

By: Lewis, Jackson

H.B. No. 79

A BILL TO BE ENTITLED

1 AN ACT
2 relating to fiscal and other matters necessary for implementation
3 of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd
4 Legislature, Regular Session, 2011, and to the operation and
5 administration of, and practice and procedures in courts in, the
6 judicial branch of state government.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 ARTICLE 1. FISCAL NECESSITY

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

16 ARTICLE 2. APPELLATE COURT PROVISIONS

17 SECTION 2.01. Subsection (b), Section 22.002, Government
18 Code, is amended to read as follows:

19 (b) The supreme court or, in vacation, a justice of the
20 supreme court may issue a writ of mandamus to compel a statutory
21 county court judge, a statutory probate court judge, or a district
22 judge to proceed to trial and judgment in a case [~~agreeable to the~~
23 ~~principles and usages of law, returnable to the supreme court on or~~
24 ~~before the first day of the term, or during the session of the term,~~

1 ~~or before any justice of the supreme court as the nature of the case~~
2 ~~requires].~~

3 SECTION 2.02. (a) Section 24.007, Property Code, is
4 amended to read as follows:

5 Sec. 24.007. APPEAL. (a) ~~[A final judgment of a county~~
6 ~~court in an eviction suit may not be appealed on the issue of~~
7 ~~possession unless the premises in question are being used for~~
8 ~~residential purposes only.]~~ A judgment of a county court in an
9 eviction suit may not under any circumstances be stayed pending
10 appeal unless, within 10 days of the signing of the judgment, the
11 appellant files a supersedeas bond in an amount set by the county
12 court. In setting the supersedeas bond the county court shall
13 provide protection for the appellee to the same extent as in any
14 other appeal, taking into consideration the value of rents likely
15 to accrue during appeal, damages which may occur as a result of the
16 stay during appeal, and other damages or amounts as the court may
17 deem appropriate.

18 (b) Notwithstanding any other law, an appeal may be taken
19 from a final judgment of a county court, statutory county court,
20 statutory probate court, or district court in an eviction suit.

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

ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

SECTION 3.01. Section 24.002, Government Code, is amended to read as follows:

Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON RECUSAL [~~SUBSTITUTE JUDGES~~]. 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, the judge shall 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. 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 [~~his~~] court[, ~~but the judge shall immediately certify his disqualification to the governor. The governor shall designate a district judge of another district to exchange benches with the disqualified judge to try the case. The governor shall notify both judges of his designation, and the judges shall exchange benches. If the judges are prevented from exchanging benches, the parties or their counsels may agree on an attorney of the court for the trial of the case. The district judge or special judge shall certify to the governor the fact of a failure of the parties or their counsels to agree on an attorney, and the governor shall appoint a person legally qualified to act as judge in the trial of the case~~].

SECTION 3.02. Sections 24.003 and 24.007, Government Code, are amended to read as follows:

1 Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES
2 [~~SUBSTITUTE JUDGES IN CERTAIN COUNTIES~~]. (a) This section applies
3 only to [~~civil cases in~~] counties with two [~~five~~] or more district
4 courts.

5 (b) Unless provided otherwise by the local rules of
6 administration, a district judge in the county may:

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

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

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

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

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

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

21 (c) If a district judge in the county is sick or otherwise
22 absent, another district judge in the county may hold court for the
23 judge.

24 (d) A district judge in the county may hear and determine
25 any part or question of any case or proceeding pending in any of the
26 district courts, and any other district judge may complete the
27 hearing and render judgment in the case or proceeding. A district

1 judge may hear and determine motions, including motions for new
2 trial, petitions for injunction, applications for the appointment
3 of a receiver, interventions, pleas in abatement, dilatory pleas,
4 and all preliminary matters, questions, and proceedings, and may
5 enter judgment or order on them in the court in which the case or
6 proceeding is pending without transferring the case or proceeding.
7 The district judge in whose court the matter is pending may proceed
8 to hear, complete, and determine the matter, or all or any part of
9 another matter, and render a final judgment. A district judge may
10 issue a restraining order or injunction that is returnable to any
11 other district court.

12 (e) A judgment or order shall be entered in the minutes of
13 the court in which the case is pending.

14 (f) This section does not limit the powers of a district
15 judge when acting for another judge by exchange of benches or
16 otherwise [~~If a district judge is disqualified in a case pending in~~
17 ~~his court and his disqualification is certified to the governor,~~
18 ~~the governor may require any other district judge in the county to~~
19 ~~exchange benches with the disqualified judge.~~

20 [~~(c) If a district judge is absent, sick, or disqualified,~~
21 ~~any of the district judges in the county may hold court for him or~~
22 ~~may transfer a pending case to the court of any other district judge~~
23 ~~in the county].~~

24 Sec. 24.007. JURISDICTION. (a) The district court has the
25 jurisdiction provided by Article V, Section 8, of the Texas
26 Constitution.

27 (b) A district court has original jurisdiction of a civil

1 matter in which the amount in controversy is more than \$500,
2 exclusive of interest.

3 SECTION 3.03. Subsection (a), Section 24.012, Government
4 Code, is amended to read as follows:

5 (a) Notwithstanding any other law, each ~~Each~~ district
6 ~~[and criminal district]~~ court holds in each county in the judicial
7 district ~~[at least two]~~ terms that commence on the first Mondays in
8 January and July of ~~[court]~~ each year ~~[in each county in the~~
9 ~~district]~~. To the extent of a conflict between this subsection and
10 a specific provision relating to a particular judicial district,
11 this section controls.

12 SECTION 3.04. Subchapter A, Chapter 24, Government Code, is
13 amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027,
14 24.028, 24.029, 24.030, and 24.031 to read as follows:

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

20 (b) The obligees in all bonds and recognizances taken in and
21 for a court from which a case is transferred, and all witnesses
22 summoned to appear in a district court from which a case is
23 transferred, are required to appear before the court to which the
24 case is transferred as if the bond, recognizance, or summons was
25 taken in or for that court.

26 Sec. 24.024. FILING AND DOCKETING CASES. In a county with
27 two or more district courts, the district judges may adopt rules

1 governing the filing and numbering of cases, the assignment of
2 cases for trial, and the distribution of the work of the courts as
3 in their discretion they consider necessary or desirable for the
4 orderly dispatch of the business of the courts.

5 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless
6 otherwise provided by this subchapter, all district judges in a
7 county are entitled to equal amounts of supplemental compensation
8 from the county.

9 (b) A district judge is entitled to an amount of
10 supplemental compensation for serving on the juvenile board of a
11 county that is equal to the amount other judges serving on the
12 juvenile board receive.

13 Sec. 24.026. APPOINTMENT OF INITIAL JUDGE. On the creation
14 of a new judicial district, the initial vacancy in the office of
15 district judge is filled in accordance with Section 28, Article V,
16 Texas Constitution.

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

22 Sec. 24.028. CASES TRANSFERRED. If by an amendment to this
23 chapter a county is removed from the composition of an existing
24 judicial district and added to another existing or new judicial
25 district, all cases and proceedings from that county that are
26 pending in the district court of the judicial district from which
27 the county was removed are transferred to the district court of the

1 judicial district to which the county is added. The judge of each
2 affected district court shall sign the proper orders in connection
3 with the transfer.

4 Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN
5 VALID. (a) If by an amendment to this chapter a county is removed
6 from the composition of an existing judicial district and added to
7 another existing or new judicial district, or if an amendment to
8 this chapter changes the time or place at which the terms of court
9 are held, all processes, writs, bonds, recognizances, and other
10 obligations issued from and made returnable to that court before
11 the effective date of the transfer or other change are returnable as
12 provided by this subsection. An obligation issued from the
13 affected court is returnable to another district court in the
14 county on the date that court directs, but may not be made
15 returnable on a date that is earlier than the date on which the
16 obligation was originally returnable. The obligations are legal
17 and valid as if the obligations had been made returnable to the
18 issuing court.

19 (b) The obligees in all appearance bonds and recognizances
20 taken in and for a district court of a county before the effective
21 date of an amendment to this chapter, and all witnesses summoned to
22 appear before that district court under laws existing before the
23 effective date of an amendment to this chapter, are required to
24 appear at another district court in the county on the date that
25 court directs, but may not be required to appear on a date that is
26 earlier than the date on which the obligees or witnesses were
27 originally required to appear.

1 Sec. 24.030. LOCATION OF COURT. (a) A district court
2 shall sit in the county seat for a jury trial in a civil case. The
3 commissioners court of the county may authorize a district court to
4 sit in any municipality within the county to hear and determine
5 nonjury trials in civil cases and to hear and determine motions,
6 arguments, and other matters not heard before a jury in a civil case
7 that is within the court's jurisdiction.

8 (b) The district clerk or the clerk's deputy serves as clerk
9 of the court when a court sits in a municipality other than the
10 municipality that is the county seat and may transfer:

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

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

15 (c) If the commissioners court authorizes a district court
16 to sit in a municipality other than the municipality that is the
17 county seat, the commissioners court shall provide suitable
18 facilities for the court in that municipality.

19 Sec. 24.031. COURT OFFICERS. The prosecuting attorney, the
20 sheriff, the district clerk, the bailiffs, and the other officers
21 serving the other district courts of the county shall serve in their
22 respective capacities for the courts listed in this chapter.

23 SECTION 3.05. Subsection (g), Section 25.0362, Government
24 Code, is amended to read as follows:

25 (g) In matters of concurrent jurisdiction, a judge of a
26 county court at law and a judge of a district court in Cass County
27 may transfer cases between the courts in the same manner that judges

1 of district courts may transfer cases under Section 24.003
2 [~~24.303~~].

3 SECTION 3.06. Subsection (w), Section 25.0732, Government
4 Code, is amended to read as follows:

5 (w) In matters of concurrent jurisdiction, a judge of a
6 statutory county court in El Paso County and a judge of a district
7 court or another statutory county court in El Paso County may
8 transfer cases between the courts in the same manner judges of
9 district courts transfer cases under Section 24.003 [~~24.303~~].

10 SECTION 3.07. Subsection (c), Section 25.1672, Government
11 Code, is amended to read as follows:

12 (c) In matters of concurrent jurisdiction, judges of the
13 county courts at law and district courts in the county may exchange
14 benches and courtrooms and may transfer cases between their dockets
15 in the same manner that district court judges exchange benches and
16 transfer cases under Section 24.003 [~~24.303~~].

17 SECTION 3.08. Subsection (v), Section 25.1862, Government
18 Code, is amended to read as follows:

19 (v) In matters of concurrent jurisdiction, a judge of a
20 county court at law and a judge of a district court or another
21 county court at law may transfer cases between the courts in the
22 same manner judges of district courts transfer cases under Section
23 24.003 [~~24.303~~].

24 SECTION 3.09. (a) If H.B. No. 2330, Acts of the 82nd
25 Legislature, Regular Session, 2011, becomes law, Subsection (k),
26 Section 25.2512, Government Code, as effective September 1, 2011,
27 is amended to read as follows:

1 (k) A judge of a county court at law and a judge of a
2 district court or another county court at law with concurrent
3 jurisdiction may transfer cases between the courts in the same
4 manner judges of district courts transfer cases under Section
5 24.003 [~~24.303~~].

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

8 SECTION 3.10. Subsection (k), Section 25.1932, Government
9 Code, is amended to read as follows:

10 (k) Notwithstanding Section 74.121(b)(1), in matters of
11 concurrent jurisdiction, the judge of a county court at law and the
12 judges of the district courts in the county may exchange benches and
13 courtrooms and may transfer cases between their dockets in the same
14 manner that judges of district courts exchange benches and transfer
15 cases under Section 24.003 [~~24.303~~].

16 SECTION 3.11. Subdivision (2), Subsection (b), Section
17 74.121, Government Code, is amended to read as follows:

18 (2) Notwithstanding Subdivision (1), in matters of
19 concurrent jurisdiction, a judge of a statutory county court in
20 Midland County and a judge of a district court in Midland County may
21 exchange benches and courtrooms with each other and may transfer
22 cases between their dockets in the same manner that judges of
23 district courts exchange benches and transfer cases under Section
24 24.003 [~~24.303~~].

25 SECTION 3.12. Subsection (d), Section 659.012, Government
26 Code, is amended to read as follows:

27 (d) Notwithstanding any other provision in this section or

1 other law, in [~~In~~] a county with more than five district courts, a
2 district judge who serves as a local administrative district judge
3 under Section 74.091 is entitled to an annual salary from the state
4 that is \$5,000 more than the salary from the state to which the
5 judge is otherwise entitled [~~under Subsection (a)(1)~~].

6 SECTION 3.13. The following provisions of the Government
7 Code are repealed:

- 8 (1) Section 24.013;
- 9 (2) Section 24.302;
- 10 (3) Section 24.303;
- 11 (4) Section 24.304;
- 12 (5) Section 24.305;
- 13 (6) Section 24.307;
- 14 (7) Section 24.308;
- 15 (8) Section 24.309;
- 16 (9) Section 24.311;
- 17 (10) Section 24.312;
- 18 (11) Section 24.313;
- 19 (12) Section 24.314;
- 20 (13) Section 24.525(b);
- 21 (14) Section 24.526(b);
- 22 (15) Section 24.527(b);
- 23 (16) Sections 24.528(b) and (c); and
- 24 (17) Sections 24.529(b) and (c).

25 ARTICLE 4. STATUTORY COUNTY COURTS

26 SECTION 4.01. Section 25.0002, Government Code, is amended
27 to read as follows:

1 Sec. 25.0002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

2 (1) "Criminal law cases and proceedings" includes
3 cases and proceedings for allegations of conduct punishable in part
4 by confinement in the county jail not to exceed one year.

5 (2) "Family[~~,"family]~~ law cases and proceedings"
6 includes cases and proceedings under Titles 1, 2, 4, and 5, Family
7 Code [~~involving adoptions, birth records, or removal of disability~~
8 ~~of minority or coverture; change of names of persons; child~~
9 ~~welfare, custody, support and reciprocal support, dependency,~~
10 ~~neglect, or delinquency; paternity; termination of parental~~
11 ~~rights; divorce and marriage annulment, including the adjustment of~~
12 ~~property rights, custody and support of minor children involved~~
13 ~~therein, temporary support pending final hearing, and every other~~
14 ~~matter incident to divorce or annulment proceedings; independent~~
15 ~~actions involving child support, custody of minors, and wife or~~
16 ~~child desertion; and independent actions involving controversies~~
17 ~~between parent and child, between parents, and between spouses]~~.

18 (3) "Juvenile law cases and proceedings" includes all
19 cases and proceedings brought under Title 3, Family Code.

20 (4) "Mental health cases and proceedings" includes all
21 cases and proceedings brought under Chapter 462, Health and Safety
22 Code, or Subtitle C or D, Title 7, Health and Safety Code.

23 SECTION 4.02. Subsection (c), Section 25.0003, Government
24 Code, is amended to read as follows:

25 (c) In addition to other jurisdiction provided by law, a
26 statutory county court exercising civil jurisdiction concurrent
27 with the constitutional jurisdiction of the county court has

1 concurrent jurisdiction with the district court in:

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

7 (2) appeals of final rulings and decisions of the
8 division of workers' compensation of the Texas Department of
9 Insurance regarding workers' compensation claims, regardless of
10 the amount in controversy.

11 SECTION 4.03. Section 25.0004, Government Code, is amended
12 by adding Subsections (f) and (g) to read as follows:

13 (f) The judge of a statutory county court does not have
14 general supervisory control or appellate review of the
15 commissioners court.

16 (g) A judge of a statutory county court has the judicial
17 immunity of a district judge.

18 SECTION 4.04. Section 25.0007, Government Code, is amended
19 to read as follows:

20 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The
21 drawing of jury panels, selection of jurors, and practice in the
22 statutory county courts must conform to that prescribed by law for
23 county courts.

24 (b) Practice in a statutory county court is that prescribed
25 by law for county courts, except that practice, procedure, rules of
26 evidence, issuance of process and writs, and all other matters
27 pertaining to the conduct of trials and hearings in the statutory

1 county courts, other than the number of jurors, that involve those
2 matters of concurrent jurisdiction with district courts are
3 governed by the laws and rules pertaining to district courts. This
4 section does not affect local rules of administration adopted under
5 Section 74.093.

6 SECTION 4.05. Section 25.0010, Government Code, is amended
7 by amending Subsection (b) and adding Subsections (c), (d), (e),
8 and (f) to read as follows:

9 (b) The county attorney or criminal district attorney [~~and~~
10 ~~sheriff~~] shall serve each statutory county court as required by
11 law.

12 (c) A county sheriff shall in person or by deputy attend a
13 statutory county court as required by the court.

14 (d) The county clerk shall serve as clerk of each statutory
15 county court. The court officials shall perform the duties and
16 responsibilities of their offices and are entitled to the
17 compensation, fees, and allowances prescribed by law for those
18 offices.

19 (e) The judge of a statutory county court may appoint the
20 personnel necessary for the operation of the court, including a
21 court coordinator or administrative assistant, if the
22 commissioners court has approved the creation of the position.

23 (f) The commissioners court may authorize the employment of
24 as many additional assistant district attorneys, assistant county
25 attorneys, deputy sheriffs, and clerks as are necessary for a
26 statutory county court.

27 SECTION 4.06. (a) Section 25.0014, Government Code, is

1 amended to read as follows:

2 Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a
3 statutory county court must:

4 (1) be at least 25 years of age;

5 (2) be a United States citizen and have resided in the
6 county for at least two years before election or appointment; and

7 (3) be a licensed attorney in this state who has
8 practiced law or served as a judge of a court in this state, or both
9 combined, for the four years preceding election or appointment,
10 unless otherwise provided for by law.

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

18 SECTION 4.07. (a) Subchapter A, Chapter 25, Government
19 Code, is amended by adding Sections 25.0016 and 25.00161 to read as
20 follows:

21 Sec. 25.0016. TERMS OF COURT. The commissioners court, by
22 order, shall set at least two terms a year for the statutory county
23 court.

24 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge
25 of a statutory county court shall diligently discharge the duties
26 of the office on a full-time basis and may not engage in the private
27 practice of law.

1 (b) Section 25.00161, Government Code, as added by this Act,
2 applies only to a regular judge serving a term to which the judge is
3 elected on or after the effective date of this Act. A judge serving
4 a term to which the judge was elected before the effective date of
5 this Act is governed by the law in effect on the date the judge was
6 elected, and that law is continued in effect for that purpose.

7 SECTION 4.08. Section 25.00231, Government Code, is amended
8 by amending Subsection (c) and adding Subsection (e) to read as
9 follows:

10 (c) In lieu of the bond required by Subsection (b), a county
11 may elect to obtain insurance or to self-insure in the amount
12 required by Subsection (b) against losses caused by the statutory
13 probate court judge's gross negligence in performing the duties of
14 office.

15 (e) This section does not apply to an assigned or visiting
16 judge sitting by assignment in a statutory probate court.

17 SECTION 4.09. (a) Subchapter B, Chapter 25, Government
18 Code, is amended by adding Sections 25.0033, 25.0034, and 25.0035
19 to read as follows:

20 Sec. 25.0033. QUALIFICATIONS OF JUDGE. The judge of a
21 statutory probate court must:

- 22 (1) be at least 25 years of age;
23 (2) be a United States citizen and have resided in the
24 county for at least two years before election or appointment; and
25 (3) be a licensed attorney in this state who has
26 practiced law or served as a judge of a court in this state, or both
27 combined, for the five years preceding election or appointment,

1 unless otherwise provided for by law.

2 Sec. 25.0034. PRIVATE PRACTICE OF LAW. The regular judge of
3 a statutory probate court shall diligently discharge the duties of
4 the office on a full-time basis and may not engage in the private
5 practice of law.

6 Sec. 25.0035. TERMS OF COURT. The commissioners court, by
7 order, shall set at least two terms a year for the statutory probate
8 court.

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

16 SECTION 4.10. Subsections (g) and (i), Section 25.0042,
17 Government Code, are amended to read as follows:

18 (g) The district clerk serves as clerk of a county court at
19 law in all cases arising under the Family Code and Section 23.001
20 and shall establish a separate docket for a county court at law; the
21 county clerk serves as clerk of the court in all other cases. [~~The~~
22 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
23 ~~as are necessary to serve the court.~~]

24 (i) [~~Practice in a county court at law is that prescribed by~~
25 ~~law for county courts, except that practice and procedure, rules of~~
26 ~~evidence, issuance of process and writs, and all other matters~~
27 ~~pertaining to the conduct of trials and hearings in a county court~~

1 ~~at law involving cases under the Family Code and Section 23.001 are~~
2 ~~governed by this section and the laws and rules pertaining to~~
3 ~~district courts and county courts.]~~ If a case under the Family Code
4 or Section 23.001 is tried before a jury, the jury shall be composed
5 of 12 members.

6 SECTION 4.11. Subsection (h), Section 25.0102, Government
7 Code, is amended to read as follows:

8 (h) [~~Practice in a county court at law is that prescribed by~~
9 ~~law for county courts, except that practice and procedure, rules of~~
10 ~~evidence, issuance of process and writs, and all other matters~~
11 ~~pertaining to the conduct of trials and hearings in the county court~~
12 ~~at law involving family law cases and proceedings shall be governed~~
13 ~~by this section and the laws and rules pertaining to district~~
14 ~~courts.]~~ If a family law case or proceeding is tried before a jury,
15 the jury shall be composed of 12 members; in all other cases the
16 jury shall be composed of six members.

