

By: Lewis

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. Subsection (t), Section 25.0022, Government
8 Code, is amended to read as follows:

9 (t) To be eligible for assignment under this section, a
10 former or retired judge of a statutory probate court must:

11 (1) not have been removed from office;

12 (2) certify under oath to the presiding judge, on a
13 form prescribed by the state board of regional judges, that:

14 (A) the judge has not been publicly reprimanded
15 or censured by the State Commission on Judicial Conduct; and

16 (B) the judge:

17 (i) did not resign or retire from office
18 after the State Commission on Judicial Conduct notified the judge
19 of the commencement of a full investigation into an allegation or
20 appearance of misconduct or disability of the judge as provided in
21 Section 33.022 and before the final disposition of that
22 investigation; or

23 (ii) if the judge did resign from office
24 under circumstances described by Subparagraph (i), was not publicly
25 reprimanded or censured as a result of the investigation;

26 (3) annually demonstrate that the judge has completed
27 in the past state fiscal year the educational requirements for an

1 active statutory probate court judge;

2 (4) have served as an active judge for at least 72 [~~96~~]
3 months in a district, statutory probate, statutory county, or
4 appellate court; and

5 (5) have developed substantial experience in the
6 judge's area of specialty.

7 SECTION 4.09. 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 4.10. (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 4.11. 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 4.12. 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 4.13. 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 4.14. 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 4.15. 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 4.16. 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 4.17. 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 4.18. 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 4.19. 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 4.20. 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 4.21. 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 4.22. 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 4.23. 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 4.24. 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 4.25. 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 4.26. 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 4.27. 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 4.28. 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 4.29. 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 4.30. 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 4.31. 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 4.32. 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 4.33. 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 4.34. 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 4.35. 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 4.36. 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 4.37. 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 4.38. 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 4.39. 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 4.40. (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 4.41. 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 4.42. 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 4.43. 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 4.44. (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 4.45. 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 4.46. 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 4.47. 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 4.48. 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 4.49. 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 4.50. 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 4.51. (a) The following provisions of the
19 Government Code are repealed:

20 (1) Subsections (b), (d), (f), and (j), Section
21 25.0042;

22 (2) Subsections (b), (f), (g), and (h), Section
23 25.0052;

24 (3) Subsections (b), (d), (f), and (i), Section
25 25.0102;

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

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

- 1 (6) Subsections (b), (f), (g), (h), and (i), Section
2 25.0162;
- 3 (7) Subsections (d), (k), (l), (m), (n), (o), (q),
4 (s), and (t), Section 25.0172;
- 5 (8) Subsections (c), (d), (h), (i), and (k), Section
6 25.0173;
- 7 (9) Subsections (c), (d), and (g), Section 25.0202;
- 8 (10) Subsections (c), (e), and (g), Section 25.0212;
- 9 (11) Subsections (d), (e), (i), (j), and (n), Section
10 25.0222;
- 11 (12) Subsections (b), (d), (f), (h), and (i), Section
12 25.0232;
- 13 (13) Subsections (b), (c), and (e), Section 25.0272;
- 14 (14) Subsections (b), (c), (g), (h), and (i), Section
15 25.0292;
- 16 (15) Subsections (b), (d), and (g), Section 25.0302;
- 17 (16) Subsections (c), (e), and (j), Section 25.0312;
- 18 (17) Subsections (e), (g), (i), (k), (l), and (m),
19 Section 25.0332;
- 20 (18) Subsection (c), Section 25.0362;
- 21 (19) Subsections (b), (d), (f), (i), (j), and (k),
22 Section 25.0392;
- 23 (20) Subsections (b), (c), and (d), Section 25.0452;
- 24 (21) Subsections (a), (c), (d), and (e), Section
25 25.0453;
- 26 (22) Subsections (b), (d), (e), (g), and (h), Section
27 25.0482;

