

BILL ANALYSIS

Senate Research Center

H.B. 79
By: Lewis; Jackson, Jim (Duncan)
Jurisprudence
6/24/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The objective of H.B. 79 is to simplify the justice system. Existing law is problematic to system participants in several respects. The trial court system in Texas contains four tiers of courts with overlapping jurisdiction that differs depending on the county. Various administrative provisions are inconsistently applied to specific district or statutory county courts to the exclusion of others. There are 31 different categorizations of subordinate judicial officers in various capacities. In addition, courts do not enjoy the ability to garner a variety of additional resources for cases that require special attention. H.B. 79 seeks to simplify matters relating to the operation and administration of the judicial branch of state government.

H.B. 79 takes a first step toward modernizing the state's court system. The bill would ask the Office of Court Administration to study the feasibility, efficiency, and potential cost of converting to district courts the 56 statutory county courts whose jurisdiction exceed the uniform statutory county court jurisdiction. The bill would raise that uniform jurisdiction from \$100,000 to \$200,000, to modernize that monetary level. It would also consolidate to one docket cases heard by justices of the peace. The bill clarifies statutory county court subject matter jurisdiction and consolidates various administrative provisions for district and statutory county courts so that they are generally applicable. In addition, H.B. 79 reclassifies the myriad subordinate judicial officers as associate judges and further provides a mechanism for courts to receive additional resources for cases requiring special judicial attention and grant funding for court system enhancements and child protection cases.

H.B. 79 amends current law relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government. relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Supreme Court in SECTIONS 5.02 (Section 27.060, Government Code), 5.07, 7.05 (Section 74.252, Government Code), and 7.06 of this bill.

Rulemaking authority previously granted to the Court of Criminal Appeals is modified in SECTION 6.04 (Section 22.110, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. FISCAL NECESSITY

SECTION 1.01. Provides that the legislature finds that this Act is necessary to the state to offset the effect of the approximately \$30 million budget reduction for the judiciary. Provides that the provisions of this Act are designed to allow the judiciary to operate with the least chance of harm to fulfilling the purpose of the judiciary and to allow the operation of the judiciary in the next state fiscal biennium in an efficient manner.

ARTICLE 2. APPELLATE COURT PROVISIONS

SECTION 2.01. Amends Section 22.002(b), Government Code, as follows:

(b) Authorizes the supreme court or, in vacation, a justice of the supreme court to issue a writ of mandamus to compel a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment in a case. Deletes existing text authorizing the supreme court or, in vacation, a justice of the supreme court to issue a writ of mandamus to compel a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment in a case agreeable to the principles and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires.

SECTION 2.02. (a) Amends Section 24.007(a), Property Code, as follows:

Sec. 24.007. APPEAL. (a) Creates this subsection from existing text. Prohibits a judgment of a county court in an eviction suit to under any circumstances from being stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court. Deletes existing text prohibiting a final judgment of a county court in an eviction suit from being appealed on the issue of possession unless the premises in question are being used for residential purposes only.

(b) Authorizes an appeal, notwithstanding any other law, to be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit.

(b) Provides that the change in law made by this section applies to an appeal of a final judgment rendered on or after the effective date of this section. Provides that an appeal of a final judgment rendered before the effective date of this section is governed by the law in effect on the date the judgment was rendered, and the former law is continued in effect for that purpose.

ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

SECTION 3.01. Amends Section 24.002, Government Code, as follows:

Sec. 24.002. New heading: ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON RECUSAL. Requires the judge, if a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, to enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken. Provides that a change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in the judge's court. Deletes existing text providing that a change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in his court but the judge is required to immediately certify his disqualification to the governor. Deletes existing text requiring the governor to designate a district judge of another district to exchange benches with the disqualified judge to try the case. Deletes existing text requiring the governor to notify both judges of his designation, and the judges are required to exchange benches. Authorizes the parties or their counsels, if the judges are prevented from exchanging benches, to agree on an attorney of the court for the trial of the case. Deletes existing text requiring the district judge or special judge from certifying to the governor the fact of a failure of the parties or their counsels to agree on an attorney, and requiring the governor to appoint a person legally qualified to act as judge in the trial of the case.

SECTION 3.02. Amends Sections 24.003 and 24.007, Government Code, as follows:

Sec. 24.003. New heading: TRANSFER OF CASES; EXCHANGE OF BENCHES

(a) Provides that this section applies only to counties with two or more district courts. Deletes existing text providing that this section applies only to civil cases in counties with five or more district courts.

(b) Authorizes the district judge in the county, unless provided otherwise by the local rules of administration, to:

(1) transfer any civil or criminal case or proceeding on the court's docket to the docket of another district court in the county;

(2) hear and determine any case or proceeding pending in another district court in the county without having the case transferred;

(3) sit for another district court in the county and hear and determine any case or proceeding pending in that court;

(4) temporarily exchange benches with the judge of another district court in the county;

(5) try different cases in the same court at the same time; and

(6) occupy the judge's own courtroom or the courtroom of another district court in the county.

(c) Authorizes another district judge in the county, if a district judge in the county is sick or otherwise absent, to hold court for the judge.

(d) Authorizes a district judge in the county to hear and determine any part or question of any case or proceeding pending in any of the district courts, and authorizes any other district judge to complete the hearing and render judgment in the case or proceeding. Authorizes a district judge to hear and determine motions, including motions for new trial, petitions for injunction, applications for the appointment of a receiver, interventions, pleas in abatement, dilatory pleas, and all preliminary matters, questions, and proceedings, and to enter judgment or order on them in the court in which the case or proceeding is pending without transferring the case or proceeding. Authorizes the district judge in whose court the matter is pending to proceed to hear, complete, and determine the matter, or all or any part of another matter, and render a final judgment. Authorizes a district judge to issue a restraining order or injunction that is returnable to any other district court.

(e) Requires a judgment or order to be entered in the minutes of the court in which the case is pending.

(f) Provides that this section does not limit the powers of a district judge when acting for another judge by exchange of benches or otherwise. Deletes existing text authorizing the governor if a district judge is disqualified in a case pending in his court and his disqualification is certified to the governor, to require any other district judge in the county to exchange benches with the disqualified judge.

Deletes existing Subsection (c) authorizing any of the district judges in the county, if a district judge is absent, sick, or disqualified, to hold court for him or to transfer a pending case to the court of any other district judge in the county.

Sec. 24.007. JURISDICTION. (a) Creates this subsection from existing text and makes no further changes.

(b) Provides that a district court has original jurisdiction of a civil matter in which the amount in controversy is more than \$500, exclusive of interest.

SECTION 3.03. Amends Section 24.012(a), Government Code, as follows:

(a) Provides that, notwithstanding any other law, each district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year. Provides that to the extent of a conflict between this subsection and a specific provision relating to a particular judicial district, this section controls. Deletes existing text providing that each district and criminal district court holds at least two terms of court each year in each county in the district.

SECTION 3.04. Amends Subchapter A, Chapter 24, Government Code, by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027, 24.028, 24.029, 24.030, and 24.031, as follows:

Sec. 24.023. OBLIGATIONS; BONDS. (a) Provides that when a case is transferred from one court to another, all processes, writs, bonds, recognizances, and other obligations issued by the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

(b) Requires the obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a district court from which a case is transferred, to appear before the court to which the case is transferred as if the bond, recognizance, or summons was taken in or for that court.

Sec. 24.024. FILING AND DOCKETING CASES. Authorizes the district judge, in a county with two or more district courts, to adopt rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the courts as in their discretion they consider necessary or desirable for the orderly dispatch of the business of the courts.

Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Entitles all district judges in a county, unless otherwise provided by this subchapter, to equal amounts of supplemental compensation from the county.

(b) Entitles a district judge to an amount of supplemental compensation for serving on the juvenile board of a county that is equal to the amount other judges serving on the juvenile board receive.

Sec. 24.026. APPOINTMENT OF INITIAL JUDGE. Provides that on the creation of a new judicial district, the initial vacancy in the office of district judge is filled in accordance with Section 28 (Vacancy in Office of Supreme Court, Court of Criminal Appeals, Court of Appeals and District Courts to be Filled by the Governor), Article V (Judicial Department), Texas Constitution.

Sec. 24.027. GRAND AND PETIT JURORS. Provides that all grand and petit jurors selected in a county before a new district court is created or the composition of an existing district court is modified by an amendment to this chapter are considered to be selected for the new or modified district court, as applicable.

Sec. 24.028. CASES TRANSFERRED. Provides that if, by an amendment to this chapter, a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, all cases and proceedings from that county that are pending in the district court of the judicial district from which the county was removed are transferred to the district court of the judicial district to which the county is added. Requires the judge of each affected district court to sign the proper orders in connection with the transfer.

Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN VALID.

(a) Provides that if by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, or if an amendment to this chapter changes the time or place at which the terms of court are held, all processes, writs, bonds, recognizances, and other obligations issued from and made returnable to that court before the effective date of the transfer or other change are returnable as provided by this subsection. Provides that an obligation issued from the affected court is returnable to another district court in the county on the date that court directs, but is prohibited from being made returnable on a date that is earlier than the date on which the obligation was originally returnable. Provides that the obligations are legal and valid as if the obligations had been made returnable to the issuing court.

(b) Requires the the obligees in all appearance bonds and recognizances taken in and for a district court of a county before the effective date of an amendment to this chapter, and all witnesses summoned to appear before that district court under laws existing before the effective date of an amendment to this chapter, to appear at another district court in the county on the date that court directs, but prohibits them from being required to appear on a date that is earlier than the date on which the obligees or witnesses were originally required to appear.

Sec. 24.030. LOCATION OF COURT. (a) Requires a district court to sit in the county seat for a jury trial in a civil case. Authorizes the commissioners court of the county to authorize a district court to sit in any municipality within the county to hear and determine nonjury trials in civil cases and to hear and determine motions, arguments, and other matters not heard before a jury in a civil case that is within the court's jurisdiction.

(b) Provides that the district clerk or the clerk's deputy serves as clerk of the court when a court sits in a municipality other than the municipality that is the county seat and is authorized to transfer:

(1) all necessary books, minutes, records, and papers to that municipality while the court is in session there; and

(2) the books, minutes, records, and papers back to the clerk's office in the county seat at the end of each session.

(c) Requires the commissioners court, if the commissioners court authorizes a district court to sit in a municipality other than the municipality that is the county seat, to provide suitable facilities for the court in that municipality.

Sec. 24.031. COURT OFFICERS. Requires the prosecuting attorney, the sheriff, the district clerk, the bailiffs, and the other officers serving the other district courts of the county to serve in their respective capacities for the courts listed in this chapter.

SECTION 3.05. Amends Section 25.0362(g), Government Code, to authorize a judge of a county court at law and a judge of a district court in Cass County, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner that judges of district courts transfer cases under Section 24.003, rather than Section 24.303.

SECTION 3.06. Amends Section 25.0732(w), Government Code, to authorize a judge of a statutory county court in El Paso County and a judge of a district court or another statutory county court in El Paso County, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003, rather than Section 24.303.

SECTION 3.07. Amends Section 25.1672(c), Government Code, to authorize judges of the county courts at law and district courts in the county, in matters of concurrent jurisdiction, to exchange benches and courtrooms and to transfer cases between their dockets in the same manner that district court judges exchange benches and transfer cases under Section 24.003, rather than Section 23.303.

SECTION 3.08. Amends Section 25.1862(v), Government Code, to authorize a judge of a county court at law and a judge of a district court or another county court at law, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003, rather than Section 24.303.

SECTION 3.09. (a) Provides that if H.B. No. 2330, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 25.2512(k), Government Code, as effective September 1, 2011, is amended, to authorize a judge of a county court at law and a judge of a district court or another county court at law with concurrent jurisdiction to transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003 rather than Section 24.303.

(b) Provides that if H.B. No. 2330, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this section has no effect.

SECTION 3.10. Amends Section 25.1932(k), Government Code, to authorize the judge of a county court at law and the judges of the district courts in the county, notwithstanding Section 74.121(b)(1) (relating to authorizing a judge to transfer cases), in matters of concurrent jurisdiction, to exchange benches and courtrooms and to transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003, rather than Section 24.303.

SECTION 3.11. Amends Section 74.121(b)(2), Government Code, to authorize a judge of a statutory county court in Midland County and a judge of a district court in Midland County, notwithstanding Subdivision (1), in matters of concurrent jurisdiction, to exchange benches and courtrooms with each other and to transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003 rather than Section 24.303.

SECTION 3.12. Amends Section 659.012(d), Government Code, to entitle a district judge who serves as a local administrative district judge under Section 74.091, notwithstanding any other provision in this section or other law, in a county with more than five district courts, to an annual salary from the state that is \$5,000 more than the salary from the state to which the judge is otherwise entitled, rather than to which the judge is entitled under Subsection (a)(1).

SECTION 3.13. Repealers: Sections 24.013 (Judge's Powers in Vacation), 24.302 (Terms of Court), 24.303 (Transfer of Cases; Exchange of Benches), 24.304 (Filing and Docketing Cases), 24.305 (Process; Bonds), 24.307 (Supplemental Compensation), 24.308 (Court Officers), 24.309 (Jurisdiction), 24.311 (Appointment of Initial Judge), 24.312 (Grand and Petit Jurors), 24.313 (Cases Transferred), 24.314 (Process and Writs Remain Valid), 24.525(b) (relating to prohibiting a judge of the 380th Judicial District from being assigned to serve as a visiting judge in certain counties), 24.526(b) (relating to prohibiting a judge of the 381st Judicial District from being assigned to serve as a visiting judge in certain counties), 24.528(b) (relating to prohibiting a judge of the 383th Judicial District from being assigned to serve as a visiting judge in certain counties) and (c) (relating to requiring the secretary of state to submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the United States Justice Department for preclearance) and 24.529(b) (relating to prohibiting a judge of the 384th Judicial District from being assigned to serve as a visiting judge in certain counties) and (c) (relating to requiring the secretary of state to submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the United States Justice Department for preclearance), Government Code.

ARTICLE 4. STATUTORY COUNTY COURT

SECTION 4.01. Amends Section 25.0002, Government Code, as follows:

Sec. 25.0002. New heading: DEFINITIONS. Defines, in this chapter, "criminal law cases and proceedings," "juvenile law cases and proceedings," and "mental health cases and proceedings," and redefines "family law cases and proceedings."

SECTION 4.02. Amends Section 25.0003(c), Government Code, as follows:

(c) Provides that in addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, rather than \$100,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2) Makes no changes to this subdivision.

SECTION 4.03. Amends Section 25.0004, Government Code, by adding Subsections (f) and (g), as follows:

(f) Provides that the judge of a statutory county court does not have general supervisory control or appellate review of the commissioners court.

(g) Provides that a judge of a statutory county court has the judicial immunity of a district judge.

SECTION 4.04. Amends Section 25.0007, Government Code, as follows:

Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) Creates this subdivision from existing text and makes no further changes.

(b) Provides that practice in a statutory county court is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the statutory county courts, other than the number of jurors, that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to district courts.

SECTION 4.05. Amends Section 25.0010, Government Code, by amending Subsection (b) and adding Subsections (c), (d), (e), and (f), as follows:

(b) Requires the county attorney or criminal district attorney, rather than requiring the county attorney or criminal district attorney and sheriff, to serve each statutory county court as required by law.

(c) Requires that a county sheriff to in person or by deputy attend a statutory county court as required by the court.

(d) Creates this subsection from existing text and makes no further changes.

(e) Authorizes the judge of a statutory county court to appoint the personnel necessary for the operation of the court, including a court coordinator or administrative assistant, if the commissioners court has approved the creation of the position.

(f) Authorizes the commissioners court to authorize the employment of as many additional assistant district attorneys, assistant county attorneys, deputy sheriffs, and clerks as are necessary for a statutory county court.

SECTION 4.06. (a) Amends Section 25.0014, Government Code, as follows:

Sec. 25.0014. QUALIFICATIONS OF JUDGE. Requires that the judge of a statutory county court be at least 25 years of age, be a United States citizen, and have resided in the county for at least two years before election or appointment.

(b) Provides that the change in law made by this Act to Section 25.0014, Government Code, does not apply to a person serving as a statutory county court judge immediately before the effective date of this Act who met the qualifications of Section 25.0014, Government Code, as it existed on that date, and the former law is continued in effect for determining that person's qualifications to serve as a statutory county court judge.

SECTION 4.07. (a) Amends Subchapter A, Chapter 25, Government Code, by adding Sections 25.0016 and 25.00161, as follows:

Sec. 25.0016. TERMS OF COURT. Requires the commissioners court, by order, to set at least two terms a year for the statutory county court.

Sec. 25.00161. PRIVATE PRACTICE OF LAW. Requires the regular judge of a statutory county court to diligently discharge the duties of the office on a full-time basis and prohibits the judge from engaging in the private practice of law.

(b) Makes application of Section 25.00161, Government Code, as added by this Act, prospective.

SECTION 4.08. Amends Section 25.00231, Government Code, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Authorizes a county, in lieu of the bond required by Subsection (b) (relating to requiring a judge of a statutory probate court to execute a bond that meets certain condition), to elect to obtain insurance or to self-insure in the amount required by Subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.

(e) Provides that this section does not apply to an assigned or visiting judge sitting by assignment in a statutory probate court.

SECTION 4.09. (a) Amends Subchapter B, Chapter 25, Government Code, by adding Sections 25.0033, 25.0034, and 25.0035, as follows:

Sec. 25.0033. QUALIFICATIONS OF JUDGE. Requires the judge of a statutory probate court be at least 25 years of age, be a United States citizen and have resided in the county for at least two years before election or appointment, and be a licensed attorney in this state who has practiced law or served as a judge of a court in this state, or both combined, for the five years preceding election or appointment, unless otherwise provided for by law.

Sec. 25.0034. PRIVATE PRACTICE OF LAW. Requires the regular judge of a statutory probate court to diligently discharge the duties of the office on a full-time basis and prohibits the judge from engaging in the private practice of law.

Sec. 25.0035. TERMS OF COURT. Requires the commissioners court, by order, to set at least two terms a year for the statutory probate court.