17 SECTION 4.12. Subsections (e) and (f), Section 25.0132,
18 Government Code, are amended to read as follows:

19 (e) The district clerk serves as clerk of a county court at
20 law in family law cases and proceedings, and the county clerk serves
21 as clerk of the court in all other cases. The district clerk shall
22 establish a separate docket for a county court at law. [~~The~~
23 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
24 ~~as are necessary to serve a county court at law.]~~

25 (f) [~~Practice in a county court at law is that prescribed by~~
26 ~~law for county courts, except that practice and procedure, rules of~~
27 ~~evidence, issuance of process and writs, and all other matters~~

1 ~~pertaining to the conduct of trials and hearings in a county court~~
2 ~~at law involving family law cases and proceedings is that~~
3 ~~prescribed by law for district courts and county courts.]~~ If a
4 family law case or proceeding is tried before a jury, the jury shall
5 be composed of 12 members.

6 SECTION 4.13. Subsection (a), Section 25.0202, Government
7 Code, is amended to read as follows:

8 (a) In addition to the jurisdiction provided by Section
9 25.0003 and other law, a county court at law in Bosque County has
10 concurrent jurisdiction with the district court in:

- 11 (1) family law cases and proceedings;
- 12 (2) civil cases in which the matter in controversy
13 exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding
14 interest, court costs, and attorney's fees; and
- 15 (3) contested probate matters under Section 4D [~~5(b)~~],
16 Texas Probate Code.

17 SECTION 4.14. Subsection (b), Section 25.0212, Government
18 Code, is amended to read as follows:

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

- 22 (1) felony criminal matters;
- 23 (2) suits on behalf of the state to recover penalties
24 or escheated property;
- 25 (3) misdemeanors involving official misconduct;
- 26 (4) contested elections; or
- 27 (5) civil cases in which the matter in controversy

1 exceeds \$200,000 [~~\$100,000~~], excluding interest, statutory or
2 punitive damages and penalties, and attorney's fees and costs, as
3 alleged on the face of the petition.

4 SECTION 4.15. Subsections (a) and (k), Section 25.0222,
5 Government Code, are amended to read as follows:

6 (a) In addition to the jurisdiction provided by Section
7 25.0003 and other law, a statutory county court in Brazoria County
8 has concurrent jurisdiction with the district court in:

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

13 (2) appeals of final rulings and decisions of the
14 division of workers' compensation of the Texas Department of
15 Insurance regarding workers' compensation claims, regardless of
16 the amount in controversy; and

17 (3) family law cases and proceedings and juvenile
18 jurisdiction under Section 23.001.

19 (k) The district clerk serves as clerk of the statutory
20 county courts in cases instituted in the district courts in which
21 the district courts and statutory county courts have concurrent
22 jurisdiction, and the county clerk serves as clerk for all other
23 cases. [~~The commissioners court may employ as many additional
24 assistant criminal district attorneys, deputy sheriffs, and deputy
25 clerks as are necessary to serve the statutory county courts.~~]

26 SECTION 4.16. Subsections (e) and (f), Section 25.0302,
27 Government Code, are amended to read as follows:

1 (e) The district clerk serves as clerk of a county court at
2 law in family law cases and proceedings, and the county clerk serves
3 as clerk of the court in all other cases and proceedings. The
4 district clerk shall establish a separate docket for a county court
5 at law. [~~The commissioners court may employ the assistant district~~
6 ~~attorneys, deputy sheriffs, and bailiffs necessary to serve each~~
7 ~~county court at law.~~]

8 (f) [~~Practice in a county court at law is that prescribed by~~
9 ~~law for county courts, except that practice and procedure, rules of~~
10 ~~evidence, issuance of process and writs, and all other matters~~
11 ~~pertaining to the conduct of trials and hearings in a county court~~
12 ~~at law involving family law cases and proceedings shall be governed~~
13 ~~by this section and the laws and rules pertaining to district~~
14 ~~courts.~~] If a family law case or proceeding is tried before a jury,
15 the jury shall be composed of 12 members.

16 SECTION 4.17. Subsection (b), Section 25.0312, Government
17 Code, is amended to read as follows:

18 (b) A county court at law does not have [~~general supervisory~~
19 ~~control or appellate review of the commissioners court or~~
20 jurisdiction of:

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

25 SECTION 4.18. Subsection (b), Section 25.0362, Government
26 Code, is amended to read as follows:

27 (b) A county court at law does not have [~~general supervisory~~

1 ~~control or appellate review of the commissioners court or]~~
2 jurisdiction of:

- 3 (1) misdemeanors involving official misconduct;
- 4 (2) suits on behalf of the state to recover penalties
5 or escheated property;
- 6 (3) contested elections;
- 7 (4) suits in which the county is a party; or
- 8 (5) felony cases involving capital murder.

9 SECTION 4.19. Subsection (f), Section 25.0482, Government
10 Code, is amended to read as follows:

11 (f) The district clerk serves as clerk of a county court at
12 law for family law cases and proceedings, and the county clerk
13 serves as clerk for all other cases and proceedings. [~~The district
14 clerk shall establish a separate docket for a county court at law.
15 The commissioners court may employ as many assistant county
16 attorneys, deputy sheriffs, and bailiffs as are necessary to serve
17 the county courts at law.~~]

18 SECTION 4.20. Subsection (g), Section 25.0632, Government
19 Code, is amended to read as follows:

20 (g) [~~Jurors regularly impaneled for the week by the district
21 courts of Denton County must include sufficient numbers to serve in
22 the statutory county courts and statutory probate courts as well as
23 the district courts. The jurors shall be made available by the
24 district judge as necessary.~~] The jury in a statutory county court
25 or statutory probate court in all civil or criminal matters is
26 composed of 12 members, except that in misdemeanor criminal cases
27 and any other case in which the court has jurisdiction that under

1 general law would be concurrent with the county court, the jury is
2 composed of six members.

3 SECTION 4.21. Subsection (r), Section 25.0732, Government
4 Code, is amended to read as follows:

5 (r) Section [~~Sections~~] 25.0006(b) does [~~and 25.0007 do~~] not
6 apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso
7 County, Texas.

8 SECTION 4.22. Subsection (a), Section 25.0733, Government
9 Code, is amended to read as follows:

10 (a) Sections 25.0732(g) and [~~25.0732(d), (h), (i), (j),~~
11 ~~(m), (n), (o), (p), (q),~~] (r) [~~, and (v)~~], relating to county courts
12 at law in El Paso County, apply to a statutory probate court in El
13 Paso County.

14 SECTION 4.23. Subsections (i) and (l), Section 25.0862,
15 Government Code, are amended to read as follows:

16 (i) [~~The clerk of the statutory county courts and statutory~~
17 ~~probate court shall keep a separate docket for each court.] The~~
18 clerk shall tax the official court reporter's fees as costs in civil
19 actions in the same manner as the fee is taxed in civil cases in the
20 district courts. [~~The district clerk serves as clerk of the county~~
21 ~~courts in a cause of action arising under the Family Code and an~~
22 ~~appeal of a final ruling or decision of the division of workers'~~
23 ~~compensation of the Texas Department of Insurance regarding~~
24 ~~workers' compensation claims, and the county clerk serves as clerk~~
25 ~~of the court in all other cases.]~~

26 (l) Each reporter may be made available when not engaged in
27 proceedings in their court to report proceedings in all other

1 courts. [~~Practice, appeals, and writs of error in a statutory~~
2 ~~county court are as prescribed by law for county courts and county~~
3 ~~courts at law.~~] Appeals and writs of error may be taken from
4 judgments and orders of the County Courts Nos. 1, 2, and 3 of
5 Galveston County and the judges, in civil and criminal cases, in the
6 manner prescribed by law for appeals and writs of error. Appeals
7 from interlocutory orders of the County Courts Nos. 1, 2, and 3
8 appointing a receiver or overruling a motion to vacate or appoint a
9 receiver may be taken and are governed by the laws relating to
10 appeals from similar orders of district courts.

11 SECTION 4.24. Subsection (f), Section 25.0962, Government
12 Code, is amended to read as follows:

13 (f) [~~Practice in a county court at law is that prescribed by~~
14 ~~law for county courts, except that practice and procedure, rules of~~
15 ~~evidence, issuance of process and writs, and all other matters~~
16 ~~pertaining to the conduct of trials and hearings in a county court~~
17 ~~at law involving cases in the court's concurrent jurisdiction with~~
18 ~~the district court shall be governed by this section and the laws~~
19 ~~and rules pertaining to district courts as well as county courts.]~~

20 If a case in the court's concurrent jurisdiction with the district
21 court is tried before a jury, the jury shall be composed of 12
22 members.

23 SECTION 4.25. Subsection (a), Section 25.1033, Government
24 Code, is amended to read as follows:

25 (a) A county criminal court at law in Harris County has the
26 criminal jurisdiction provided by law for county courts, concurrent
27 jurisdiction with civil statutory county courts for Harris County

1 to hear appeals of the suspension of a driver's license and original
2 proceedings regarding occupational driver's licenses, and
3 appellate jurisdiction in appeals of criminal cases from justice
4 courts and municipal courts in the county.

5 SECTION 4.26. Subsection (g), Section 25.1042, Government
6 Code, is amended to read as follows:

7 (g) The criminal district attorney is entitled to the same
8 fees prescribed by law for prosecutions in the county court. [~~The~~
9 ~~commissioners court may employ as many additional deputy sheriffs~~
10 ~~and clerks as are necessary to serve a county court at law.~~]

11 SECTION 4.27. Subsections (e) and (f), Section 25.1072,
12 Government Code, are amended to read as follows:

13 (e) The county clerk serves as clerk of a county court at
14 law, except that the district clerk serves as clerk of the court in
15 family law cases and proceedings. The district clerk shall
16 establish a separate docket for a county court at law. [~~The~~
17 ~~commissioners court may employ as many assistant district~~
18 ~~attorneys, deputy sheriffs, and bailiffs as are necessary to serve~~
19 ~~the court.~~]

20 (f) [~~Practice in a county court at law is that prescribed by~~
21 ~~law for county courts, except that practice and procedure, rules of~~
22 ~~evidence, issuance of process and writs, and other matters~~
23 ~~pertaining to the conduct of trials and hearings in a county court~~
24 ~~at law involving family law cases and proceedings are governed by~~
25 ~~this section and the laws and rules pertaining to district courts,~~
26 ~~as well as county courts.~~] If a family law case or proceeding is
27 tried before a jury, the jury shall be composed of 12 members.

1 SECTION 4.28. Subsection (b), Section 25.1142, Government
2 Code, is amended to read as follows:

3 (b) A county court at law does not have [~~general supervisory~~
4 ~~control or appellate review of the commissioners court or~~]
5 jurisdiction of:

6 (1) civil cases in which the amount in controversy
7 exceeds \$200,000 [~~\$100,000~~], excluding interest;

8 (2) felony jury trials;

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

11 (4) misdemeanors involving official misconduct; or

12 (5) contested elections.

13 SECTION 4.29. Subsection (b), Section 25.1182, Government
14 Code, is amended to read as follows:

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

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

22 (2) felony cases involving capital murder;

23 (3) misdemeanors involving official misconduct; or

24 (4) contested elections.

25 SECTION 4.30. Subsection (b), Section 25.1312, Government
26 Code, is amended to read as follows:

27 (b) A statutory county court in Kaufman County does not have

1 ~~[general supervisory control or appellate review of the~~
2 ~~commissioners court or]~~ jurisdiction of:

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

8 SECTION 4.31. Subsection (m), Section 25.1542, Government
9 Code, is amended to read as follows:

10 (m) ~~[Practice and procedure and rules of evidence governing~~
11 ~~trials in and appeals from a county court apply to a county court at~~
12 ~~law, except that practice and procedure, rules of evidence,~~
13 ~~issuance of process and writs, and all other matters pertaining to~~
14 ~~the conduct of trials and hearings involving family law cases and~~
15 ~~proceedings shall be governed by this section and the laws and rules~~
16 ~~pertaining to district courts as well as county courts.]~~ In family
17 law cases, juries shall be composed of 12 members.

18 SECTION 4.32. Subsection (g), Section 25.1652, Government
19 Code, is amended to read as follows:

20 (g) ~~[Practice in a county court at law is that prescribed by~~
21 ~~law for county courts, except that practice and procedure, rules of~~
22 ~~evidence, issuance of process and writs, and all other matters~~
23 ~~pertaining to the conduct of trials and hearings involving family~~
24 ~~law matters and proceedings shall be governed by this section and~~
25 ~~the laws and rules pertaining to district courts.]~~ If a family law
26 case is tried before a jury, the jury shall be composed of 12
27 members.

1 SECTION 4.33. Subsection (i), Section 25.1762, Government
2 Code, is amended to read as follows:

3 (i) ~~[The laws governing the drawing, selection, service,~~
4 ~~and pay of jurors for county courts apply to a county court at law.~~
5 ~~Jurors regularly impaneled for a week by a district court may, at~~
6 ~~the request of the judge of a county court at law, be made available~~
7 ~~by the district judge in the numbers requested and shall serve for~~
8 ~~the week in the county court at law.]~~ In matters of concurrent
9 jurisdiction with the district court, if a party to a suit files a
10 written request for a 12-member jury with the clerk of the county
11 court at law at a reasonable time that is not later than 30 days
12 before the date the suit is set for trial, the jury shall be
13 composed of 12 members.

14 SECTION 4.34. Subsection (b), Section 25.1772, Government
15 Code, is amended to read as follows:

16 (b) A county court at law does not have ~~[general supervisory~~
17 ~~control or appellate review of the commissioners court or]~~
18 jurisdiction of:

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

21 (2) felony cases involving capital murder;

22 (3) misdemeanors involving official misconduct; or

23 (4) contested elections.

24 SECTION 4.35. Subsection (e), Section 25.1892, Government
25 Code, is amended to read as follows:

26 (e) ~~[The county attorney or district attorney serves a~~
27 ~~county court at law as required by the judge.]~~ The district clerk

1 serves as clerk of a county court at law in cases enumerated in
2 Subsection (a)(2), and the county clerk serves as clerk in all other
3 cases. The district clerk shall establish a separate docket for a
4 county court at law. [~~The commissioners court may employ as many
5 additional assistant county attorneys, deputy sheriffs, and clerks
6 as are necessary to serve a county court at law.~~]

7 SECTION 4.36. Subsection (i), Section 25.1932, Government
8 Code, is amended to read as follows:

9 (i) [~~Practice in a county court at law is that prescribed by
10 law for county courts, except that practice and procedure, rules of
11 evidence, issuance of process and writs, and all other matters
12 pertaining to the conduct of trials and hearings in a county court
13 at law involving cases in the court's concurrent jurisdiction with
14 the district court shall be governed by this section and the laws
15 and rules pertaining to district courts as well as county courts.~~]

16 If a case in the court's concurrent jurisdiction with the district
17 court is tried before a jury, the jury shall be composed of 12
18 members.

19 SECTION 4.37. Subsection (b), Section 25.2012, Government
20 Code, is amended to read as follows:

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

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

1 (4) contested elections.

2 SECTION 4.38. Subsection (n), Section 25.2142, Government
3 Code, is amended to read as follows:

4 (n) [~~A special judge of a county court at law is entitled to~~
5 ~~receive for services actually performed the same amount of~~
6 ~~compensation as the regular judge.~~] A former judge sitting as a
7 visiting judge of a county court at law is entitled to receive for
8 services performed the same amount of compensation that the regular
9 judge receives, less an amount equal to the pro rata annuity
10 received from any state, district, or county retirement fund. An
11 active judge sitting as a visiting judge of a county court at law is
12 entitled to receive for services performed the same amount of
13 compensation that the regular judge receives, less an amount equal
14 to the pro rata compensation received from state or county funds as
15 salary, including supplements.

16 SECTION 4.39. (a) Subsection (b), Section 25.2222,
17 Government Code, as amended by Chapter 22 (S.B. 124), Acts of the
18 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7),
19 Acts of the 79th Legislature, Regular Session, 2005, is reenacted
20 and amended to read as follows:

21 (b) A county court at law has concurrent jurisdiction with
22 the district court in:

23 (1) civil cases in which the matter in controversy
24 exceeds \$500 and does not exceed \$200,000 [~~\$100,000~~], excluding
25 mandatory damages and penalties, attorney's fees, interest, and
26 costs;

27 (2) nonjury family law cases and proceedings;

1 (3) final rulings and decisions of the division of
2 workers' compensation of the Texas Department of Insurance
3 regarding workers' compensation claims, regardless of the amount in
4 controversy;

5 (4) eminent domain proceedings, both statutory and
6 inverse, regardless of the amount in controversy;

7 (5) suits to decide the issue of title to real or
8 personal property;

9 (6) suits to recover damages for slander or defamation
10 of character;

11 (7) suits for the enforcement of a lien on real
12 property;

13 (8) suits for the forfeiture of a corporate charter;

14 (9) suits for the trial of the right to property valued
15 at \$200 or more that has been levied on under a writ of execution,
16 sequestration, or attachment; and

17 (10) suits for the recovery of real property.

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

23 SECTION 4.40. Subsection (a), Section 25.2232, Government
24 Code, is amended to read as follows:

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

27 (1) concurrent jurisdiction with the county court in

1 the trial of cases involving insanity and approval of applications
2 for admission to state hospitals and special schools if admission
3 is by application; and

4 (2) concurrent jurisdiction with the district court in
5 civil cases in which the matter in controversy exceeds \$500 but does
6 not exceed \$200,000 [~~\$100,000~~], excluding interest.

7 SECTION 4.41. Subsection (i), Section 25.2352, Government
8 Code, is amended to read as follows:

9 (i) [~~Practice in a county court at law is that prescribed by~~
10 ~~law for county courts, except that practice and procedure, rules of~~
11 ~~evidence, issuance of process and writs, and all other matters~~
12 ~~pertaining to the conduct of trials and hearings involving family~~
13 ~~law cases and proceedings shall be governed by this section and the~~
14 ~~laws and rules pertaining to district courts.~~] If a family law case
15 is tried before a jury, the jury shall be composed of 12 members.

16 SECTION 4.42. Subsection (i), Section 25.2382, Government
17 Code, is amended to read as follows:

18 (i) [~~Practice in a county court at law is that prescribed by~~
19 ~~law for county courts, except that practice and procedure, rules of~~
20 ~~evidence, issuance of process and writs, and all other matters~~
21 ~~pertaining to the conduct of trials and hearings in a county court~~
22 ~~at law involving matters enumerated in Subsection (a)(2)(B) or (C)~~
23 ~~shall be governed by this section and the laws and rules pertaining~~
24 ~~to district courts.~~] If a family law case [~~in Subsection (a)(2)(B)~~
25 ~~or (C)~~] is tried before a jury, the jury shall be composed of 12
26 members.

27 SECTION 4.43. (a) Subsection (a), Section 25.2421,

1 Government Code, is amended to read as follows:

2 (a) Webb County has the following statutory county courts:

3 (1) the County Court at Law No. 1 of Webb County; ~~and~~

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

5 (3) the County Court at Law No. 3 of Webb County.

6 (b) Notwithstanding Subsection (a), Section 25.2421,
7 Government Code, as amended by this Act, the County Court at Law No.
8 3 of Webb County is created January 1, 2031, or on an earlier date
9 determined by the Commissioners Court of Webb County by an order
10 entered in its minutes.

11 SECTION 4.44. Subsections (g) and (h), Section 25.2422,
12 Government Code, are amended to read as follows:

13 (g) The district attorney of the 49th Judicial District
14 serves as district attorney of a county court at law, except that
15 the county attorney of Webb County prosecutes all juvenile, child
16 welfare, mental health, and other civil cases in which the state is
17 a party. The district clerk serves as clerk of a county court at law
18 in the cases enumerated in Subsection (a)(2), and the county clerk
19 serves as clerk of a county court at law in all other cases. ~~[The~~
20 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
21 ~~as are necessary to serve the court.]~~

22 (h) ~~[Practice and procedure, rules of evidence, issuance of~~
23 ~~process and writs, and all other matters pertaining to the conduct~~
24 ~~of trials and hearings in a county court at law involving those~~
25 ~~matters of concurrent jurisdiction enumerated in Subsection~~
26 ~~(a)(2)(B) or (C) are governed by this section and the laws and rules~~
27 ~~pertaining to district courts, as well as county courts.]~~ If a

1 family law case [~~enumerated in Subsection (a)(2)(B) or (C)~~] is
2 tried before a jury, the jury shall be composed of 12 members.

3 SECTION 4.45. Subsections (d) and (k), Section 25.2452,
4 Government Code, are amended to read as follows:

5 (d) A county court at law does not have jurisdiction of:

6 (1) a case under:

7 (A) the Alcoholic Beverage Code;

8 (B) the Election Code; or

9 (C) the Tax Code;

10 (2) a matter over which the district court has
11 exclusive jurisdiction; or

12 (3) a civil case, other than a case under the Family
13 Code or the Texas Probate Code, in which the amount in controversy
14 is:

15 (A) less than the maximum amount in controversy
16 allowed the justice court in Wichita County; or

17 (B) more than \$200,000 [~~\$100,000~~], exclusive of
18 punitive or exemplary damages, penalties, interest, costs, and
19 attorney's fees.