- 1 (23) Subsections (a), (b), (d), (g), and (h), Section
2 25.0512;
- 3 (24) Subsections (b), (d), (f), and (g), Section
4 25.0522;
- 5 (25) Subsections (b), (h), (i), (j), and (k), Section
6 25.0592;
- 7 (26) Subsections (d), (f), (g), (h), (i), and (j),
8 Section 25.0593;
- 9 (27) Subsections (d), (e), (g), (h), (i), (j), and
10 (k), Section 25.0594;
- 11 (28) Subsections (c), (d), (f), and (g), Section
12 25.0595;
- 13 (29) Section 25.0596;
- 14 (30) Subsections (a), (b), and (d), Section 25.0632;
- 15 (31) Subsections (b), (g), (h), (j), (k), and (l),
16 Section 25.0702;
- 17 (32) Subsections (b), (d), (f), (j), and (k), Section
18 25.0722;
- 19 (33) Subsections (d), (g), (h), (i), (j), (m), (n),
20 (o), (p), (s), and (v), Section 25.0732;
- 21 (34) Subsections (c), (d), and (f), Section 25.0733;
- 22 (35) Subsection (b), Section 25.0742;
- 23 (36) Subsections (d), (f), (h), (j), and (l), Section
24 25.0812;
- 25 (37) Subsections (f) and (j), Section 25.0862;
- 26 (38) Subsections (e), (f), and (i), Section 25.0932;
- 27 (39) Subsections (c), (f), (g), (j), and (k), Section

- 1 25.0942;
- 2 (40) Subsections (d), (e), and (g), Section 25.0962;
- 3 (41) Subsections (d), (e), (g), (h), and (k), Section
- 4 25.1032;
- 5 (42) Subsections (d), (e), (f), (m), and (o), Section
- 6 25.1033;
- 7 (43) Subsections (c), (h), (k), and (l), Section
- 8 25.1034;
- 9 (44) Subsections (b), (d), (f), (h), and (i), Section
- 10 25.1042;
- 11 (45) Subsections (b), (d), (g), and (h), Section
- 12 25.1072;
- 13 (46) Subsections (e), (f), (l), and (o), Section
- 14 25.1092;
- 15 (47) Subsections (d), (e), (h), (i), (j), and (l),
- 16 Section 25.1102;
- 17 (48) Section 25.1103;
- 18 (49) Subsections (b), (c), (f), and (k), Section
- 19 25.1112;
- 20 (50) Subsections (f), (g), (h), (j), (l), (m), and
- 21 (p), Section 25.1132;
- 22 (51) Subsections (c), (e), and (g), Section 25.1142;
- 23 (52) Subsections (b), (e), (f), (h), and (i), Section
- 24 25.1152;
- 25 (53) Subsections (c), (e), and (h), Section 25.1182;
- 26 (54) Subsections (c), (g), and (i), Section 25.1252;
- 27 (55) Subsections (b), (d), (f), (h), and (i), Section

- 1 25.1282;
- 2 (56) Subsections (d), (e), (i), (k), (l), and (n),
3 Section 25.1312;
- 4 (57) Subsections (d), (e), (f), (i), and (j), Section
5 25.1322;
- 6 (58) Subsections (d) and (h), Section 25.1352;
- 7 (59) Subsections (e), (g), and (i), Section 25.1392;
- 8 (60) Subsections (b), (c), (e), (h), (i), and (k),
9 Section 25.1412;
- 10 (61) Subsections (d), (g), (h), (l), and (m), Section
11 25.1482;
- 12 (62) Subsections (f), (i), (k), and (n), Section
13 25.1542;
- 14 (63) Subsections (e), (f), and (g), Section 25.1572;
- 15 (64) Subsections (d), (f), and (h), Section 25.1652;
- 16 (65) Subsections (b) and (f), Section 25.1672;
- 17 (66) Subsections (b), (c), and (g), Section 25.1722;
- 18 (67) Subsections (d), (e), (f), (h), and (i), Section
19 25.1732;
- 20 (68) Subsections (b), (e), (f), and (h), Section
21 25.1762;
- 22 (69) Subsections (c), (e), and (h), Section 25.1772;
- 23 (70) Subsections (e), (f), (h), (i), and (j), Section
24 25.1792;
- 25 (71) Subsections (c), (h), (i), (j), (k), (l), and
26 (q), Section 25.1802;
- 27 (72) Subsections (b), (d), and (j), Section 25.1832;