(b) Provides that Section 25.0033, Government Code, as added by this Act, does not apply to a person serving as a statutory probate court judge immediately before the effective date of this Act. Provides that the qualifications of a person serving as a statutory probate court judge on the effective date of this Act are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4.10. Amends Sections 25.0042(g) and (i), Government Code, as follows:

(g) Deletes existing text authorizing the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(i) Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases under the Family Code and Section 23.001 are governed by this section and the laws and rules pertaining to district courts and county courts.

SECTION 4.11. Amends Section 25.0102(h), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving family law cases and proceedings and is required to be governed by this section and the laws and rules pertaining to district courts.

SECTION 4.12. Amends Sections 25.0132(e) and (f), Government Code, as follows:

(e) Deletes existing text authorizing the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law.

(f) Makes a conforming change.

SECTION 4.13. Amends Section 25.0202(a), Government Code, to provide that 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 under certain circumstances, including civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 rather than \$100,000, excluding interest, court costs, and attorney's fees.

SECTION 4.14. Amends Section 25.0212(b), Government Code, as follows:

(b) Provides that a county court at law does not have jurisdiction, rather than a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction, of:

(1) felony criminal matters;

(2) suits on behalf of the state to recover penalties or escheated property;

(3) misdemeanors involving official misconduct;

(4) contested elections; or

(5) civil cases in which the matter in controversy exceeds \$200,000, rather than \$100,000 excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition.

SECTION 4.15. Amends Sections 25.0222(a) and (k), Government Code, as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Brazoria County has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, rather than \$100,000, excluding interest, statutory damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2)-(3) Makes no changes to these subdivisions.

(k) Deletes existing text authorizing the commissioners court to employ as many additional assistant criminal district attorneys, deputy sheriffs, and deputy clerks as are necessary to serve the statutory county courts.

SECTION 4.16. Amends Sections 25.0302(e) and (f), Government Code, as follows:

(e) Deletes existing text authorizing the commissioners court to employ the assistant district attorneys, deputy sheriffs, and bailiffs necessary to serve each county court at law.

(f) Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings to be governed by this section and the laws and rules pertaining to district courts.

SECTION 4.17. Amends Section 25.0312(b), Government Code, as follows:

(b) Provides that a county court at law does not have jurisdiction, rather than a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction, of:

- (1) felony cases other than writs of habeas corpus;
- (2) misdemeanors involving official misconduct;
- (3) contested elections; or
- (4) appeals from county court.

SECTION 4.18. Amends Section 25.0362(b), Government Code, to make a conforming change.

SECTION 4.19. Amends Section 25.0482(f), Government Code, as follows:

(f) Deletes existing text requiring the district clerk to establish a separate docket for a county court at law. Deletes existing text authorizing the commissioners court to employ as many assistant county attorneys, deputy sheriffs, and bailiffs as are necessary to serve the county courts at law.

SECTION 4.20. Amends Section 25.0632(g), Government Code, as follows:

(g) Deletes existing text requiring jurors regularly impaneled for the week by the district courts of Denton County to include sufficient numbers to serve in the statutory county courts and statutory probate courts as well as the district courts. Deletes existing text requiring the jurors to be made available by the district judge as necessary.

SECTION 4.21. Amends Section 25.0732(r), Government Code, as follows:

(r) Provides that Section 25.0006(b) does not apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso County, Texas. Deletes existing text providing that Sections 25.0006(b) and 25.0007 do not apply to County Court at Law No. 2, 2, 4, 5, 6, or 7 of El Paso County, Texas.

SECTION 4.22. Amends Section 25.0733(a), Government Code, as follows:

(a) Provides that Sections 25.0732(q) and (r) relating to county courts at law in El Paso County, apply to a statutory probate court in El Paso County. Deletes existing text providing that Sections 25.0732(d), (h), (i), (j), (m), (n), (o), (p), (q), and (v), relating to county courts at law in El Paso, apply to a statutory probate court in El Paso County.

SECTION 4.23. Amends Sections 25.0862(i) and (l), Government Code, as follows:

(i) Deletes existing text requiring the clerk of the statutory county courts and statutory probate court to keep a separate docket for each court. Deletes existing text providing that the district clerk serves as clerk of the county courts in a cause of action arising under the Family Code and an appeal of a final ruling or decision of the division of workers' compensation of the Texas Department of Insurance (TDI) regarding workers' compensation claims, and the county clerk serves as clerk of the court in all other cases.

(l) Deletes existing text providing that practice, appeals, and writs of error in a statutory county court are as prescribed by law for county courts and county courts at law.

SECTION 4.24. Amends Section 25.0962(f), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court are required to be governed by this section and the laws and rules pertaining to district courts as well as county courts.

SECTION 4.25. Amends Section 25.1033(a), Government Code, to provide that a county criminal court at law in Harris County has the criminal jurisdiction provided by law for county courts, concurrent jurisdiction with civil statutory county courts for Harris County to hear appeals of the suspension of a driver's license and original proceedings regarding occupational driver's licenses, and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county.

SECTION 4.26. Amends Section 25.1042(g), Government Code, to delete existing text authorizing the commissioners court to employ as many additional deputy sheriffs and clerks as are necessary to serve a county court at law.

SECTION 4.27. Amends Sections 25.1072(e) and (f), Government Code, as follows:

(e) Deletes existing text authorizing the commissioners court to employ as many assistant district attorneys, deputy sheriffs, and bailiffs as are necessary to serve the court.

(f) Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts, as well as county courts.

SECTION 4.28. Amends Section 25.1142(b), Government Code, as follows:

(b) Provides that a county court at law does not have jurisdiction, rather than a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction, of:

(1) civil cases in which the amount in controversy exceeds \$200,000, rather than \$100,000, excluding interest;

(2) felony jury trials;

(3) suits on behalf of the state to recover penalties or escheated property;

(4) misdemeanors involving official misconduct; or

(5) contested elections.

SECTION 4.29. Amends Section 25.1182, Government Code, to make a conforming change.

SECTION 4.30. Amends Section 25.1312(b), Government Code, to make a conforming change.

SECTION 4.31. Amends Section 25.1542(m), Government Code, to delete existing text providing that practice and procedure and rules of evidence governing trials in and appeals from a county court apply to a county court at law, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings be governed by this section and the laws and rules pertaining to district courts as well as county courts.

SECTION 4.32. Amends Section 25.1652(g), Government Code, to require that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law matters and proceedings are required to be governed by this section and the laws and rules pertaining to district courts.

SECTION 4.33. Amends Section 25.1762(i), Government Code, as follows:

(i) Deletes existing text providing that laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Deletes existing text authorizing jurors regularly impaneled for a week by a district court to, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and requiring that jurors serve for the week in the county court at law.

SECTION 4.34. Amends Section 25.1772(b), Government Code, to make a conforming change.

SECTION 4.35. Amends Section 25.1892(e), Government Code, as follows:

(e) Deletes existing text providing that the county attorney or district attorney serves a county court at law as required by the judge. Deletes existing text authorizing the commissioners court to employ as many additional assistant county attorneys, deputy sheriffs, and clerks as are necessary to serve a county court at law.

SECTION 4.36. Amends Section 25.1932(i), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court are required to be governed by this section and the laws and rules pertaining to district courts as well as county courts.

SECTION 4.37. Amends Section 25.2012(b), Government Code, to make a conforming change.

SECTION 4.38. Amends Section 25.2142(n), Government Code, to entitle a special judge of a county court at law to receive for services actually performed the same amount of compensation as the regular judge.

SECTION 4.39. (a) Reenacts Section 25.2222(b), Government Code, Chapter 22 (S.B. 124), Acts of the 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7), Acts of the 79th Legislature, Regular Session, 2005, and amends it to provide that a county court at law has concurrent jurisdiction with the district court under certain circumstances, including in civil cases in which the matter in controversy exceeds \$500 and does not exceed \$200,000, rather than \$100,000 excluding mandatory damages and penalties, attorney's fees, interest, and costs.

(b) Provides that Section 25.2222(b), Government Code, as amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, is repealed as duplicative of Subsection (b), Section 25.2222, Government Code, as amended by Subsection (a) of this section.

SECTION 4.40. Amends Section 25.2232(a), Government Code, as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Taylor County has:

(1) Makes no changes to this subdivision; and

(2) concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, rather than \$100,000, excluding interest.

SECTION 4.41. Amends Section 25.2352(i), Government Code, to delete existing text requiring that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings be governed by this section and the laws and rules pertaining to district courts.

SECTION 4.42. Amends Section 25.2382(i), Government Code, as follows:

(i) Requires the jury, if a family law case is tried before a jury, to be composed of 12 members, rather than requiring the jury, if a case in Subsection (a)(2)(B) or (C) is tried before a jury, to be composed of 12 members. Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving matters enumerated in Subsection (a)(2)(B) or (C) be governed by this section and the laws and rules pertaining to district courts.

SECTION 4.43. (a) Amends Section 25.2421(a), Government Code, to add the County Court at Law No. 3 of Webb County to the list of statutory county courts in Webb County.

(b) Provides that, notwithstanding Section 25.2421(a), Government Code, as amended by this Act, the County Court at Law No. 3 of Webb County is created January 1, 2031, or on an earlier date determined by the Commissioners Court of Webb County by an order entered in its minutes.

SECTION 4.44. Amends Sections 25.2422(g) and (h), Government Code, as follows:

(g) Deletes existing text authorizing the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(h) Makes conforming changes.

SECTION 4.45. Amends Sections 25.2452(d) and (k), Government Code, as follows:

(d) Provides that a county court at law does not have jurisdiction of:

(1) Makes no changes to these subdivisions; or

(3) a civil case, other than a case under the Family Code or the Texas Probate Code, in which the amount in controversy is less than the maximum amount in controversy allowed the justice court in Wichita County; or more than \$200,000, rather than \$100,000, exclusive of punitive or exemplary damages, penalties, interest, costs, and attorney's fees.

(k) Deletes existing text providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to the county courts at law. Deletes existing text providing that jurors regularly impaneled for a week by a district court, on request of the county judge exercising the jurisdiction provided by this section or a county court at law judge, may be made available and shall serve for the week in the county court or county court at law.

SECTION 4.46. Amends Section 25.2462(h), Government Code, to delete existing text requiring the county attorney and the county sheriff to attend a county court at law as required by the judge.

SECTION 4.47. Amends Section 25.2482(i), Government Code, to make a conforming change.

SECTION 4.48. Reenacts Section 25.2512(a), Government Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, if H.B. No. 2330, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, and amends it as follows:

(a) Provides that, a county court at law in Wise County has, in addition to the jurisdiction provided by Section 25.0003 and other law:

(1) Makes no changes to this subdivision; and

(2) concurrent jurisdiction with the district court in eminent domain cases; civil cases in which the amount in controversy exceeds \$500, but does not exceed \$200,000, rather than \$100,000, excluding interest and attorney's fees; and family law cases and proceedings.

SECTION 4.49. Amends Section 25.2512(e), Government Code, as effective September 1, 2011, if H.B. No. 2330, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, as follows:

(e) Deletes existing text authorizing a special judge of a county court at law with the same qualifications as the regular judge to be appointed in the manner provided by law for the appointment of a special county judge. Deletes existing text entitling a special judge to the same rate of compensation as the regular judge.

SECTION 4.50. (a) Repealer: Section 25.0022(t-1) (relating to providing that the service requirement in Subsection (t)(4) is 72 months instead of 96 months), Government Code, as added by S.B. No. 1198, Acts of the 82nd Legislature, Regular Session, 2011.

(b) Effective date, this section: upon passage or the 91st day after the last day of the legislative session.

SECTION 4.51. (a) Provides that the following provisions of the Government Code are repealed:

(1) Repealers: Sections 25.0042(b) (relating to the terms of a county court at law in Anderson County), (d) (relating to prohibiting the judge of a county court at law in Anderson County from engaging in the private practice of law), (f) (relating to the appointment of a special judge of a county court at law in Anderson County), and (j) (relating to jurors), Government Code;

(2) Repealers: Sections 25.0052(b) (relating to the terms of a county court at law in Angelina County), (f) (relating to authorizing the appointment of a special judge of a county court at law in Angelina County), (g) (relating to authorizing the commissioners court to employ additional staff), and (h) (relating to requiring practice in a county court at law in Angelina County to conform to that prescribed by law for county courts), Government Code;

(3) Repealers: Sections 25.0102(b) (relating to the terms of a county court at law in Austin County), (d) (relating to prohibiting the judge of a county court at law in Austin County from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge for a county court at law in Austin County), and (i) (relating to jurors), Government Code;

(4) Repealers: Sections 25.0132(d) (relating to authorizing the appointment of a special judge for a county court at law in Bastrop County), (g) (relating to

providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Bastrop County), and (h) (relating to the impaneling of jurors), Government Code;

(5) Repealers: Sections 25.0152(c) (relating to a court coordinator or administrative assistant for a county court at law in Bee County) and (e) (relating to requiring the county attorney and the county sheriff to attend a county court at law in Bee County as required by the judge), Government Code;

(6) Repealers: Sections 25.0162(b) (relating to terms of a county court at law in Bell County), (f) (relating to prohibiting the judge of a county court at law in Bell County from appearing and pleading as an attorney in a court of record in this state), (g) (relating to authorizing the appointment of a special judge of a county court at law in Bell County), (h) (relating to providing that practice in a county court at law in Bell County is that prescribed by law for county courts), and (i) (relating to jurors), Government Code;

(7) Repealers: Sections 25.0172(d) (relating to terms of a county court at law in Bexar County), (k) (relating to authorizing the appointment of a special judge for certain county courts at law in Bexar County), (l) (relating to authorizing the appointment of a special judge for certain county courts at law in Bexar County), (m) (relating to requiring the county sheriff to, in person or by deputy, attend the Bexar County Court at Law No. 2 as required by the judge), (n) (relating to requiring the criminal district attorney to attend certain county courts at law in Bexar County as required by the judge), (o) (relating to the appointment of court coordinators or administrative assistants), (q) (relating to requiring the county sheriff to appoint a deputy sheriff for each county court at law in Bexar County), (s) (relating to providing that practice in a county court at law in Bexar County is that prescribed by law for county courts), and (t) (relating to providing that the jurisdiction and authority for the service and selection of jurors prescribed by law for a county court applies to the Bexar County Court at Law No. 2), Government Code;

(8) Repealers: Sections 25.0173(c) (relating to the terms of a Bexar County Statutory Probate Court), (d) (relating to requirements of a judge of a Bexar County Statutory Probate Court), (h) (relating to requiring the Bexar County sheriff to appoint a deputy sheriff for each statutory probate court), (i) (relating to providing that practice and procedure in a Bexar County Statutory Probate Court are as prescribed by law for county courts), and (k) (relating to authorizing the judge of a Bexar County Statutory Probate Court to appoint an administrative assistant and an auditor), Government Code;

(9) Repealers: Sections 25.0202(c) (relating to providing that a county court at law in Bosque County has the same terms of court as the County Court of Bosque County), (d) (relating to prohibiting the judge of a county court at law in Bosque County from engaging in the private practice of law and requiring the judge to meet the qualifications established by Section 25.0014 (Qualifications of Judge)), and (g) (relating to impaneling of jurors), Government Code;

(10) Repealers: Sections 25.0212(c) (relating to requiring the judge of a county court at law in Bowie County to have the same qualifications as those required by law for a district judge), (e) (relating to prohibiting the judge of a county court at law in Bowie County from engaging in the private practice of law), and (g) (relating to impaneling of jurors), Government Code;

(11) Repealers: Sections 25.0222(d) (relating to terms of the Brazoria Statutory County Court), (e) (relating to requiring the judge of a Brazoria Statutory County Court to have the same qualifications as those required by law for a district judge), (i) (relating to prohibiting a judge of a Brazoria Statutory County Court from engaging in the private practice of law), (j) (relating to authorizing the

appointment of a special judge of a Brazoria Statutory County Court), and (n) (relating to impaneling of jurors), Government Code;

(12) Repealers: Sections 25.0232(b) (relating to providing that a county court at law in Brazos County has the same terms of court as the County Court of Brazos County), (d) (relating to prohibiting the judge of a county court at law in Brazos County from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge of a county court at law in Brazos County), (h) (relating to providing that practice in a county court at law in Brazos County is that prescribed by law for county courts), and (i) (relating to jurors), Government Code;

(13) Repealers: Sections 25.0272(b) (relating to terms of court), (c) (relating to prohibiting a judge of a county court at law in Brown County from engaging in the private practice of law), and (e) (relating to authorizing the appointment of a special judge of a county court at law in Brown County), Government Code;

(14) Repealers: Sections 25.0292(b) (relating to providing that the terms of a county court at law in Burnet County are the same as the County Court of Burnet County), (c) (relating to authorizing the appointment or election of a special judge of a county court at law in Burnet County), (g) (relating to requiring the Burnet County sheriff, in person or by deputy, to attend a county court at law in Burnet County as required by the judge), (h) (relating to providing that practice in a county court at law in Burnet County is that prescribed by law for county courts), and (i) (relating to jurors), Government Code;

(15) Repealers: Sections 25.0302(b) (relating to providing that a county court at law in Caldwell County has the same terms of court as the County Court of Caldwell County), (d) (relating to authorizing the appointment of a special judge of a county court at law in Caldwell County), and (g) (relating to jurors), Government Code;

(16) Repealers: Sections 25.0312(c) (relating to the term of court of a county court at law in Calhoun County), (e) (relating to prohibiting the judge of a county court at law in Calhoun County from engaging in the private practice of law), and (j) (relating to jurors), Government Code;

(17) Repealers: Sections 25.0332(e) (relating to the terms of court for a county court at law in Cameron County), (g) (relating to prohibiting the judge of a county court at law in Cameron County from engaging in the private practice of law), (i) (relating to authorizing the appointment of a special judge of a county court at law in Cameron County), (k) (relating to requiring the Cameron County sheriff, in person or by deputy, to attend the County Court at Law No. 1 of Cameron County as required by the judge), (l) (relating to jurors), and (m) (relating to impaneling of jurors), Government Code;

(18) Repealer: Section 25.0362(c) (relating to prohibiting the judge of a county court at law in Cass County from engaging in the private practice of law), Government Code;

(19) Repealers: Sections 25.0392(b) (relating to the terms of a county court at law in Cherokee County), (d) (relating to prohibiting the judge of a county court at law in Cherokee County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Cherokee County), (i) (relating to practice in a county court at law in Cherokee County), (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for Cherokee County Courts apply to a county court at law in Cherokee County), and (k) (relating to impaneling of jurors), Government Code;

