

House Bill 4833
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. (a) 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 **the effective date of this Act.**

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

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

(b) The 436th Judicial District is created on October 1,

SENATE VERSION

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.**

Same as House version.

Same as House version.

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2009.

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

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

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

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

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

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

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

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

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

Sec. 24.583. 439TH JUDICIAL DISTRICT (ROCKWALL COUNTY). The 439th Judicial District

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

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

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

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

Same as House version.

No equivalent provision.

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is composed of Rockwall County.

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

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

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

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

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

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

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

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

Sec. 24.60019. 475TH JUDICIAL DISTRICT

No equivalent provision.

No equivalent provision.

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(MIDLAND COUNTY). The 475th Judicial District is composed of Midland County.

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

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

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

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

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Texas.

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

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

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

(2) Section 25.07, Penal Code.

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

(l) If the judge of the County Court at Law No. 4, 6, 7, 8, 9, 10, 11, ~~or~~ 12, 13, 14, or 15 is absent, disabled, or disqualified from presiding, a special judge may be appointed or elected in the manner provided by law for the appointment or election of a special county judge. A special judge must take the oath of office required by law for the regular judge. A special judge has the power and jurisdiction of the court and of the regular judge for whom the special judge is sitting and may sign orders, judgments, decrees, and other process of any kind as "Judge Presiding." A special judge is entitled to receive for services performed the same amount of compensation

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as the regular judge, to be paid out of county funds. The compensation paid a special judge may not be deducted from the salary of the regular judge.

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

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

(u) The official court reporter of a county court at law is entitled to receive an annual salary set by the judge and approved by the commissioners court at an amount not less than \$35,256. The official court reporter's fee shall be taxed as costs in civil actions in County Courts at Law

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Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~and~~ 12, 13, 14, and 15 in the same manner as that fee is taxed in district court. In County Court at Law No. 2, the clerk collects the official court reporters' fee of \$3 and pays it into the county treasury in the same manner as district clerks are required to collect and pay costs.

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

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

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

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

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

(1) family law cases and proceedings;

(2) civil cases in which the matter in controversy

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exceeds \$500 but does not exceed \$100,000, excluding interest, court costs, and attorney's fees; and

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

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

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

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

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

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

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

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law.

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

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

- (1) the county judge in Bosque County;
- (2) the county judge in Comanche County;
- (3) the county judge in Hamilton County; ~~[and]~~
- (4) the 220th Judicial District judge; and
- (5) the judge of the County Court at Law in Bosque County.

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

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

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

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

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

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(2) proceedings under Title 3, Family Code.

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

(1) Section 262.201, Family Code; or

(2) Section 54.03 or 54.04, Family Code.

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

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

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

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

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

- (1) County Court at Law No. 1 of Hidalgo County;
- (2) County Court at Law No. 2 of Hidalgo County;
- (3) County Court at Law No. 4 of Hidalgo County;
- (4) County Court at Law No. 5 of Hidalgo County; ~~and~~
- (5) County Court at Law No. 6 of Hidalgo County;
- (6) County Court at Law No. 7 of Hidalgo County; and
- (7) County Court at Law No. 8 of Hidalgo County.

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

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

No equivalent provision.

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SECTION 9. Same as House version.

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SECTION 10. (a) Section 25.1182, Government Code, is amended to read as follows:

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

- (1) felony cases to:
 - (A) conduct arraignments;
 - (B) conduct pretrial hearings;

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(C) accept guilty pleas; and
(D) conduct jury trials on assignment of a district judge presiding in Hunt County and acceptance of the assignment by the judge of the county court at law;
(2) Class A and Class B misdemeanor cases;
(3) family law matters;
(4) juvenile matters;
(5) probate matters; and
(6) appeals from the justice and municipal courts.
(b) A county court at law's civil jurisdiction concurrent with the district court in civil cases is limited to cases in which the matter in controversy does not exceed \$200,000. A county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:
(1) suits on behalf of this state to recover penalties or escheated property;
(2) felony cases involving capital murder;
(3) misdemeanors involving official misconduct; or
(4) contested elections [has the same terms of court as the County Court of Hunt County].
(c) The judge of a county court at law must have the same qualifications as those required by law for a district judge.
(d) The judge of a county court at law shall be paid a total [an] annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court

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judge's total annual salary does not include contributions and supplements paid by a county [that is at least \$42,500, to be paid from the same fund and in the same manner as the county judge. The judge is entitled to receive travel expenses and necessary office expenses in the same manner as is allowed the county judge].

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

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

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

(h) Jurors summoned for a county court at law or a

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district court in the county may by order of the judge of the court to which they are summoned be transferred to another court for service and may be used as if summoned for the court to which they are transferred [~~Practice in a county court at law is that prescribed by law for county courts~~].

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

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

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

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

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

SECTION __. Effective January 1, 2011, Section 25.1311, Government Code, is amended to read as follows:

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

(1) the County Court at Law of Kaufman County; [~~and~~]

(2) the County Court at Law No. 2 of Kaufman County; and

(3) the County Court at Law No. 3 of Kaufman County.

No equivalent provision.

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No equivalent provision.