- 1 (73) Subsections (e), (f), and (i), Section 25.1852;
- 2 (74) Subsections (c), (f), (h), (i), (j), (m), (n),
3 (p), (q), and (u), Section 25.1862;
- 4 (75) Subsection (d), Section 25.1892;
- 5 (76) Subsections (e), (g), (i), (j), and (k), Section
6 25.1902;
- 7 (77) Subsections (b), (c), (f), (h), and (j), Section
8 25.1932;
- 9 (78) Subsections (b), (d), (f), (h), and (j), Section
10 25.1972;
- 11 (79) Subsections (d), (e), (i), (k), (l), and (n),
12 Section 25.2012;
- 13 (80) Subsections (c), (e), and (h), Section 25.2032;
- 14 (81) Subsections (c), (e), (f), (h), and (i), Section
15 25.2072;
- 16 (82) Subsections (c), (e), (i), (r), (t), and (u),
17 Section 25.2142;
- 18 (83) Subsections (d), (f), (h), (j), and (k), Section
19 25.2162;
- 20 (84) Subsections (c), (g), (h), (i), (k), and (n),
21 Section 25.2222;
- 22 (85) Subsections (c), (e), (g), and (h), Section
23 25.2223;
- 24 (86) Subsections (b), (c), (f), (g), (i), and (j),
25 Section 25.2224;
- 26 (87) Subsections (b), (e), (f), and (g), Section
27 25.2232;

- 1 (88) Subsections (b), (d), (f), (g), (i), and (j),
2 Section 25.2282;
- 3 (89) Subsections (b), (e), (i), (k), and (l), Section
4 25.2292;
- 5 (90) Subsections (e), (f), (g), (k), and (l), Section
6 25.2293;
- 7 (91) Subsections (b), (d), (f), (g), and (j), Section
8 25.2352;
- 9 (92) Subsections (c), (e), and (h), Section 25.2362;
- 10 (93) Subsections (c), (f), (g), (h), and (i), Section
11 25.2372;
- 12 (94) Subsections (b), (d), (f), and (j), Section
13 25.2382;
- 14 (95) Subsections (b), (d), (f), and (j), Section
15 25.2392;
- 16 (96) Subsections (b), (d), (f), (i), and (k), Section
17 25.2412;
- 18 (97) Subsections (b), (d), (f), (i), and (j), Section
19 25.2422;
- 20 (98) Subsections (f), (h), and (j), Section 25.2452;
- 21 (99) Subsections (c), (d), (e), (g), (i), and (j),
22 Section 25.2462;
- 23 (100) Subsections (d), (e), (f), (h), (j), and (k),
24 Section 25.2482; and
- 25 (101) Subsections (b) and (i), Section 25.2512.
- 26 (b) If H.B. No. 2330, Acts of the 82nd Legislature, Regular
27 Session, 2011, does not become law, Subsections (e) and (h),

1 Section 25.2512, Government Code, are repealed. If H.B. No. 2330
2 becomes law, this subsection has no effect.

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

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

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

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

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

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

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

27 SECTION 5.02. Subchapter C, Chapter 27, Government Code, is

1 amended by adding Section 27.060 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

3 (3) a collection agency or collection agent.

4 SECTION 5.03. Subchapter C, Chapter 27, Government Code, is
5 amended by adding Section 27.061 to read as follows:

6 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the
7 peace in each county shall, by majority vote, adopt local rules of
8 administration.