(20) Repealers: Sections 25.0452(b) (relating to requiring the judge of a county court at law in Collin County to diligently discharge the duties of the judge's office on a full-time basis and prohibits the judge from engaging in the private practice of law), (c) (relating to providing that practice in the county courts at law in Collin County is that prescribed by law for county courts), and (d) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for Collin County Courts apply to the county courts at law in Collin County), Government Code

(21) Repealers: Sections 25.0453(a) (relating to requirements of the judge of a statutory probate court in Collin County), (c) (relating to requiring the judge of a statutory probate court to diligently discharge the duties of the judge's office on a full-time basis and prohibiting the judge from engaging in the private practice of law), (d) (relating to providing that practice for a statutory probate court is that prescribed by law for county courts), and (e) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a statutory probate court), Government Code;

(22) Repealers: Sections 25.0482(b) (relating to providing that the terms of a county court at law in Comal County are the same as the terms of the county court of Comal County), (d) (relating to prohibiting the judge of a county court at law in Comal County from engaging in the private practice of law), (e) (relating to authorizing the election or appointment of a special judge of a county court at law in Comal County), (g) (relating to practice in a county court at law in Comal County is that prescribed by law for county courts, with certain exceptions), and (h) (relating to jurors), Government Code;

(23) Repealers: Sections 25.0512(a) (relating to the qualifications of office for a judge of a county court at law in Cooke County), (b) (relating to prohibiting the judge of a county court at law in Cooke County from engaging in the private practice of law), (d) (relating to authorizing the employment of additional staff by the commissioners court for each a county court at law), (g) (relating to jurors), and (h) (relating to practice and procedure, appeals, and writs of error in a county court at law in Cooke County), Government Code;

(24) Repealers: Sections 25.0522(b) (relating to requiring the commissioners court by order entered of record to set at least four terms a year for a county court at law in Coryell County), (d) (relating to prohibiting the judge of a county court at law in Coryell County from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge of a county court at law in Coryell County), and (g) (relating to requiring that practice in a county court at law conform to that prescribed by law for county courts), Government Code;

(25) Repealers: Sections 25.0592(b) (relating to the terms of certain county courts at law in Dallas County), (h) (relating to requiring a judge of a county court at law in Dallas County to devote his entire time to the duties of office and prohibiting the judge from engaging in the practice of law), (i) (relating to authorizing the appointment or election of a special judge of a county court at law in Dallas County), (j) (relating to providing that the selection and service of jurors for, practice in, and appeals and writs of error from, a county court at law in Dallas County to conform to that prescribed by law for county courts), and (k) (relating to requiring the Dallas County sheriff to, in person or by deputy, attend the County Court of Dallas County at Law No. 1 as required by the judge), Government Code;

(26) Repealers: Sections 25.0593(d) (relating to requiring a judge of a criminal court in Dallas County to devote his entire time to the duties of office and prohibiting the judge from engaging in the practice of law), (f) (relating to requiring the commissioners court, in the manner provided by law for setting terms of county courts, to set at least four terms of court each year for each county

criminal court in Dallas County), (g) (relating to providing that practice in a criminal court in Dallas County is as provided by law for county courts), (h) (relating to authorizing the appointment or election of a special judges of a criminal court in Dallas County), (i) (relating to requiring the judge of a criminal court in Dallas County to employ an administrative assistant), and (j) (relating to requiring the Dallas County sheriff, in person or by deputy, to attend a criminal court in Dallas County as required by the judge), Government Code;

(27) Repealers: Sections 25.0594(d) (relating to requiring the judge of Dallas County Criminal Court of Appeals No. 2 to devote his entire time to the duties of office), (e) (relating to prohibiting a judge of a Dallas County Criminal Court of Appeals from engaging in the practice of law), (g) (relating to requiring the commissioners court to set at least four terms of court each year for each Dallas County criminal court of appeals), (h) (relating to providing that practice in a county criminal court of appeals and appeals from a Dallas County criminal court of appeals are as provided by law for county courts), (i) (relating to authorizing the appointment or election of a special judge of a Dallas County criminal court of appeals), (j) (relating to requiring the judge of a Dallas County criminal court of appeals to employ an administrative assistant), and (k) (relating to requiring the Dallas County sheriff, in person or by deputy, to attend a Dallas County criminal court of appeals as required by the judge), Government Code;

(28) Repealers: Sections 25.0595(c) (relating to providing that the laws and rules relating to practice and procedure and appeals from county courts apply to a Dallas County statutory probate court), (d) (relating to requirements of the judge of a Dallas County statutory probate court), (f) (relating to requiring the judge of a statutory probate court to employ an administrative assistant), and (g) (relating to requiring the Dallas County sheriff, in person or by deputy, to attend a statutory probate court as required by the judge), Government Code;

(29) Repealer: Section 25.0596 (Special Statutory Probate Judge), Government Code;

(30) Repealers: Sections 25.0632(a) (relating to providing qualifications to be a judge of a statutory county court or statutory probate court in Denton County), (b) (relating to prohibiting the regular judge of a statutory county court in Denton County from engaging in the private practice of law), and (d) (relating to authorizing the commissioners court to employ additional staff to serve the statutory county courts and the statutory probate court), Government Code;

(31) Repealers: Sections 25.0702(b) (relating to providing the terms of court of a county court at law in Ector County), (g) (relating to authorizing the appointment or election of a special judge of a county court at law in Ector County), (h) (relating to authorizing the appointment or election of a special judge of the County Court at Law No. 2 of Ector County), (j) (relating to requiring the Ector County sheriff to, in person or by deputy, attend a county court at law as required by the judge), (k) (relating to jurors), and (l) (relating to providing for transfer of jurors), Government Code;

(32) Repealers: Sections 25.0722(b) (relating to providing the term of a county court at law in Ellis County), (d) (relating to prohibiting the judge of a county court at law in Ellis County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge for a county court at law in Ellis County), (j) (relating to providing that the jurisdiction and authority vested by law in county courts for the drawing, selection, and service of jurors applies to a county court at law and authorizing transfer of jurors), and (k) (relating to providing for regularly impaneled jurors to be made available and requiring them to serve for the week in the Ellis County Court or a county court at law in Ellis County), Government Code;

(33) Repealers: Sections 25.0732(d) (relating to providing that a county court at law in El Paso County does not have general supervisory control over the commissioners court), (g) (relating to requiring the composition of a jury if a jury trial is requested), (h) (relating to authorizing district court jurors to be made available to serve a county court at law), (i) (relating to requiring practice in the County Court at Law No. 1 of El Paso County, Texas, to conform to that prescribed by law for county courts), (j) (relating to authorizing a county court at law in El Paso County to summon jurors for service in the court and authorizing jurors summoned to be transferred to a county court at law), (m) (relating to authorizing the appointment or election of a special judge of a county court at law in El Paso County), (n) (relating to providing how to fill a vacancy in the office of judge of a county court at law), (o) (relating to authorizing the judges of the county courts at law in El Paso County to divide each term of court), (p) (relating to requiring the El Paso County sheriff to, in person or by deputy, attend a county court at law as required by the judge), (s) (relating to providing qualifications for judges of the county courts at law in El Paso County), and (v) (relating to providing that the judges of the county courts at law of El Paso County have the same judicial immunity as a district judge), Government Code;

(34) Repealers: Sections 25.0733(c) (relating to authorizing a judge of a statutory probate court of El Paso County to appoint staff with the approval of the commissioners court), (d) (relating to providing requirements to be a judge of an El Paso county statutory probate court), and (f) (relating to providing that the county clerk serves as clerk for a statutory probate court in El Paso County), Government Code;

(35) Repealers: Section 25.0742(b) (relating to prohibiting the judge of a county court of law in Erath County from engaging in the private practice of law), Government Code;

(36) Repealers: Sections 25.0812(d) (relating to requiring the commissioners court by order to set at least four terms a year for the county court at law of Fort Bend County), (f) (relating to prohibiting a judge of a county court at law in Fort Bend County from engaging in the private practice of law), (h) (relating to authorizing the appointment or election of a special judge of a county court at law in Fort Bend County), (j) (relating to authorizing the commissioners court to hire additional staff), and (l) (relating to providing for the making available of jurors regularly impaneled by the district courts of Fort Bend County to the county court or the county court at law), Government Code;

(37) Repealers: Sections 25.0862(f) (relating to providing the requirements to be the elected judge of the Probate Court of Galveston County) and (j) (relating to requiring the sheriff to appoint a deputy to attend certain county courts or the Probate Court of Galveston County when required by the judge), Government Code;

(38) Repealers: Sections 25.0932(e) (relating to providing that the laws governing practice, procedure, and juries in county courts apply to the county courts at law of Grayson County), (f) (relating to providing the terms of court for each county court at law of Grayson County), and (i) (relating to prohibiting the judge of a Grayson County Court at Law from actively engaging in the private practice of law), Government Code;

(39) Repealers: Sections 25.0942(c) (relating to prohibiting the judge of the county court at law of Gregg County from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge of the county court at law of Gregg County), (g) (relating to authorizing the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law in Gregg County), (j) (relating to requiring that practice in a county court at law in Gregg County conform to that prescribed by law for county

courts), and (k) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law of Gregg County, and providing for transfer of jurors), Government Code;

(40) Repealers: Sections 25.0962(d) (relating to requiring the commissioners court of Guadalupe County to appoint a special judge if the judge of a county court at law is disqualified), (e) (relating to authorizing the commissioners court to employ additional staff as are necessary to serve a county court at law in Guadalupe County), and (g) (relating to authorizing the transfer of jurors between courts in Guadalupe County), Government Code;

(41) Repealers: Sections 25.1032(d) (relating to providing the terms of court for Harris County civil courts at law), (e) (relating to requiring the judge of a Harris County civil court at law to have been a licensed and practicing member of the state bar for at least five years), (g) (relating to authorizing the election or appointment of a special judge of a county civil court at law in Harris County), (h) (relating to requiring the Harris County sheriff, in person or by deputy, to attend a county civil court at law as required by the judge), and (k) (relating to providing that practice in a Harris County civil court at law and appeals and writs of error from a county civil court at law are as prescribed by law for county courts), Government Code;

(42) Repealers: Sections 25.1033(d) (relating to providing the terms for Harris County criminal courts at law), (e) (relating to requiring the judge of a county criminal court at law in Harris County to have been a licensed and practicing member of the state bar for at least five years before appointment or election), (f) (relating to prohibiting the judge of a Harris County criminal court at law from engaging in the private practice of law), (m) (relating to requiring the Harris County sheriff, in person or by deputy, to attend a county criminal court at law as required by the judge), and (o) (relating to providing that practice, procedure, appeals, and writs of error from a Harris County criminal court at law are as prescribed by law for county courts), Government Code;

(43) Repealers: Sections 25.1034(c) (relating to providing requirements of the judge of a Harris County statutory probate court), (h) (relating to authorizing a special judge to be appointed or elected in the case of absence, disqualification, or incapacity of a Harris County statutory probate court judge), (k) (relating to requiring the Harris County sheriff to attend a statutory probate court as required by the judge), and (l) (relating to providing that practice and procedure in a Harris County statutory probate court is that prescribed by law for county courts), Government Code;

(44) Repealers: Sections 25.1042(b) (relating to providing that a Harrison County court at law has the same terms of court as the county court), (d) (relating to prohibiting the judge of a county court at law of Harrison County from appearing and pleading as an attorney in a county court at law in the county or in a court with jurisdiction inferior to the county courts at law), (f) (relating to authorizing a special judge to be appointed if a judge of a Harrison County court at law is disqualified to try a case), (h) (relating to providing that practice in a county court at law in Harrison County is that prescribed by law for county courts), and (i) (relating to requiring the jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors to also be exercised by a county court at law in Harrison County and authorizes transfer of jurors between courts), Government Code;

(45) Repealers: Sections 25.1072(b) (relating to providing that a county court at law in Hays County has the same terms of court as the county court), (d) (relating to authorizing the appointment or election of a special judge of a county court at law in Hays County), (g) (relating to providing that the laws governing the drawing, selection, and service of jurors for county courts apply to a county court

at law in Hays County, and authorizes the transfer of jurors between courts), and (h) (relating to authorizing the transfer of district-court-impaneled jurors to county courts or county courts at law), Government Code;

(46) Repealers: Sections 25.1092(e) (relating to prohibiting the judge of a county court at law in Henderson County from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge of a county court at law in Henderson County under certain circumstances), (l) (relating to authorizing the judge of a county court at law in Henderson County to appoint a court coordinator or administrative assistant for the court), and (o) (relating to requiring the Henderson County commissioners court to provide certain staff necessary to operate a county court at law), Government Code;

(47) Repealers: Sections 25.1102(d) (relating to authorizing the election or appointment of a special judge of a county court at law in Hidalgo County), (e) (relating to requiring the Hidalgo County sheriff, either in person or by deputy, to attend certain county courts at law), (h) (relating to providing that practice, appeals, and writs of error in a Hidalgo County court at law are those prescribed by law for county courts), (i) (relating to requiring the jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors to be exercised by a Hidalgo County court at law and authorizes the transfer of jurors between courts), (j) (relating to authorizing the transfer of jurors in certain courts of Hidalgo County), and (l) (relating to prohibiting a judge of a Hidalgo County court at law from engaging in the private practice of law), Government Code;

(48) Repealer: Section 25.1103 (Hidalgo County Probate Court Provisions), Government Code;

(49) Repealers: Sections 25.1112(b) (relating to providing that a county court at law in Hill County has the same terms of court as the 66th District Court), (c) (relating to prohibiting the judge of a county court at law in Hill County from engaging in the private practice of law and requires the judge to meet the qualifications established in Section 25.0014), (f) (relating to authorizing the commissioners court of Hill County to employ certain staff necessary to serve the county court at law), and (k) (relating to providing for the transfer of jurors between certain courts in Hill County), Government Code;

(50) Repealers: Sections 25.1132(f) (relating to providing that a county court at law in Hood County has the same terms of court as the County Court of Hood County), (g) (relating to providing the requirements of the judge of a county court at law in Hood County), (h) (relating to prohibiting the judge of a county court at law in Hood County from engaging in the private practice of law), (j) (relating to authorizing the appointment of a special judge if the regular judge of a county court at law in Hood County is absent, disabled, or disqualified from presiding), (l) (relating to authorizing the judge of a county court at law in Hood County to appoint personnel necessary for the operation of the court, with the approval of the commissioners court), (m) (relating to authorizing the commissioners court of Hood County to employ certain staff as are necessary to serve a county court at law), and (p) (relating to providing that a county court at law has the jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors, and provides for the transfer of jurors between certain courts), Government Code;

(51) Repealers: Sections 25.1142(c) (relating to providing requirements of the judge of a county court at law in Hopkins County), (e) (relating to prohibiting the judge of a county court at law in Hopkins County from engaging in the private practice of law), and (g) (relating to authorizing jurors regularly impaneled by the district court for a week to be made available and required to serve for the week in

the county court at law of Hopkins County at the request of the judge of a county court at law), Government Code;

(52) Repealers: Sections 25.1152(b) (relating to providing the term of court of a county court at law in Houston County), (e) (relating to requiring the judge of a county court at law in Houston County to diligently discharge the duties of his office on a full-time basis and prohibiting the judge from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Houston County), (h) (relating to requiring practice in a county court at law in Houston County to conform to that prescribed by general law for county courts), and (i) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Houston County), Government Code;

(53) Repealers: Sections 25.1182(c) (relating to requiring the judge of a county court at law in Hunt County to have the same qualifications as those required by law for a district judge), (e) (relating to prohibiting the judge of a county court at law in Hunt County from engaging in the private practice of law), and (h) (relating to transferring jurors between certain courts in Hunt County), Government Code;

(54) Repealers: Sections 25.1252(c) (relating to providing the terms of a county court at law in Jefferson County), (g) (relating to authorizing a special judge of a county court at law in Jefferson County to be appointed or elected), and (i) (relating to requiring the Jefferson County sheriff, in person or by deputy, to attend a county court at law as required by the judge), Government Code;

(55) Repealers: Sections 25.1282(b) (relating to providing that a county court at law has the same terms as the County Court of Johnson County), (d) (relating to prohibiting the judge of a county court at law in Johnson County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law), (h) (relating to providing that practice in a county court at law in Johnson County is that prescribed by law for county courts), and (i) (relating to providing that the laws governing the drawing, selection, and service of jurors for county courts apply to a county court at law in Johnson County), Government Code;

(56) Repealers: Sections 25.1312(d) (relating to transfer of jurors between certain courts in Kaufman County), (e) (relating to authorizing a statutory county court to summon jurors through the county clerk for service in the statutory county court in the manner provided for county courts), (i) (relating to requiring the judge of the statutory county court, with the approval of the Kaufman County commissioners court, to hire a staff), (k) (relating to requiring the judge of a statutory county court in Kaufman County to be a United States citizen at the time of appointment or election), (l) (relating to requiring the judge of a statutory county court in Kaufman County to diligently discharge the duties of the office on a full-time basis and prohibits the judge from engaging in the private practice of law), and (n) (relating to providing that the judge of a statutory county court in Kaufman County has the same judicial immunity as a district judge), Government Code;

(57) Repealers: Sections 25.1322(d) (relating to requiring the commissioners court of Kendall County by order entered of record to set at least two terms of court each year for each county court at law), (e) (relating to prohibiting the judge of a Kendall County Court at Law from engaging in the private practice of law), (f) (relating to authorizing a special judge of a county court at law to be appointed or elected), (i) (relating to requiring the Kendall County sheriff to, in person or by deputy, attend a county court at law as required by the judge), and (j) (relating to authorizing jurors regularly impaneled for a week by the district courts to be made

available and requiring them to serve for the week in the county court at law on request of a county court at law judge), Government Code;

(58) Repealers: Sections 25.1352(d) (relating to providing the term of a county court at law of Kerr County) and (h) (relating to prohibiting the judge of a county court at law in Kerr County from engaging in the private practice of law), Government Code;

(59) Repealers: Sections 25.1392(e) (relating to authorizing the appointment or election of a special judge of a county court at law in Kleberg County), (g) (relating to authorizing the commissioners court of Kleberg County to employ as many deputy sheriffs and bailiffs as are necessary to serve each county court at law), and (i) (relating to providing that the laws that govern the drawing, selection, and service of jurors for county courts apply to the county courts at law of Kleberg County and authorizing the transfer of jurors between certain courts), Government Code;