20 (k) Except as otherwise required by law, if a case is tried
21 before a jury, the jury shall be composed of six members and may
22 render verdicts by a five to one margin in civil cases and a
23 unanimous verdict in criminal cases. [~~The laws governing the
24 drawing, selection, service, and pay of jurors for county courts
25 apply to the county courts at law. Jurors regularly impaneled for a
26 week by a district court may, on request of the county judge
27 exercising the jurisdiction provided by this section or a county~~

1 ~~court at law judge, be made available and shall serve for the week~~
2 ~~in the county court or county court at law.]~~

3 SECTION 4.46. Subsection (h), Section 25.2462, Government
4 Code, is amended to read as follows:

5 (h) ~~[The county attorney and the county sheriff shall attend~~
6 ~~a county court at law as required by the judge.]~~ The district clerk
7 serves as clerk of a county court at law in family law cases and
8 proceedings, and the county clerk serves as clerk of the court in
9 all other cases and proceedings.

10 SECTION 4.47. Subsection (i), Section 25.2482, Government
11 Code, is amended to read as follows:

12 (i) ~~[The county attorney and the county sheriff shall attend~~
13 ~~a county court at law as required by the judge.]~~ The district clerk
14 serves as clerk of a county court at law in family law cases and
15 proceedings, and the county clerk serves as clerk of the court in
16 all other cases and proceedings.

17 SECTION 4.48. If H.B. No. 2330, Acts of the 82nd
18 Legislature, Regular Session, 2011, does not become law, Subsection
19 (a), Section 25.2512, Government Code, as amended by Chapters 518
20 (S.B. 1491) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular
21 Session, 1991, is reenacted and amended to read as follows:

22 (a) In addition to the jurisdiction provided by Section
23 25.0003 and other law, a county court at law in Wise County has:

24 (1) concurrent with the county court, the probate
25 jurisdiction provided by general law for county courts; and

26 (2) concurrent jurisdiction with the district court
27 in:

1 (A) eminent domain cases;

2 (B) civil cases in which the amount in
3 controversy exceeds \$500, but does not exceed \$200,000 [~~\$100,000~~],
4 excluding interest and attorney's fees; and

5 (C) family law cases and proceedings.

6 SECTION 4.49. If H.B. No. 2330, Acts of the 82nd
7 Legislature, Regular Session, 2011, becomes law, Subsection (e),
8 Section 25.2512, Government Code, as effective September 1, 2011,
9 is amended to read as follows:

10 (e) In addition to the qualifications required by Section
11 25.0014, a regular judge of a county court at law must have the
12 qualifications of a district judge as required by Section 7,
13 Article V, Texas Constitution. [~~A special judge of a county court
14 at law with the same qualifications as the regular judge may be
15 appointed in the manner provided by law for the appointment of a
16 special county judge. A special judge is entitled to the same rate
17 of compensation as the regular judge.~~]

18 SECTION 4.50. (a) Subsection (t-1), Section 25.0022,
19 Government Code, as added by S.B. No. 1198, Acts of the 82nd
20 Legislature, Regular Session, 2011, is repealed.

21 (b) This section takes effect immediately if this Act
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this section takes effect on the 91st day after the last day
26 of the legislative session.

27 SECTION 4.51. (a) The following provisions of the

1 Government Code are repealed:

2 (1) Subsections (b), (d), (f), and (j), Section
3 25.0042;

4 (2) Subsections (b), (f), (g), and (h), Section
5 25.0052;

6 (3) Subsections (b), (d), (f), and (i), Section
7 25.0102;

8 (4) Subsections (d), (g), and (h), Section 25.0132;

9 (5) Subsections (c) and (e), Section 25.0152;

10 (6) Subsections (b), (f), (g), (h), and (i), Section
11 25.0162;

12 (7) Subsections (d), (k), (l), (m), (n), (o), (q),
13 (s), and (t), Section 25.0172;

14 (8) Subsections (c), (d), (h), (i), and (k), Section
15 25.0173;

16 (9) Subsections (c), (d), and (g), Section 25.0202;

17 (10) Subsections (c), (e), and (g), Section 25.0212;

18 (11) Subsections (d), (e), (i), (j), and (n), Section
19 25.0222;

20 (12) Subsections (b), (d), (f), (h), and (i), Section
21 25.0232;

22 (13) Subsections (b), (c), and (e), Section 25.0272;

23 (14) Subsections (b), (c), (g), (h), and (i), Section
24 25.0292;

25 (15) Subsections (b), (d), and (g), Section 25.0302;

26 (16) Subsections (c), (e), and (j), Section 25.0312;

27 (17) Subsections (e), (g), (i), (k), (l), and (m),

- 1 Section 25.0332;
- 2 (18) Subsection (c), Section 25.0362;
- 3 (19) Subsections (b), (d), (f), (i), (j), and (k),
- 4 Section 25.0392;
- 5 (20) Subsections (b), (c), and (d), Section 25.0452;
- 6 (21) Subsections (a), (c), (d), and (e), Section
- 7 25.0453;
- 8 (22) Subsections (b), (d), (e), (g), and (h), Section
- 9 25.0482;
- 10 (23) Subsections (a), (b), (d), (g), and (h), Section
- 11 25.0512;
- 12 (24) Subsections (b), (d), (f), and (g), Section
- 13 25.0522;
- 14 (25) Subsections (b), (h), (i), (j), and (k), Section
- 15 25.0592;
- 16 (26) Subsections (d), (f), (g), (h), (i), and (j),
- 17 Section 25.0593;
- 18 (27) Subsections (d), (e), (g), (h), (i), (j), and
- 19 (k), Section 25.0594;
- 20 (28) Subsections (c), (d), (f), and (g), Section
- 21 25.0595;
- 22 (29) Section 25.0596;
- 23 (30) Subsections (a), (b), and (d), Section 25.0632;
- 24 (31) Subsections (b), (g), (h), (j), (k), and (l),
- 25 Section 25.0702;
- 26 (32) Subsections (b), (d), (f), (j), and (k), Section
- 27 25.0722;

- 1 (33) Subsections (d), (g), (h), (i), (j), (m), (n),
2 (o), (p), (s), and (v), Section 25.0732;
- 3 (34) Subsections (c), (d), and (f), Section 25.0733;
- 4 (35) Subsection (b), Section 25.0742;
- 5 (36) Subsections (d), (f), (h), (j), and (l), Section
6 25.0812;
- 7 (37) Subsections (f) and (j), Section 25.0862;
- 8 (38) Subsections (e), (f), and (i), Section 25.0932;
- 9 (39) Subsections (c), (f), (g), (j), and (k), Section
10 25.0942;
- 11 (40) Subsections (d), (e), and (g), Section 25.0962;
- 12 (41) Subsections (d), (e), (g), (h), and (k), Section
13 25.1032;
- 14 (42) Subsections (d), (e), (f), (m), and (o), Section
15 25.1033;
- 16 (43) Subsections (c), (h), (k), and (l), Section
17 25.1034;
- 18 (44) Subsections (b), (d), (f), (h), and (i), Section
19 25.1042;
- 20 (45) Subsections (b), (d), (g), and (h), Section
21 25.1072;
- 22 (46) Subsections (e), (f), (l), and (o), Section
23 25.1092;
- 24 (47) Subsections (d), (e), (h), (i), (j), and (l),
25 Section 25.1102;
- 26 (48) Section 25.1103;
- 27 (49) Subsections (b), (c), (f), and (k), Section

- 1 25.1112;
- 2 (50) Subsections (f), (g), (h), (j), (l), (m), and
- 3 (p), Section 25.1132;
- 4 (51) Subsections (c), (e), and (g), Section 25.1142;
- 5 (52) Subsections (b), (e), (f), (h), and (i), Section
- 6 25.1152;
- 7 (53) Subsections (c), (e), and (h), Section 25.1182;
- 8 (54) Subsections (c), (g), and (i), Section 25.1252;
- 9 (55) Subsections (b), (d), (f), (h), and (i), Section
- 10 25.1282;
- 11 (56) Subsections (d), (e), (i), (k), (l), and (n),
- 12 Section 25.1312;
- 13 (57) Subsections (d), (e), (f), (i), and (j), Section
- 14 25.1322;
- 15 (58) Subsections (d) and (h), Section 25.1352;
- 16 (59) Subsections (e), (g), and (i), Section 25.1392;
- 17 (60) Subsections (b), (c), (e), (h), (i), and (k),
- 18 Section 25.1412;
- 19 (61) Subsections (d), (g), (h), (l), and (m), Section
- 20 25.1482;
- 21 (62) Subsections (f), (i), (k), and (n), Section
- 22 25.1542;
- 23 (63) Subsections (e), (f), and (g), Section 25.1572;
- 24 (64) Subsections (d), (f), and (h), Section 25.1652;
- 25 (65) Subsections (b) and (f), Section 25.1672;
- 26 (66) Subsections (b), (c), and (g), Section 25.1722;
- 27 (67) Subsections (d), (e), (f), (h), and (i), Section

- 1 25.1732;
- 2 (68) Subsections (b), (e), (f), and (h), Section
- 3 25.1762;
- 4 (69) Subsections (c), (e), and (h), Section 25.1772;
- 5 (70) Subsections (e), (f), (h), (i), and (j), Section
- 6 25.1792;
- 7 (71) Subsections (c), (h), (i), (j), (k), (l), and
- 8 (q), Section 25.1802;
- 9 (72) Subsections (b), (d), and (j), Section 25.1832;
- 10 (73) Subsections (e), (f), and (i), Section 25.1852;
- 11 (74) Subsections (c), (f), (h), (i), (j), (m), (n),
- 12 (p), (q), and (u), Section 25.1862;
- 13 (75) Subsection (d), Section 25.1892;
- 14 (76) Subsections (e), (g), (i), (j), and (k), Section
- 15 25.1902;
- 16 (77) Subsections (b), (c), (f), (h), and (j), Section
- 17 25.1932;
- 18 (78) Subsections (b), (d), (f), (h), and (j), Section
- 19 25.1972;
- 20 (79) Subsections (d), (e), (i), (k), (l), and (n),
- 21 Section 25.2012;
- 22 (80) Subsections (c), (e), and (h), Section 25.2032;
- 23 (81) Subsections (c), (e), (f), (h), and (i), Section
- 24 25.2072;
- 25 (82) Subsections (c), (e), (i), (r), (t), and (u),
- 26 Section 25.2142;
- 27 (83) Subsections (d), (f), (h), (j), and (k), Section

- 1 25.2162;
- 2 (84) Subsections (c), (g), (h), (i), (k), and (n),
3 Section 25.2222;
- 4 (85) Subsections (c), (e), (g), and (h), Section
5 25.2223;
- 6 (86) Subsections (b), (c), (f), (g), (i), and (j),
7 Section 25.2224;
- 8 (87) Subsections (b), (e), (f), and (g), Section
9 25.2232;
- 10 (88) Subsections (b), (d), (f), (g), (i), and (j),
11 Section 25.2282;
- 12 (89) Subsections (b), (e), (i), (k), and (l), Section
13 25.2292;
- 14 (90) Subsections (e), (f), (g), (k), and (l), Section
15 25.2293;
- 16 (91) Subsections (b), (d), (f), (g), and (j), Section
17 25.2352;
- 18 (92) Subsections (c), (e), and (h), Section 25.2362;
- 19 (93) Subsections (c), (f), (g), (h), and (i), Section
20 25.2372;
- 21 (94) Subsections (b), (d), (f), and (j), Section
22 25.2382;
- 23 (95) Subsections (b), (d), (f), and (j), Section
24 25.2392;
- 25 (96) Subsections (b), (d), (f), (i), and (k), Section
26 25.2412;
- 27 (97) Subsections (b), (d), (f), (i), and (j), Section

1 25.2422;

2 (98) Subsections (f), (h), and (j), Section 25.2452;

3 (99) Subsections (c), (d), (e), (g), (i), and (j),
4 Section 25.2462;

5 (100) Subsections (d), (e), (f), (h), (j), and (k),
6 Section 25.2482; and

7 (101) Subsections (b) and (i), Section 25.2512.

8 (b) If H.B. No. 2330, Acts of the 82nd Legislature, Regular
9 Session, 2011, does not become law, Subsections (e) and (h),
10 Section 25.2512, Government Code, are repealed. If H.B. No. 2330
11 becomes law, this subsection has no effect.

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

19 ARTICLE 5. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

20 SECTION 5.01. (a) Subsection (a), Section 27.005,
21 Government Code, is amended to read as follows:

22 (a) For purposes of removal under Chapter 87, Local
23 Government Code, "incompetency" in the case of a justice of the
24 peace includes the failure of the justice to successfully complete:

25 (1) within one year after the date the justice is first
26 elected, an 80-hour course in the performance of the justice's
27 duties; and

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

5 (b) Subsection (a), Section 27.005, Government Code, as
6 amended by this section, applies to a justice of the peace serving
7 on or after the effective date of this article, regardless of the
8 date the justice was elected or appointed.

9 SECTION 5.02. Subchapter C, Chapter 27, Government Code, is
10 amended by adding Section 27.060 to read as follows:

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

16 (b) Except as provided by Subsection (c), rules of the
17 supreme court must provide that:

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

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

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

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

27 (5) discovery is limited to that considered

1 appropriate and permitted by the judge; and

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

6 (c) The rules of the supreme court must provide specific
7 procedures for an action by:

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

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

12 (3) a collection agency or collection agent.

13 (d) The rules adopted by the supreme court may not:

14 (1) require that a party in a case be represented by an
15 attorney;

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

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

24 (e) A committee established by the supreme court to
25 recommend rules to be adopted under this section must include
26 justices of the peace.

27 SECTION 5.03. Subchapter C, Chapter 27, Government Code, is

1 amended by adding Section 27.061 to read as follows:

2 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the
3 peace in each county shall, by majority vote, adopt local rules of
4 administration.

5 SECTION 5.04. Subchapter E, Chapter 15, Civil Practice and
6 Remedies Code, is amended by adding Section 15.0821 to read as
7 follows:

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

12 SECTION 5.05. (a) If S.B. No. 1200, Acts of the 82nd
13 Legislature, Regular Session, 2011, does not become law, Subsection
14 (a), Article 4.12, Code of Criminal Procedure, is amended to read as
15 follows:

16 (a) Except as otherwise provided by this article, a
17 misdemeanor case to be tried in justice court shall be tried:

18 (1) in the precinct in which the offense was
19 committed;

20 (2) in the precinct in which the defendant or any of
21 the defendants reside; ~~or~~

22 (3) with the written consent of the state and each
23 defendant or the defendant's attorney, in any other precinct within
24 the county; or

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

1 (b) Article 4.12, Code of Criminal Procedure, is amended by
2 adding Subsection (e) to read as follows:

3 (e) The justices of the peace in each county shall, by
4 majority vote, adopt local rules of administration regarding the
5 transfer of a pending misdemeanor case from one precinct to a
6 different precinct.

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

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

19 SECTION 5.06. (a) Chapter 28, Government Code, is
20 repealed.

21 (b) On the effective date of this section, each small claims
22 court under Chapter 28, Government Code, is abolished.

23 SECTION 5.07. Not later than May 1, 2013, the Texas Supreme
24 Court shall promulgate:

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

27 (2) rules of civil procedure applicable to small

1 claims cases as required by Section 27.060, Government Code, as
2 added by this article; and

3 (3) rules for eviction proceedings.

4 SECTION 5.08. (a) Immediately before the date the small
5 claims court in a county is abolished in accordance with this
6 article, the justice of the peace sitting as judge of that court
7 shall transfer all cases pending in the court to a justice court in
8 the county.

9 (b) When a case is transferred as provided by Subsection (a)
10 of this section, all processes, writs, bonds, recognizances, or
11 other obligations issued from the transferring court are returnable
12 to the court to which the case is transferred as if originally
13 issued by that court. The obligees on all bonds and recognizances
14 taken in and for the transferring court and all witnesses summoned
15 to appear in the transferring court are required to appear before
16 the court to which the case is transferred as if originally required
17 to appear before that court.

18 SECTION 5.09. Sections 5.02 and 5.06 of this article take
19 effect May 1, 2013.

20 ARTICLE 6. ASSOCIATE JUDGES

21 SECTION 6.01. Subtitle D, Title 2, Government Code, is
22 amended by adding Chapter 54A to read as follows:

23 CHAPTER 54A. ASSOCIATE JUDGES

24 SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

25 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
26 district court or a statutory county court that hears criminal
27 cases.

1 Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject
2 to this subchapter may appoint a full-time or part-time associate
3 judge to perform the duties authorized by this subchapter if the
4 commissioners court of the county in which the court has
5 jurisdiction has authorized the creation of an associate judge
6 position.

7 (b) If a court has jurisdiction in more than one county, an
8 associate judge appointed by that court may serve only in a county
9 in which the commissioners court has authorized the appointment.

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

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

18 Sec. 54A.003. QUALIFICATIONS. To qualify for appointment
19 as an associate judge under this subchapter, a person must:

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

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

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

1 court; and

2 (4) not have resigned from office after having
3 received notice that formal proceedings by the State Commission on
4 Judicial Conduct had been instituted as provided by Section 33.022
5 and before final disposition of the proceedings.

6 Sec. 54A.004. COMPENSATION. (a) An associate judge shall
7 be paid a salary determined by the commissioners court of the county
8 in which the associate judge serves.

9 (b) If an associate judge serves in more than one county,
10 the associate judge shall be paid a salary as determined by
11 agreement of the commissioners courts of the counties in which the
12 associate judge serves.

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

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

17 (b) The employment of an associate judge who serves more
18 than two courts may only be terminated by a majority vote of all the
19 judges of the courts the associate judge serves.

20 (c) The employment of an associate judge who serves two
21 courts may be terminated by either of the judges of the courts the
22 associate judge serves.

23 (d) To terminate an associate judge's employment, the
24 appropriate judges must sign a written order of termination. The
25 order must state:

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

1 (2) each court ordering termination; and

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

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

6 (1) a negotiated plea of guilty or no contest before
7 the court;

8 (2) a bond forfeiture;

9 (3) a pretrial motion;

10 (4) a writ of habeas corpus;

11 (5) an examining trial;

12 (6) an occupational driver's license;

13 (7) an appeal of an administrative driver's license
14 revocation hearing;

15 (8) a civil commitment matter under Subtitle C, Title
16 7, Health and Safety Code;

17 (9) setting, adjusting, or revoking bond;

18 (10) the issuance of search warrants, including a
19 search warrant under Article 18.02(10), Code of Criminal Procedure,
20 notwithstanding Article 18.01(c), Code of Criminal Procedure; and

21 (11) any other matter the judge considers necessary
22 and proper.

23 (b) An associate judge may accept an agreed plea of guilty
24 or no contest from a defendant charged with misdemeanor, felony, or
25 both misdemeanor and felony offenses and may assess punishment if a
26 plea agreement is announced on the record between the defendant and
27 the state.

1 (c) An associate judge has all of the powers of a magistrate
2 under the laws of this state and may administer an oath for any
3 purpose.

4 (d) An associate judge may select a jury. Except as
5 provided in Subsection (b), an associate judge may not preside over
6 a trial on the merits, whether or not the trial is before a jury.

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

10 (b) An order of referral may:

11 (1) limit the powers of the associate judge and direct
12 the associate judge to report only on specific issues, do
13 particular acts, or receive and report on evidence only;

14 (2) set the time and place for the hearing;

15 (3) prescribe a closing date for the hearing;

16 (4) provide a date for filing the associate judge's
17 findings;

18 (5) designate proceedings for more than one case over
19 which the associate judge shall preside;

20 (6) direct the associate judge to call the court's
21 docket; and

22 (7) set forth general powers and limitations or
23 authority of the associate judge applicable to any case referred.

24 Sec. 54A.008. POWERS. (a) Except as limited by an order of
25 referral, an associate judge to whom a case is referred may:

26 (1) conduct hearings;

27 (2) hear evidence;

- 1 (3) compel production of relevant evidence;
- 2 (4) rule on the admissibility of evidence;
- 3 (5) issue summons for the appearance of witnesses;
- 4 (6) examine a witness;
- 5 (7) swear a witness for a hearing;
- 6 (8) make findings of fact on evidence;
- 7 (9) formulate conclusions of law;
- 8 (10) rule on pretrial motions;
- 9 (11) recommend the rulings, orders, or judgment to be
10 made in a case;
- 11 (12) regulate proceedings in a hearing;
- 12 (13) order the attachment of a witness or party who
13 fails to obey a subpoena;
- 14 (14) accept a plea of guilty from a defendant charged
15 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 16 (15) select a jury;
- 17 (16) notwithstanding Article 18.01(c), Code of
18 Criminal Procedure, issue a search warrant, including a search
19 warrant under Article 18.02(10), Code of Criminal Procedure; and
- 20 (17) take action as necessary and proper for the
21 efficient performance of the duties required by the order of
22 referral.
- 23 (b) An associate judge may not enter a ruling on any issue of
24 law or fact if that ruling could result in dismissal or require
25 dismissal of a pending criminal prosecution, but the associate
26 judge may make findings, conclusions, and recommendations on those
27 issues.