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

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

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

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

22 (1) in the precinct in which the offense was
23 committed;

24 (2) in the precinct in which the defendant or any of
25 the defendants reside; ~~or~~

26 (3) with the written consent of the state and each
27 defendant or the defendant's attorney, in any other precinct within

1 the county; or

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

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

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

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

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

23 SECTION 5.06. (a) Chapter 28, Government Code, is
24 repealed.

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

27 SECTION 5.07. Not later than May 1, 2013, the Texas Supreme

1 Court shall promulgate:

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

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

7 (3) rules for eviction proceedings.

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

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

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

24 ARTICLE 6. ASSOCIATE JUDGES

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

1 CHAPTER 54A. ASSOCIATE JUDGES

2 SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

3 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
4 district court or a statutory county court that hears criminal
5 cases.

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

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

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

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

23 Sec. 54A.003. 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 four 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 by Section 33.022
10 and before final disposition of the proceedings.

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

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

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

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

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

25 (c) The employment of an associate judge who serves two
26 courts may be terminated by either of the judges of the courts the
27 associate judge serves.

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

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

6 (2) each court ordering termination; and

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

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

11 (1) a negotiated plea of guilty or no contest before
12 the court;

13 (2) a bond forfeiture;

14 (3) a pretrial motion;

15 (4) a writ of habeas corpus;

16 (5) an examining trial;

17 (6) an occupational driver's license;

18 (7) an appeal of an administrative driver's license
19 revocation hearing;

20 (8) a civil commitment matter under Subtitle C, Title
21 7, Health and Safety Code;

22 (9) setting, adjusting, or revoking bond; and

23 (10) any other matter the judge considers necessary
24 and proper.

25 (b) An associate judge may accept an agreed plea of guilty
26 or no contest from a defendant charged with misdemeanor, felony, or
27 both misdemeanor and felony offenses and may assess punishment if a

1 plea agreement is announced on the record between the defendant and
2 the state.

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

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

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

12 (b) An order of referral may:

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

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

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

18 (4) provide a date for filing the associate judge's
19 findings;

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

22 (6) direct the associate judge to call the court's
23 docket; and

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

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

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

22 (b) An associate judge may not enter a ruling on any issue of
23 law or fact if that ruling could result in dismissal or require
24 dismissal of a pending criminal prosecution, but the associate
25 judge may make findings, conclusions, and recommendations on those
26 issues.

27 (c) Except as limited by an order of referral, an associate

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

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

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

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

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

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

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

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

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

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

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

11 SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

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

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

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

25 (c) If more than one court in a county is subject to this
26 subchapter, the commissioners court may authorize the appointment
27 of an associate judge for each court or may authorize one or more

1 associate judges to share service with two or more courts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) each court ordering termination; and

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

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

22 (b) Unless a party files a written objection to the
23 associate judge hearing a trial on the merits, the judge may refer
24 the trial to the associate judge. A trial on the merits is any final
25 adjudication from which an appeal may be taken to a court of
26 appeals.

27 (c) A party must file an objection to an associate judge

1 hearing a trial on the merits or presiding at a jury trial not later
2 than the 10th day after the date the party receives notice that the
3 associate judge will hear the trial. If an objection is filed, the
4 referring court shall hear the trial on the merits or preside at a
5 jury trial.

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

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

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

- 13 (1) conduct hearings;
- 14 (2) hear evidence;
- 15 (3) compel production of relevant evidence;
- 16 (4) rule on the admissibility of evidence;
- 17 (5) issue summons for the appearance of witnesses;
- 18 (6) examine a witness;
- 19 (7) swear a witness for a hearing;
- 20 (8) make findings of fact on evidence;
- 21 (9) formulate conclusions of law;
- 22 (10) rule on pretrial motions;
- 23 (11) recommend the rulings, orders, or judgment to be
24 made in a case;
- 25 (12) regulate proceedings in a hearing;
- 26 (13) order the attachment of a witness or party who
27 fails to obey a subpoena; and

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

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

8 Sec. 54A.109. 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. 54A.110. 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.

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

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

26 (d) The referring court or associate judge may assess the
27 expense of preserving the record under Subsection (c) as costs.

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

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

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

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

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

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

26 Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.
27 (a) Notice of the right to a de novo hearing before the referring

1 court shall be given to all parties.