(60) Repealers: Sections 25.1412(b) (relating to providing the requirements of the judge of a county court at law in Lamar County), (c) (relating to prohibiting the judge of a county court at law from engaging in the private practice of law and requiring the judge to comply with Canon 4 of the Code of Judicial Conduct (A Judge May Conduct the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations)), (e) (relating to authorizing the appointment or election of a special judge of a county court at law in Lamar County), (h) (relating to providing that practice in a county court at law in Lamar County is that prescribed by law for county courts, with certain exceptions), (i) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law, and authorizing the transfer of jurors between certain courts), and (k) (relating to providing that the judge of a county court at law has the same immunity as a district judge), Government Code;

(61) Repealers: Sections 25.1482(d) (relating to prohibiting the judge of a county court at law in Liberty County from engaging in the private practice of law), (g) (relating to authorizing the judge of a county court at law, with the approval of the commissioners court of Liberty County, to appoint a court coordinator or administrative assistant for the county court at law), (h) (relating to requiring the commissioners court to provide certain personnel necessary to operate a county court at law), (l) (relating to providing that a special judge is entitled to receive for the services actually performed the same amount of compensation as the regular judge and requiring the compensation to be paid out of certain funds), and (m) (relating to requiring the criminal district attorney or Liberty County attorney and county sheriff to attend the county court at law as required by the judge), Government Code;

(62) Repealers: Sections 25.1542(f) (relating to providing the terms of a county court at law in Lubbock County), (i) (relating to authorizing a special judge of a county court at law to be appointed or elected), (k) (relating to requiring the Lubbock County sheriff to, in person or by deputy, attend a county court at law as required by the judge), and (n) (relating to providing that the laws governing the drawing, selection, and service of jurors in county courts apply to a county court at law, and authorizing the transfer of jurors between certain courts in Lubbock County), Government Code;

(63) Repealers: Sections 25.1572(e) (relating to authorizing a special judge of a county court at law in McLennan County to be appointed or elected), (f) (relating to requiring the practice and procedure in a county court at law in McLennan County to conform to that prescribed by law for county courts), and (g) (relating to requiring the McLennan County sheriff to, in person or by deputy, attend a county court at law as required by the judge), Government Code;

(64) Repealers: Sections 25.1652(d) (relating to authorizing a special judge of a county court at law in Medina County to be appointed or elected), (f) (relating to authorizing the commissioners court of Medina County to employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law), and (h) (relating to providing that the laws governing the drawing, selection, and service of jurors in county courts apply to a county court at law, and authorizing the transfer of jurors between certain courts in Medina County), Government Code;

(65) Repealers: Sections 25.1672(b) (relating to providing that a county court at law in Midland County has the same terms of court as the County Court of Midland County) and (f) (relating to authorizing a special judge of a county court at law in Midland County to be appointed or elected), Government Code;

(66) Repealers: Sections 25.1722(b) (relating to requiring the commissioners court of Montgomery County to prescribe at least four terms each year for a county court at law in Montgomery County), (c) (relating to prohibiting the judge of a county court at law in Montgomery County from engaging in the private practice of law), and (g) (relating to providing that the laws governing the drawing, selection, and service of jurors in county courts apply to the county courts at law, and authorizing the transfer of jurors between certain courts in Montgomery County), Government Code;

(67) Repealers: Sections 25.1732(d) (relating to prohibiting the judge of a county court at law in Moore County from engaging in the private practice of law), (e) (relating to authorizing the appointment of a special judge of a county court at law if the regular judge of a county court at law is absent, disabled, or disqualified from presiding), (f) (relating to requiring a special judge to have the qualifications required of the regular judge, with certain exceptions), (h) (relating to providing that a special judge is entitled to receive for the services performed the same amount of compensation that the regular judge is entitled to receive for the services, and requires that the compensation be paid out of certain funds), and (i) (relating to authorizing the judge of a county court at law in Moore County, with the approval of the commissioners court, to appoint a court coordinator or administrative assistant for the court), Government Code;

(68) Repealers: Sections 25.1762(b) (relating to providing the terms of a county court at law in Nacogdoches County), (e) (relating to requiring a judge of a county court at law to diligently discharge the duties of office on a full-time basis and prohibiting the judge from engaging in the private practice of law), (f) (relating to authorizing a special judge of a county court at law in Nacogdoches County to be appointed and setting the rate of compensation), and (h) (relating to providing that practice in a county court at law in Nacogdoches County is that prescribed by law for county courts), Government Code;

(69) Repealers: Sections 25.1772(c) (relating to requiring the judge of a county court at law in Navarro County to have the same qualifications as those required by law for a district judge), (e) (relating to prohibiting the judge of a county court at law in Navarro County from engaging in the private practice of law), and (h) (relating to authorizing the transfer of jurors between certain courts in Navarro County), Government Code;

(70) Repealers: Sections 25.1792(e) (relating to prohibiting the judge of a county court at law in Nolan County from receiving from a law firm any money other than money earned before taking office and prohibiting the judge from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge of a county court at law if the regular judge is absent, disabled, or disqualified from presiding), (h) (relating to providing that a special judge is entitled to the same rate of compensation as the regular judge and requiring compensation to be paid out of certain funds), (i) (relating to requiring the Nolan

County attorney and county sheriff to attend a county court at law as required by the judge), and (j) (relating to authorizing the judge of a county court at law to appoint a court coordinator or administrative assistant), Government Code;

(71) Repealers: Sections 25.1802(c) (relating to providing the terms of the county courts at law in Nueces County), (h) (relating to requiring the Nueces County sheriff to, in person or by deputy, attend certain county courts at law), (i) (relating to authorizing the commissioners court of Nueces County to employ as many deputy sheriffs and bailiffs as are necessary to serve certain county courts at law), (j) (relating to providing that practice in a county court at law in Nueces County is that prescribed by law for county courts), (k) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors prescribed by law for county courts apply to a county court at law in Nueces County, and authorizing transferring jurors between certain courts), (l) (relating to providing that a county court at law does not have general supervisory control over the Nueces County commissioners court), and (q) (relating to providing that the judges of the county courts at law of Nueces County have the same judicial immunity as a district judge), Government Code;

(72) Repealers: Sections 25.1832(b) (relating to providing that a county court at law in Orange County has the same terms of court as a district court in Orange County), (d) (relating to prohibiting the judge of a county court at law in Orange County from appearing and pleading as an attorney at law in any court of record in the state and prohibiting the judge from appearing and practicing as an attorney at law in any court over which he has original or appellate jurisdiction), and (j) (relating to authorizing transfer of jurors between certain courts in Orange County), Government Code;

(73) Repealers: Sections 25.1852(e) (relating to prohibiting the judge of a county court at law in Panola County from receiving any money from a law firm, except money earned before taking office, and prohibiting the judge from engaging in the private practice of law), (f) (relating to authorizing the judge to appoint a court coordinator or administrative assistant for a county court at law in Panola County), and (i) (relating to authorizing a special judge of a county court at law to be appointed if the regular judge of a county court at law is absent or disqualified from presiding), Government Code;

(74) Repealers: Sections 25.1862(c) (relating to providing that a county court at law in Parker County does not have general supervisory control over the commissioners court), (f) (relating to authorizing the appointment or election of a special judge of a county court at law), (h) (relating to providing that a special judge of a county court at law in Parker County is entitled to receive for each day served the same amount of daily compensation that the regular judge receives for services), (i) (relating to requiring the district attorney or county attorney and the Parker County sheriff, in person or by deputy, to attend a county court at law as required by the judge), (j) (relating to requiring the commissioners court of Parker County to provide certain personnel necessary to operate a county court at law), (m) (relating to authorizing the transfer of jurors regularly impaneled for a week by the district courts to, on request of a county court at law judge, be made available and required to serve for the week in the county court at law), (n) (relating to authorizing a county court at law of Parker County to summon jurors for service in the court in the manner provided by law for county courts, and authorizing transfer of jurors between certain courts), (p) (relating to providing for filling a vacancy in the office of judge of a county court at law in Parker County), (q) (relating to authorizing the judges of the county courts at law in Parker County to divide each term of court), and (u) (relating to providing that the judges of the county courts at law have the same judicial immunity as a district judge), Government Code;

(75) Repealer: Section 25.1892(d) (relating to prohibiting the judge of a county court at law in Polk County from engaging in the private practice of law), Government Code;

(76) Repealers: Sections 25.1902(e) (relating to providing that the commissioners court sets the terms of a county court at law in Potter County in the same manner provided by law for setting terms of court for county courts), (g) (relating to prohibiting the judge of a county court at law in Potter County from engaging in the private practice of law), (i) (relating to authorizing the appointment or election of a special judge of a county court at law in Potter County), (j) (relating to requiring the Potter County sheriff to, in person or by deputy, attend a county court at law as required by the judge), and (k) (relating to requiring the jurisdiction and authority vested in the County Court of Potter County for drawing, selection, and service of jurors to also be exercised by a county court at law of Potter County, and providing for transfer of jurors between certain courts), Government Code;

(77) Repealers: Sections 25.1932(b) (relating to providing for the terms of a county court at law in Randall County), (c) (relating to prohibiting a judge of a county court at law in Randall County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of special judge of a county court at law in Randall County), (h) (relating to authorizing the commissioners court of Randall County to employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law and authorizing the transfer between certain courts), Government Code;

(78) Repealers: Sections 25.1972(b) (relating to providing that a county court at law in Reeves County has the same terms of court as a district court in Reeves County), (d) (relating to prohibiting the judge of a county court at law from engaging in the private practice of law in a court in this state), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Reeves County), (h) (relating to requiring the Reeves County sheriff to, in person or by deputy, attend a county court at law as required by the judge), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Reeves County, and providing for transfer of jurors between certain courts), Government Code;

(79) Repealers: Sections 25.2012(d) (relating to authorizing jurors regularly impaneled for the week by the district courts to, at the request of the judge of a county court at law in Rockwall County, be made available by the district judge in the numbers requested and requiring the jurors to serve for the week or until released in the county court at law), (e) (relating to authorizing a county court at law in Rockwall County to summon jurors through the county clerk for service in the county court at law in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts, and authorizing the transfer of jurors between certain courts), (i) (relating to requiring the judge of the county court at law in Rockwall County to, with the approval of the county commissioners court and through the county budget process, to hire a staff), (k) (relating to requiring the judge of a county court at law in Rockwall County to be a United States citizen at the time of appointment or election), (l) (relating to requiring the judge of a county court at law in Rockwall County to diligently discharge the duties of the office on a full-time basis and prohibiting the judge from engaging in the private practice of law), and (n) (relating to providing that the judge of a county court at law has the same judicial immunity as a district judge), Government Code;

(80) Repealers: Sections 25.2032(c) (relating to prohibiting the judge of a county court at law in Rusk County from engaging in the private practice of law after

appointment or election), (e) (relating to authorizing the appointment or election of a special judge of a county court at law in Rusk County), and (h) (relating to requiring the practice in a county court at law in Rusk County to conform to that prescribed by general law for county courts, providing that the laws governing the drawing, selection, service, and pay of jurors for the county courts apply to a county court at law, and providing for the transfer of jurors between certain courts), Government Code;

(81) Repealers: Sections 25.2072(c) (relating to prohibiting the judge of a county court at law in San Patricio County from engaging in the private practice of law), (e) (relating to providing that the terms of a county court at law in San Patricio County are the same as those for the County Court of San Patricio County), (f) (relating to authorizing the election or appointment of a special judge of a county court at law in San Patricio County), (h) (relating to providing that practice in a county court at law in San Patricio County is that prescribed by law for county courts), and (i) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in San Patricio County, and providing for transfer of jurors between certain courts), Government Code;

(82) Repealers: Sections 25.2142(c) (relating to providing that the terms of a county court at law in Smith County are the same as the terms of the County Court of Smith County), (e) (relating to prohibiting the judge of a county court at law in Smith County from engaging in the private practice of law), (i) (relating to requirements of a special judge of a county court at law in Smith County), (r) (relating to requiring the Smith County sheriff to, in person or by deputy, attend a county court at law as required by the judge), (t) (relating to authorizing the judge of a county court at law in Smith County to appoint a court coordinator or administrative assistant), and (u) (relating to authorizing a county court at law in Smith County to draw jurors from the central jury panel and providing that the laws governing the drawing, selection, and service of jurors for county courts apply to a county court at law, and authorizing transfer of jurors between certain courts), Government Code;

(83) Repealers: Sections 25.2162(d) (relating to authorizing the judge of a county court at law in Starr County to engage in the private practice of law, but prohibiting the judge from appearing and pleading as an attorney in any court of record in this state or in any court over which the judge has appellate jurisdiction), (f) (relating to authorizing the appointment of a special judge of a county court at law in Starr County if the regular judge is absent, disabled, or disqualified from presiding), (h) (relating to providing that a special judge is entitled to receive for services actually performed the same amount of compensation that the regular judge receives for those services, and requiring that the compensation be paid out of certain funds), (j) (relating to requiring the commissioners court of Starr County to provide staff necessary to operate a county court at law), and (k) (relating to authorizing the judge of a county court at law in Starr County, with the approval of the commissioners court, to appoint a court coordinator or administrative assistant for the court), Government Code;

(84) Repealers: Sections 25.2222(c) (relating to providing the terms of court for county courts at law in Tarrant County), (g) (relating to requiring a vacancy in the office of judge of the County Court at Law No. 1 of Tarrant County to be filled by appointment by the governor until the next general election), (h) (relating to prohibiting the judge of the County Court at Law No. 2 or 3 of Tarrant County from engaging in the private practice of law), (i) (relating to authorizing the appointment or election of a special judge of a county court at law in Tarrant County), (k) (relating to requiring the Tarrant County sheriff to, in person or by deputy, attend certain county courts at law, as required by the judge), and (n) (relating to authorizing the jurisdiction and authority vested by law in the county

court for the selection and service of jurors to also be exercised by a county court at law in Tarrant County), Government Code;

(85) Repealers: Sections 25.2223(c) (relating to providing the terms of a county criminal court in Tarrant County), (e) (relating to requiring a judge of certain county criminal courts of Tarrant County to devote his entire time to the duties of the office of judge and prohibiting the judge from engaging in the private practice of law, and prohibiting a judge of certain other county criminal courts of Tarrant County from engaging in the practice of law), (g) (relating to authorizing the appointment or election of a special judge of a county criminal court in Tarrant County), and (h) (relating to requiring the Tarrant County sheriff to, in person or by deputy, attend a county criminal court as required by the judge), Government Code;

(86) Repealers: Sections 25.2224(b) (relating to requirements for the judge of the Probate Court No. 1 of Tarrant County), (c) (relating to requirements for the judge of the Probate Court No. 2 of Tarrant County), (f) (relating to authorizing a special judge of a statutory probate court in Tarrant County to be appointed or elected), (g) (relating to requiring the Tarrant County sheriff, in person or by deputy, to attend a statutory probate court as required by the judge), (i) (relating to providing that practice and procedure in a statutory probate court in Tarrant County is that provided by law for county courts), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to the Probate Court No. 2 of Tarrant County), Government Code;

(87) Repealers: Sections 25.2232(b) (relating to providing the terms of a county court at law in Taylor County), (e) (relating to authorizing the appointment or election of a special judge of a county court at law in Taylor County), (f) (relating to requiring the Taylor County sheriff, in person or by deputy, to attend a county court at law, as required by the judge), and (g) (relating to providing that practice and procedure and appeals and writs of error prescribed by law for county courts apply to a county court at law in Taylor County), Government Code;

(88) Repealers: Sections 25.2282(b) (relating to providing that a county court at law in Tom Green County has the same terms as the county court), (d) (relating to requiring the judge of a county court at law in Tom Green County to devote his entire time to the duties of his office and prohibiting the judge from engaging in the private practice of law), (f) (relating to authorizing the appointment of a special judge of a county court at law in Tom Green County if the judge of a county court at law is disqualified), (g) (relating to authorizing the commissioners court of Tom Green County to employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law), (i) (relating to requiring practice in a county court at law in Tom Green County to conform to that prescribed by law for county courts), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Tom Green County and authorizing a general panel of jurors or impaneled district court jurors to be made available to serve for the week in a county court at law in Tom Green County), Government Code;

(89) Repealers: Sections 25.2292(b) (relating to providing for the terms of a county court at law in Travis County), (e) (relating to prohibiting a judge of a county court at law in Travis County from engaging in the private practice of law), (i) (relating to requiring the Travis County sheriff to, in person or by deputy, attend a county court at law as required by the judge), (k) (relating to requiring the jurisdiction and authority vested in law in the county court for the drawing, selection, and service of jurors to be exercised by the statutory county courts, and authorizing the transfer of jurors between certain courts), and (l) (relating to providing that practice in the courts at law in Travis County is that prescribed by law for county courts), Government Code;

(90) Repealers: Sections 25.2293(e) (relating to providing the terms of the Travis County statutory probate courts), (f) (relating to providing requirements of the judge of a Travis County statutory probate court), (g) (relating to prohibiting the judge of a Travis County statutory probate court from engaging in the private practice of law), (k) (relating to requiring the jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors to be exercised by the Travis County statutory county courts and authorizing the transfer of jurors between certain courts), and (l) (relating to providing that the practice in a Travis County statutory probate court is that prescribed by law for county courts), Government Code;

(91) Repealers: Sections 25.2352(b) (relating to providing that a county court at law in Val Verde County has the same terms as a district court in Val Verde County), (d) (relating to prohibiting the judge of a county court at law in Val Verde County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Val Verde County), (g) (relating to requiring the Val Verde County sheriff to, in person or by deputy, attend a county court at law as required by the judge), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Val Verde County, and authorizing the transfer of jurors between certain courts), Government Code;

(92) Repealers: Sections 25.2362(c) (relating to requiring the judge of a county court at law in Van Zandt County to have the same qualifications as those required by law for a district judge), (e) (relating to prohibiting the judge of a county court at law in Van Zandt County from engaging in the private practice of law), and (h) (relating to authorizing the transfer of jurors between certain courts in Van Zandt County), Government Code;