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SECTION __. Effective January 1, 2011, Section 25.1312, Government Code, is amended to read as follows:

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

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

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

(b-1) The County Court at Law No. 2 of Kaufman County does not have jurisdiction of civil cases in which the amount in controversy exceeds the limit prescribed by Section 25.0003(c)(1).

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

No equivalent provision.

SECTION __. Notwithstanding Section 25.0009, Government Code, the initial vacancy in the office of judge of the County Court at Law No. 3 of Kaufman

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County shall be filled by election. The office exists for purposes of the primary and general elections in 2010. A vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

No equivalent provision.

SECTION __. The County Court at Law No. 3 of Kaufman County is created January 1, 2011.

No equivalent provision.

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

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

- (1) County Court at Law of Midland County; ~~and~~
- (2) County Court at Law No. 2 of Midland County; and
- (3) County Court at Law No. 3 of Midland County.

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

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

- (1) family law cases and proceedings; and
- (2) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$500,000, excluding interest, statutory or punitive damages and penalties, and

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attorney's fees and costs, as alleged on the face of the petition.

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

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

(2) family law cases and proceedings; and

(3) state jail felony cases.

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

SECTION 12. Same as House version.

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

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

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

(1) felony cases to:

(A) conduct arraignments;

(B) conduct pretrial hearings;

(C) accept guilty pleas; and

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- (D) conduct jury trials on assignment of a district judge presiding in Navarro County and acceptance of the assignment by the judge of the county court at law;
- (2) Class A and Class B misdemeanor cases;
- (3) family law matters;
- (4) juvenile matters;
- (5) probate matters; and
- (6) appeals from the justice and municipal courts.
- (b) A county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:
- (1) suits on behalf of this state to recover penalties or escheated property;
- (2) felony cases involving capital murder;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.
- (c) The judge of a county court at law must have the same qualifications as those required by law for a district judge.
- (d) The judge of a county court at law shall be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.
- (e) The judge of a county court at law may not engage in the private practice of law.
- (f) The district clerk serves as clerk of a county court at

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law in matters of concurrent jurisdiction with the district court, and the county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

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

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

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

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

No equivalent provision.

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No equivalent provision.

SECTION __. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a

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specific appropriation to implement the provision.

No equivalent provision.

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

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

No equivalent provision.

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

Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Van Zandt County has concurrent jurisdiction with the district court in:

- (1) felony cases to:
- (A) conduct arraignments;
- (B) conduct pretrial hearings;
- (C) accept guilty pleas; and
- (D) conduct jury trials on assignment of a district judge presiding in Van Zandt County and acceptance of the

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assignment by the judge of the county court at law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 14. Same as House version.

The following row was presented as identical to the language in the engrossed version of House Bill 119, relating to the terms of court for the 110th District Court.

No equivalent provision.

SECTION __. Section 24.212(b), Government Code, is amended to read as follows:
(b) The terms of the 110th District Court begin[
[~~(1)~~] in each county [~~Briscoe County~~] on the first Mondays in January and July [~~June~~;
[~~(2)~~] in ~~Dickens County~~ on the first Mondays in April and November;
[~~(3)~~] in ~~Floyd County~~ on the first Mondays in February and July; and
[~~(4)~~] in ~~Motley County~~ on the first Mondays in March and August].

The following row was presented as identical to the language in the committee substitute version of Senate Bill 112, relating to the establishment of veterans court programs in this state and to pretrial intervention programs.

No equivalent provision.

SECTION __. (a) Subtitle E, Title 7, Health and Safety Code, is amended by adding Chapter 617 to read as follows:
CHAPTER 617. VETERANS COURT PROGRAM

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

- (1) the integration of services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;
- (5) careful monitoring of treatment and services provided to program participants;
- (6) a coordinated strategy to govern program responses to participants' compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies and community organizations, including the United

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States Department of Veterans Affairs.

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

Sec. 617.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY. (a) The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant:

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

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

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

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

(b) The court in which the criminal case is pending shall

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allow an eligible defendant to choose whether to proceed through the veterans court program or otherwise through the criminal justice system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 617.006. FEES. (a) A veterans court program established under this chapter may collect from a

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participant in the program:

(1) a reasonable program fee not to exceed \$1,000; and
(2) a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

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

(1) based on the participant's ability to pay; and
(2) used only for purposes specific to the program.

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

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

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

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

(B) convicted and subsequently pardoned; or

(2) each of the following conditions exist:

(A) an indictment or information charging the person with commission of a felony has not been presented against the person for an offense arising out of the transaction for which the person was arrested or, if an indictment or information charging the person with commission of a felony was presented, the indictment or

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information has been dismissed or quashed, and:

- (i) the limitations period expired before the date on which a petition for expunction was filed under Article 55.02; or
- (ii) the court finds that the indictment or information was dismissed or quashed because the person completed a pretrial intervention program authorized under Section 76.011, Government Code, or because the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense or because it was void;
- (B) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court ordered community supervision under Article 42.12 for any offense other than a Class C misdemeanor; and
- (C) the person has not been convicted of a felony in the five years preceding the date of the arrest.

The following row was presented as identical to the language in the engrossed version of Senate Bill 1166, 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.

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No equivalent provision.

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SECTION __. (a) Subsection (a), Section 43.134, Government Code, is amended to read as follows:

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

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

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

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

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

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

(2) the criminal district attorneys for the counties of

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Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

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

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