2 (b) The notice may be given:

3 (1) by oral statement in open court;

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

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

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

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

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

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

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

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

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

10 (2) hear additional evidence; or

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

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

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

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

25 (d) If a request for a de novo hearing before the referring
26 court is filed by a party, any other party may file a request for a
27 de novo hearing before the referring court not later than the

1 seventh working day after the date the initial request was filed.

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

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

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

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

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

26 (b) Except as provided by Subsection (c), the date an order
27 or judgment by the referring court is signed is the controlling date

1 for the purposes of appeal to or request for other relief from a
2 court of appeals or the supreme court.

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

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

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

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

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

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

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

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

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

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

11 (c) 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, if more
14 than one statutory probate court exists in a county.

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

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

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

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

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

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

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

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

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

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

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

26 (d) [~~(c)~~] On the recommendation of the statutory probate
27 court judges in the county and subject to the approval of the county

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) Unless a party files a written objection to the
27 associate judge hearing a trial on the merits, the judge may refer

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

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

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

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

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

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

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

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

- 26 (1) conduct a hearing;
27 (2) hear evidence;

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

1 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
2 Civil Procedure, that waives notice to the party of the final
3 hearing or waives the party's appearance at the final hearing;

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

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

8 (ii) letters of guardianship; or

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

12 (17) [~~(16)~~] sign a final order that includes a waiver
13 of the right to a de novo hearing in accordance with Section 54A.216
14 [~~54.618~~].

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

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

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

27 Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff

1 shall attend a hearing conducted by an associate judge if directed
2 to attend by the referring court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (2) a proposed order.

26 (c) [-(b)] After a hearing, the associate judge shall provide
27 the parties participating in the hearing notice of the substance of

1 the associate judge's report, including any proposed order.

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

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

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

7 (3) by facsimile transmission.

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; or

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

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

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

22 (b) The notice may be given:

23 (1) by oral statement in open court;

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

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

27 (c) Before the start of a hearing by an associate judge, a

1 party may waive the right to a de novo hearing before the referring
2 court in writing or on the record.

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

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

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

27 Sec. 54A.215 [~~54.617~~]. JUDICIAL ACTION ON ASSOCIATE JUDGE'S

1 PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a written
2 request for a de novo hearing before the referring court, the
3 referring court may:

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

6 (2) hear further evidence; or

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

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

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

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

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

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

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

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

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

16 (h) 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, motion for judgment
20 notwithstanding the verdict, or other post-trial motion.

21 (i) 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. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's
25 failure to request a de novo hearing before the referring court or a
26 party's 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 the judge
4 of a referring court signs an order or judgment is the controlling
5 date for the purposes of appeal to or request for other relief from
6 a court of appeals or the supreme court.

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

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

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

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

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

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

26 Sec. 54A.203 [~~54.603~~]. APPOINTMENT. (a) After obtaining
27 the approval of the commissioners court to create an associate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) [~~(e)~~] On the recommendation of the statutory probate
25 court judges in the county and subject to the approval of the county
26 commissioners court, the county may pay all or part of the
27 compensation of the associate judge from the excess contributions

1 remitted to the county under Section 25.00212 and deposited in the
2 contributions fund created under Section 25.00213.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) Unless a party files a written objection to the
25 associate judge hearing a trial on the merits, the judge may refer
26 the trial to the associate judge. A trial on the merits is any final
27 adjudication from which an appeal may be taken to a court of

1 appeals.

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

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

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

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

17 [~~(1) an individual order of referral, or~~

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

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

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

24 (1) conduct a hearing;

25 (2) hear evidence;

26 (3) compel production of relevant evidence;

27 (4) rule on the admissibility of evidence;

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

1 hearing or waives the party's appearance at the final hearing;

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

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

6 (ii) letters of guardianship; or

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

10 (17) [~~(16)~~] sign a final order that includes a waiver
11 of the right to a de novo hearing in accordance with Section 54A.216
12 [~~54.618~~].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) a proposed order.