(93) Repealers: Sections 25.2372(c) (relating to providing that the terms of a county court at law in Victoria County are the same as those of the County Court of Victoria County), (f) (relating to authorizing the appointment of a special judge of a county court at law in Victoria County), (g) (relating to requiring that practice in a county court at law in Victoria County conform to that prescribed by law for the county court), (h) (relating to providing that the laws that govern the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Victoria County), and (i) (relating to authorizing the transfer of jurors between certain courts in Victoria County), Government Code;

(94) Repealers: Sections 25.2382(b) (relating to providing the terms of a county court at law in Walker County), (d) (relating to prohibiting the judge of a county court at law in Walker County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Walker County), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Walker County and authorizing the transfer of jurors between certain courts), Government Code;

(95) Repealers: Sections 25.2392(b) (relating to providing the terms of a county court at law in Waller County), (d) (relating to prohibiting the judge of a county court at law in Waller County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Waller County), and (j) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Waller County and authorizing the transfer of jurors between certain courts), Government Code;

(96) Repealers: Sections 25.2412(b) (relating to providing the terms of a county court at law in Washington County), (d) (relating to prohibiting the judge of a county court at law in Washington County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge for a county court at law in Washington County), (i) (relating to providing that the jurisdiction and authority vested by law in county courts for the drawing, selection, service, and pay of jurors apply to a county court at law in Washington County), and (k) (relating to authorizing jurors regularly impaneled for a week by the district court to, on the request of the judge of a county court at law in Washington County, be made available and requiring those jurors to serve for the week in the county court at law), Government Code;

(97) Repealers: Sections 25.2422(b) (relating to providing the terms of a county court at law in Webb County), (d) (relating to prohibiting a judge of a county court at law in Webb County from engaging in the private practice of law), (f) (relating to authorizing the appointment or election of a special judge of a county court at law in Webb County), (i) (relating to providing that the laws that govern the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Webb County), and (j) (relating to authorizing jurors regularly impaneled for a week by the district court to, on the request of the judge of a county court at law in Webb County, be made available and requiring those jurors to serve for the week in the county court at law), Government Code;

(98) Repealers: Sections 25.2452(f) (relating to prohibiting the judge of a county court at law in Wichita County from engaging in the private practice of law), (h) (relating to authorizing the appointment or election of a special judge of a county court at law in Wichita County), and (j) (relating to authorizing the commissioners court of Wichita County to employ as many deputy sheriffs and bailiffs as are necessary to serve the court), Government Code;

(99) Repealers: Sections 25.2462(c) (relating to prohibiting the judge of a county court at law in Wilbarger County from engaging in the private practice of law), (d) (relating to authorizing the appointment of a special judge of a county court at law in Wilbarger County if the regular judge of county court at law is absent, disabled, or disqualified from presiding), (e) (relating to requiring that the special judge of a county court at law in Wilbarger County have the same qualifications as the regular judge, with certain exceptions), (g) (relating to providing that a special judge of a county court at law in Wilbarger County is entitled to receive for services actually performed the same amount of compensation that the regular judge receives for the services and requiring the compensation to be paid from certain funds), (i) (relating to authorizing the judge of a county court at law in Wilbarger County to appoint a court coordinator or administrative assistant), and (j) (relating to requiring the commissioners court of Wilbarger County to provide certain staff to operate a county court at law), Government Code;

(100) Repealers: Sections 25.2482(d) (relating to prohibiting the judge of a county court at law in Williamson County from engaging in the private practice of law), (e) (relating to authorizing the appointment of a special judge of a county court at law in Williamson County if the regular judge of a county court at law is absent, disabled, or disqualified from presiding), (f) (relating to requiring that the special judge of a county court at law in Williamson County have the same qualifications as the regular judge, with certain exceptions), (h) (relating to providing that a special judge of a county court at law in Williamson County is entitled to receive for services actually performed the same amount of compensation that the regular judge receives for the services and requiring that the compensation be paid out of certain funds), (j) (relating to authorizing the judge of a county court at law in Williamson County to appoint a court coordinator or administrative assistant), and (k) (relating to requiring the commissioners court of Williamson County to provide certain staff necessary to operate a county court at law), Government Code; and

(101) Repealers: Sections 25.2512(b) (relating to providing that the county court at law in Wise County has one term of court beginning January 1), (e) (relating to authorizing the appointment of a special judge of a county court at law in Wise County), (h) (relating to providing that practice in a county court at law in Wise County is that prescribed by law for county courts), and (i) (relating to providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law in Wise County, and authorizing the transfer of jurors between certain courts), Government Code.

(b) Provides that if H.B. No. 2330, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Sections 25.2512(e) and (h), Government Code, are repealed. Provides that if H.B. No. 2330 becomes law, this subsection has no effect.

(c) Provides that the repeal of Section 25.1042(d) and Section 25.2162(d), Government Code, apply only to a regular judge serving a term for which the judge is elected on or after the effective date of this Act. Provides that a judge serving a term for which the judge was elected before the effective date of this Act is governed by the law in effect on the date the judge was elected, and that law is continued in effect for that purpose.

ARTICLE 5. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

SECTION 5.01. (a) Amends Section 27.005(a), Government Code, as follows:

(a) Provides that for purposes of removal under Chapter 87 (Removal of County Officers from Office; Filling of Vacancies), Local Government Code, "incompetency" in the case of a justice of the peace includes the failure of the justice to successfully complete:

(1) Makes no changes to this subdivision; and

(2) each following year, a 20-hour course in the performance of the justice's duties, including not less than 10 hours of instruction regarding substantive, procedural, and evidentiary law in civil matters.

(b) Provides that Section 27.005(a), Government Code, applies to a justice of the peace serving on or after the effective date of this article, regardless of the date the justice was elected or appointed.

SECTION 5.02. Amends Subchapter C, Chapter 27, Government Code, by adding Section 27.060, as follows:

Sec. 27.060. SMALL CLAIMS. (a) Requires a justice court to conduct proceedings in a small claims case, as that term is defined by the supreme court, in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditious, and inexpensive resolution of small claims cases.

(b) Requires that the rules of the supreme court, except as provided by Subsection (c), provide that:

(1) if both parties appear, the judge shall proceed to hear the case;

(2) formal pleadings other than the statement are not required;

(3) the judge shall hear the testimony of the parties and the witnesses that the parties produce and shall consider the other evidence offered;

(4) the hearing is informal, with the sole objective being to dispense speedy justice between the parties;

(5) discovery is limited to that considered appropriate and permitted by the judge; and

(6) the judge shall develop the facts of the case, and for that purpose may question a witness or party and may summon any party to appear as a witness as the judge considers necessary to a correct judgment and speedy disposition of the case.

(c) Requires that the rules of the supreme court provide specific procedures for an action by:

(1) an assignee of a claim or other person seeking to bring an action on an assigned claim;

(2) a person primarily engaged in the business of lending money at interest; or

(3) a collection agency or collection agent.

(d) Prohibits the rules adopted by the supreme court from:

(1) requiring that a party in a case be represented by an attorney;

(2) being so complex that a reasonable person without legal training would have difficulty understanding or applying the rules; or

(3) requiring that discovery rules adopted under the Texas Rules of Civil Procedure or the Texas Rules of Evidence be applied except to the extent the justice of the peace hearing the case determines that the rules must be followed to ensure that the proceeding is fair to all parties.

(e) Requires that a committee established by the supreme court to recommend rules to be adopted under this section include justices of the peace.

SECTION 5.03. Amends Subchapter C, Chapter 27, Government Code, by adding Section 27.061, as follows:

Sec. 27.061. RULES OF ADMINISTRATION. Requires the justices of the peace in each county to, by majority vote, adopt local rules of administration.

SECTION 5.04. Amends Subchapter E, Chapter 15, Civil Practice and Remedies Code, by adding Section 15.0821, as follows:

Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. Requires the justices of the peace in each county to, by majority vote, adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

SECTION 5.05. (a) Amends Article 4.12(a), Code of Criminal Procedure, if S.B. No. 1200, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, as follows:

(a) Requires a misdemeanor case to be tried in justice court, except as otherwise provided by this article, to be tried:

(1)-(3) Make no changes to these subdivisions; or

(4) in any precinct in the county that is adjacent to the precinct in which the offense was committed if the offense was committed in a county with a population of 3.3 million or more.

(b) Amends Article 4.12, Code of Criminal Procedure, by adding Subsection (e) to require the justices of the peace in each county to, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.

(c) Provides that if S.B. No. 1200, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Article 4.12(a), Code of Criminal Procedure, as amended by this article, applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(d) Provides that if S.B. No. 1200, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Subsections (a) and (c) of this section have no effect.

SECTION 5.06. (a) Repealer: Chapter 28 (Small Claims Courts), Government Code.

(b) Abolishes each small claims court under Chapter 28, Government Code, on the effective date of this section.

SECTION 5.07. Requires the Texas Supreme Court, not later than May 1, 2013, to promulgate:

(1) rules to define cases that constitute small claims cases;

(2) rules of civil procedure applicable to small claims cases as required by Section 27.060, Government Code, as added by this article; and

(3) rules for eviction proceedings.

SECTION 5.08. (a) Requires the justice of the peace sitting as judge of that court, immediately before the date the small claims court in a county is abolished in accordance with this article, to transfer all cases pending in the court to a justice court in the county.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for the transferring court and all witnesses summoned to appear in the transferring court are required to appear before the court to which the case is transferred as if originally required to appear before that court.

SECTION 5.09. Effective date, Sections 5.02 and 5.06: May 1, 2013.

ARTICLE 6. ASSOCIATE JUDGES

SECTION 6.01. Amends Subtitle D, Title 2, Government Code, by adding Chapter 54A, as follows:

CHAPTER 54A. ASSOCIATE JUDGES

CHAPTER A. CRIMINAL ASSOCIATE JUDGES

Sec. 54A.001. **APPLICABILITY.** Provides that this subchapter applies to a district court or a statutory county court that hears criminal cases.

Sec. 54A.002. **APPOINTMENT.** (a) Authorizes a judge of a court subject to this subchapter to appoint a full-time or part-time associate judge to perform the duties

authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) Authorizes an associate judge appointed by a court, if that court has jurisdiction in more than one county, to serve only in a county in which the commissioners court has authorized the appointment.

(c) Authorizes the commissioners court, if more than one court in a county is subject to this subchapter, to authorize the appointment of an associate judge for each court or to authorize one or more associate judges to share service with two or more courts.

(d) Requires an associate judge's appointment to be made as established by local rule, but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves, if an associate judge serves more than one court.

Sec. 54A.003. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to:

- (1) be a resident of this state and one of the counties the person will serve;
- (2) have been licensed to practice law in this state for at least four years;
- (3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct (SCJC), or by the legislature's abolition of the judge's court; and
- (4) not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided by Section 33.022 (Investigations and Formal Proceedings) and before final disposition of the proceedings.

Sec. 54A.004. COMPENSATION. (a) Requires an associate judge to be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) Requires an associate judge, if the associate judge serves in more than one county, to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.005. TERMINATION. (a) Provides that an associate judge who serves a single court serves at the will of the judge of that court.

(b) Authorizes the employment of an associate judge who serves more than two courts to only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) Authorizes the employment of an associate judge who serves two courts to be terminated by either of the judges of the courts the associate judge serves.

(d) Requires the appropriate judges to sign a written order of termination to terminate an associate judge's employment. Requires that the order state:

- (1) the associate judge's name and state bar identification number;
- (2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) Authorizes a judge to refer to an associate judge any matter arising out of a criminal case involving:

- (1) a negotiated plea of guilty or no contest before the court;
- (2) a bond forfeiture;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) an appeal of an administrative driver's license revocation hearing;
- (8) a civil commitment matter under Subtitle C, Title 7, Health and Safety Code;
- (9) setting, adjusting, or revoking bond;
- (10) the issuance of search warrants, including a search warrant under Article 18.02(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure; and
- (11) any other matter the judge considers necessary and proper.

(b) Authorizes an associate judge to accept an agreed plea of guilty or no contest from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and is authorized to assess punishment if a plea agreement is announced on the record between the defendant and the state.

(c) Provides that an associate judge has all of the powers of a magistrate under the laws of this state and is authorized to administer an oath for any purpose.

(d) Authorizes an associate judge to select a jury. Prohibits an associate judge, except as provided in Subsection (b), from presiding over a trial on the merits, whether or not the trial is before a jury.

Sec. 54A.007. ORDER OF REFERRAL. (a) Requires a judge, to refer one or more cases to an associate judge, to issue a written order of referral that specifies the associate judge's duties.

(b) Authorizes an order of referral to limit the powers of the associate judge and direct the associate judge to report only on specific issues, do particular acts, or receive and report on evidence only; set the time and place for the hearing; prescribe a closing date for the hearing; provide a date for filing the associate judge's findings; designate proceedings for more than one case over which the associate judge shall preside; direct the associate judge to call the court's docket, and set forth general powers and limitations or authority of the associate judge applicable to any case referred.

Sec. 54A.008. POWERS. (a) Authorizes an associate judge to whom a case is referred except as limited by an order of referral to conduct hearings; hear evidence; compel production of relevant evidence; rule on the admissibility of evidence; issue summons for the appearance of witnesses; examine a witness; swear a witness for a hearing; make findings of fact on evidence; formulate conclusions of law; rule on pretrial motions;

recommend the rulings, orders, or judgment to be made in a case; regulate proceedings in a hearing; order the attachment of a witness or party who fails to obey a subpoena; accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses; select a jury; notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant, including a search warrant under Article 18.02(10), Code of Criminal Procedure; and take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) Prohibits an associate judge from entering a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but authorizes the associate judge to make findings, conclusions, and recommendations on those issues.

(c) Authorizes an associate judge who is appointed by a district or statutory county court judge and to whom a case is referred, except as limited by an order of referral, to accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court. Requires the associate judge to forward any fee or fine collected for the misdemeanor offense to the county clerk.

(d) Authorizes an associate judge to, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.009. ATTENDANCE OF BAILIFF. Requires a bailiff to attend a hearing by an associate judge if directed by the referring court.

Sec. 54A.010. COURT REPORTER. Requires the court, at the request of a party, to provide a court reporter to record the proceedings before the associate judge.

Sec. 54A.011. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) Authorizes a referring court to issue attachment against and fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. Requires an associate judge, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the associate judge's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54A.013. JUDICIAL ACTION. (a) Authorizes a referring court, not later than the 30th day after the date an action is taken by an associate judge, to modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) Provides that if the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.014. JUDICIAL IMMUNITY. Provides that an associate judge has the same judicial immunity as a district judge.

[Reserves Sections 54A.015-54A.100 for expansion.]

SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

Sec. 54A.101. APPLICABILITY. Provides that this subchapter applies to a district court or a statutory county court that is assigned civil cases.

Sec. 54A.102. APPOINTMENT. (a) Authorizes a judge of a court subject to this subchapter to appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) Authorizes an associate judge appointed by a district court that has jurisdiction in more than one county to serve only in a county in which the commissioners court has authorized the appointment.

(c) Authorizes the commissioners court to authorize the appointment of an associate judge for each court or to authorize one or more associate judges to share service with two or more courts if more than one court in a county is subject to this subchapter.

(d) Requires that the associate judge's appointment be made by a vote of two-thirds of the judges under whom the associate judge serves if an associate judge serves more than one court.

Sec. 54A.103. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of State Commission on Judicial Conduct (SCJC), or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.104. COMPENSATION. (a) Requires an associate judge to be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) Requires an associate judge, if the associate judge serves in more than one county, to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.105. TERMINATION. (a) Provides that an associate judge who serves a single court serves at the will of the judge of that court.

(b) Authorizes the employment of an associate judge who serves more than two courts to only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) Authorizes the employment of an associate judge who serves two courts to be terminated by either of the judges of the courts the associate judge serves.

(d) Requires that the appropriate judges, to terminate an associate judge's employment, sign a written order of termination. Requires that the order state:

(1) the associate judge's name and state bar identification number;

(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 54A.106. CASES THAT MAY BE REFERRED. (a) Authorizes a judge of a court, except as provided by this section, to refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Prohibits a judge of court, subject to Subsection (c), from referring any civil case or portion of a civil case, including a trial on the merits, to an associate judge if a party files a written objection to the referral to the associate judge. Provides that for purposes of this subsection a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) Requires a party to file an objection to the referral of a civil case or portion of a civil case to an associate judge not later than the 10th day after the date the party receives notice of the referral. Requires the referring court, if an objection is filed, to hear the case or portion of the case.

Sec. 54A.107. METHODS OF REFERRAL. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) Authorizes the order of referral to limit the powers or duties of an associate judge.

Sec. 54A.108. POWERS. (a) Authorizes an associate judge, except as limited by an order of referral, to:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on pretrial motions;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) order the attachment of a witness or party who fails to obey a subpoena; and
- (14) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) Authorizes an associate judge to, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge

hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.109. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) Authorizes a referring court to fine or imprison a witness who:

(1) failed to appear before an associate judge after being summoned; or

(2) improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 54A.110. COURT REPORTER; RECORD. (a) Authorizes that a court reporter be provided during a hearing held by an associate judge appointed under this subchapter. Requires that a court reporter be provided when the associate judge presides over a jury trial.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes that the record be preserved by any means approved by the associate judge in the absence of a court reporter or on agreement of the parties, except as provided by Subsection (a).

(d) Authorizes the referring court or associate judge to assess the expense of preserving the record under Subsection (c) as costs.

(e) Authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) Requires an associate judge, after hearing a matter, to notify each attorney participating in the hearing of the associate judge's decision. Provides that an associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) Requires a party to file an appeal in the referring court not later than the seventh day after the date the party receives notice of the decision under Subsection (a) to appeal an associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction.

(c) Provides that a temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or referring judge.

(d) Provides that a temporary injunction issued by an associate judge is effective immediately and continues during the pendency of a trial unless, after a hearing, the order is modified by a referring judge.

(e) Requires that a matter appealed to the referring court be tried de novo and be limited to only those matters specified in the appeal. Prohibits a party, except on leave of court, from submitting on appeal any additional evidence or pleadings.

Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER. (a) Requires that notice of the right to a de novo hearing before the referring court be given to all parties.

(b) Authorizes the notice to be given by oral statement in open court, by posting inside or outside the courtroom of the referring court, or as otherwise directed by the referring court.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right of a de novo hearing before the referring court in writing or on the record.