1 (c) Except as limited by an order of referral, an associate
2 judge who is appointed by a district or statutory county court judge
3 and to whom a case is referred may accept a plea of guilty or nolo
4 contendere in a misdemeanor case for a county criminal court. The
5 associate judge shall forward any fee or fine collected for the
6 misdemeanor offense to the county clerk.

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

11 Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff shall
12 attend a hearing by an associate judge if directed by the referring
13 court.

14 Sec. 54A.010. COURT REPORTER. At the request of a party,
15 the court shall provide a court reporter to record the proceedings
16 before the associate judge.

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

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

24 Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the
25 conclusion of the proceedings, an associate judge shall transmit to
26 the referring court any papers relating to the case, including the
27 associate judge's findings, conclusions, orders, recommendations,

1 or other action taken.

2 Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the
3 30th day after the date an action is taken by an associate judge, a
4 referring court may modify, correct, reject, reverse, or recommit
5 for further information the action taken by the associate judge.

6 (b) If the court does not modify, correct, reject, reverse,
7 or recommit an action to the associate judge, the action becomes the
8 decree of the court.

9 Sec. 54A.014. JUDICIAL IMMUNITY. An associate judge has
10 the same judicial immunity as a district judge.

11 [Sections 54A.015-54A.100 reserved for expansion]

12 SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

13 Sec. 54A.101. APPLICABILITY. This subchapter applies to a
14 district court or a statutory county court that is assigned civil
15 cases.

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

22 (b) If a district court has jurisdiction in more than one
23 county, an associate judge appointed by that court may serve only in
24 a county in which the commissioners court has authorized the
25 appointment.

26 (c) If more than one court in a county is subject to this
27 subchapter, the commissioners court may authorize the appointment

1 of an associate judge for each court or may authorize one or more
2 associate judges to share service with two or more courts.

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

7 Sec. 54A.103. QUALIFICATIONS. To qualify for appointment
8 as an associate judge under this subchapter, a person must:

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

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

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

18 (4) not have resigned from office after having
19 received notice that formal proceedings by the State Commission on
20 Judicial Conduct had been instituted as provided in Section 33.022
21 and before final disposition of the proceedings.

22 Sec. 54A.104. COMPENSATION. (a) An associate judge shall
23 be paid a salary determined by the commissioners court of the county
24 in which the associate judge serves.

25 (b) If an associate judge serves in more than one county,
26 the associate judge shall be paid a salary as determined by
27 agreement of the commissioners courts of the counties in which the

1 associate judge serves.

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

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

6 (b) The employment of an associate judge who serves more
7 than two courts may only be terminated by a majority vote of all the
8 judges of the courts the associate judge serves.

9 (c) The employment of an associate judge who serves two
10 courts may be terminated by either of the judges of the courts the
11 associate judge serves.

12 (d) To terminate an associate judge's employment, the
13 appropriate judges must sign a written order of termination. The
14 order must state:

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

17 (2) each court ordering termination; and

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

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

23 (b) Subject to Subsection (c), a judge of a court may not
24 refer any civil case or portion of a civil case, including a trial
25 on the merits, to an associate judge if a party files a written
26 objection to the referral to the associate judge. For purposes of
27 this subsection, a trial on the merits is any final adjudication

1 from which an appeal may be taken to a court of appeals.

2 (c) A party must file an objection to the referral of a civil
3 case or portion of a civil case to an associate judge not later than
4 the 10th day after the date the party receives notice of the
5 referral. If an objection is filed, the referring court shall hear
6 the case or portion of the case.

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

10 (b) The order of referral may limit the powers or duties of
11 an associate judge.

12 Sec. 54A.108. POWERS. (a) Except as limited by an order of
13 referral, an associate judge may:

14 (1) conduct hearings;

15 (2) hear evidence;

16 (3) compel production of relevant evidence;

17 (4) rule on the admissibility of evidence;

18 (5) issue summons for the appearance of witnesses;

19 (6) examine a witness;

20 (7) swear a witness for a hearing;

21 (8) make findings of fact on evidence;

22 (9) formulate conclusions of law;

23 (10) rule on pretrial motions;

24 (11) recommend the rulings, orders, or judgment to be
25 made in a case;

26 (12) regulate proceedings in a hearing;

27 (13) order the attachment of a witness or party who

1 fails to obey a subpoena; and

2 (14) take action as necessary and proper for the
3 efficient performance of the duties required by the order of
4 referral.

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

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

12 (b) A referring court may fine or imprison a witness who:

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

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

17 Sec. 54A.110. COURT REPORTER; RECORD. (a) A court
18 reporter may be provided during a hearing held by an associate judge
19 appointed under this subchapter. A court reporter is required to be
20 provided when the associate judge presides over a jury trial.

21 (b) A party, the associate judge, or the referring court may
22 provide for a reporter during the hearing if one is not otherwise
23 provided.

24 (c) Except as provided by Subsection (a), in the absence of
25 a court reporter or on agreement of the parties, the record may be
26 preserved by any means approved by the associate judge.

27 (d) The referring court or associate judge may assess the

1 expense of preserving the record under Subsection (c) as costs.

2 (e) On appeal of the associate judge's report or proposed
3 order, the referring court may consider testimony or other evidence
4 in the record if the record is taken by a court reporter.

5 Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) After
6 hearing a matter, an associate judge shall notify each attorney
7 participating in the hearing of the associate judge's decision. An
8 associate judge's decision has the same force and effect as an order
9 of the referring court unless a party appeals the decision as
10 provided by Subsection (b).

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

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

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

23 (e) A matter appealed to the referring court shall be tried
24 de novo and is limited to only those matters specified in the
25 appeal. Except on leave of court, a party may not submit on appeal
26 any additional evidence or pleadings.

27 Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

1 (a) Notice of the right to a de novo hearing before the referring
2 court shall be given to all parties.

3 (b) The notice may be given:

4 (1) by oral statement in open court;

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

7 (3) as otherwise directed by the referring court.

8 (c) Before the start of a hearing by an associate judge, a
9 party may waive the right of a de novo hearing before the referring
10 court in writing or on the record.

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

16 (b) If a request for a de novo hearing before the referring
17 court is not timely filed or the right to a de novo hearing before
18 the referring court is waived, the proposed order or judgment of the
19 associate judge becomes the order or judgment of the referring
20 court only on the referring court's signing the proposed order or
21 judgment.

22 (c) An order by an associate judge for the temporary
23 detention or incarceration of a witness or party shall be presented
24 to the referring court on the day the witness or party is detained
25 or incarcerated. The referring court, without prejudice to the
26 right to a de novo hearing provided by Section 54A.115, may approve
27 the temporary detention or incarceration or may order the release

1 of the party or witness, with or without bond, pending a de novo
2 hearing. If the referring court is not immediately available, the
3 associate judge may order the release of the party or witness, with
4 or without bond, pending a de novo hearing or may continue the
5 person's detention or incarceration for not more than 72 hours.

6 Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
7 ORDER OR JUDGMENT. Unless a party files a written request for a de
8 novo hearing before the referring court, the referring court may:

9 (1) adopt, modify, or reject the associate judge's
10 proposed order or judgment;

11 (2) hear additional evidence; or

12 (3) recommit the matter to the associate judge for
13 further proceedings.

14 Sec. 54A.115. DE NOVO HEARING. (a) A party may request a
15 de novo hearing before the referring court by filing with the clerk
16 of the referring court a written request not later than the seventh
17 working day after the date the party receives notice of the
18 substance of the associate judge's decision as provided by Section
19 54A.111.

20 (b) A request for a de novo hearing under this section must
21 specify the issues that will be presented to the referring court.
22 The de novo hearing is limited to the specified issues.

23 (c) Notice of a request for a de novo hearing before the
24 referring court shall be given to the opposing attorney in the
25 manner provided by Rule 21a, Texas Rules of Civil Procedure.

26 (d) If a request for a de novo hearing before the referring
27 court is filed by a party, any other party may file a request for a

1 de novo hearing before the referring court not later than the
2 seventh working day after the date the initial request was filed.

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

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

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

18 (h) A party may not demand a second jury in a de novo hearing
19 before the referring court if the associate judge's proposed order
20 or judgment resulted from a jury trial.

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

27 (b) Except as provided by Subsection (c), the date an order

1 or judgment by the referring court is signed is the controlling date
2 for the purposes of appeal to or request for other relief from a
3 court of appeals or the supreme court.

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

8 Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the
9 30th day after the date an action is taken by an associate judge, a
10 referring court may modify, correct, reject, reverse, or recommit
11 for further information the action taken by the associate judge.

12 (b) If the court does not modify, correct, reject, reverse,
13 or recommit an action to the associate judge, the action becomes the
14 decree of the court.

15 Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge
16 appointed under this subchapter has the judicial immunity of a
17 district judge.

18 SECTION 6.02. (a) If H.B. No. 1830, Acts of the 82nd
19 Legislature, Regular Session, 2011, does not become law, Subchapter
20 G, Chapter 54, Government Code, is transferred to Chapter 54A,
21 Government Code, as added by this Act, redesignated as Subchapter
22 C, Chapter 54A, Government Code, and amended to read as follows:

23 SUBCHAPTER C [~~C~~]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

24 Sec. 54A.201 [~~54.601~~]. DEFINITION. In this subchapter,
25 "statutory probate court" has the meaning assigned by Section 3,
26 Texas Probate Code.

27 Sec. 54A.202. APPLICABILITY. This subchapter applies to a

1 statutory probate court.

2 Sec. 54A.203 [~~54.603~~]. APPOINTMENT. (a) After obtaining
3 the approval of the commissioners court to create an associate
4 judge position, the judge of a statutory probate court by order may
5 appoint one or more full-time or part-time [~~a person to act as~~]
6 associate judges to perform the duties authorized by this
7 subchapter [~~judge for the statutory probate court~~].

8 (b) If a statutory probate court has jurisdiction in more
9 than one county, an associate judge appointed by that court may
10 serve only in a county in which the commissioners court has
11 authorized the appointment.

12 (c) The commissioners court may authorize the appointment
13 of an associate judge for each court or may authorize one or more
14 associate judges to share service with two or more courts, if more
15 than one statutory probate court exists in a county.

16 (d) [~~(c)~~] If an associate judge serves more than one court,
17 the associate judge's appointment must be made with the unanimous
18 approval of all the judges under whom the associate judge serves.

19 [~~(d) An associate judge must meet the qualifications to~~
20 ~~serve as a judge of the court to which the associate judge is~~
21 ~~appointed.~~]

22 (e) An associate judge appointed under this subchapter may
23 serve as an associate judge appointed under Section 574.0085,
24 Health and Safety Code.

25 Sec. 54A.204. QUALIFICATIONS. To qualify for appointment
26 as an associate judge under this subchapter, a person must:

27 (1) be a resident of this state and one of the counties

1 the person will serve;

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

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

9 (4) not have resigned from office after having
10 received notice that formal proceedings by the State Commission on
11 Judicial Conduct had been instituted as provided in Section 33.022
12 and before final disposition of the proceedings.

13 Sec. 54A.205 [~~54.605~~]. COMPENSATION. (a) An associate
14 judge is entitled to the compensation set by the appointing judge
15 and approved by the commissioners court or commissioners courts of
16 the counties in which the associate judge serves. [~~The salary of~~
17 ~~the associate judge may not exceed the salary of the appointing~~
18 ~~judge.~~]

19 (b) If an associate judge serves in more than one county,
20 the associate judge shall be paid a salary as determined by
21 agreement of the commissioners courts of the counties in which the
22 associate judge serves.

23 (c) Except as provided by Subsection (d) [~~(c)~~], the
24 compensation of the associate judge shall be paid by the county from
25 the county general fund. The compensation must be paid in the same
26 manner that the appointing judge's salary is paid.

27 (d) [~~(c)~~] On the recommendation of the statutory probate

1 court judges in the county and subject to the approval of the county
2 commissioners court, the county may pay all or part of the
3 compensation of the associate judge from the excess contributions
4 remitted to the county under Section 25.00212 and deposited in the
5 contributions fund created under Section 25.00213.

6 Sec. 54A.206 [~~54.604~~]. TERMINATION OF ASSOCIATE JUDGE.

7 (a) An associate judge who serves a single court serves at the will
8 of the judge of that court.

9 (b) The employment of an associate judge who serves more
10 than two courts may only be terminated by a majority vote of all the
11 judges of the courts that the associate judge serves.

12 (c) The employment of an associate judge who serves two
13 courts may be terminated by either of the judges of the courts that
14 the associate judge serves.

15 (d) The appointment of the associate judge terminates if:

16 (1) the associate judge becomes a candidate for
17 election to public office; or

18 (2) the commissioners court does not appropriate funds
19 in the county's budget to pay the salary of the associate judge.

20 (e) If an associate judge serves a single court and the
21 appointing judge vacates the judge's office, the associate judge's
22 employment continues, subject to Subsections (d) and (h), unless
23 the successor appointed or elected judge terminates that
24 employment.

25 (f) If an associate judge serves two courts and one of the
26 appointing judges vacates the judge's office, the associate judge's
27 employment continues, subject to Subsections (d) and (h), unless

1 the successor appointed or elected judge terminates that employment
2 or the judge of the other court served by the associate judge
3 terminates that employment as provided by Subsection (c).

4 (g) If an associate judge serves more than two courts and an
5 appointing judge vacates the judge's office, the associate judge's
6 employment continues, subject to Subsections (d) and (h), unless:

7 (1) if no successor judge has been elected or
8 appointed, the majority of the judges of the other courts the
9 associate judge serves vote to terminate that employment; or

10 (2) if a successor judge has been elected or
11 appointed, the majority of the judges of the courts the associate
12 judge serves, including the successor judge, vote to terminate that
13 employment as provided by Subsection (b).

14 (h) Notwithstanding the powers of an associate judge
15 provided by Section 54A.209 [~~54.610~~], an associate judge whose
16 employment continues as provided by Subsection (e), (f), or (g)
17 after the judge of a court served by the associate judge vacates the
18 judge's office may perform administrative functions with respect to
19 that court, but may not perform any judicial function, including
20 any power prescribed by Section 54A.209 [~~54.610~~], with respect to
21 that court until a successor judge is appointed or elected.

22 Sec. 54A.207 [~~54.608~~]. CASES THAT MAY BE REFERRED.

23 (a) Except as provided by this section, a judge of a court may
24 refer to an associate judge any aspect of a suit over which the
25 probate court has jurisdiction, including any matter ancillary to
26 the suit.

27 (b) Unless a party files a written objection to the

1 associate judge hearing a trial on the merits, the judge may refer
2 the trial to the associate judge. A trial on the merits is any final
3 adjudication from which an appeal may be taken to a court of
4 appeals.

5 (c) A party must file an objection to an associate judge
6 hearing a trial on the merits or presiding at a jury trial not later
7 than the 10th day after the date the party receives notice that the
8 associate judge will hear the trial. If an objection is filed, the
9 referring court shall hear the trial on the merits or preside at a
10 jury trial.

11 Sec. 54A.2071 [~~54.606~~]. OATH. An associate judge must take
12 the constitutional oath of office required of appointed officers of
13 this state.

14 [~~Sec. 54.607. MAGISTRATE. An associate judge appointed~~
15 ~~under this subchapter is a magistrate.~~]

16 Sec. 54A.208 [~~54.609~~]. METHODS [~~ORDER~~] OF REFERRAL. (a) A
17 case may be referred to an associate judge by an order of referral
18 in a specific case or by an omnibus order [~~In referring a case to an~~
19 ~~associate judge, the judge of the referring court shall render:~~

20 [~~(1) an individual order of referral, or~~
21 [~~(2) a general order of referral~~] specifying the class
22 and type of cases to be referred [~~heard by the associate judge~~].

23 (b) The order of referral may limit the power or duties of an
24 associate judge.

25 Sec. 54A.209 [~~54.610~~]. POWERS OF ASSOCIATE JUDGE. (a)
26 Except as limited by an order of referral, an associate judge may:

27 (1) conduct a hearing;

- 1 (2) hear evidence;
- 2 (3) compel production of relevant evidence;
- 3 (4) rule on the admissibility of evidence;
- 4 (5) issue a summons for the appearance of witnesses;
- 5 (6) examine a witness;
- 6 (7) swear a witness for a hearing;
- 7 (8) make findings of fact on evidence;
- 8 (9) formulate conclusions of law;
- 9 (10) rule on pretrial motions;
- 10 (11) recommend the rulings, orders, or judgment [~~an~~
11 ~~order~~] to be made [~~rendered~~] in a case;
- 12 (12) [~~(11)~~] regulate all proceedings in a hearing
13 before the associate judge;
- 14 (13) [~~(12)~~] take action as necessary and proper for
15 the efficient performance of the [~~associate judge's~~] duties
16 required by the order of referral;
- 17 (14) [~~(13)~~] order the attachment of a witness or party
18 who fails to obey a subpoena;
- 19 (15) [~~(14)~~] order the detention of a witness or party
20 found guilty of contempt, pending approval by the referring court
21 as provided by Section 54A.214 [~~54.616~~];
- 22 (16) [~~(15)~~] without prejudice to the right to a de novo
23 hearing under Section 54A.216 [~~54.618~~], render and sign:
 - 24 (A) a final order agreed to in writing as to both
25 form and substance by all parties;
 - 26 (B) a final default order;
 - 27 (C) a temporary order;

1 (D) a final order in a case in which a party files
2 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
3 Civil Procedure, that waives notice to the party of the final
4 hearing or waives the party's appearance at the final hearing;

5 (E) an order specifying that the court clerk
6 shall issue:

7 (i) letters testamentary or of
8 administration; or

9 (ii) letters of guardianship; or

10 (F) an order for inpatient or outpatient mental
11 health, mental retardation, or chemical dependency services or an
12 order authorizing psychoactive medications; and

13 (17) [(16)] sign a final order that includes a waiver
14 of the right to a de novo hearing in accordance with Section 54A.216
15 [~~54.618~~].

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

20 (c) An order described by Subsection (a)(16) [~~(a)(15)~~] that
21 is rendered and signed by an associate judge constitutes an order of
22 the referring court. The judge of the referring court shall sign
23 the order not later than the 30th day after the date the associate
24 judge signs the order.

25 (d) An answer filed by or on behalf of a party who previously
26 filed a waiver described in Subsection (a)(16)(D) [~~(a)(15)(D)~~]
27 revokes that waiver.

1 Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff
2 shall attend a hearing conducted by an associate judge if directed
3 to attend by the referring court.

4 ~~[Sec. 54.612. COURT REPORTER. (a) A court reporter may be
5 provided during a hearing held by an associate judge appointed
6 under this subchapter unless required by other law. A court
7 reporter is required to be provided when the associate judge
8 presides over a jury trial.~~

9 ~~[(b) A party, the associate judge, or the referring court
10 may provide for a reporter during the hearing, if one is not
11 otherwise provided.~~

12 ~~[(c) Except as provided by Subsection (a), in the absence of
13 a court reporter or on agreement of the parties, the record may be
14 preserved by any means approved by the referring court.~~

15 ~~[(d) The referring court or associate judge may impose on a
16 party the expense of preserving the record as a court cost.~~

17 ~~[(e) On a request for a de novo hearing, the referring court
18 may consider testimony or other evidence in the record, if the
19 record is taken by a court reporter, in addition to witnesses or
20 other matters presented under Section 54.618.]~~

21 Sec. 54A.210 [~~54.613~~]. WITNESS. (a) A witness appearing
22 before an associate judge is subject to the penalties for perjury
23 provided by law.

24 (b) A referring court may issue attachment against and may
25 fine or imprison a witness whose failure [~~who~~

26 ~~[(1) fails]~~ to appear [~~before an associate judge]~~
27 after being summoned or whose refusal to answer questions has been

1 certified to the court [~~+~~ ~~or~~

2 ~~[(2) improperly refuses to answer a question if the~~
3 ~~refusal has been certified to the court by the associate judge].~~

4 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court
5 reporter may be provided during a hearing held by an associate judge
6 appointed under this subchapter. A court reporter is required to be
7 provided when the associate judge presides over a jury trial.

8 (b) A party, the associate judge, or the referring court may
9 provide for a reporter during the hearing if one is not otherwise
10 provided.

11 (c) Except as provided by Subsection (a), in the absence of
12 a court reporter or on agreement of the parties, the record may be
13 preserved by any means approved by the associate judge.

14 (d) The referring court or associate judge may assess the
15 expense of preserving the record as court costs.

16 (e) On appeal of the associate judge's report or proposed
17 order, the referring court may consider testimony or other evidence
18 in the record if the record is taken by a court reporter.

19 Sec. 54A.212 [54.614]. REPORT. (a) The associate judge's
20 report may contain the associate judge's findings, conclusions, or
21 recommendations and may be in the form of a proposed order.

22 (b) The associate judge shall prepare a [written] report in
23 the form directed by the referring court, including in the form of:

24 (1) a notation on the referring court's docket sheet or
25 in the court's jacket; or

26 (2) a proposed order.

27 (c) [del(b)] After a hearing, the associate judge shall provide

1 the parties participating in the hearing notice of the substance of
2 the associate judge's report, including any proposed order.