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

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

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

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

5 (3) by facsimile transmission; or

6 (4) by electronic mail.

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

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

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

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

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

18 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

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

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

1 position.

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

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

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

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

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

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

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

25 (4) not have resigned from office after having
26 received notice that formal proceedings by the State Commission on
27 Judicial Conduct had been instituted as provided in Section 33.022,

1 Government Code, and before final disposition of the proceedings.

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

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

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

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

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

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

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

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

24 (2) each court ordering termination; and

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

26 Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as
27 provided by this section, a judge of a juvenile court may refer to

1 an associate judge any aspect of a juvenile matter brought:

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

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

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

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

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

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

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

26 Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as
27 limited by an order of referral, an associate judge may:

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

27 Sec. 201.309. REFEREES. (a) An associate judge appointed

1 under this subchapter may serve as a referee as provided by Sections
2 51.04(g) and 54.10.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (3) by facsimile.

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

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

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

25 (e) After a hearing conducted by an associate judge, the
26 associate judge shall send the associate judge's signed and dated
27 report, including any proposed order, and all other papers relating

1 to the case to the referring court.

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

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

5 (b) The notice may be given:

6 (1) by oral statement in open court;

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

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

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

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

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

24 (c) An order by an associate judge for the temporary
25 detention or incarceration of a witness or party shall be presented
26 to the referring court on the day the witness or party is detained
27 or incarcerated. The referring court, without prejudice to the

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

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

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

13 (2) hear additional evidence; or

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

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

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

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

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

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

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

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

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

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

1 court.

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

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

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

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

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

26 (c) Sections 201.001 through 201.017 apply to a visiting
27 associate judge appointed under this section.

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

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

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

27 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this

1 state may be administered and a certificate of the fact given by:

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

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

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

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

10 (5) a notary public;

11 (6) [~~5~~] a member of a board or commission created by
12 a law of this state, in a matter pertaining to a duty of the board or
13 commission;

14 (7) [~~6~~] a person employed by the Texas Ethics
15 Commission who has a duty related to a report required by Title 15,
16 Election Code, in a matter pertaining to that duty;

17 (8) [~~7~~] a county tax assessor-collector or an
18 employee of the county tax assessor-collector if the oath relates
19 to a document that is required or authorized to be filed in the
20 office of the county tax assessor-collector;

21 (9) [~~8~~] the secretary of state or a former secretary
22 of state;

23 (10) [~~9~~] an employee of a personal bond office, or
24 an employee of a county, who is employed to obtain information
25 required to be obtained under oath if the oath is required or
26 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
27 Criminal Procedure;

1 (11) [~~(10)~~] the lieutenant governor or a former
2 lieutenant governor;

3 (12) [~~(11)~~] the speaker of the house of
4 representatives or a former speaker of the house of
5 representatives;

6 (13) [~~(12)~~] the governor or a former governor;

7 (14) [~~(13)~~] a legislator or retired legislator;

8 (15) [~~(14)~~] the attorney general or a former attorney
9 general;

10 (16) [~~(15)~~] the secretary or clerk of a municipality
11 in a matter pertaining to the official business of the
12 municipality; or

13 (17) [~~(16)~~] a peace officer described by Article 2.12,
14 Code of Criminal Procedure, if:

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

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

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

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

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

27 (b) If H.B. No. 2132, Acts of the 82nd Legislature, Regular

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

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

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

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

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

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

20 (d) If H.B. No. 2132 and H.B. No. 3844, Acts of the 82nd
21 Legislature, Regular Session, 2011, become law, Article 2.09, Code
22 of Criminal Procedure, as effective June 2011, 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 criminal magistrates appointed by the
20 Burnet County Commissioners Court, the county judges, the judges of
21 the county courts at law, judges of the county criminal courts, the
22 judges of statutory probate courts, the associate judges appointed
23 by the judges of the statutory probate courts under [~~Subchapter C,~~
24 Chapter 54A [~~54~~], Government Code, the associate judges appointed
25 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
26 ~~Chapter 54~~], Government Code, the magistrates appointed under
27 Subchapter JJ, Chapter 54, Government Code, as added by H.B. No.