Sec. 54A.113. ORDER OF COURT. (a) Provides that, pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Provides that, if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 54A.115, to approve the temporary detention or incarceration or to order the release of the party or witness, with or without bond, pending a de novo hearing. Authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or to continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Authorizes the referring court, unless a party files a written request for a de novo hearing before the referring court, to adopt, modify, or reject the associate judge's proposed order or judgment, hear additional evidence; or recommit the matter to the associate judge for further proceedings.

Sec. 54A.115. DE NOVO HEARING. (a) Authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision as provided by Section 54A.111.

(b) Requires that a request for a de novo hearing under this section specify the issues that will be presented to the referring court. Provides that the de novo hearing is limited to the specified issues.

(c) Requires that notice of a request for a de novo hearing before the referring court be given to the opposing attorney in the manner provided by Rule 21a (Methods of Service), Texas Rules of Civil Procedure.

(d) Authorizes any other party, if a request for a de novo hearing before the referring court is filed by a party, to file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) Requires the referring court, after notice to the parties, to hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) Authorizes the parties to present witnesses on the issues specified in the request for hearing in the de novo hearing before the referring court. Authorizes the referring court to also consider the record from the hearing before the

associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(g) Provides that the denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, a motion for judgment notwithstanding the verdict, or other posttrial motions.

(h) Prohibits a party from demanding a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 54A.116. APPELLATE REVIEW. (a) Provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Provides that, except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) Provides that the date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 54A.117. JUDICIAL ACTION. (a) Authorizes a referring court, not later than the 30th day after the date an action is taken by an associate judge, to modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) Provides that the action becomes the decree of the court if the court does not modify, correct, reject, reverse, or recommit an action to the associate judge.

Sec. 54A.118. JUDICIAL IMMUNITY. Provides that an associate judge appointed under this subchapter has the judicial immunity of a district judge.

SECTION 6.02. (a) Transfers Subchapter G, Chapter 54, Government Code, to Chapter 54A, Government Code, as added by this Act, redesignates it as Subchapter C, Chapter 54A, Government Code, if H.B. No. 1830, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, and amends it as follows:

SUBCHAPTER C. STATUTORY PROBATE COURT ASSOCIATE JUDGES

Sec. 54A.201. DEFINITION. Redesignates existing Section 54.601 as Section 54A.201. Makes no further changes to this section.

Sec. 54A.202. APPLICABILITY. Provides that this subchapter applies to a statutory probate court.

Sec. 54A.203. APPOINTMENT. Redesignates existing Section 54.603 as Section 54A.203. (a) Authorizes the judge of a statutory probate court, after obtaining the approval of the commissioners court to create an associate judge position, by order, to appoint one or more full-time or part-time associate judges to perform the duties authorized by this subchapter, rather than to appoint a person to act as associate judge for the statutory probate court.

(b) Authorizes an associate judge appointed by that court to serve only in a county in which the commissioners court has authorized the appointment if a statutory probate court has jurisdiction in more than one county.

(c) Redesignates existing Subsection (b) as Subsection (c). Makes no further changes.

(d) Redesignates existing Subsection (c) as Subsection (d). Deletes existing Subsection (d) requiring that an associate judge meet the qualifications to serve as a judge of the court to which the associate judge is appointed.

(e) Makes no changes to this subsection.

Sec. 54A.204. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least five years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of SCJC, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.205. COMPENSATION. Redesignates existing Section 54.605 as Section 54A.205. (a) Entitles an associate judge to the compensation set by the appointing judge and approved by the commissioners court or commissioners courts of the counties in which the associate judge serves. Deletes existing text prohibiting the salary of the associate judge from exceeding the salary of the appointing judge.

(b) Requires an associate judge, if the associate judge serves in more than one county, to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Creates this subsection from existing Subsection (b). Requires that the compensation of the associate judge be paid by the county from the county general fund, except as provided by Subsection (d), rather than Subsection (c).

(d) Redesignates existing Subsection (c) as Subsection (d). Makes no further changes.

Sec. 54A.206. TERMINATION OF ASSOCIATE JUDGE. Redesignates existing Section 54.604 as Section 54A.206. (a)-(g) Makes no changes to these subsections.

(h) Authorizes an associate judge whose employment continues as provided by Subsection (e), (f), or (g) after the judge of a court served by the associate judge vacates the judge's office, notwithstanding the powers of an associate judge provided by Section 54A.209, rather than Section 54.610, to perform administrative functions with respect to that court, but prohibits the associate judge from performing any judicial function, including any power prescribed by Section 54A.209, with respect to that court until a successor judge is appointed or elected. Makes a conforming change.

Sec. 54A.207. CASES THAT MAY BE REFERRED. Redesignates existing Section 54.608 as Section 54A.207. (a)-(c) Makes no changes to these subsections.

Sec. 54A.2071. OATH. Redesignates existing Section 54.606 as Section 54A.2071. Makes no further changes.

Deletes existing Section 54.607 (Magistrate).

Sec. 54A.208. New heading: METHODS OF REFERRAL. Redesignates existing Section 54.609 as Section 54A.208. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order specifying the class and type of cases to be referred. Deletes existing text requiring the judge of the referring court, in referring a case to an associate judge, to render an individual order of referral, or a general order of referral specifying the class and type of cases to be heard by the associate judge.

(b) Makes no changes to this subsection.

Sec. 54A.209. POWERS OF ASSOCIATE JUDGE. Redesignates existing Section 54.610 as Section 54A.209. (a) Authorizes an associate judge, except as limited by an order of referral, to:

(1)-(9) Makes no changes to these subdivisions;

(10) rule on pretrial motions;

(11) recommend the rulings, orders, or judgment to be made in a case, rather than recommend an order to be rendered in a case;

(12) Makes a nonsubstantive change;

(13) take action as necessary and proper for the efficient performance of the duties required by the order of referral, rather than for the efficient performance of the associate judge's duties;

(14) Makes a nonsubstantive change;

(15) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54A.214, rather than by Section 54.616;

(16) without prejudice to the right to a de novo hearing under Section 54A.216, render and sign an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services or an order authorizing psychoactive medications, rather than without prejudice to the right to a de novo hearing under Section 54.618; and

(17) sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54A.216, rather than Section 54.618.

Makes nonsubstantive changes.

(b) Makes no changes to this subsection.

(c)-(d) Makes conforming changes.

Sec. 54A.2091. ATTENDANCE OF BAILIFF. Redesignates existing Section 54.611 as Section 54A.2091. Makes no further changes.

Deletes existing Section 54.612 (Court Reporter).

Sec. 54A.210. WITNESS. Redesignates existing Section 54.613 as Section 54A.210. (a) Makes no changes to this subsection.

(b) Authorizes a referring court to issue attachment against and to fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court. Makes nonsubstantive changes.

Sec. 54A.211. COURT REPORTER; RECORD. (a) Authorizes that a court reporter be provided during a hearing held by an associate judge appointed under this subchapter. Requires that a court reporter be provided when the associate judge presides over a jury trial.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes the record to be preserved by any means approved by the associate judge in the absence of a court reporter or on agreement of the parties, except as provided by Subsection (a).

(d) Authorizes the referring court or associate judge to assess the expense of preserving the record as court costs.

(e) Authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.212. REPORT. Redesignates existing Section 54.614 as Section 54A.212. (a) Authorizes the associate judge's report to contain the associate judge's findings, conclusions, or recommendations and to be in the form of a proposed order.

(b) Creates this subsection from existing text. Requires the associate judge to prepare a report, rather than a written report, in the form directed by the referring court, including in the form of a notation on the referring court's docket sheet or in the court's jacket, or a proposed order.

(c) Redesignates existing Subsection (b) as Subsection (c). Makes no further changes.

(d) Redesignates existing Subsection (c) as Subsection (d). Authorizes notice to be given to the parties in open court, by an oral statement, or by providing a copy of the associate judge's written report, including any proposed order; by certified mail, return receipt requested; or by facsimile transmission.

(e) Redesignates existing Subsection (d) as Subsection (e). Makes no further changes.

(f) Redesignates existing Subsection (e) as Subsection (f). Makes no further changes.

Sec. 54A.213. NOTICE OF RIGHT TO DE NOVO HEARING BEFORE REFERRING COURT. Redesignates existing Section 54.615 as Section 54A.213. (a)-(b) Makes no changes to these subsections.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right to a de novo hearing before the referring court in writing or on the record.

Sec. 54A.214. ORDER OF COURT. Redesignates existing Section 54.616 as Section 54A.214. (a) Provides that, pending a de novo hearing before the referring court, the decisions and recommendations of the associate judge or a proposed order or judgment of the associate judge has the full force and effect, and is enforceable as, an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Provides that, except as provided by Section 54A.209(c), if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the decisions and recommendations of the associate judge or the proposed order or judgment of the associate judge becomes the order or judgment of the referring court at the time the judge of the referring court signs the proposed order or judgment. Makes a conforming change.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 54A.216, to approve the temporary detention or incarceration or to order the release of the party or witness, with or without bond, pending a de novo hearing. Authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or to continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.215. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Redesignates existing Section 54.617 as Section 54A.215. (a)-(b) Makes no changes to these subsections.

Sec. 54A.216. DE NOVO HEARING BEFORE REFERRING COURT. Redesignates existing Section 54.618 as Section 54A.216. (a) Makes a conforming change.

(b) Provides that the de novo hearing is limited to the specified issues.

(c)-(d) Makes no changes to these subsections;

(e) Authorizes any other party, if a request for a de novo hearing before the referring court is filed by a party, to file a request for a de novo hearing before the referring court not later than the seventh working day after the date of filing of the initial request;

(f) Deletes existing text requiring the referring court, after notice to the parties, to hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court, unless all of the parties agree to a later date; and

(g)-(i) Makes no changes to these subsections.

Sec. 54A.217. APPELLATE REVIEW. Redesignates existing Section 54.619 as Section 54A.217. (a)-(b) Makes no changes to these subdivisions.

(c) Provides that the date an order described by Section 54A.209(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court. Makes a conforming change.

Sec. 54A.218. IMMUNITY. Redesignates existing Section 54.620 as Section 54A.218. Makes no further changes.

(b) Transfers Subchapter G, Chapter 54, Government Code, to Chapter 54A, Government Code, as added by this Act, redesignates it as Subchapter C, Chapter 54A, Government Code, if H.B. No. 1830, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, and amends it as follows:

SUBCHAPTER C. STATUTORY PROBATE COURT ASSOCIATE JUDGES

Sec. 54A.201. DEFINITION. Redesignates existing Section 54.601 as Section 54A.201. Makes no further changes.

Sec. 54A.202. APPLICABILITY. Provides that this subchapter applies to a statutory probate court.

Sec. 54A.203. APPOINTMENT. Redesignates existing Section 54.603 as Section 54A.203. (a) Authorizes the judge of a statutory probate court, after obtaining the approval of the commissioners court to create an associate judge position, by order, to appoint one or more full-time or part-time associate judges to perform the duties authorized by this subchapter, rather than to appoint a person to act as associate judge for the statutory probate court.

(b) Authorizes an associate judge appointed by that court to serve only in a county in which the commissioners court has authorized the appointment if a statutory probate court has jurisdiction in more than one county.

(c) Redesignates existing Subsection (b) as Subsection (c). Makes no further changes.

(d) Redesignates existing Subsection (c) as Subsection (d). Deletes existing Subsection (d) requiring that an associate judge meet the qualifications to serve as a judge of the court to which the associate judge is appointed.

(e) Makes no changes to this subsection.

Sec. 54A.204. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to:

- (1) be a resident of this state and one of the counties the person will serve;
- (2) have been licensed to practice law in this state for at least five years;
- (3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of SCJC, or by the legislature's abolition of the judge's court; and
- (4) not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.205. COMPENSATION. Redesignates existing Section 54.605 as Section 54A.205. (a) Entitles an associate judge to the compensation set by the

appointing judge and approved by the commissioners court or commissioners courts of the counties in which the associate judge serves. Deletes existing text prohibiting the salary of the associate judge from exceeding the salary of the appointing judge.

(b) Requires an associate judge, if the associate judge serves in more than one county, to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Creates this subsection from existing Subsection (b). Requires that the compensation of the associate judge be paid by the county from the county general fund, except as provided by Subsection (d), rather than Subsection (c).

(d) Redesignates existing Subsection (c) as Subsection (d). Makes no further changes.

Sec. 54A.206. TERMINATION OF ASSOCIATE JUDGE. Redesignates existing Section 54.604 as Section 54A.206. (a)-(g) Makes no changes to these subsections.

(h) Authorizes an associate judge whose employment continues as provided by Subsection (e), (f), or (g) after the judge of a court served by the associate judge vacates the judge's office, notwithstanding the powers of an associate judge provided by Section 54A.209, rather than Section 54.610, to perform administrative functions with respect to that court, but prohibits the associate judge from performing any judicial function, including any power prescribed by Section 54A.209, with respect to that court until a successor judge is appointed or elected. Makes a conforming change.

Sec. 54A.207. CASES THAT MAY BE REFERRED. Redesignates existing Section 54.608 as Section 54A.207. (a)-(c) Makes no changes to these subsections.

Sec. 54A.2071. OATH. Redesignates existing Section 54.606 as Section 54A.2071. Makes no further changes.

Deletes existing Section 54.607 (Magistrate).

Sec. 54A.208. New heading: METHODS OF REFERRAL. Redesignates existing Section 54.609 as Section 54A.208. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order specifying the class and type of cases to be referred. Deletes existing text requiring the judge of the referring court, in referring a case to an associate judge, to render an individual order of referral, or a general order of referral specifying the class and type of cases to be heard by the associate judge.

(b) Makes no changes to this subsection.

Sec. 54A.209. POWERS OF ASSOCIATE JUDGE. Redesignates existing Section 54.610 as Section 54A.209. (a) Authorizes an associate judge, except as limited by an order of referral, to:

(1)-(9) Makes no changes to these subdivisions;

(10) rule on pretrial motions;

(11) recommend the rulings, orders, or judgment to be made in a case, rather than recommend an order to be rendered in a case;

(12) Makes a nonsubstantive change;

(13) take action as necessary and proper for the efficient performance of the duties required by the order of referral, rather than for the efficient performance of the associate judge's duties;

(14) Makes a nonsubstantive change;

(15) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54A.214, rather than by Section 54.616;

(16) without prejudice to the right to a de novo hearing under Section 54A.216, render and sign an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services or an order authorizing psychoactive medications, rather than without prejudice to the right to a de novo hearing under Section 54.618; and

(17) sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54A.216, rather than Section 54.618.

Makes nonsubstantive changes.

(b) Makes no changes to this subsection.

(c)-(d) Makes conforming changes.

Sec. 54A.2091. ATTENDANCE OF BAILIFF. Redesignates existing Section 54.611 as Section 54A.2091. Makes no further changes.

Deletes existing Section 54.612 (Court Reporter).

Sec. 54A.210. WITNESS. Redesignates existing Section 54.613 as Section 54A.210. (a) Makes no changes to this subsection.

(b) Authorizes a referring court to issue attachment against and to fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court. Makes nonsubstantive changes.

Sec. 54A.211. COURT REPORTER; RECORD. (a) Authorizes that a court reporter be provided during a hearing held by an associate judge appointed under this subchapter. Requires that a court reporter be provided when the associate judge presides over a jury trial.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes the record to be preserved by any means approved by the associate judge in the absence of a court reporter or on agreement of the parties, except as provided by Subsection (a).

(d) Authorizes the referring court or associate judge to assess the expense of preserving the record as court costs.

(e) Authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.212. REPORT. Redesignates existing Section 54.614 as Section 54A.212. (a) Authorizes the associate judge's report to contain the associate judge's findings, conclusions, or recommendations and to be in the form of a proposed order.

(b) Creates this subsection from existing text. Requires the associate judge to prepare a report, rather than a written report, in the form directed by the referring court, including in the form of a notation on the referring court's docket sheet or in the court's jacket, or a proposed order.

(c) Redesignates existing Subsection (b) as Subsection (c). Makes no further changes.

(d) Redesignates existing Subsection (c) as Subsection (d). Authorizes notice to be given to the parties in open court, by an oral statement, or by providing a copy of the associate judge's written report, including any proposed order; by certified mail, return receipt requested; or by facsimile transmission.

(e) Redesignates existing Subsection (d) as Subsection (e). Makes no further changes.

(f) Redesignates existing Subsection (e) as Subsection (f). Makes no further changes.

Sec. 54A.213. NOTICE OF RIGHT TO DE NOVO HEARING BEFORE REFERRING COURT. Redesignates existing Section 54.615 as Section 54A.213. (a)-(b) Makes no changes to these subsections.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right to a de novo hearing before the referring court in writing or on the record.

Sec. 54A.214. ORDER OF COURT. Redesignates existing Section 54.616 as Section 54A.214. (a) Provides that, pending a de novo hearing before the referring court, the decisions and recommendations of the associate judge or a proposed order or judgment of the associate judge has the full force and effect, and is enforceable as, an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Provides that, except as provided by Section 54A.209(c), if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the decisions and recommendations of the associate judge or the proposed order or judgment of the associate judge becomes the order or judgment of the referring court at the time the judge of the referring court signs the proposed order or judgment. Makes a conforming change.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 54A.216, to approve the temporary detention or incarceration or to order the release of the party or witness, with or without bond, pending a de novo hearing. Authorizes the associate judge, if the referring court is not immediately available, to order the release of

the party or witness, with or without bond, pending a de novo hearing or to continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.215. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Redesignates existing Section 54.617 as Section 54A.215. (a)-(b) Makes no changes to these subsections.

Sec. 54A.216. DE NOVO HEARING BEFORE REFERRING COURT. Redesignates existing Section 54A.216 as Section 54.618. (a) Makes a conforming change.

(b) Provides that the de novo hearing is limited to the specified issues.

(c)-(d) Makes no changes to these subsections.

(e) Authorizes any other party, if a request for a de novo hearing before the referring court is filed by a party, to file a request for a de novo hearing before the referring court not later than the seventh working day after the date of filing of the initial request.

(f) Deletes existing text requiring the referring court, after notice to the parties, to hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court, unless all of the parties agree to a later date.

(g)-(i) Makes no changes to these subsections.

Sec. 54A.217. APPELLATE REVIEW. Redesignates existing Section 54.619 as Section 54A.217. (a)-(b) Makes no changes to these subsections.