3 (d) [~~(c)~~] Notice may be given to the parties:

4 (1) in open court, by an oral statement, or by
5 providing a copy of the associate judge's written report, including
6 any proposed order;

7 (2) by certified mail, return receipt requested; or

8 (3) by facsimile transmission.

9 (e) [~~(d)~~] There is a rebuttable presumption that notice is
10 received on the date stated on:

11 (1) the signed return receipt, if notice was provided
12 by certified mail; or

13 (2) the confirmation page produced by the facsimile
14 machine, if notice was provided by facsimile transmission.

15 (f) [~~(e)~~] After a hearing conducted by an associate judge,
16 the associate judge shall send the associate judge's signed and
17 dated report, including any proposed order, and all other papers
18 relating to the case to the referring court.

19 Sec. 54A.213 [~~54.615~~]. NOTICE OF RIGHT TO DE NOVO HEARING
20 BEFORE REFERRING COURT. (a) An associate judge shall give all
21 parties notice of the right to a de novo hearing before the
22 referring court.

23 (b) The notice may be given:

24 (1) by oral statement in open court;

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

27 (3) as otherwise directed by the referring court.

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

4 Sec. 54A.214 [~~54.616~~]. ORDER OF COURT. (a) Pending a de
5 novo hearing before the referring court, the decisions and
6 recommendations of the associate judge or a proposed order or
7 judgment of the associate judge has the full force and effect, and
8 is enforceable as, an order or judgment of the referring court,
9 except for an order providing for the appointment of a receiver.

10 (b) Except as provided by Section 54A.209(c) [~~54.610(c)~~],
11 if a request for a de novo hearing before the referring court is not
12 timely filed or the right to a de novo hearing before the referring
13 court is waived, the decisions and recommendations of the associate
14 judge or the proposed order or judgment of the associate judge
15 becomes the order or judgment of the referring court at the time the
16 judge of the referring court signs the proposed order or judgment.

17 (c) An order by an associate judge for the temporary
18 detention or incarceration of a witness or party shall be presented
19 to the referring court on the day the witness or party is detained
20 or incarcerated. The referring court, without prejudice to the
21 right to a de novo hearing provided by Section 54A.216, may approve
22 the temporary detention or incarceration or may order the release
23 of the party or witness, with or without bond, pending a de novo
24 hearing. If the referring court is not immediately available, the
25 associate judge may order the release of the party or witness, with
26 or without bond, pending a de novo hearing or may continue the
27 person's detention or incarceration for not more than 72 hours.

1 Sec. 54A.215 [~~54.617~~]. JUDICIAL ACTION ON ASSOCIATE JUDGE'S
2 PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a written
3 request for a de novo hearing before the referring court, the
4 referring court may:

5 (1) adopt, modify, or reject the associate judge's
6 proposed order or judgment;

7 (2) hear further evidence; or

8 (3) recommit the matter to the associate judge for
9 further proceedings.

10 (b) The judge of the referring court shall sign a proposed
11 order or judgment the court adopts as provided by Subsection (a)(1)
12 not later than the 30th day after the date the associate judge
13 signed the order or judgment.

14 Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE REFERRING
15 COURT. (a) A party may request a de novo hearing before the
16 referring court by filing with the clerk of the referring court a
17 written request not later than the seventh working day after the
18 date the party receives notice of the substance of the associate
19 judge's report as provided by Section 54A.212 [~~54.614~~].

20 (b) A request for a de novo hearing under this section must
21 specify the issues that will be presented to the referring court.
22 The de novo hearing is limited to the specified issues.

23 (c) In the de novo hearing before the referring court,
24 the parties may present witnesses on the issues specified in the
25 request for hearing. The referring court may also consider the
26 record from the hearing before the associate judge, including the
27 charge to and verdict returned by a jury, if the record was taken by

1 a court reporter.

2 (d) Notice of a request for a de novo hearing before the
3 referring court must be given to the opposing attorney in the manner
4 provided by Rule 21a, Texas Rules of Civil Procedure.

5 (e) If a request for a de novo hearing before the referring
6 court is filed by a party, any other party may file a request for a
7 de novo hearing before the referring court not later than the
8 seventh working day after the date of filing of the initial request.

9 (f) The referring court, after notice to the parties, shall
10 hold a de novo hearing not later than the 30th day after the date on
11 which the initial request for a de novo hearing was filed with the
12 clerk of the referring court [~~, unless all of the parties agree to a~~
13 ~~later date~~].

14 (g) Before the start of a hearing conducted by an associate
15 judge, the parties may waive the right of a de novo hearing before
16 the referring court. The waiver may be in writing or on the record.

17 (h) The denial of relief to a party after a de novo hearing
18 under this section or a party's waiver of the right to a de novo
19 hearing before the referring court does not affect the right of a
20 party to file a motion for new trial, motion for judgment
21 notwithstanding the verdict, or other post-trial motion.

22 (i) A party may not demand a second jury in a de novo hearing
23 before the referring court if the associate judge's proposed order
24 or judgment resulted from a jury trial.

25 Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's
26 failure to request a de novo hearing before the referring court or a
27 party's waiver of the right to request a de novo hearing before the

1 referring court does not deprive the party of the right to appeal to
2 or request other relief from a court of appeals or the supreme
3 court.

4 (b) Except as provided by Subsection (c), the date the judge
5 of a referring court signs an order or judgment is the controlling
6 date for the purposes of appeal to or request for other relief from
7 a court of appeals or the supreme court.

8 (c) The date an order described by Section 54A.209(a)(16)
9 [~~54.610(a)(15)~~] is signed by an associate judge is the controlling
10 date for the purpose of an appeal to, or a request for other relief
11 relating to the order from, a court of appeals or the supreme court.

12 Sec. 54A.218 [~~54.620~~]. IMMUNITY. An associate judge
13 appointed under this subchapter has the judicial immunity of a
14 probate judge. All existing immunity granted an associate judge by
15 law, express or implied, continues in full force and effect.

16 (b) If H.B. No. 1830, Acts of the 82nd Legislature, Regular
17 Session, 2011, becomes law, Subchapter G, Chapter 54, Government
18 Code, is transferred to Chapter 54A, Government Code, as added by
19 this Act, redesignated as Subchapter C, Chapter 54A, Government
20 Code, and amended to read as follows:

21 SUBCHAPTER C [~~C~~]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

22 Sec. 54A.201 [~~54.601~~]. DEFINITION. In this subchapter,
23 "statutory probate court" has the meaning assigned by Section 3,
24 Texas Probate Code.

25 Sec. 54A.202. APPLICABILITY. This subchapter applies to a
26 statutory probate court.

27 Sec. 54A.203 [~~54.603~~]. APPOINTMENT. (a) After obtaining

1 the approval of the commissioners court to create an associate
2 judge position, the judge of a statutory probate court by order may
3 appoint one or more full-time or part-time [~~a person to act as~~]
4 associate judges to perform the duties authorized by this
5 subchapter [~~judge for the statutory probate court~~].

6 (b) If a statutory probate court has jurisdiction in more
7 than one county, an associate judge appointed by that court may
8 serve only in a county in which the commissioners court has
9 authorized the appointment.

10 (c) The commissioners court may authorize the appointment
11 of an associate judge for each court or may authorize one or more
12 associate judges to share service with two or more courts, if more
13 than one statutory probate court exists in a county.

14 (d) [~~(c)~~] If an associate judge serves more than one court,
15 the associate judge's appointment must be made with the unanimous
16 approval of all the judges under whom the associate judge serves.

17 [~~(d) An associate judge must meet the qualifications to~~
18 ~~serve as a judge of the court to which the associate judge is~~
19 ~~appointed.]~~

20 (e) An associate judge appointed under this subchapter may
21 serve as an associate judge appointed under Section 574.0085,
22 Health and Safety Code.

23 Sec. 54A.204. QUALIFICATIONS. To qualify for appointment
24 as an associate judge under this subchapter, a person must:

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

27 (2) have been licensed to practice law in this state

1 for at least five years;

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

7 (4) not have resigned from office after having
8 received notice that formal proceedings by the State Commission on
9 Judicial Conduct had been instituted as provided in Section 33.022
10 and before final disposition of the proceedings.

11 Sec. 54A.205 [~~54.605~~]. COMPENSATION. (a) An associate
12 judge is entitled to the compensation set by the appointing judge
13 and approved by the commissioners court or commissioners courts of
14 the counties in which the associate judge serves. [~~The salary of~~
15 ~~the associate judge may not exceed the salary of the appointing~~
16 ~~judge.~~]

17 (b) If an associate judge serves in more than one county,
18 the associate judge shall be paid a salary as determined by
19 agreement of the commissioners courts of the counties in which the
20 associate judge serves.

21 (c) Except as provided by Subsection (d) [~~(c)~~], the
22 compensation of the associate judge shall be paid by the county from
23 the county general fund. The compensation must be paid in the same
24 manner that the appointing judge's salary is paid.

25 (d) [~~(c)~~] On the recommendation of the statutory probate
26 court judges in the county and subject to the approval of the county
27 commissioners court, the county may pay all or part of the

1 compensation of the associate judge from the excess contributions
2 remitted to the county under Section 25.00212 and deposited in the
3 contributions fund created under Section 25.00213.

4 Sec. 54A.206 [~~54.604~~]. TERMINATION OF ASSOCIATE JUDGE.

5 (a) An associate judge who serves a single court serves at the will
6 of the judge of that court.

7 (b) The employment of an associate judge who serves more
8 than two courts may only be terminated by a majority vote of all the
9 judges of the courts that the associate judge serves.

10 (c) The employment of an associate judge who serves two
11 courts may be terminated by either of the judges of the courts that
12 the associate judge serves.

13 (d) The appointment of the associate judge terminates if:

14 (1) the associate judge becomes a candidate for
15 election to public office; or

16 (2) the commissioners court does not appropriate funds
17 in the county's budget to pay the salary of the associate judge.

18 (e) If an associate judge serves a single court and the
19 appointing judge vacates the judge's office, the associate judge's
20 employment continues, subject to Subsections (d) and (h), unless
21 the successor appointed or elected judge terminates that
22 employment.

23 (f) If an associate judge serves two courts and one of the
24 appointing judges vacates the judge's office, the associate judge's
25 employment continues, subject to Subsections (d) and (h), unless
26 the successor appointed or elected judge terminates that employment
27 or the judge of the other court served by the associate judge

1 terminates that employment as provided by Subsection (c).

2 (g) If an associate judge serves more than two courts and an
3 appointing judge vacates the judge's office, the associate judge's
4 employment continues, subject to Subsections (d) and (h), unless:

5 (1) if no successor judge has been elected or
6 appointed, the majority of the judges of the other courts the
7 associate judge serves vote to terminate that employment; or

8 (2) if a successor judge has been elected or
9 appointed, the majority of the judges of the courts the associate
10 judge serves, including the successor judge, vote to terminate that
11 employment as provided by Subsection (b).

12 (h) Notwithstanding the powers of an associate judge
13 provided by Section 54A.209 [~~54.610~~], an associate judge whose
14 employment continues as provided by Subsection (e), (f), or (g)
15 after the judge of a court served by the associate judge vacates the
16 judge's office may perform administrative functions with respect to
17 that court, but may not perform any judicial function, including
18 any power prescribed by Section 54A.209 [~~54.610~~], with respect to
19 that court until a successor judge is appointed or elected.

20 Sec. 54A.207 [~~54.608~~]. CASES THAT MAY BE REFERRED.

21 (a) Except as provided by this section, a judge of a court may
22 refer to an associate judge any aspect of a suit over which the
23 probate court has jurisdiction, including any matter ancillary to
24 the suit.

25 (b) Unless a party files a written objection to the
26 associate judge hearing a trial on the merits, the judge may refer
27 the trial to the associate judge. A trial on the merits is any final

1 adjudication from which an appeal may be taken to a court of
2 appeals.

3 (c) A party must file an objection to an associate judge
4 hearing a trial on the merits or presiding at a jury trial not later
5 than the 10th day after the date the party receives notice that the
6 associate judge will hear the trial. If an objection is filed, the
7 referring court shall hear the trial on the merits or preside at a
8 jury trial.

9 Sec. 54A.2071 [~~54.606~~]. OATH. An associate judge must take
10 the constitutional oath of office required of appointed officers of
11 this state.

12 [~~Sec. 54.607. MAGISTRATE. An associate judge appointed~~
13 ~~under this subchapter is a magistrate.~~]

14 Sec. 54A.208 [~~54.609~~]. METHODS [~~ORDER~~] OF REFERRAL. (a) A
15 case may be referred to an associate judge by an order of referral
16 in a specific case or by an omnibus order [~~In referring a case to an~~
17 ~~associate judge, the judge of the referring court shall render:~~

18 [~~(1) an individual order of referral, or~~
19 [~~(2) a general order of referral~~] specifying the class
20 and type of cases to be referred [~~heard by the associate judge~~].

21 (b) The order of referral may limit the power or duties of an
22 associate judge.

23 Sec. 54A.209 [~~54.610~~]. POWERS OF ASSOCIATE JUDGE. (a)
24 Except as limited by an order of referral, an associate judge may:

- 25 (1) conduct a hearing;
26 (2) hear evidence;
27 (3) compel production of relevant evidence;

- 1 (4) rule on the admissibility of evidence;
- 2 (5) issue a summons for the appearance of witnesses;
- 3 (6) examine a witness;
- 4 (7) swear a witness for a hearing;
- 5 (8) make findings of fact on evidence;
- 6 (9) formulate conclusions of law;
- 7 (10) rule on pretrial motions;
- 8 (11) recommend the rulings, orders, or judgment [~~an~~
9 ~~order~~] to be made [~~rendered~~] in a case;
- 10 (12) [~~(11)~~] regulate all proceedings in a hearing
11 before the associate judge;
- 12 (13) [~~(12)~~] take action as necessary and proper for
13 the efficient performance of the [~~associate judge's~~] duties
14 required by the order of referral;
- 15 (14) [~~(13)~~] order the attachment of a witness or party
16 who fails to obey a subpoena;
- 17 (15) [~~(14)~~] order the detention of a witness or party
18 found guilty of contempt, pending approval by the referring court
19 as provided by Section 54A.214 [~~54.616~~];
- 20 (16) [~~(15)~~] without prejudice to the right to a de novo
21 hearing under Section 54A.216 [~~54.618~~], render and sign:
- 22 (A) a final order agreed to in writing as to both
23 form and substance by all parties;
- 24 (B) a final default order;
- 25 (C) a temporary order;
- 26 (D) a final order in a case in which a party files
27 an unrevoked waiver made in accordance with Rule 119, Texas Rules of

1 Civil Procedure, that waives notice to the party of the final
2 hearing or waives the party's appearance at the final hearing;

3 (E) an order specifying that the court clerk
4 shall issue:

5 (i) letters testamentary or of
6 administration; or

7 (ii) letters of guardianship; or

8 (F) an order for inpatient or outpatient mental
9 health, mental retardation, or chemical dependency services or an
10 order authorizing psychoactive medications; and

11 (17) [~~(16)~~] sign a final order that includes a waiver
12 of the right to a de novo hearing in accordance with Section 54A.216
13 [~~54.618~~].

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

18 (c) An order described by Subsection (a)(16) [~~(a)(15)~~] that
19 is rendered and signed by an associate judge constitutes an order of
20 the referring court. The judge of the referring court shall sign
21 the order not later than the 30th day after the date the associate
22 judge signs the order.

23 (d) An answer filed by or on behalf of a party who previously
24 filed a waiver described in Subsection (a)(16)(D) [~~(a)(15)(D)~~]
25 revokes that waiver.

26 Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff
27 shall attend a hearing conducted by an associate judge if directed

1 to attend by the referring court.

2 ~~[Sec. 54.612. COURT REPORTER. (a) A court reporter may be~~
3 ~~provided during a hearing held by an associate judge appointed~~
4 ~~under this subchapter unless required by other law. A court~~
5 ~~reporter is required to be provided when the associate judge~~
6 ~~presides over a jury trial.~~

7 ~~[(b) A party, the associate judge, or the referring court~~
8 ~~may provide for a reporter during the hearing, if one is not~~
9 ~~otherwise provided.~~

10 ~~[(c) Except as provided by Subsection (a), in the absence of~~
11 ~~a court reporter or on agreement of the parties, the record may be~~
12 ~~preserved by any means approved by the referring court.~~

13 ~~[(d) The referring court or associate judge may impose on a~~
14 ~~party the expense of preserving the record as a court cost.~~

15 ~~[(e) On a request for a de novo hearing, the referring court~~
16 ~~may consider testimony or other evidence in the record, if the~~
17 ~~record is taken by a court reporter, in addition to witnesses or~~
18 ~~other matters presented under Section 54.618.]~~

19 Sec. 54A.210 ~~[54.613]~~. WITNESS. (a) A witness appearing
20 before an associate judge is subject to the penalties for perjury
21 provided by law.

22 (b) A referring court may issue attachment against and may
23 fine or imprison a witness whose failure ~~[who~~

24 ~~[(1) fails]~~ to appear ~~[before an associate judge]~~
25 after being summoned or whose refusal to answer questions has been
26 certified to the court ~~[, or~~

27 ~~[(2) improperly refuses to answer a question if the~~

1 ~~refusal has been certified to the court by the associate judge].~~

2 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court
3 reporter may be provided during a hearing held by an associate judge
4 appointed under this subchapter. A court reporter is required to be
5 provided when the associate judge presides over a jury trial.

6 (b) A party, the associate judge, or the referring court may
7 provide for a reporter during the hearing if one is not otherwise
8 provided.

9 (c) Except as provided by Subsection (a), in the absence of
10 a court reporter or on agreement of the parties, the record may be
11 preserved by any means approved by the associate judge.

12 (d) The referring court or associate judge may assess the
13 expense of preserving the record as court costs.

14 (e) On appeal of the associate judge's report or proposed
15 order, the referring court may consider testimony or other evidence
16 in the record if the record is taken by a court reporter.

17 Sec. 54A.212 [54.614]. REPORT. (a) The associate judge's
18 report may contain the associate judge's findings, conclusions, or
19 recommendations and may be in the form of a proposed order.

20 (b) The associate judge shall prepare a [written] report in
21 the form directed by the referring court, including in the form of:

22 (1) a notation on the referring court's docket sheet or
23 in the court's jacket; or

24 (2) a proposed order.

25 (c) [b)] After a hearing, the associate judge shall provide
26 the parties participating in the hearing notice of the substance of
27 the associate judge's report, including any proposed order.

1 (d) [~~(c)~~] Notice may be given to the parties:

2 (1) in open court, by an oral statement, or by
3 providing a copy of the associate judge's written report, including
4 any proposed order;

5 (2) by certified mail, return receipt requested;

6 (3) by facsimile transmission; or

7 (4) by electronic mail.

8 (e) [~~(d)~~] There is a rebuttable presumption that notice is
9 received on the date stated on:

10 (1) the signed return receipt, if notice was provided
11 by certified mail;

12 (2) the confirmation page produced by the facsimile
13 machine, if notice was provided by facsimile transmission; or

14 (3) a printout evidencing submission of the electronic
15 mail message, if notice was provided by electronic mail.

16 (f) [~~(e)~~] After a hearing conducted by an associate judge,
17 the associate judge shall send the associate judge's signed and
18 dated report, including any proposed order, and all other papers
19 relating to the case to the referring court.

20 Sec. 54A.213 [~~54.615~~]. NOTICE OF RIGHT TO DE NOVO HEARING
21 BEFORE REFERRING COURT. (a) An associate judge shall give all
22 parties notice of the right to a de novo hearing before the
23 referring court.

24 (b) The notice may be given:

25 (1) by oral statement in open court;

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

1 (3) as otherwise directed by the referring court.

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

5 Sec. 54A.214 [~~54.616~~]. ORDER OF COURT. (a) Pending a de
6 novo hearing before the referring court, the decisions and
7 recommendations of the associate judge or a proposed order or
8 judgment of the associate judge has the full force and effect, and
9 is enforceable as, an order or judgment of the referring court,
10 except for an order providing for the appointment of a receiver.

11 (b) Except as provided by Section 54A.209(c) [~~54.610(c)~~],
12 if a request for a de novo hearing before the referring court is not
13 timely filed or the right to a de novo hearing before the referring
14 court is waived, the decisions and recommendations of the associate
15 judge or the proposed order or judgment of the associate judge
16 becomes the order or judgment of the referring court at the time the
17 judge of the referring court signs the proposed order or judgment.

18 (c) An order by an associate judge for the temporary
19 detention or incarceration of a witness or party shall be presented
20 to the referring court on the day the witness or party is detained
21 or incarcerated. The referring court, without prejudice to the
22 right to a de novo hearing provided by Section 54A.216, may approve
23 the temporary detention or incarceration or may order the release
24 of the party or witness, with or without bond, pending a de novo
25 hearing. If the referring court is not immediately available, the
26 associate judge may order the release of the party or witness, with
27 or without bond, pending a de novo hearing or may continue the

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

2 Sec. 54A.215 [~~54.617~~]. JUDICIAL ACTION ON ASSOCIATE JUDGE'S
3 PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a written
4 request for a de novo hearing before the referring court, the
5 referring court may:

6 (1) adopt, modify, or reject the associate judge's
7 proposed order or judgment;

8 (2) hear further evidence; or

9 (3) recommit the matter to the associate judge for
10 further proceedings.