1 2132, Acts of the 82nd Legislature, Regular Session, 2011, the
2 justices of the peace, and the mayors and recorders and the judges
3 of the municipal courts of incorporated cities or towns.

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

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

- 23 (1) Section 61.311, Alcoholic Beverage Code;
24 (2) Section 51.04(g) or Chapter 201, Family Code;
25 (3) Section 574.0085, Health and Safety Code;
26 (4) Section 33.71, Tax Code;
27 (5) Chapter 54A [~~Chapter 54~~], Government Code; or

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

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

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

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

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

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

26 SECTION 6.10. The changes in law made by this article apply
27 to a matter referred to an associate judge on or after the effective

1 date of this article. A matter referred to an associate judge
2 before the effective date of this article is governed by the law in
3 effect on the date the matter was referred to the associate judge,
4 and the former law is continued in effect for that purpose.

5 SECTION 6.11. The following subchapters of Chapter 54,
6 Government Code, are repealed:

- 7 (1) Subchapter A;
- 8 (2) Subchapter B;
- 9 (3) Subchapter C;
- 10 (4) Subchapter E;
- 11 (5) Subchapter F;
- 12 (6) Subchapter I;
- 13 (7) Subchapter O;
- 14 (8) Subchapter P;
- 15 (9) Subchapter S;
- 16 (10) Subchapter T;
- 17 (11) Subchapter U;
- 18 (12) Subchapter V;
- 19 (13) Subchapter X;
- 20 (14) Subchapter CC;
- 21 (15) Subchapter FF; and
- 22 (16) Subchapter II.

23 ARTICLE 7. COURT ADMINISTRATION

24 SECTION 7.01. Section 74.005, Government Code, is amended
25 to read as follows:

26 Sec. 74.005. APPOINTMENT OF [~~REGIONAL~~] PRESIDING JUDGES OF
27 ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the

1 advice and consent of the senate, shall appoint one judge in each
2 administrative judicial region as presiding judge of the region.

3 (b) On the death, resignation, removal, or expiration of the
4 term of office of a presiding judge, the governor immediately shall
5 appoint or reappoint a presiding judge.

6 SECTION 7.02. Section 74.050, Government Code, is amended
7 to read as follows:

8 Sec. 74.050. SUPPORT STAFF [~~ADMINISTRATIVE ASSISTANT~~]. (a)
9 The presiding judge may employ, directly or through a contract with
10 another governmental entity, a full-time or part-time
11 administrative assistant.

12 (b) An administrative assistant [~~must have the~~
13 ~~qualifications established by rule of the supreme court.~~

14 [(~~c~~) ~~An administrative assistant~~] shall aid the presiding
15 judge in carrying out the judge's duties under this chapter. The
16 administrative assistant shall:

17 (1) perform the duties that are required by the
18 presiding judge and by the rules of administration;

19 (2) conduct correspondence for the presiding judge;

20 (3) under the direction of the presiding judge, make
21 an annual report of the activities of the administrative region and
22 special reports as provided by the rules of administration to the
23 supreme court, which shall be made in the manner directed by the
24 supreme court; and

25 (4) attend to other matters that are prescribed by the
26 council of judges.

27 (c) [~~(d)~~] An administrative assistant, with the approval of

1 the presiding judge, may purchase the necessary office equipment,
2 stamps, stationery, and supplies and employ additional personnel as
3 authorized by the presiding judge.

4 (d) [~~(e)~~] An administrative assistant is entitled to
5 receive the compensation from the state provided by the General
6 Appropriations Act, from county funds, or from any public or
7 private grant.