(c) Provides that the date an order described by Section 54A.209(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court. Makes a conforming change.

Sec. 54A.218. IMMUNITY. Redesignates existing Section 54.620 as Section 54A.218. Makes no further changes.

SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

Sec. 201.301. APPLICABILITY. Provides that this subchapter applies only to an associate judge appointed under this subchapter and does not apply to a juvenile court master appointed under Subchapter K (Juvenile Court Masters in Harris County), Chapter 54 (Masters; Magistrates; Referees; Associate Judges), Government Code.

Sec. 201.302. APPOINTMENT. (a) Authorizes a judge of a court that is designated as a juvenile court to appoint a full-time or part-time associate judge to perform the duties authorized by this chapter if the commissioners court of a county in which the court has jurisdiction has authorized creation of an associate judge position.

(b) Authorizes an associate judge appointed by a court to serve only in a county in which the commissioners court has authorized the appointment if the court has jurisdiction in more than one county.

(c) Authorizes the commissioners court to authorize the appointment of an associate judge for each court if more than one court in a county has

been designated as a juvenile court or to authorize one or more associate judges to share service with two or more courts.

(d) Requires that an associate judge's appointment be made by a vote of two-thirds of the judges under whom the associate judge serves if the associate judge serves more than one court.

Sec. 201.303. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of SCJC, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 201.304. COMPENSATION. (a) Requires that an associate judge be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) Requires that an associate judge be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves if the associate judge serves in more than one county.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 201.305. TERMINATION. (a) Provides that an associate judge who serves a single court serves at the will of the judge of that court.

(b) Authorizes the employment of an associate judge who serves more than two courts to only be terminated by a majority vote of all the judges of the courts which the associate judge serves.

(c) Authorizes the employment of an associate judge who serves two courts to be terminated by either of the judges of the courts which the associate judge serves.

(d) Requires the appropriate judges to sign a written order of termination to terminate an associate judge's employment. Requires that the order state:

(1) the associate judge's name and state bar identification number;

(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Authorizes a judge of a juvenile court, except as provided by this section, to refer to an associate judge any aspect of a juvenile matter brought:

(1) under this title or Title 3 (Juvenile Justice Code); or

(2) in connection with Rule 308 (Court Shall Enforce Its Decrees), Texas Rules of Civil Procedure.

(b) Authorizes a judge to refer a trial to an associate judge unless a party files a written objection to the associate judge hearing the trial on the merits. Provides that a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) Requires a party to file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. Requires the referring court to hear the trial on the merits or preside at a jury trial if an objection is filed.

(d) Provides that the requirements of Subsections (b) and (c) apply when a judge has authority to refer the trial of a suit under this title, Title 1 (The Marriage Relationship), or Title 4 (Protective Orders and Family Violence) to an associate judge, master, or other assistant judge regardless of whether the assistant judge is appointed under this subchapter.

Sec. 201.307. METHODS OF REFERRAL. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) Authorizes the order of referral to limit the power or duties of an associate judge.

Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Authorizes an associate judge, except as limited by an order of referral, to:

(1) conduct a hearing;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

(5) issue a summons for:

(A) the appearance of witnesses; and

(B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) recommend an order to be rendered in a case;

(11) regulate proceedings in a hearing;

(12) order the attachment of a witness or party who fails to obey a subpoena;

(13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court; and

(14) take action as necessary and proper for the efficient performance of the associate judge's duties.

(b) Authorizes an associate judge to, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 201.309. REFEREES. (a) Authorizes an associate judge appointed under this subchapter to serve as a referee as provided by Sections 51.04(g) (relating to authorizing the juvenile board to appoint a referee) and 54.10 (Hearings Before Referee).

(b) Authorizes a referee appointed under Section 51.04(g) to be appointed to serve as an associate judge under this subchapter.

Sec. 201.310. ATTENDANCE OF BAILIFF. Authorizes a bailiff to attend a hearing by an associate judge if directed by the referring court.

Sec. 201.311. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) Authorizes a referring court to fine or imprison a witness who:

(1) failed to appear before an associate judge after being summoned; or

(2) improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 201.312. COURT REPORTER; RECORD. (a) Authorizes that a court reporter be provided during a hearing held by an associate judge appointed under this subchapter. Requires that a court reporter be provided when the associate judge presides over a jury trial or a contested final termination hearing.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes the record to be preserved by any means approved by the associate judge in the absence of a court reporter or on agreement of the parties, except as provided by Subsection (a).

(d) Authorizes the referring court or associate judge to assess the expense of preserving the record as costs.

(e) Authorizes the referring court, on a request for a de novo hearing, to consider testimony or other evidence in the record, if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 201.317.

Sec. 201.313. REPORT. (a) Authorizes the associate judge's report to contain the associate judge's findings, conclusions, or recommendations and to be in the

form of a proposed order. Requires the associate judge's report to be in writing and in the form directed by the referring court.

(b) Requires the associate judge, after a hearing, to provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

(c) Authorizes notice to be given to the parties in open court, by an oral statement or by providing a copy of the associate judge's written report, including any proposed order, by certified mail, return receipt requested, or by facsimile.

(d) Provides that a rebuttable presumption exists that notice is received on the date stated on the signed return receipt, if notice was provided by certified mail, or the confirmation page produced by the facsimile machine, if notice was provided by facsimile.

(e) Requires the associate judge, after a hearing conducted by an associate judge, to send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER. (a) Requires an associate judge to give all parties notice of the right to a de novo hearing to the judge of the referring court.

(b) Authorizes the notice to be given:

(1) by oral statement in open court;

(2) by posting inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right of a de novo hearing before the referring court in writing or on the record.

Sec. 201.315. ORDER OF COURT. (a) Provides that, pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Provides that, if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 201.317, to approve the temporary detention or incarceration or to order the release of the party or witness, with or without bond, pending a de novo hearing. Authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or to

continue the person's detention or incarceration for not more than 72 hours.

Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Authorizes the referring court, unless a party files a written request for a de novo hearing before the referring court, to adopt, modify, or reject the associate judge's proposed order or judgment; hear additional evidence; or recommit the matter to the associate judge for further proceedings.

Sec. 201.317. DE NOVO HEARING. (a) Authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.313.

(b) Requires that a request for a de novo hearing under this section specify the issues that will be presented to the referring court. Provides that the de novo hearing is limited to the specified issues.

(c) Requires that notice of a request for a de novo hearing before the referring court be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) Authorizes any other party, if a request for a de novo hearing before the referring court is filed by any party, to file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) Requires the referring court, after notice to the parties, to hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) Authorizes the parties, in the de novo hearing before the referring court, to present witnesses on the issues specified in the request for hearing. Authorizes the referring court to also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(g) Provides that the denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, a motion for judgment notwithstanding the verdict, or other posttrial motions.

(h) Prohibits a party from demanding a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 201.318. APPELLATE REVIEW. (a) Provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Provides that, except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) Provides that the date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 201.319. JUDICIAL IMMUNITY. Provides that an associate judge appointed under this subchapter has the judicial immunity of a district judge.

Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) Authorizes a judge of a court having jurisdiction of a suit under this title or Title 1 or 4 to appoint a visiting associate judge to perform the duties of the associate judge during the period of an associate judge's absence or disability if the associate judge appointed under this subchapter is temporarily unable to perform the judge's official duties because of absence or illness, injury, or other disability, if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge.

(b) Requires a person, to be eligible for appointment under this section, to have served as an associate judge for at least two years.

(c) Provides that Sections 201.001 (Appointment), 201.002 (Qualifications), 201.003 (Compensation), 201.004 (Termination of Associate Judge), 201.005 (Cases That May Be Referred), 201.006 (Order of Referral), 201.007 (Powers of Associate Judge), 201.008 (Attendance of Bailiff), 201.009 (Court Reporter; Record), 201.010 (Witness), 201.011 (Report), 201.012 (Notice of Right to De Novo Hearing Before Referring Court), 201.013 (Order of Court), 201.014 (Judicial Action on Associate Judge's Proposed Order or Judgment), 201.015 (De Novo Hearing Before Referring Court), 201.016 (Appellate Review), and 201.017 (Immunity) apply to a visiting associate judge appointed under this section.

SECTION 6.04. Amends Section 22.110(b), Government Code, to require the court of criminal appeals to adopt the rules necessary to accomplish the purposes of this section. Requires that the rules require each district judge, judge of a statutory county court, associate judge appointed under Chapter 54A, rather than under Chapter 54, of this code or Chapter 201 (Associate Judge), Family Code, master, referee, and magistrate to complete at least 12 hours of the training within the judge's first term of office or the judicial officer's first four years of service and provide a method for certification of completion of that training.

SECTION 6.05. Amends Section 602.002, Government Code, to include an associate judge, magistrate, master, referee, or criminal law hearing officer among other certain persons who may administer an oath made in this state and give a certificate of the fact. Makes nonsubstantive changes.

SECTION 6.06. (a) Amends Article 2.09, Code of Criminal Procedure, if H.B. No. 2132 and H.B. 3844, Acts of the 82nd Legislature, Regular Session, 2011, do not become law, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L (Criminal Law Hearing Officers in Certain Counties), Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB (Criminal Law Hearing Officers in Cameron County), Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the

associate judges, rather than the masters, appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges, rather than the magistrates, appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns. Makes conforming changes.

(b) Amends Article 2.09, Code of Criminal Procedure, effective June 2011, if H.B. 2132, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and H.B. No. 3844, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges, rather than masters, appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges, rather than magistrates, appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Subchapter G, Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, rather than Subchapter II, Chapter 54, Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

(c) Amends Article 2.09, Code of Criminal Procedure, effective June 2011, if H.B. No. 3844, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and H.B. No. 2132, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under

Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges [magistrates] appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under [Subchapter G,] Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

(d) Amends Article 2.09, Code of Criminal Procedure, effective June 2011, if H.B. No. 2132 and H.B. No. 3844, Acts of the 82nd Legislature, Regular Session, 2011, become law, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, as added by H.B. No. 2132, Acts of the 82nd Legislature, Regular Session, 2011, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

SECTION 6.07. Amends Article 102.017(d), Code of Criminal Procedure, to make a conforming change.

SECTION 6.08. Amends Section 54.10(a), Family Code, to authorize a hearing under Section 54.03, 54.04, or 54.05, including a jury trial, a hearing under Chapter 55, including a jury trial, or a hearing under the Interstate Compact for Juveniles (Chapter 60) to be held by a referee appointed in accordance with Section 51.04(g) or an associate judge, rather than a master,

appointed under Chapter 54A, Government Code, except as provided by Subsection (e), provided certain conditions exist. Makes a conforming change.

SECTION 6.09. Provides that a magistrate, master, referee, associate judge, or hearing officer appointed as provided by Chapter 54, Government Code, before the effective date of this Act, continues to serve as an associate judge under Chapter 54A, Government Code, as added by this article, with the powers and duties provided by that chapter, provided the court for which the magistrate, master, referee, associate judge, or hearing officer serves has authority to appoint an associate judge under Chapter 54A, Government Code.

SECTION 6.10. Makes application of this article prospective.

SECTION 6.11. Provides that the following subchapters of Chapter 54 are repealed:

- (1) Repealer: Subchapter A (Magistrates in Montgomery County), Chapter 54, Government Code;
- (2) Repealer: Subchapter B (Magistrates in Nolan County), Chapter 54, Government Code;
- (3) Repealer: Subchapter C (Criminal Law Masters in Jefferson County), Chapter 54, Government Code;
- (4) Repealer: Subchapter E (Juvenile Court Referees in Wichita County), Chapter 54, Government Code;
- (5) Repealer: Subchapter F (Associate Judges in Dallas County), Chapter 54, Government Code;
- (6) Repealer: Subchapter I (Juvenile Law Masters in Harris County), Chapter 54, Government Code;
- (7) Repealer: Subchapter O (Part-Time Juvenile Law Masters in Bexar County), Chapter 54, Government Code;
- (8) Repealer: Subchapter P (Williamson County Criminal Magistrates), Chapter 54, Government Code;
- (9) Repealer: Subchapter S (Civil, Juvenile, and Criminal Law Associate Judges in Fort Bend County), Chapter 54, Government Code;
- (10) Repealer: Subchapter T (Civil Law Associate Judges in Bexar County), Chapter 54, Government Code;
- (11) Repealer: Subchapter U (Magistrates in Brazos County), Chapter 54, Government Code;
- (12) Repealer: Subchapter V (Associate Judges in Duval County), Chapter 54, Government Code;
- (13) Repealer: Subchapter X (Criminal Law Magistrates in Harris County), Chapter 54, Government Code;
- (14) Repealer: Subchapter CC (Magistrates in McLennan County), Chapter 54, Government Code;
- (15) Repealer: Subchapter FF (Criminal Law Magistrates in Nueces County), Chapter 54, Government Code; and

(16) Repealer: Subchapter II (Associate Judges in Brazoria County), Chapter 54, Government Code.

ARTICLE 7. COURT ADMINISTRATION

SECTION 7.01. Amends Section 74.005, Government Code, as follows:

Sec. 74.005. New heading: APPOINTMENT OF PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS. (a) Requires the governor, with the advice and consent of the senate, to appoint one judge in each administrative judicial region as presiding judge of the region.

(b) Requires the governor, on the death, resignation, removal, or expiration of the term of office of a presiding judge, to immediately appoint or reappoint a presiding judge.

SECTION 7.02. Amends Section 74.050, Government Code, as follows:

Sec. 74.050. New heading: SUPPORT STAFF. (a) Makes no changes to this subsection.

(b) Deletes existing text requiring an administrative assistant to have the qualifications established by rule of the supreme court.

(c) Redesignates existing Subsection (d) as Subsection (c). Makes no further changes.

(d) Redesignates existing Subsection (e) as Subsection (d). Makes no further changes.

SECTION 7.03. Amends Section 74.093(c), Government Code, to authorize that the rules [local rules of administration] provide for certain matters, including other strategies for managing cases that require special judicial attention;

SECTION 7.04. (a) Amends Section 74.141, Government Code, if S.B. No. 1198, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, as follows:

Sec. 74.141. DEFENSE OF JUDGES. Requires the attorney general to defend a state district judge, a presiding judge of an administrative region, the presiding judge of the statutory probate courts, or an active, retired, or former judge assigned under this chapter in any action or suit in any court in which the judge is a defendant because of his office as a judge if the judge requests the attorney general's assistance in the defense of the suit.

(b) Provides that if S.B. No. 1198, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Section 74.141, Government Code, as amended by this Act, applies to a cause of action filed on or after the effective date of this Act. Provides that a cause of action filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Provides that if S.B. No. 1198, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, this section has no effect.

SECTION 7.05. Amends Chapter 74, Government Code, by adding Subchapter J, as follows:

SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

Sec. 74.251. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter does not apply to:

- (1) a criminal matter;
- (2) a case in which judicial review is sought under Subchapter G (Contested Cases: Judicial Review), Chapter 2001 (Administrative Procedure); or
- (3) a case that has been transferred by the judicial panel on multidistrict litigation to a district court for consolidated or coordinated pretrial proceedings under Subchapter H (Judicial Panel on Multidistrict Litigation).

Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE REQUIRES ADDITIONAL RESOURCES. (a) Requires the supreme court to adopt rules under which courts, presiding judges of the administrative judicial regions, and the judicial committee for additional resources may determine whether a case requires additional resources to ensure efficient judicial management of the case.

(b) Requires the supreme court, in developing the rules, to include considerations regarding whether a case involves or is likely to involve:

- (1) a large number of parties who are separately represented by counsel;
- (2) coordination with related actions pending in one or more courts in other counties of this state or in one or more United States district courts;
- (3) numerous pretrial motions that present difficult or novel legal issues that will be time-consuming to resolve;
- (4) a large number of witnesses or substantial documentary evidence;
- (5) substantial postjudgment supervision;
- (6) a trial that will last more than four weeks; and
- (7) a substantial additional burden on the trial court's docket and the resources available to the trial court to hear the case.

Sec. 74.253. JUDICIAL DETERMINATION. (a) Requires the judge of the court in which a case is pending, on the motion of a party in the case, or on the court's own motion, to review the case and determine whether, under rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management. Provides that the judge is not required to conduct an evidentiary hearing for purposes of making the determination but is authorized to, in the judge's discretion, direct the attorneys for the parties to the case and the parties to appear before the judge for a conference to provide information to assist the judge in making the determination.

(b) Requires the judge, on determining that a case will require additional resources as provided by Subsection (a), to notify the presiding judge of the administrative judicial region in which the court is located about the case, and request any specific additional resources that are needed, including the assignment of a judge under this chapter.

(c) Requires the presiding judge of the administrative judicial region, if the presiding judge agrees that, in accordance with the rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management, to:

- (1) use resources previously allotted to the presiding judge; or

(2) submit a request for specific additional resources to the judicial committee for additional resources.

Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES. (a) Provides that the judicial committee for additional resources (committee) is composed of:

(1) the chief justice of the supreme court; and

(2) the nine presiding judges of the administrative judicial regions.

(b) Provides that the chief justice of the supreme court serves as presiding officer. Requires the office of court administration to provide staff support to the committee.

(c) Requires the committee, on receipt of a request for additional resources from a presiding judge of an administrative judicial region under Section 74.253, to determine whether the case that is the subject of the request requires additional resources in accordance with the rules adopted under Section 74.252. Requires the committee, if the committee determines that the case does require additional resources, to make available the resources requested by the trial judge to the extent funds are available for those resources under the General Appropriations Act and to the extent the committee determines the requested resources are appropriate to the circumstances of the case.

(d) Provides that, subject to Subsections (c) and (f), additional resources the committee are authorized to make available under this section include:

(1) the assignment of an active or retired judge under this chapter, subject to the consent of the judge of the court in which the case for which the resources are provided is pending;

(2) additional legal, administrative, or clerical personnel;

(3) information and communication technology, including case management software, video teleconferencing, and specially designed courtroom presentation hardware or software to facilitate presentation of the evidence to the trier of fact;

(4) specialized continuing legal education;

(5) an associate judge;

(6) special accommodations or furnishings for the parties;

(7) other services or items determined necessary to try the case; and

(8) any other resources the committee considers appropriate.