11 (b) The judge of the referring court shall sign a proposed
12 order or judgment the court adopts as provided by Subsection (a)(1)
13 not later than the 30th day after the date the associate judge
14 signed the order or judgment.

15 Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE REFERRING
16 COURT. (a) A party may request a de novo hearing before the
17 referring court by filing with the clerk of the referring court a
18 written request not later than the seventh working day after the
19 date the party receives notice of the substance of the associate
20 judge's report as provided by Section 54A.212 [~~54.614~~].

21 (b) A request for a de novo hearing under this section must
22 specify the issues that will be presented to the referring court.
23 The de novo hearing is limited to the specified issues.

24 (c) In the de novo hearing before the referring court,
25 the parties may present witnesses on the issues specified in the
26 request for hearing. The referring court may also consider the
27 record from the hearing before the associate judge, including the

1 charge to and verdict returned by a jury, if the record was taken by
2 a court reporter.

3 (d) Notice of a request for a de novo hearing before the
4 referring court must be given to the opposing attorney in the manner
5 provided by Rule 21a, Texas Rules of Civil Procedure.

6 (e) If a request for a de novo hearing before the referring
7 court is filed by a party, any other party may file a request for a
8 de novo hearing before the referring court not later than the
9 seventh working day after the date of filing of the initial request.

10 (f) The referring court, after notice to the parties, shall
11 hold a de novo hearing not later than the 30th day after the date on
12 which the initial request for a de novo hearing was filed with the
13 clerk of the referring court [~~, unless all of the parties agree to a~~
14 ~~later date~~].

15 (g) Before the start of a hearing conducted by an associate
16 judge, the parties may waive the right of a de novo hearing before
17 the referring court. The waiver may be in writing or on the record.

18 (h) The denial of relief to a party after a de novo hearing
19 under this section or a party's waiver of the right to a de novo
20 hearing before the referring court does not affect the right of a
21 party to file a motion for new trial, motion for judgment
22 notwithstanding the verdict, or other post-trial motion.

23 (i) A party may not demand a second jury in a de novo hearing
24 before the referring court if the associate judge's proposed order
25 or judgment resulted from a jury trial.

26 Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's
27 failure to request a de novo hearing before the referring court or a

1 party's waiver of the right to request a de novo hearing before the
2 referring court does not deprive the party of the right to appeal to
3 or request other relief from a court of appeals or the supreme
4 court.

5 (b) Except as provided by Subsection (c), the date the judge
6 of a referring court signs an order or judgment is the controlling
7 date for the purposes of appeal to or request for other relief from
8 a court of appeals or the supreme court.

9 (c) The date an order described by Section 54A.209(a)(16)
10 [~~54.610(a)(15)~~] is signed by an associate judge is the controlling
11 date for the purpose of an appeal to, or a request for other relief
12 relating to the order from, a court of appeals or the supreme court.

13 Sec. 54A.218 [~~54.620~~]. IMMUNITY. An associate judge
14 appointed under this subchapter has the judicial immunity of a
15 probate judge. All existing immunity granted an associate judge by
16 law, express or implied, continues in full force and effect.

17 SECTION 6.03. Chapter 201, Family Code, is amended by
18 adding Subchapter D to read as follows:

19 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

20 Sec. 201.301. APPLICABILITY. This subchapter applies only
21 to an associate judge appointed under this subchapter and does not
22 apply to a juvenile court master appointed under Subchapter K,
23 Chapter 54, Government Code.

24 Sec. 201.302. APPOINTMENT. (a) A judge of a court that is
25 designated as a juvenile court may appoint a full-time or part-time
26 associate judge to perform the duties authorized by this chapter if
27 the commissioners court of a county in which the court has

1 jurisdiction has authorized creation of an associate judge
2 position.

3 (b) If a court has jurisdiction in more than one county, an
4 associate judge appointed by that court may serve only in a county
5 in which the commissioners court has authorized the appointment.

6 (c) If more than one court in a county has been designated as
7 a juvenile court, the commissioners court may authorize the
8 appointment of an associate judge for each court or may authorize
9 one or more associate judges to share service with two or more
10 courts.

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

15 Sec. 201.303. QUALIFICATIONS. To qualify for appointment
16 as an associate judge under this subchapter, a person must:

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

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

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

26 (4) not have resigned from office after having
27 received notice that formal proceedings by the State Commission on

1 Judicial Conduct had been instituted as provided in Section 33.022,
2 Government Code, and before final disposition of the proceedings.

3 Sec. 201.304. COMPENSATION. (a) An associate judge shall
4 be paid a salary determined by the commissioners court of the county
5 in which the associate judge serves.

6 (b) If an associate judge serves in more than one county,
7 the associate judge shall be paid a salary as determined by
8 agreement of the commissioners courts of the counties in which the
9 associate judge serves.

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

12 Sec. 201.305. TERMINATION. (a) An associate judge who
13 serves a single court serves at the will of the judge of that court.

14 (b) The employment of an associate judge who serves more
15 than two courts may only be terminated by a majority vote of all the
16 judges of the courts which the associate judge serves.

17 (c) The employment of an associate judge who serves two
18 courts may be terminated by either of the judges of the courts which
19 the associate judge serves.

20 (d) To terminate an associate judge's employment, the
21 appropriate judges must sign a written order of termination. The
22 order must state:

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

25 (2) each court ordering termination; and

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

27 Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as

1 provided by this section, a judge of a juvenile court may refer to
2 an associate judge any aspect of a juvenile matter brought:

3 (1) under this title or Title 3; or

4 (2) in connection with Rule 308a, Texas Rules of Civil
5 Procedure.

6 (b) Unless a party files a written objection to the
7 associate judge hearing a trial on the merits, the judge may refer
8 the trial to the associate judge. A trial on the merits is any final
9 adjudication from which an appeal may be taken to a court of
10 appeals.

11 (c) A party must file an objection to an associate judge
12 hearing a trial on the merits or presiding at a jury trial not later
13 than the 10th day after the date the party receives notice that the
14 associate judge will hear the trial. If an objection is filed, the
15 referring court shall hear the trial on the merits or preside at a
16 jury trial.

17 (d) The requirements of Subsections (b) and (c) apply when a
18 judge has authority to refer the trial of a suit under this title,
19 Title 1, or Title 4 to an associate judge, master, or other
20 assistant judge regardless of whether the assistant judge is
21 appointed under this subchapter.

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

25 (b) The order of referral may limit the power or duties of an
26 associate judge.

27 Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as

1 limited by an order of referral, an associate judge may:
2 (1) conduct a hearing;
3 (2) hear evidence;
4 (3) compel production of relevant evidence;
5 (4) rule on the admissibility of evidence;
6 (5) issue a summons for:
7 (A) the appearance of witnesses; and
8 (B) the appearance of a parent who has failed to
9 appear before an agency authorized to conduct an investigation of
10 an allegation of abuse or neglect of a child after receiving proper
11 notice;
12 (6) examine a witness;
13 (7) swear a witness for a hearing;
14 (8) make findings of fact on evidence;
15 (9) formulate conclusions of law;
16 (10) recommend an order to be rendered in a case;
17 (11) regulate proceedings in a hearing;
18 (12) order the attachment of a witness or party who
19 fails to obey a subpoena;
20 (13) order the detention of a witness or party found
21 guilty of contempt, pending approval by the referring court; and
22 (14) take action as necessary and proper for the
23 efficient performance of the associate judge's duties.
24 (b) An associate judge may, in the interest of justice,
25 refer a case back to the referring court regardless of whether a
26 timely objection to the associate judge hearing the trial on the
27 merits or presiding at a jury trial has been made by any party.

1 Sec. 201.309. REFEREES. (a) An associate judge appointed
2 under this subchapter may serve as a referee as provided by Sections
3 51.04(g) and 54.10.

4 (b) A referee appointed under Section 51.04(g) may be
5 appointed to serve as an associate judge under this subchapter.

6 Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a
7 hearing by an associate judge if directed by the referring court.

8 Sec. 201.311. WITNESS. (a) A witness appearing before an
9 associate judge is subject to the penalties for perjury provided by
10 law.

11 (b) A referring court may fine or imprison a witness who:

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

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

16 Sec. 201.312. COURT REPORTER; RECORD. (a) A court
17 reporter may be provided during a hearing held by an associate judge
18 appointed under this subchapter. A court reporter is required to be
19 provided when the associate judge presides over a jury trial or a
20 contested final termination hearing.

21 (b) A party, the associate judge, or the referring court may
22 provide for a reporter during the hearing if one is not otherwise
23 provided.

24 (c) Except as provided by Subsection (a), in the absence of
25 a court reporter or on agreement of the parties, the record may be
26 preserved by any means approved by the associate judge.

27 (d) The referring court or associate judge may assess the

1 expense of preserving the record as costs.

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

6 Sec. 201.313. REPORT. (a) The associate judge's report may
7 contain the associate judge's findings, conclusions, or
8 recommendations and may be in the form of a proposed order. The
9 associate judge's report must be in writing and in the form directed
10 by the referring court.

11 (b) After a hearing, the associate judge shall provide the
12 parties participating in the hearing notice of the substance of the
13 associate judge's report, including any proposed order.

14 (c) Notice may be given to the parties:

15 (1) in open court, by an oral statement or by providing
16 a copy of the associate judge's written report, including any
17 proposed order;

18 (2) by certified mail, return receipt requested; or

19 (3) by facsimile.

20 (d) A rebuttable presumption exists that notice is received
21 on the date stated on:

22 (1) the signed return receipt, if notice was provided
23 by certified mail; or

24 (2) the confirmation page produced by the facsimile
25 machine, if notice was provided by facsimile.

26 (e) After a hearing conducted by an associate judge, the
27 associate judge shall send the associate judge's signed and dated

1 report, including any proposed order, and all other papers relating
2 to the case to the referring court.

3 Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

4 (a) An associate judge shall give all parties notice of the right
5 to a de novo hearing to the judge of the referring court.

6 (b) The notice may be given:

7 (1) by oral statement in open court;

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

10 (3) as otherwise directed by the referring court.

11 (c) Before the start of a hearing by an associate judge, a
12 party may waive the right of a de novo hearing before the referring
13 court in writing or on the record.

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

19 (b) If a request for a de novo hearing before the referring
20 court is not timely filed or the right to a de novo hearing before
21 the referring court is waived, the proposed order or judgment of the
22 associate judge becomes the order or judgment of the referring
23 court only on the referring court's signing the proposed order or
24 judgment.

25 (c) An order by an associate judge for the temporary
26 detention or incarceration of a witness or party shall be presented
27 to the referring court on the day the witness or party is detained

1 or incarcerated. The referring court, without prejudice to the
2 right to a de novo hearing provided by Section 201.317, may approve
3 the temporary detention or incarceration or may order the release
4 of the party or witness, with or without bond, pending a de novo
5 hearing. If the referring court is not immediately available, the
6 associate judge may order the release of the party or witness, with
7 or without bond, pending a de novo hearing or may continue the
8 person's detention or incarceration for not more than 72 hours.

9 Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
10 ORDER OR JUDGMENT. Unless a party files a written request for a de
11 novo hearing before the referring court, the referring court may:

12 (1) adopt, modify, or reject the associate judge's
13 proposed order or judgment;

14 (2) hear additional evidence; or

15 (3) recommit the matter to the associate judge for
16 further proceedings.

17 Sec. 201.317. DE NOVO HEARING. (a) A party may request a de
18 novo hearing before the referring court by filing with the clerk of
19 the referring court a written request not later than the seventh
20 working day after the date the party receives notice of the
21 substance of the associate judge's report as provided by Section
22 201.313.

23 (b) A request for a de novo hearing under this section must
24 specify the issues that will be presented to the referring court.
25 The de novo hearing is limited to the specified issues.

26 (c) Notice of a request for a de novo hearing before the
27 referring court shall be given to the opposing attorney in the

1 manner provided by Rule 21a, Texas Rules of Civil Procedure.

2 (d) If a request for a de novo hearing before the referring
3 court is filed by a party, any other party may file a request for a
4 de novo hearing before the referring court not later than the
5 seventh working day after the date the initial request was filed.

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

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

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

21 (h) A party may not demand a second jury in a de novo hearing
22 before the referring court if the associate judge's proposed order
23 or judgment resulted from a jury trial.

24 Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to
25 request a de novo hearing before the referring court or a party's
26 waiver of the right to request a de novo hearing before the
27 referring court does not deprive the party of the right to appeal to

1 or request other relief from a court of appeals or the supreme
2 court.

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

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

11 Sec. 201.319. JUDICIAL IMMUNITY. An associate judge
12 appointed under this subchapter has the judicial immunity of a
13 district judge.

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

24 (b) To be eligible for appointment under this section, a
25 person must have served as an associate judge for at least two
26 years.

27 (c) Sections 201.001 through 201.017 apply to a visiting

1 associate judge appointed under this section.

2 SECTION 6.04. Subsection (b), Section 22.110, Government
3 Code, is amended to read as follows:

4 (b) The court of criminal appeals shall adopt the rules
5 necessary to accomplish the purposes of this section. The rules
6 must require each district judge, judge of a statutory county
7 court, associate judge appointed under Chapter 54A [~~54~~] of this
8 code or Chapter 201, Family Code, master, referee, and magistrate
9 to complete at least 12 hours of the training within the judge's
10 first term of office or the judicial officer's first four years of
11 service and provide a method for certification of completion of
12 that training. At least four hours of the training must be
13 dedicated to issues related to child abuse and neglect and must
14 cover at least two of the topics described in Subsections
15 (d)(8)-(12). At least six hours of the training must be dedicated
16 to the training described by Subsections (d)(5), (6), and (7). The
17 rules must require each judge and judicial officer to complete an
18 additional five hours of training during each additional term in
19 office or four years of service. At least two hours of the
20 additional training must be dedicated to issues related to child
21 abuse and neglect. The rules must exempt from the training
22 requirement of this subsection each judge or judicial officer who
23 files an affidavit stating that the judge or judicial officer does
24 not hear any cases involving family violence, sexual assault, or
25 child abuse and neglect.

26 SECTION 6.05. Section 602.002, Government Code, is amended
27 to read as follows:

1 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
2 state may be administered and a certificate of the fact given by:

3 (1) a judge, retired judge, or clerk of a municipal
4 court;

5 (2) a judge, retired judge, senior judge, clerk, or
6 commissioner of a court of record;

7 (3) a justice of the peace or a clerk of a justice
8 court;

9 (4) an associate judge, magistrate, master, referee,
10 or criminal law hearing officer;

11 (5) a notary public;

12 (6) [~~(5)~~] a member of a board or commission created by
13 a law of this state, in a matter pertaining to a duty of the board or
14 commission;

15 (7) [~~(6)~~] a person employed by the Texas Ethics
16 Commission who has a duty related to a report required by Title 15,
17 Election Code, in a matter pertaining to that duty;

18 (8) [~~(7)~~] a county tax assessor-collector or an
19 employee of the county tax assessor-collector if the oath relates
20 to a document that is required or authorized to be filed in the
21 office of the county tax assessor-collector;

22 (9) [~~(8)~~] the secretary of state or a former secretary
23 of state;

24 (10) [~~(9)~~] an employee of a personal bond office, or
25 an employee of a county, who is employed to obtain information
26 required to be obtained under oath if the oath is required or
27 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of

1 Criminal Procedure;

2 (11) [~~(10)~~] the lieutenant governor or a former
3 lieutenant governor;

4 (12) [~~(11)~~] the speaker of the house of
5 representatives or a former speaker of the house of
6 representatives;

7 (13) [~~(12)~~] the governor or a former governor;

8 (14) [~~(13)~~] a legislator or retired legislator;

9 (15) [~~(14)~~] the attorney general or a former attorney
10 general;

11 (16) [~~(15)~~] the secretary or clerk of a municipality
12 in a matter pertaining to the official business of the
13 municipality; or

14 (17) [~~(16)~~] a peace officer described by Article 2.12,
15 Code of Criminal Procedure, if:

16 (A) the oath is administered when the officer is
17 engaged in the performance of the officer's duties; and

18 (B) the administration of the oath relates to the
19 officer's duties.

20 SECTION 6.06. (a) If H.B. No. 2132 and H.B. No. 3844, Acts
21 of the 82nd Legislature, Regular Session, 2011, do not become law,
22 Article 2.09, Code of Criminal Procedure, is amended to read as
23 follows:

24 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
25 officers is a magistrate within the meaning of this Code: The
26 justices of the Supreme Court, the judges of the Court of Criminal
27 Appeals, the justices of the Courts of Appeals, the judges of the

1 District Court, the magistrates appointed by the judges of the
2 district courts of Bexar County, Dallas County, or Tarrant County
3 that give preference to criminal cases, the criminal law hearing
4 officers for Harris County appointed under Subchapter L, Chapter
5 54, Government Code, the criminal law hearing officers for Cameron
6 County appointed under Subchapter BB, Chapter 54, Government Code,
7 the magistrates or associate judges appointed by the judges of the
8 district courts of Lubbock County, Nolan County, or Webb County,
9 the magistrates appointed by the judges of the criminal district
10 courts of Dallas County or Tarrant County, the associate judges
11 [~~masters~~] appointed by the judges of the district courts and the
12 county courts at law that give preference to criminal cases in
13 Jefferson County, the associate judges [~~magistrates~~] appointed by
14 the judges of the district courts and the statutory county courts of
15 Brazos County, Nueces County, or Williamson County, the magistrates
16 appointed by the judges of the district courts and statutory county
17 courts that give preference to criminal cases in Travis County, the
18 criminal magistrates appointed by the Brazoria County
19 Commissioners Court, the county judges, the judges of the county
20 courts at law, judges of the county criminal courts, the judges of
21 statutory probate courts, the associate judges appointed by the
22 judges of the statutory probate courts under [~~Subchapter C,~~
23 Chapter 54A [~~54~~], Government Code, the associate judges appointed
24 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
25 ~~Chapter 54~~], Government Code, the justices of the peace, and the
26 mayors and recorders and the judges of the municipal courts of
27 incorporated cities or towns.

1 (b) If H.B. No. 2132, Acts of the 82nd Legislature, Regular
2 Session, 2011, becomes law and H.B. No. 3844, Acts of the 82nd
3 Legislature, Regular Session, 2011, does not become law, Article
4 2.09, Code of Criminal Procedure, as effective June 2011, is
5 amended to read as follows:

6 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
7 officers is a magistrate within the meaning of this Code: The
8 justices of the Supreme Court, the judges of the Court of Criminal
9 Appeals, the justices of the Courts of Appeals, the judges of the
10 District Court, the magistrates appointed by the judges of the
11 district courts of Bexar County, Dallas County, or Tarrant County
12 that give preference to criminal cases, the criminal law hearing
13 officers for Harris County appointed under Subchapter L, Chapter
14 54, Government Code, the criminal law hearing officers for Cameron
15 County appointed under Subchapter BB, Chapter 54, Government Code,
16 the magistrates or associate judges appointed by the judges of the
17 district courts of Lubbock County, Nolan County, or Webb County,
18 the magistrates appointed by the judges of the criminal district
19 courts of Dallas County or Tarrant County, the associate judges
20 [~~masters~~] appointed by the judges of the district courts and the
21 county courts at law that give preference to criminal cases in
22 Jefferson County, the associate judges [~~magistrates~~] appointed by
23 the judges of the district courts and the statutory county courts of
24 Brazos County, Nueces County, or Williamson County, the magistrates
25 appointed by the judges of the district courts and statutory county
26 courts that give preference to criminal cases in Travis County, the
27 criminal magistrates appointed by the Brazoria County

1 Commissioners Court, the county judges, the judges of the county
2 courts at law, judges of the county criminal courts, the judges of
3 statutory probate courts, the associate judges appointed by the
4 judges of the statutory probate courts under [~~Subchapter C,~~
5 Chapter 54A [~~54~~], Government Code, the associate judges appointed
6 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
7 ~~Chapter 54~~], Government Code, the magistrates appointed under
8 Subchapter JJ, Chapter 54, Government Code, the justices of the
9 peace, and the mayors and recorders and the judges of the municipal
10 courts of incorporated cities or towns.

