscal year begins October 1. The Navarro County Auditor's Office estimates the pro-rated operating costs for a county court at \$237,974 in fiscal 2011. Operating expenses in 2012 are \$318,290 and in fiscal 2013-2014 operating expenses would increase by three percent annually.

According to the Navarro County Auditor's Office, the County will use available office space and courtroom to accommodate the new court. The Navarro County Commissioners Court indicated that they would appoint a judge to fill this position beginning January 1, 2011. The County Auditor estimated the net cost for fiscal year 2011 at \$69,224; a net revenue gain in fiscal year 2012 at \$6,510; fiscal year 2013 at \$26,251; and fiscal year 2014 at \$41,326.

The bill would create a County Court at Law in Van Zandt County that has concurrent jurisdiction with a district court but without jurisdiction in capital felony cases. The County Court at Law judge would serve on the Van Zandt County Juvenile Board. The County Court at Law in Van Zandt County would be created on September 1, 2010.

Van Zandt County's fiscal year begins October 1. The Van Zandt County Auditor's Office estimated \$127,450 in start-up costs in 2009 consisting of office space, furnishings, equipment and technology. Estimated salary and benefits of \$262,442 and \$162,796 in operational expenses totaling \$426,739 would be pro-rated for the one remaining month in fiscal 2010. The County Court at Law Judge would receive a \$75,000 salary supplement from the state. The County Auditor estimated the cost for fiscal 2011 is \$439,496. The County expects costs to increase annually by 3 percent. The creation of the County Court at Law would create the following positions: court reporter, bailiff, court clerk deputy, and a court coordinator. In 2010, the County estimates revenue of \$102,500 from county court fees and fines, indigent legal fees being recouped and the State Jury Fee Reimbursement. This amount is pro-rated for one-month. The County Auditor estimated revenues for fiscal 2011 is \$105,063. The County Auditor estimates an annual 2.5 percent increase in revenues.

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