(e) Prohibits a justice or judge to whom Section 74.053(d) (relating to prohibiting an assigned judge or justice who was defeated in the last primary or general election for which the judge or justice was a candidate for the judicial office held by the judge or justice from sitting in a case, if either party objects to the judge or justice) applies from being assigned under Subsection (d), notwithstanding any provision of Subchapter C (Administrative Judicial Regions).

(f) Prohibits the committee from providing additional resources under this subchapter in an amount that is more than the amount appropriated for this purpose.

Sec. 74.255. COST OF ADDITIONAL RESOURCES. Requires that the cost of additional resources provided for a case under this subchapter be paid by the state and prohibits the cost from being taxed against any party in the case for which the resources are provided or against the county in which the case is pending.

Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION. Provides that the filing of a motion under Section 74.253 in a case is not grounds for a stay or continuance of the proceedings in the case in the court in which the case is pending during the period the motion or request is being considered by the judge of that court, the presiding judge of the administrative judicial region, or the committee.

Sec. 74.257. APPELLATE REVIEW. Provides that a determination made by a trial court judge, the presiding judge of an administrative judicial region, or the judicial committee for additional resources under this subchapter is not appealable or subject to review by mandamus.

SECTION 7.06. (a) Requires the supreme court to request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding the rules for determining whether civil cases pending in trial courts require additional resources for efficient judicial management required by Section 74.252, Government Code, as added by this Act. Requires the president of the State Bar of Texas to ensure that the task force has diverse representation and includes judges of trial courts and attorneys licensed to practice law in this state who regularly appear in civil cases before courts in this state. Requires the task force to provide recommendations on the rules to the supreme court not later than November 1, 2011.

(b) Requires the supreme court to consider the recommendations of the task force provided as required by Subsection (a) of this section, and adopt the rules required by Section 74.252, Government Code, as added by this article, not later than March 1, 2012.

SECTION 7.07. Provides that the changes in law made by this article apply to cases pending on or after May 1, 2012.

ARTICLE 8. GRANT PROGRAMS

SECTION 8.01. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.029, as follows:

Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) Requires the Office of Court Administration of the Texas Judicial System (OCA) to develop and administer, except as provided by Subsection (c), a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes of this chapter.

(b) Requires a county, to be eligible for a grant under this section, to:

(1) use the grant money to implement initiatives that will enhance the county's court system, including grants to develop programs to more efficiently manage cases that require special judicial attention, or otherwise carry out the purposes of this chapter; and

(2) apply for the grant in accordance with procedures developed by OCA and comply with any other requirements of OCA.

(c) Requires the committee to determine whether to award a grant to a county that meets the eligibility requirements prescribed by Subsection (b).

(d) Requires OCA, if the judicial committee for additional resources awards a grant to a county, to direct the comptroller of public accounts (comptroller) to distribute the grant money to the county, and monitor the county's use of the grant money.

(e) Authorizes OCA to accept gifts, grants, and donations for purposes of this section. Prohibits OCA from using state funds to provide a grant under this section or to administer the grant program.

SECTION 8.02. Amends Subchapter A, Chapter 22, Government Code, by adding Section 22.017, as follows:

Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) Defines, in this section, "commission."

(b) Requires the Permanent Judicial Commission for Children, Youth and Families (PJCCYF) established by the supreme court to develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases.

(c) Requires a prospective recipient, to be eligible for a grant under this section, to:

(1) use the grant money to improve safety or permanency outcomes, enhance due process, or increase timeliness of resolution in child protection cases; and

(2) apply for the grant in accordance with procedures developed by PJCCYF and comply with any other requirements of the supreme court.

(d) Requires PJCCYF, if PJCCYF awards a grant, to direct the comptroller to distribute the grant money, and monitor the use of the grant money.

(e) Authorizes PJCCYF to accept gifts, grants, and donations for purposes of this section. Prohibits PJCCYF from using state funds to provide a grant under this section or to administer the grant program.

ARTICLE 9. VEXATIOUS LITIGANTS

SECTION 9.01. Amends Section 11.001(3), Civil Practice and Remedies Code, to redefine "local administrative judge."

SECTION 9.02. Amends Section 11.101, Civil Practice and Remedies Code, by adding Subsection (c), to authorize a litigant to appeal from a prefiling order entered under Subsection (a) (relating to certain conditions in which a court is authorized to enter an order prohibiting a person from filing new litigation in this state) designating the person a vexatious litigant.

SECTION 9.03 Amends Section 11.102, Civil Practice and Remedies Code, by adding Subsection (c), as follows:

(c) Provides that a decision of a local administrative judge denying a litigant permission to file a litigation under Subsection (a) (relating to authorizing a local administrative judge to grant permission to a person found to be a vexatious litigant to file a litigation only if it appears to the judge that the litigation meets certain criteria), or conditioning permission to file a litigation on the furnishing of security under Subsection (b) (relating to authorizing a local administrative judge to condition permission on the furnishing of security for the benefit of the defendant as provided in Subchapter B), is not grounds for appeal, except that the litigant is authorized to apply for a writ of mandamus with the court of appeal not later than the 30th day after the date of the decision. Provides that the denial of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

SECTION. 9.04. Amends Section 11.103, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Prohibits a clerk of a court, except as provided by Subsection (d), from filing a litigation, original proceeding, appeal, or other claim presented by a vexatious litigant subject to a prefiling order under Section 11.101 unless the litigant obtains an order from the local administrative judge permitting the filing.

(d) Authorizes a clerk of a court of appeals to file an appeal from a prefiling order entered under Section 11.101 designating a person a vexatious litigant or a timely filed writ of mandamus under Section 11.102(c).

SECTION 9.05. Amends Section 11.104, Civil Practice and Remedies Code, as follows:

Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION; DISSEMINATION OF LIST. (a) Requires a clerk of a court to provide OCA a copy of any prefiling order issued under Section 11.101 not later than the 30th day after the date the prefiling order is signed.

(b) Requires OCA to post on OCA's Internet website a list of vexatious litigants subject to prefiling orders under Section 11.101. Requires the list, on request of a person designated a vexatious litigant, to indicate whether the person designated a vexatious litigant has filed an appeal of that designation. Deletes existing text requiring OCA to maintain a list of vexatious litigants subject to prefiling orders under Section 11.101 and to send the list to the clerks of the courts of this state.

SECTION 9.06. Provides that the posting, before the effective date of this article, of the name of a person designated a vexatious litigant under Chapter 11 (Vexatious Litigants), Civil Practice and Remedies Code, on a list of vexatious litigants on the Internet website of OCA is not grounds for a cause of action; a defense against a finding that a plaintiff is a vexatious litigant under Chapter 11, Civil Practice and Remedies Code; or grounds for relief or appeal from a stay, order, or dismissal or any other action taken by a court or a clerk of a court under Chapter 11, Civil Practice and Remedies Code.

ARTICLE 10. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS JUDICIAL SYSTEM

SECTION 10.01. Defines, in this article, "office of court administration."

SECTION 10.02. (a) Requires OCA to study the district courts and statutory county courts of this state to determine overlapping jurisdiction in civil cases in which the amount in controversy is more than \$200,000. Requires that the study determine the feasibility, efficiency, and potential cost of converting to district courts those statutory county courts with jurisdiction in civil cases in which the amount in controversy is more than \$200,000.

(b) Requires OCA, not later than January 1, 2013, to submit a report regarding the determinations made by the office relating to statutory county courts to the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the judicial system, and the commissioners court of any county with a statutory county court with jurisdiction in civil cases in which the amount in controversy is more than \$200,000.

(c) Authorizes OCA to accept gifts, grants, and donations to conduct the study under this section. Prohibits OCA from using state funds to conduct the study and, notwithstanding Subsection (a) of this section, requires OCA to conduct the study only to the extent gifts, grants, and donations are available for that purpose.

ARTICLE 11. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

SECTION 11.01. Amends Section 263.601, Family Code, by amending Subdivision (1) and adding Subdivision (3-a) to redefine "foster care" and to define "trial independence period."

SECTION 11.02 Amends Section 263.602, Family Code, as follows:

Sec. 263.602. EXTENDED JURISDICTION. (a) Provides that a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday continues to have extended jurisdiction over the young adult and is required to retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described by this section. Deletes existing text authorizing a court that had continuing, exclusive jurisdiction over a young adult, to at the young adult's request, render an order that extends the court's jurisdiction over the young adult as provided by this subchapter.

(b) Requires a court with extended jurisdiction over a young adult who remains in extended foster care to conduct extended foster care review hearings every six months for the purpose of reviewing and making findings regarding:

(1) whether the young adult's living arrangement is safe and appropriate and whether the Department of Family and Protective Services (DFPS) has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs;

(2) whether the DFPS is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living;

(3) whether, for a young adult whose permanency plan is independent living the young adult participated in the development of the plan of service; the young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date; and the young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date; and

(4) whether additional services that the department is authorized to provide are needed to meet the needs of the young adult.

Deletes existing requiring that the extended jurisdiction of the court terminates on the earlier of the young adult's 21st birthday, or the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) Requires DFPS, not later than the 10th day before the date set for a hearing under this section, to file with the court a copy of the young adult's plan of service and a report that addresses the issues described by Subsection (b).

(d) Requires that notice of an extended foster care review hearing be given as provided by Rule 21a, Texas Rules of Civil Procedure, to the following persons, each of whom has a right to present evidence and be heard at the hearing:

(1) the young adult who is the subject of the suit;

(2) DFPS;

(3) the foster parent with whom the young adult is placed and the administrator of a child-placing agency responsible for placing the young adult, if applicable;

- (4) the director of the residential child-care facility or other approved provider with whom the young adult is placed, if applicable;
- (5) each parent of the young adult whose parental rights have not been terminated and who is still actively involved in the life of the young adult;
- (6) a legal guardian of the young adult, if applicable; and
- (7) the young adult's attorney ad litem, guardian ad litem, and volunteer advocate, the appointment of which has not been previously dismissed by the court.

(e) Authorizes the court, if, after reviewing the young adult's plan of service and the report filed under Subsection (c), and any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services, to order DFPS to take appropriate action to ensure that the young adult receives those services.

(f) Requires a court with extended jurisdiction over a young adult as described in Subsection (a) to continue to have jurisdiction over the young adult and to retain the case on the court's docket until the earlier of:

- (1) the last day of the sixth month after the date the young adult leaves foster care; or 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or
- (2) the young adult's 21st birthday.

(g) Provides that a court with extended jurisdiction described by this section is not required to conduct periodic hearings for a young adult during a trial independence period and is prohibited from compelling a young adult who has exited foster care to attend a court hearing.

SECTION 11.03. Amends Subchapter G, Chapter 263, Family Code, by adding Section 263.6021, as follows:

Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG ADULT RECEIVING TRANSITIONAL LIVING SERVICES. (a) Authorizes a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday, notwithstanding Section 263.602, to, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from DFPS.

(b) Provides that the extended jurisdiction of the court under this section terminates on the earlier of the young adult's 21st birthday, or the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) Authorizes the court, at the request of a young adult who is receiving transitional living services from DFPS and who consents to voluntary extension of the court's jurisdiction under this section, to hold a hearing to review the services the young adult is receiving.

(d) Requires DFPS, before a review hearing scheduled under this section, to file with the court a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence.

(e) Authorizes the court, if, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services, to order DFPS to take appropriate action to ensure that the young adult receives those services.

SECTION 11.04. Amends Sections 263.603(a) and (c), Family Code, as follows:

(a) Authorizes the court, notwithstanding Section 263.6021, rather than Section 263.602, if the court believes that a young adult may be incapacitated as defined by Section 601(14)(B) (defining incapacitated person), Texas Probate Code, to extend its jurisdiction on its own motion without the young adult's consent to allow DFPS to refer the young adult to the Department of Aging and Disability Services (DADS) for guardianship services as required by Section 48.209 (Referral for Guardianship Services), Human Resources Code.

(c) Authorizes the court under Subsection (a), if DADS determines a guardianship is not appropriate, or the court with probate jurisdiction denies the application to appoint a guardian, to continue to extend its jurisdiction over the young adult only as provided by Section 263.602 or 263.6021.

SECTION 11.05. Repealer: Section 263.609 (Service Review Hearings), Family Code.

SECTION 11.06. Effective date, this article: upon passage or the 91st day after the last day of the legislative session.

ARTICLE 12. INMATE LITIGATION

SECTION 12.01. Amends Section 14.002(a), Civil Practice and Remedies Code, to provide that this chapter applies only to an action, including an appeal or original proceeding, rather than providing that this chapter applies only to a suit, brought by an inmate in a district, county, justice of the peace, or small claims court or an appellate court, including the supreme court or the court of criminal appeals, in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate.

SECTION 12.02. Amends Sections 14.004(a) and (b), Civil Practice and Remedies Code, as follows:

(a) Requires an inmate who files an affidavit or unsworn declaration of inability to pay costs to file a separate affidavit or declaration:

(1) identifying each action, rather than suit, other than an action under the Family Code, previously brought by the person and in which the person was not represented by an attorney, without regard to whether the person was an inmate at the time the action was brought; and

(2) describing each action that was previously brought by stating the operative facts for which relief was sought; listing the case name, cause number, and the court in which the action was brought; identifying each party named in the action; and stating the result of the action, including whether the action or a claim that was a basis for the action was dismissed as frivolous or malicious under Section 13.001 (Dismissal of Action) or Section 14.003 (Dismissal of Claim) or otherwise. Makes conforming changes.

(b) Makes a conforming change.

SECTION 12.03. Amends Section 14.007(a), Civil Practice and Remedies Code, as follows:

(a) Requires that an order of a court under Section 14.006(a) (relating to authorizing a court to order an inmate who has filed a claim to pay court fees, court costs, and other

costs in accordance with this section and Section 14.007) include the costs described by Subsection (b) (relating to certain court costs) if the court finds that:

- (1) the inmate has previously filed an action to which this chapter applies; and
- (2) Makes no changes to this subdivision.

Deletes existing text requiring that an order of a court under Section 14.006(a) include the costs described by Subsection (b) if the court finds that the inmate has previously filed an action in a district, county, justice of the peace, or small claims court.

SECTION 12.04. Makes application of this article prospective.

ARTICLE 13. PROVISIONS RELATED TO EXEMPTING CERTAIN JUDICIAL OFFICERS FROM CERTAIN CONCEALED HANDGUN LICENSING REQUIREMENTS

SECTION 13.01. Amends Section 411.201(a)(1), Government Code, to redefine "active judicial officer."

SECTION 13.02. (a) Amends Section 46.15(a), Penal Code, if H.B. No. 242, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, as follows:

- (a) Provides that Sections 46.02 and 46.03 do not apply to:

- (1)-(3) Makes no changes to these subdivisions;

- (4) an active judicial officer as defined by Section 411.201 (Active and Retired Judicial Officers), Government Code, who is licensed to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411 (Department of Public Safety of the State of Texas), Government Code; and

- (5)-(9) Makes no changes to these subdivisions.

Deletes existing text providing that Sections 46.02 and 46.03 do not apply to a judge or justice of a federal court, the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court who is licensed to carry a concealed handgun under Subchapter Chapter 411, Government Code.

(b) Amends 46.15(a), Penal Code, effective September 1, 2011, if H.B. No. 242, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, as follows:

- (a) Provides that Sections 46.02 and 46.03 do not apply to:

- (1)-(3) Makes no changes to these subdivisions;

- (4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code; and

- (5)-(9) Makes no changes to these subdivisions.

Deletes existing text providing that Sections 46.02 and 46.03 do not apply to a judge or justice of a federal court, the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.

SECTION 13.03. Makes application of the change in law made by this article to Section 46.15, Penal Code, prospective.

SECTION 13.04. Effective date, this article: the 91st day after the last day of the legislative session.

ARTICLE 14. COURT COSTS

SECTION 14.01. Amends Section 51.005(b), Government Code, as follows:

(b) Provides that the fees are:

- (1) application for petition for review, rather than application for writ of error, rather than application for writ of error, \$50;
- (2) additional fee if application for petition for review is granted, \$75;
- (3)-(4) Makes no changes to these subdivisions;
- (5) certified question from a federal court of appeals to the supreme court \$75;
- (6)-(7) Makes no changes to these subdivisions.

SECTION 14.02. Amends Section 51.207(a), Government Code, to make a conforming change.

SECTION 14.03. Amends Section 101.021, Government Code, to make conforming changes.

ARTICLE 15. COMPOSITION OF CERTAIN COUNTY JUVENILE BOARDS

SECTION 15.01. Amends Section 152.2051(a), Human Resources Code, to provide that the Rockwall County Juvenile Board is composed of certain individuals, including the district judges in Rockwall County.

ARTICLE 16. APPLICATION OF FOREIGN LAWS

SECTION 16.01. Amends Title 6, Civil Practice and Remedies Code, by adding Chapter 148, as follows:

CHAPTER 148. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN FORUM

Sec. 148.001. DEFINITION. Defines, in this chapter, "foreign law."

Sec. 148.002. DECISION BASED ON FOREIGN LAW. Prohibits a ruling or decision of a court, arbitrator, or administrative adjudicator on a matter arising under the Family Code from being based on a foreign law if the application of that law would violate a civil right or a right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec. 148.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT. (a) Provides that a contract provision providing that a foreign law is to govern a dispute arising under the Family Code is void to the extent that the application of the foreign law to the dispute would violate a civil right or a right guaranteed by the United States Constitution or the constitution of this state.

(b) Provides that a contract provision providing that the forum to resolve a dispute arising under the Family Code is located outside the states and territories of the United States is void if the foreign law that would be applied to the dispute in that forum would, as applied, violate a civil right or a right guaranteed by the United States Constitution or the constitution of this state.

SECTION 16.02. (a) Provides that Section 148.002, Civil Practice and Remedies Code, as added by this article, applies only to a ruling or decision that becomes final on or after the effective date of this Act. Provides that a ruling or decision that becomes final before the effective date of this Act and any appeal of that ruling or decision are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Provides that Section 148.003, Civil Practice and Remedies Code, as added by this article, applies only to a contract entered into on or after the effective date of this Act. Provides that a contract entered into before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

ARTICLE 17. NO APPROPRIATION; EFFECTIVE DATE

SECTION 17.01. Provides that this Act does not make an appropriation. Provides that 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 specific appropriation to implement the provision.

SECTION 17.02. Effective date, except as otherwise provided by this Act: January 1, 2012.