11 (c) If H.B. No. 3844, Acts of the 82nd Legislature, Regular
12 Session, 2011, becomes law and H.B. No. 2132, Acts of the 82nd
13 Legislature, Regular Session, 2011, does not become law, Article
14 2.09, Code of Criminal Procedure, as effective June 2011, is
15 amended to read as follows:

16 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
17 officers is a magistrate within the meaning of this Code: The
18 justices of the Supreme Court, the judges of the Court of Criminal
19 Appeals, the justices of the Courts of Appeals, the judges of the
20 District Court, the magistrates appointed by the judges of the
21 district courts of Bexar County, Dallas County, or Tarrant County
22 that give preference to criminal cases, the criminal law hearing
23 officers for Harris County appointed under Subchapter L, Chapter
24 54, Government Code, the criminal law hearing officers for Cameron
25 County appointed under Subchapter BB, Chapter 54, Government Code,
26 the magistrates or associate judges appointed by the judges of the
27 district courts of Lubbock County, Nolan County, or Webb County,

1 the magistrates appointed by the judges of the criminal district
2 courts of Dallas County or Tarrant County, the associate judges
3 [~~masters~~] appointed by the judges of the district courts and the
4 county courts at law that give preference to criminal cases in
5 Jefferson County, the associate judges [~~magistrates~~] appointed by
6 the judges of the district courts and the statutory county courts of
7 Brazos County, Nueces County, or Williamson County, the magistrates
8 appointed by the judges of the district courts and statutory county
9 courts that give preference to criminal cases in Travis County, the
10 criminal magistrates appointed by the Brazoria County
11 Commissioners Court, the criminal magistrates appointed by the
12 Burnet County Commissioners Court, the county judges, the judges of
13 the county courts at law, judges of the county criminal courts, the
14 judges of statutory probate courts, the associate judges appointed
15 by the judges of the statutory probate courts under [~~Subchapter C,~~
16 Chapter 54A [~~54~~], Government Code, the associate judges appointed
17 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
18 ~~Chapter 54~~], Government Code, the justices of the peace, and the
19 mayors and recorders and the judges of the municipal courts of
20 incorporated cities or towns.

21 (d) If H.B. No. 2132 and H.B. No. 3844, Acts of the 82nd
22 Legislature, Regular Session, 2011, become law, Article 2.09, Code
23 of Criminal Procedure, as effective June 2011, is amended to read as
24 follows:

25 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
26 officers is a magistrate within the meaning of this Code: The
27 justices of the Supreme Court, the judges of the Court of Criminal

1 Appeals, the justices of the Courts of Appeals, the judges of the
2 District Court, the magistrates appointed by the judges of the
3 district courts of Bexar County, Dallas County, or Tarrant County
4 that give preference to criminal cases, the criminal law hearing
5 officers for Harris County appointed under Subchapter L, Chapter
6 54, Government Code, the criminal law hearing officers for Cameron
7 County appointed under Subchapter BB, Chapter 54, Government Code,
8 the magistrates or associate judges appointed by the judges of the
9 district courts of Lubbock County, Nolan County, or Webb County,
10 the magistrates appointed by the judges of the criminal district
11 courts of Dallas County or Tarrant County, the associate judges
12 [~~masters~~] appointed by the judges of the district courts and the
13 county courts at law that give preference to criminal cases in
14 Jefferson County, the associate judges [~~magistrates~~] appointed by
15 the judges of the district courts and the statutory county courts of
16 Brazos County, Nueces County, or Williamson County, the magistrates
17 appointed by the judges of the district courts and statutory county
18 courts that give preference to criminal cases in Travis County, the
19 criminal magistrates appointed by the Brazoria County
20 Commissioners Court, the criminal magistrates appointed by the
21 Burnet County Commissioners Court, the county judges, the judges of
22 the county courts at law, judges of the county criminal courts, the
23 judges of statutory probate courts, the associate judges appointed
24 by the judges of the statutory probate courts under [~~Subchapter G,~~
25 Chapter 54A [~~54~~], Government Code, the associate judges appointed
26 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
27 ~~Chapter 54~~], Government Code, the magistrates appointed under

1 Subchapter JJ, Chapter 54, Government Code, as added by H.B. No.
2 2132, Acts of the 82nd Legislature, Regular Session, 2011, the
3 justices of the peace, and the mayors and recorders and the judges
4 of the municipal courts of incorporated cities or towns.

5 SECTION 6.07. Subsection (d), Article 102.017, Code of
6 Criminal Procedure, is amended to read as follows:

7 (d) Except as provided by Subsection (d-2), the clerks of
8 the respective courts shall collect the costs and pay them to the
9 county or municipal treasurer, as appropriate, or to any other
10 official who discharges the duties commonly delegated to the county
11 or municipal treasurer, as appropriate, for deposit in a fund to be
12 known as the courthouse security fund or a fund to be known as the
13 municipal court building security fund, as appropriate. Money
14 deposited in a courthouse security fund may be used only for
15 security personnel, services, and items related to buildings that
16 house the operations of district, county, or justice courts, and
17 money deposited in a municipal court building security fund may be
18 used only for security personnel, services, and items related to
19 buildings that house the operations of municipal courts. For
20 purposes of this subsection, operations of a district, county, or
21 justice court include the activities of associate judges, masters,
22 magistrates, referees, hearing officers, criminal law magistrate
23 court judges, and masters in chancery appointed under:

- 24 (1) Section 61.311, Alcoholic Beverage Code;
25 (2) Section 51.04(g) or Chapter 201, Family Code;
26 (3) Section 574.0085, Health and Safety Code;
27 (4) Section 33.71, Tax Code;

1 (5) Chapter 54A [~~Chapter 54~~], Government Code; or

2 (6) Rule 171, Texas Rules of Civil Procedure.

3 SECTION 6.08. Subsection (a), Section 54.10, Family Code,
4 is amended to read as follows:

5 (a) Except as provided by Subsection (e), a hearing under
6 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
7 under Chapter 55, including a jury trial, or a hearing under the
8 Interstate Compact for Juveniles (Chapter 60) may be held by a
9 referee appointed in accordance with Section 51.04(g) or an
10 associate judge [~~a master~~] appointed under Chapter 54A [~~54~~],
11 Government Code, provided:

12 (1) the parties have been informed by the referee or
13 associate judge [~~master~~] that they are entitled to have the hearing
14 before the juvenile court judge; and

15 (2) after each party is given an opportunity to
16 object, no party objects to holding the hearing before the referee
17 or associate judge [~~master~~].

18 SECTION 6.09. A magistrate, master, referee, associate
19 judge, or hearing officer appointed as provided by Subchapters A,
20 B, C, E, F, I, O, P, S, T, U, V, X, CC, FF, and II, Chapter 54,
21 Government Code, before the effective date of this Act, continues
22 to serve as an associate judge under Chapter 54A, Government Code,
23 as added by this article, with the powers and duties provided by
24 that chapter, provided the court for which the magistrate, master,
25 referee, associate judge, or hearing officer serves has authority
26 to appoint an associate judge under Chapter 54A, Government Code.

27 SECTION 6.10. The changes in law made by this article apply

1 to a matter referred to an associate judge on or after the effective
2 date of this article. A matter referred to an associate judge
3 before the effective date of this article is governed by the law in
4 effect on the date the matter was referred to the associate judge,
5 and the former law is continued in effect for that purpose.

6 SECTION 6.11. The following subchapters of Chapter 54,
7 Government Code, are repealed:

- 8 (1) Subchapter A;
- 9 (2) Subchapter B;
- 10 (3) Subchapter C;
- 11 (4) Subchapter E;
- 12 (5) Subchapter F;
- 13 (6) Subchapter I;
- 14 (7) Subchapter O;
- 15 (8) Subchapter P;
- 16 (9) Subchapter S;
- 17 (10) Subchapter T;
- 18 (11) Subchapter U;
- 19 (12) Subchapter V;
- 20 (13) Subchapter X;
- 21 (14) Subchapter CC;
- 22 (15) Subchapter FF; and
- 23 (16) Subchapter II.

24 ARTICLE 7. COURT ADMINISTRATION

25 SECTION 7.01. Section 74.005, Government Code, is amended
26 to read as follows:

27 Sec. 74.005. APPOINTMENT OF [~~REGIONAL~~] PRESIDING JUDGES OF

1 ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the
2 advice and consent of the senate, shall appoint one judge in each
3 administrative judicial region as presiding judge of the region.

4 (b) On the death, resignation, removal, or expiration of the
5 term of office of a presiding judge, the governor immediately shall
6 appoint or reappoint a presiding judge.

7 SECTION 7.02. Section 74.050, Government Code, is amended
8 to read as follows:

9 Sec. 74.050. SUPPORT STAFF [~~ADMINISTRATIVE ASSISTANT~~]. (a)
10 The presiding judge may employ, directly or through a contract with
11 another governmental entity, a full-time or part-time
12 administrative assistant.

13 (b) An administrative assistant [~~must have the~~
14 ~~qualifications established by rule of the supreme court.~~

15 [~~(c) An administrative assistant~~] shall aid the presiding
16 judge in carrying out the judge's duties under this chapter. The
17 administrative assistant shall:

18 (1) perform the duties that are required by the
19 presiding judge and by the rules of administration;

20 (2) conduct correspondence for the presiding judge;

21 (3) under the direction of the presiding judge, make
22 an annual report of the activities of the administrative region and
23 special reports as provided by the rules of administration to the
24 supreme court, which shall be made in the manner directed by the
25 supreme court; and

26 (4) attend to other matters that are prescribed by the
27 council of judges.

1 (c) [~~(d)~~] An administrative assistant, with the approval of
2 the presiding judge, may purchase the necessary office equipment,
3 stamps, stationery, and supplies and employ additional personnel as
4 authorized by the presiding judge.

5 (d) [~~(e)~~] An administrative assistant is entitled to
6 receive the compensation from the state provided by the General
7 Appropriations Act, from county funds, or from any public or
8 private grant.

9 SECTION 7.03. Subsection (c), Section 74.093, Government
10 Code, is amended to read as follows:

11 (c) The rules may provide for:

12 (1) the selection and authority of a presiding judge
13 of the courts giving preference to a specified class of cases, such
14 as civil, criminal, juvenile, or family law cases;

15 (2) other strategies for managing cases that require
16 special judicial attention;

17 (3) [~~(2)~~] a coordinated response for the transaction
18 of essential judicial functions in the event of a disaster; and

19 (4) [~~(3)~~] any other matter necessary to carry out this
20 chapter or to improve the administration and management of the
21 court system and its auxiliary services.

22 SECTION 7.04. (a) If S.B. No. 1198, Acts of the 82nd
23 Legislature, Regular Session, 2011, does not become law, Section
24 74.141, Government Code, is amended to read as follows:

25 Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall
26 defend a state district judge, a presiding judge of an
27 administrative region, the presiding judge of the statutory probate

1 courts, or an active, retired, or former judge assigned under this
2 chapter in any action or suit in any court in which the judge is a
3 defendant because of his office as judge if the judge requests the
4 attorney general's assistance in the defense of the suit.

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

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

14 SECTION 7.05. Chapter 74, Government Code, is amended by
15 adding Subchapter J to read as follows:

16 SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

17 Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter
18 does not apply to:

19 (1) a criminal matter;

20 (2) a case in which judicial review is sought under
21 Subchapter G, Chapter 2001; or

22 (3) a case that has been transferred by the judicial
23 panel on multidistrict litigation to a district court for
24 consolidated or coordinated pretrial proceedings under Subchapter
25 H.

26 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE
27 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt

1 rules under which courts, presiding judges of the administrative
2 judicial regions, and the judicial committee for additional
3 resources may determine whether a case requires additional
4 resources to ensure efficient judicial management of the case.

5 (b) In developing the rules, the supreme court shall include
6 considerations regarding whether a case involves or is likely to
7 involve:

8 (1) a large number of parties who are separately
9 represented by counsel;

10 (2) coordination with related actions pending in one
11 or more courts in other counties of this state or in one or more
12 United States district courts;

13 (3) numerous pretrial motions that present difficult
14 or novel legal issues that will be time-consuming to resolve;

15 (4) a large number of witnesses or substantial
16 documentary evidence;

17 (5) substantial postjudgment supervision;

18 (6) a trial that will last more than four weeks; and

19 (7) a substantial additional burden on the trial
20 court's docket and the resources available to the trial court to
21 hear the case.

22 Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of
23 a party in a case, or on the court's own motion, the judge of the
24 court in which the case is pending shall review the case and
25 determine whether, under rules adopted by the supreme court under
26 Section 74.252, the case will require additional resources to
27 ensure efficient judicial management. The judge is not required to

1 conduct an evidentiary hearing for purposes of making the
2 determination but may, in the judge's discretion, direct the
3 attorneys for the parties to the case and the parties to appear
4 before the judge for a conference to provide information to assist
5 the judge in making the determination.

6 (b) On determining that a case will require additional
7 resources as provided by Subsection (a), the judge shall:

8 (1) notify the presiding judge of the administrative
9 judicial region in which the court is located about the case; and

10 (2) request any specific additional resources that are
11 needed, including the assignment of a judge under this chapter.

12 (c) If the presiding judge of the administrative judicial
13 region agrees that, in accordance with the rules adopted by the
14 supreme court under Section 74.252, the case will require
15 additional resources to ensure efficient judicial management, the
16 presiding judge shall:

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

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

21 Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

22 (a) The judicial committee for additional resources is composed
23 of:

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

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

27 (b) The chief justice of the supreme court serves as

1 presiding officer. The office of court administration shall
2 provide staff support to the committee.

3 (c) On receipt of a request for additional resources from a
4 presiding judge of an administrative judicial region under Section
5 74.253, the committee shall determine whether the case that is the
6 subject of the request requires additional resources in accordance
7 with the rules adopted under Section 74.252. If the committee
8 determines that the case does require additional resources, the
9 committee shall make available the resources requested by the trial
10 judge to the extent funds are available for those resources under
11 the General Appropriations Act and to the extent the committee
12 determines the requested resources are appropriate to the
13 circumstances of the case.

14 (d) Subject to Subsections (c) and (f), additional
15 resources the committee may make available under this section
16 include:

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

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

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

26 (4) specialized continuing legal education;

27 (5) an associate judge;

1 (6) special accommodations or furnishings for the
2 parties;

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

5 (8) any other resources the committee considers
6 appropriate.

7 (e) Notwithstanding any provision of Subchapter C, a
8 justice or judge to whom Section 74.053(d) applies may not be
9 assigned under Subsection (d).

10 (f) The judicial committee for additional resources may not
11 provide additional resources under this subchapter in an amount
12 that is more than the amount appropriated for this purpose.

13 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of
14 additional resources provided for a case under this subchapter
15 shall be paid by the state and may not be taxed against any party in
16 the case for which the resources are provided or against the county
17 in which the case is pending.

18 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.
19 The filing of a motion under Section 74.253 in a case is not grounds
20 for a stay or continuance of the proceedings in the case in the
21 court in which the case is pending during the period the motion or
22 request is being considered by:

23 (1) the judge of that court;

24 (2) the presiding judge of the administrative judicial
25 region; or

26 (3) the judicial committee for additional resources.

27 Sec. 74.257. APPELLATE REVIEW. A determination made by a

1 trial court judge, the presiding judge of an administrative
2 judicial region, or the judicial committee for additional resources
3 under this subchapter is not appealable or subject to review by
4 mandamus.

5 SECTION 7.06. (a) The Texas Supreme Court shall request
6 the president of the State Bar of Texas to appoint a task force to
7 consider and make recommendations regarding the rules for
8 determining whether civil cases pending in trial courts require
9 additional resources for efficient judicial management required by
10 Section 74.252, Government Code, as added by this article. The
11 president of the State Bar of Texas shall ensure that the task force
12 has diverse representation and includes judges of trial courts and
13 attorneys licensed to practice law in this state who regularly
14 appear in civil cases before courts in this state. The task force
15 shall provide recommendations on the rules to the Texas Supreme
16 Court not later than March 1, 2012.

17 (b) The Texas Supreme Court shall:

18 (1) consider the recommendations of the task force
19 provided as required by Subsection (a) of this section; and

20 (2) adopt the rules required by Section 74.252,
21 Government Code, as added by this article, not later than May 1,
22 2012.

23 SECTION 7.07. The changes in law made by this article apply
24 to cases pending on or after May 1, 2012.

25 ARTICLE 8. GRANT PROGRAMS

26 SECTION 8.01. Subchapter C, Chapter 72, Government Code, is
27 amended by adding Section 72.029 to read as follows:

1 Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) The
2 office shall develop and administer, except as provided by
3 Subsection (c), a program to provide grants from available funds to
4 counties for initiatives that will enhance their court systems or
5 otherwise carry out the purposes of this chapter.

6 (b) To be eligible for a grant under this section, a county
7 must:

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

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

16 (c) The judicial committee for additional resources shall
17 determine whether to award a grant to a county that meets the
18 eligibility requirements prescribed by Subsection (b).

19 (d) If the judicial committee for additional resources
20 awards a grant to a county, the office shall:

21 (1) direct the comptroller to distribute the grant
22 money to the county; and

23 (2) monitor the county's use of the grant money.

24 (e) The office may accept gifts, grants, and donations for
25 purposes of this section. The office may not use state funds to
26 provide a grant under this section or to administer the grant
27 program.

1 SECTION 8.02. Subchapter A, Chapter 22, Government Code, is
2 amended by adding Section 22.017 to read as follows:

3 Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) In this
4 section, "commission" means the Permanent Judicial Commission for
5 Children, Youth and Families established by the supreme court.

6 (b) The commission shall develop and administer a program to
7 provide grants from available funds for initiatives that will
8 improve safety and permanency outcomes, enhance due process, or
9 increase the timeliness of resolution in child protection cases.

10 (c) To be eligible for a grant under this section, a
11 prospective recipient must:

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

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

18 (d) If the commission awards a grant, the commission shall:

19 (1) direct the comptroller to distribute the grant
20 money; and

21 (2) monitor the use of the grant money.

22 (e) The commission may accept gifts, grants, and donations
23 for purposes of this section. The commission may not use state
24 funds to provide a grant under this section or to administer the
25 grant program.

26 ARTICLE 9. VEXATIOUS LITIGANTS

27 SECTION 9.01. Subdivision (3), Section 11.001, Civil

1 Practice and Remedies Code, is amended to read as follows:

2 (3) "Local administrative judge" means a local
3 administrative district judge, a local administrative statutory
4 probate court judge, or a local administrative statutory county
5 court judge.

6 SECTION 9.02. Section 11.101, Civil Practice and Remedies
7 Code, is amended by adding Subsection (c) to read as follows:

8 (c) A litigant may appeal from a prefiling order entered
9 under Subsection (a) designating the person a vexatious litigant.

10 SECTION 9.03. Section 11.102, Civil Practice and Remedies
11 Code, is amended by adding Subsection (c) to read as follows:

12 (c) A decision of a local administrative judge denying a
13 litigant permission to file a litigation under Subsection (a), or
14 conditioning permission to file a litigation on the furnishing of
15 security under Subsection (b), is not grounds for appeal, except
16 that the litigant may apply for a writ of mandamus with the court of
17 appeals not later than the 30th day after the date of the decision.
18 The denial of a writ of mandamus by the court of appeals is not
19 grounds for appeal to the supreme court or court of criminal
20 appeals.

21 SECTION 9.04. Section 11.103, Civil Practice and Remedies
22 Code, is amended by amending Subsection (a) and adding Subsection
23 (d) to read as follows:

24 (a) Except as provided by Subsection (d), a [A] clerk of a
25 court may not file a litigation, original proceeding, appeal, or
26 other claim presented by a vexatious litigant subject to a
27 prefiling order under Section 11.101 unless the litigant obtains an

1 order from the local administrative judge permitting the filing.

2 (d) A clerk of a court of appeals may file an appeal from a
3 prefiling order entered under Section 11.101 designating a person a
4 vexatious litigant or a timely filed writ of mandamus under Section
5 11.102(c).

6 SECTION 9.05. Section 11.104, Civil Practice and Remedies
7 Code, is amended to read as follows:

8 Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION;
9 DISSEMINATION OF LIST. (a) A clerk of a court shall provide the
10 Office of Court Administration of the Texas Judicial System a copy
11 of any prefiling order issued under Section 11.101 not later than
12 the 30th day after the date the prefiling order is signed.

13 (b) The Office of Court Administration of the Texas Judicial
14 System shall post on the agency's Internet website ~~[maintain]~~ a
15 list of vexatious litigants subject to prefiling orders under
16 Section 11.101 ~~[and shall annually send the list to the clerks of~~
17 ~~the courts of this state]~~. On request of a person designated a
18 vexatious litigant, the list shall indicate whether the person
19 designated a vexatious litigant has filed an appeal of that
20 designation.

21 SECTION 9.06. The posting, before the effective date of
22 this article, of the name of a person designated a vexatious
23 litigant under Chapter 11, Civil Practice and Remedies Code, on a
24 list of vexatious litigants on the Internet website of the Office of
25 Court Administration of the Texas Judicial System is not:

26 (1) grounds for a cause of action;

27 (2) a defense against a finding that a plaintiff is a

1 vexatious litigant under Chapter 11, Civil Practice and Remedies
2 Code; or

3 (3) grounds for relief or appeal from a stay, order, or
4 dismissal or any other action taken by a court or a clerk of a court
5 under Chapter 11, Civil Practice and Remedies Code.

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

8 SECTION 10.01. In this article, "office of court
9 administration" means the Office of Court Administration of the
10 Texas Judicial System.

11 SECTION 10.02. (a) The office of court administration
12 shall study the district courts and statutory county courts of this
13 state to determine overlapping jurisdiction in civil cases in which
14 the amount in controversy is more than \$200,000. The study must
15 determine the feasibility, efficiency, and potential cost of
16 converting to district courts those statutory county courts with
17 jurisdiction in civil cases in which the amount in controversy is
18 more than \$200,000.

19 (b) Not later than January 1, 2013, the office of court
20 administration shall submit a report regarding the determinations
21 made by the office relating to statutory county courts to the
22 governor, the lieutenant governor, the speaker of the house of
23 representatives, the chairs of the standing committees of the
24 senate and house of representatives with primary jurisdiction over
25 the judicial system, and the commissioners court of any county with
26 a statutory county court with jurisdiction in civil cases in which
27 the amount in controversy is more than \$200,000.

1 (c) The office of court administration may accept gifts,
2 grants, and donations to conduct the study under this section. The
3 office of court administration may not use state funds to conduct
4 the study and, notwithstanding Subsection (a) of this section, is
5 required to conduct the study only to the extent gifts, grants, and
6 donations are available for that purpose.

7 ARTICLE 11. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

8 SECTION 11.01. Section 263.601, Family Code, is amended by
9 amending Subdivision (1) and adding Subdivision (3-a) to read as
10 follows:

11 (1) "Foster care" means a voluntary residential living
12 arrangement with a foster parent or other residential child-care
13 provider that is:

14 (A) licensed or approved by the department or
15 verified by a licensed child-placing agency; and

16 (B) paid under a contract with the department.

17 (3-a) "Trial independence period" means a period of
18 not less than six months, or a longer period as a court may order not
19 to exceed 12 months, during which a young adult exits foster care
20 with the option to return to foster care under the continuing
21 extended jurisdiction of the court.

22 SECTION 11.02. Section 263.602, Family Code, is amended to
23 read as follows:

24 Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had
25 continuing, exclusive jurisdiction over a young adult on the day
26 before [~~may, at~~] the young adult's 18th birthday continues to have
27 extended [~~request, render an order that extends the court's~~]

1 jurisdiction over the young adult and shall retain the case on the
2 court's docket while the young adult remains in extended foster
3 care and during a trial independence period described [~~as provided~~]
4 by this section [~~subchapter~~].

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

9 (1) whether the young adult's living arrangement is
10 safe and appropriate and whether the department has made reasonable
11 efforts to place the young adult in the least restrictive
12 environment necessary to meet the young adult's needs;

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

16 (3) whether, for a young adult whose permanency plan
17 is independent living:

18 (A) the young adult participated in the
19 development of the plan of service;

20 (B) the young adult's plan of service reflects
21 the independent living skills and appropriate services needed to
22 achieve independence by the projected date; and

23 (C) the young adult continues to make reasonable
24 progress in developing the skills needed to achieve independence by
25 the projected date; and

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

1 adult [~~The extended jurisdiction of the court terminates on the~~
2 ~~earlier of:~~

3 ~~(1) the young adult's 21st birthday, or~~

4 ~~(2) the date the young adult withdraws consent to the~~
5 ~~extension of the court's jurisdiction in writing or in court].~~

6 (c) Not later than the 10th day before the date set for a
7 hearing under this section, the department shall file with the
8 court a copy of the young adult's plan of service and a report that
9 addresses the issues described by Subsection (b).

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

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

15 (2) the department;

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

19 (4) the director of the residential child-care
20 facility or other approved provider with whom the young adult is
21 placed, if applicable;

22 (5) each parent of the young adult whose parental
23 rights have not been terminated and who is still actively involved
24 in the life of the young adult;

25 (6) a legal guardian of the young adult, if
26 applicable; and

27 (7) the young adult's attorney ad litem, guardian ad

1 litem, and volunteer advocate, the appointment of which has not
2 been previously dismissed by the court.

3 (e) If, after reviewing the young adult's plan of service
4 and the report filed under Subsection (c), and any additional
5 testimony and evidence presented at the review hearing, the court
6 determines that the young adult is entitled to additional services,
7 the court may order the department to take appropriate action to
8 ensure that the young adult receives those services.

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

13 (1) the last day of the:

14 (A) sixth month after the date the young adult
15 leaves foster care; or

16 (B) 12th month after the date the young adult
17 leaves foster care if specified in a court order, for the purpose of
18 allowing the young adult to pursue a trial independence period; or

19 (2) the young adult's 21st birthday.

20 (g) A court with extended jurisdiction described by this
21 section is not required to conduct periodic hearings for a young
22 adult during a trial independence period and may not compel a young
23 adult who has exited foster care to attend a court hearing.

24 SECTION 11.03. Subchapter G, Chapter 263, Family Code, is
25 amended by adding Section 263.6021 to read as follows:

26 Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG
27 ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

1 (a) Notwithstanding Section 263.602, a court that had continuing,
2 exclusive jurisdiction over a young adult on the day before the
3 young adult's 18th birthday may, at the young adult's request,
4 render an order that extends the court's jurisdiction beyond the
5 end of a trial independence period if the young adult receives
6 transitional living services from the department.

7 (b) The extended jurisdiction of the court under this
8 section terminates on the earlier of:

9 (1) the young adult's 21st birthday; or

10 (2) the date the young adult withdraws consent to the
11 extension of the court's jurisdiction in writing or in court.

12 (c) At the request of a young adult who is receiving
13 transitional living services from the department and who consents
14 to voluntary extension of the court's jurisdiction under this
15 section, the court may hold a hearing to review the services the
16 young adult is receiving.

17 (d) Before a review hearing scheduled under this section,
18 the department must file with the court a report summarizing the
19 young adult's transitional living services plan, services being
20 provided to the young adult under that plan, and the young adult's
21 progress in achieving independence.

22 (e) If, after reviewing the report and any additional
23 testimony and evidence presented at the hearing, the court
24 determines that the young adult is entitled to additional services,
25 the court may order the department to take appropriate action to
26 ensure that the young adult receives those services.

27 SECTION 11.04. Subsections (a) and (c), Section 263.603,

1 Family Code, are amended to read as follows:

2 (a) Notwithstanding Section 263.6021 [~~263.602~~], if the
3 court believes that a young adult may be incapacitated as defined by
4 Section 601(14)(B), Texas Probate Code, the court may extend its
5 jurisdiction on its own motion without the young adult's consent to
6 allow the department to refer the young adult to the Department of
7 Aging and Disability Services for guardianship services as required
8 by Section 48.209, Human Resources Code.

9 (c) If the Department of Aging and Disability Services
10 determines a guardianship is not appropriate, or the court with
11 probate jurisdiction denies the application to appoint a guardian,
12 the court under Subsection (a) may continue to extend its
13 jurisdiction over the young adult only as provided by Section
14 263.602 or 263.6021.

15 SECTION 11.05. Section 263.609, Family Code, is repealed.

16 SECTION 11.06. This article takes effect immediately if
17 this Act receives a vote of two-thirds of all the members elected to
18 each house, as provided by Section 39, Article III, Texas
19 Constitution. If this Act does not receive the vote necessary for
20 immediate effect, this article takes effect on the 91st day after
21 the last day of the legislative session.

22 ARTICLE 12. INMATE LITIGATION

23 SECTION 12.01. Subsection (a), Section 14.002, Civil
24 Practice and Remedies Code, is amended to read as follows:

25 (a) This chapter applies only to an action, including an
26 appeal or original proceeding, [~~a suit~~] brought by an inmate in a
27 district, county, justice of the peace, or small claims court or an

1 appellate court, including the supreme court or the court of
2 criminal appeals, in which an affidavit or unsworn declaration of
3 inability to pay costs is filed by the inmate.

4 SECTION 12.02. Subsections (a) and (b), Section 14.004,
5 Civil Practice and Remedies Code, are amended to read as follows:

6 (a) An inmate who files an affidavit or unsworn declaration
7 of inability to pay costs shall file a separate affidavit or
8 declaration:

9 (1) identifying each action [~~suit~~], other than an
10 action [~~a suit~~] under the Family Code, previously brought by the
11 person and in which the person was not represented by an attorney,
12 without regard to whether the person was an inmate at the time the
13 action [~~suit~~] was brought; and

14 (2) describing each action [~~suit~~] that was previously
15 brought by:

16 (A) stating the operative facts for which relief
17 was sought;

18 (B) listing the case name, cause number, and the
19 court in which the action [~~suit~~] was brought;

20 (C) identifying each party named in the action
21 [~~suit~~]; and

22 (D) stating the result of the action [~~suit~~],
23 including whether the action or a claim that was a basis for the
24 action [~~suit~~] was dismissed as frivolous or malicious under Section
25 13.001 or Section 14.003 or otherwise.

26 (b) If the affidavit or unsworn declaration filed under this
27 section states that a previous action or claim [~~suit~~] was dismissed

1 as frivolous or malicious, the affidavit or unsworn declaration
2 must state the date of the final order affirming the dismissal.

3 SECTION 12.03. Subsection (a), Section 14.007, Civil
4 Practice and Remedies Code, is amended to read as follows:

5 (a) An order of a court under Section 14.006(a) shall
6 include the costs described by Subsection (b) if the court finds
7 that:

8 (1) the inmate has previously filed an action to which
9 this chapter applies [~~in a district, county, justice of the peace,~~
10 ~~or small claims court~~]; and

11 (2) a final order has been issued that affirms that the
12 action was dismissed as frivolous or malicious under Section 13.001
13 or Section 14.003 or otherwise.

14 SECTION 12.04. The change in law made by this article
15 applies only to an action brought on or after the effective date of
16 this Act. An action brought before the effective date of this Act is
17 governed by the law in effect immediately before the effective date
18 of this Act, and that law is continued in effect for that purpose.

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

21 SECTION 13.01. Subdivision (1), Subsection (a), Section
22 411.201, Government Code, is amended to read as follows:

23 (1) "Active judicial officer" means:

24 (A) a person serving as a judge or justice of the
25 supreme court, the court of criminal appeals, a court of appeals, a
26 district court, a criminal district court, a constitutional county
27 court, a statutory county court, a justice court, or a municipal

1 court; [~~or~~]

2 (B) a federal judge who is a resident of this
3 state; or

4 (C) a person appointed and serving as an
5 associate judge under Chapter 201, Family Code.

6 SECTION 13.02. (a) If H.B. No. 242, Acts of the 82nd
7 Legislature, Regular Session, 2011, does not become law, Subsection
8 (a), Section 46.15, Penal Code, is amended to read as follows:

9 (a) Sections 46.02 and 46.03 do not apply to:

10 (1) peace officers or special investigators under
11 Article 2.122, Code of Criminal Procedure, and neither section
12 prohibits a peace officer or special investigator from carrying a
13 weapon in this state, including in an establishment in this state
14 serving the public, regardless of whether the peace officer or
15 special investigator is engaged in the actual discharge of the
16 officer's or investigator's duties while carrying the weapon;

17 (2) parole officers and neither section prohibits an
18 officer from carrying a weapon in this state if the officer is:

19 (A) engaged in the actual discharge of the
20 officer's duties while carrying the weapon; and

21 (B) in compliance with policies and procedures
22 adopted by the Texas Department of Criminal Justice regarding the
23 possession of a weapon by an officer while on duty;

24 (3) community supervision and corrections department
25 officers appointed or employed under Section 76.004, Government
26 Code, and neither section prohibits an officer from carrying a
27 weapon in this state if the officer is:

1 (A) engaged in the actual discharge of the
2 officer's duties while carrying the weapon; and

3 (B) authorized to carry a weapon under Section
4 76.0051, Government Code;

5 (4) an active judicial officer as defined by Section
6 411.201, Government Code, [a judge or justice of a federal court,
7 the supreme court, the court of criminal appeals, a court of
8 appeals, a district court, a criminal district court, a
9 constitutional county court, a statutory county court, a justice
10 court, or a municipal court] who is licensed to carry a concealed
11 handgun under Subchapter H, Chapter 411, Government Code;

12 (5) an honorably retired peace officer or federal
13 criminal investigator who holds a certificate of proficiency issued
14 under Section 1701.357, Occupations Code, and is carrying a photo
15 identification that:

16 (A) verifies that the officer honorably retired
17 after not less than 15 years of service as a commissioned officer;
18 and

19 (B) is issued by a state or local law enforcement
20 agency;

21 (6) a district attorney, criminal district attorney,
22 county attorney, or municipal attorney who is licensed to carry a
23 concealed handgun under Subchapter H, Chapter 411, Government Code;

24 (7) an assistant district attorney, assistant
25 criminal district attorney, or assistant county attorney who is
26 licensed to carry a concealed handgun under Subchapter H, Chapter
27 411, Government Code;

1 (8) a bailiff designated by an active judicial officer
2 as defined by Section 411.201, Government Code, who is:

3 (A) licensed to carry a concealed handgun under
4 Chapter 411, Government Code; and

5 (B) engaged in escorting the judicial officer; or

6 (9) a juvenile probation officer who is authorized to
7 carry a firearm under Section 142.006, Human Resources Code.

8 (b) If H.B. No. 242, Acts of the 82nd Legislature, Regular
9 Session, 2011, becomes law, Subsection (a), Section 46.15, Penal
10 Code, as effective September 1, 2011, is amended to read as follows:

11 (a) Sections 46.02 and 46.03 do not apply to:

12 (1) peace officers or special investigators under
13 Article 2.122, Code of Criminal Procedure, and neither section
14 prohibits a peace officer or special investigator from carrying a
15 weapon in this state, including in an establishment in this state
16 serving the public, regardless of whether the peace officer or
17 special investigator is engaged in the actual discharge of the
18 officer's or investigator's duties while carrying the weapon;

19 (2) parole officers and neither section prohibits an
20 officer from carrying a weapon in this state if the officer is:

21 (A) engaged in the actual discharge of the
22 officer's duties while carrying the weapon; and

23 (B) in compliance with policies and procedures
24 adopted by the Texas Department of Criminal Justice regarding the
25 possession of a weapon by an officer while on duty;

26 (3) community supervision and corrections department
27 officers appointed or employed under Section 76.004, Government

1 Code, and neither section prohibits an officer from carrying a
2 weapon in this state if the officer is:

3 (A) engaged in the actual discharge of the
4 officer's duties while carrying the weapon; and

5 (B) authorized to carry a weapon under Section
6 76.0051, Government Code;

7 (4) an active judicial officer as defined by Section
8 411.201, Government Code, [~~a judge or justice of a federal court,~~
9 ~~the supreme court, the court of criminal appeals, a court of~~
10 ~~appeals, a district court, a criminal district court, a~~
11 ~~constitutional county court, a statutory county court, a justice~~
12 ~~court, or a municipal court~~] who is licensed to carry a concealed
13 handgun under Subchapter H, Chapter 411, Government Code;

14 (5) an honorably retired peace officer, qualified
15 retired law enforcement officer, federal criminal investigator, or
16 former reserve law enforcement officer who holds a certificate of
17 proficiency issued under Section 1701.357, Occupations Code, and is
18 carrying a photo identification that is issued by a federal, state,
19 or local law enforcement agency, as applicable, and that verifies
20 that the officer is:

21 (A) an honorably retired peace officer;

22 (B) a qualified retired law enforcement officer;

23 (C) a federal criminal investigator; or

24 (D) a former reserve law enforcement officer who
25 has served in that capacity not less than a total of 15 years with a
26 state or local law enforcement agency;

27 (6) a district attorney, criminal district attorney,

1 county attorney, or municipal attorney who is licensed to carry a
2 concealed handgun under Subchapter H, Chapter 411, Government Code;

3 (7) an assistant district attorney, assistant
4 criminal district attorney, or assistant county attorney who is
5 licensed to carry a concealed handgun under Subchapter H, Chapter
6 411, Government Code;

7 (8) a bailiff designated by an active judicial officer
8 as defined by Section 411.201, Government Code, who is:

9 (A) licensed to carry a concealed handgun under
10 Chapter 411, Government Code; and

11 (B) engaged in escorting the judicial officer; or

12 (9) a juvenile probation officer who is authorized to
13 carry a firearm under Section 142.006, Human Resources Code.

14 SECTION 13.03. The change in law made by this article to
15 Section 46.15, Penal Code, applies only to an offense committed on
16 or after the effective date of this article. An offense committed
17 before the effective date of this article is covered by the law in
18 effect when the offense was committed, and the former law is
19 continued in effect for that purpose. For purposes of this section,
20 an offense was committed before the effective date of this article
21 if any element of the offense occurred before that date.

22 SECTION 13.04. This article takes effect on the 91st day
23 after the last day of the legislative session.

24 ARTICLE 14. COURT COSTS

25 SECTION 14.01. Subsection (b), Section 51.005, Government
26 Code, is amended to read as follows:

27 (b) The fees are:

- 1 (1) application for petition for review [~~writ of~~
2 ~~error~~] \$ 50
- 3 (2) additional fee if application for petition for
4 review [~~writ of error~~] is granted \$ 75
- 5 (3) motion for leave to file petition for writ of
6 mandamus, prohibition, injunction, and other similar proceedings
7 originating in the supreme court \$ 50
- 8 (4) additional fee if a motion under Subdivision (3)
9 is granted \$ 75
- 10 (5) certified question from a federal court of appeals
11 to the supreme court \$ 75
- 12 (6) case appealed to the supreme court from the
13 district court by direct appeal \$100
- 14 (7) any other proceeding filed in the supreme
15 court \$ 75.

16 SECTION 14.02. Subsection (a), Section 51.207, Government
17 Code, is amended to read as follows:

18 (a) The clerk of a court of appeals shall collect the fees
19 described in Subsection (b) in a civil case before the court for the
20 following services:

- 21 (1) filing records, applications, motions, briefs,
22 and other necessary and proper papers;
- 23 (2) docketing and making docket and minute book
24 entries;
- 25 (3) issuing notices, citations, processes, and
26 mandates;
- 27 (4) preparing transcripts on application for petition

1 for review [~~writ of error~~] to the supreme court; and

2 (5) performing other necessary clerical duties.

3 SECTION 14.03. Section 101.021, Government Code, is amended
4 to read as follows:

5 Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT
6 CODE. The clerk of the supreme court shall collect fees and costs
7 as follows:

8 (1) application for petition for review [~~writ of~~
9 ~~error~~] (Sec. 51.005, Government Code) . . . \$50;

10 (2) additional fee if application for petition for
11 review [~~writ of error~~] is granted (Sec. 51.005, Government Code)
12 . . . \$75;

13 (3) motion for leave to file petition for writ of
14 mandamus, prohibition, injunction, and other similar proceedings
15 originating in the supreme court (Sec. 51.005, Government Code)
16 . . . \$50;

17 (4) additional fee if a motion under Subdivision (3)
18 is granted (Sec. 51.005, Government Code) . . . \$75;

19 (5) certified question from a federal court of appeals
20 to the supreme court (Sec. 51.005, Government Code) . . . \$75;

21 (6) case appealed to the supreme court from the
22 district court by direct appeal (Sec. 51.005, Government Code)
23 . . . \$100;

24 (7) any other proceeding filed in the supreme court
25 (Sec. 51.005, Government Code) . . . \$75;

26 (8) administering an oath and giving a sealed
27 certificate of the oath (Sec. 51.005, Government Code) . . . \$5;

1 (9) making certain copies, including certificate and
2 seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if
3 more than 10 pages;

4 (10) any official service performed by the clerk for
5 which a fee is not otherwise provided (Sec. 51.005, Government
6 Code) . . . reasonable amount set by order or rule of supreme court;

7 (10-a) supreme court support account filing fee (Sec.
8 51.0051, Government Code) . . . amount set by the supreme court,
9 not to exceed \$50;

10 (11) issuance of attorney's license or certificate
11 (Sec. 51.006, Government Code) . . . \$10; and

12 (12) additional filing fee to fund civil legal
13 services for the indigent (Sec. 51.941, Government Code) . . . \$25.

14 ARTICLE 15. COMPOSITION OF CERTAIN COUNTY JUVENILE BOARDS

15 SECTION 15.01. Section 152.2051(a), Human Resources Code,
16 is amended to read as follows:

17 (a) The Rockwall County Juvenile Board is composed of:

18 (1) the judge of the County Court at Law of Rockwall
19 County;

20 (2) the district judges [~~judge~~] in Rockwall County;

21 (3) one county commissioner appointed by the
22 commissioners court;

23 (4) one member of the board of trustees of the Rockwall
24 Independent School District selected by the board of trustees of
25 the Rockwall Independent School District; and

26 (5) one member of the board of trustees of the Royse
27 City Independent School District selected by the board of trustees

1 of the Royse City Independent School District.

2 ARTICLE 16. APPLICATION OF FOREIGN LAWS

3 SECTION 16.01. Title 6, Civil Practice and Remedies Code,
4 is amended by adding Chapter 148 to read as follows:

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

7 Sec. 148.001. DEFINITION. In this chapter, "foreign law"
8 means a law, rule, or legal code of a jurisdiction outside of the
9 states and territories of the United States.

10 Sec. 148.002. DECISION BASED ON FOREIGN LAW. A ruling or
11 decision of a court, arbitrator, or administrative adjudicator on a
12 matter arising under the Family Code may not be based on a foreign
13 law if the application of that law would violate a civil right or a
14 right guaranteed by the United States Constitution or the
15 constitution or a statute of this state.

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

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

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

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

14 ARTICLE 17. NO APPROPRIATION; EFFECTIVE DATE

15 SECTION 17.01. This Act does not make an appropriation. A
16 provision in this Act that creates a new governmental program,
17 creates a new entitlement, or imposes a new duty on a governmental
18 entity is not mandatory during a fiscal period for which the
19 legislature has not made a specific appropriation to implement the
20 provision.

21 SECTION 17.02. Except as otherwise provided by this Act,
22 this Act takes effect January 1, 2012.