8 SECTION 7.03. Subsection (c), Section 74.093, Government
9 Code, is amended to read as follows:

10 (c) The rules may provide for:

11 (1) the selection and authority of a presiding judge
12 of the courts giving preference to a specified class of cases, such
13 as civil, criminal, juvenile, or family law cases;

14 (2) other strategies for managing cases that require
15 special judicial attention;

16 (3) [~~(2)~~] a coordinated response for the transaction
17 of essential judicial functions in the event of a disaster; and

18 (4) [~~(3)~~] any other matter necessary to carry out this
19 chapter or to improve the administration and management of the
20 court system and its auxiliary services.

21 SECTION 7.04. (a) If S.B. No. 1198, Acts of the 82nd
22 Legislature, Regular Session, 2011, does not become law, Section
23 74.141, Government Code, is amended to read as follows:

24 Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall
25 defend a state district judge, a presiding judge of an
26 administrative region, the presiding judge of the statutory probate
27 courts, or an active, retired, or former judge assigned under this

1 chapter in any action or suit in any court in which the judge is a
2 defendant because of his office as judge if the judge requests the
3 attorney general's assistance in the defense of the suit.

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

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

13 SECTION 7.05. Chapter 74, Government Code, is amended by
14 adding Subchapter J to read as follows:

15 SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

16 Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter
17 does not apply to:

18 (1) a criminal matter;

19 (2) a case in which judicial review is sought under
20 Subchapter G, Chapter 2001; or

21 (3) a case that has been transferred by the judicial
22 panel on multidistrict litigation to a district court for
23 consolidated or coordinated pretrial proceedings under Subchapter
24 H.

25 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE
26 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt
27 rules under which courts, presiding judges of the administrative

1 judicial regions, and the judicial committee for additional
2 resources may determine whether a case requires additional
3 resources to ensure efficient judicial management of the case.

4 (b) In developing the rules, the supreme court shall include
5 considerations regarding whether a case involves or is likely to
6 involve:

7 (1) a large number of parties who are separately
8 represented by counsel;

9 (2) coordination with related actions pending in one
10 or more courts in other counties of this state or in one or more
11 United States district courts;

12 (3) numerous pretrial motions that present difficult
13 or novel legal issues that will be time-consuming to resolve;

14 (4) a large number of witnesses or substantial
15 documentary evidence;

16 (5) substantial postjudgment supervision;

17 (6) a trial that will last more than four weeks; and

18 (7) a substantial additional burden on the trial
19 court's docket and the resources available to the trial court to
20 hear the case.

21 Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of
22 a party in a case, or on the court's own motion, the judge of the
23 court in which the case is pending shall review the case and
24 determine whether, under rules adopted by the supreme court under
25 Section 74.252, the case will require additional resources to
26 ensure efficient judicial management. The judge is not required to
27 conduct an evidentiary hearing for purposes of making the

1 determination but may, in the judge's discretion, direct the
2 attorneys for the parties to the case and the parties to appear
3 before the judge for a conference to provide information to assist
4 the judge in making the determination.

5 (b) On determining that a case will require additional
6 resources as provided by Subsection (a), the judge shall:

7 (1) notify the presiding judge of the administrative
8 judicial region in which the court is located about the case; and

9 (2) request any specific additional resources that are
10 needed, including the assignment of a judge under this chapter.

11 (c) If the presiding judge of the administrative judicial
12 region agrees that, in accordance with the rules adopted by the
13 supreme court under Section 74.252, the case will require
14 additional resources to ensure efficient judicial management, the
15 presiding judge shall:

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

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

20 Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

21 (a) The judicial committee for additional resources is composed
22 of:

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

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

26 (b) The chief justice of the supreme court serves as
27 presiding officer. The office of court administration shall

1 provide staff support to the committee.

2 (c) On receipt of a request for additional resources from a
3 presiding judge of an administrative judicial region under Section
4 74.253, the committee shall determine whether the case that is the
5 subject of the request requires additional resources in accordance
6 with the rules adopted under Section 74.252. If the committee
7 determines that the case does require additional resources, the
8 committee shall make available the resources requested by the trial
9 judge to the extent funds are available for those resources under
10 the General Appropriations Act and to the extent the committee
11 determines the requested resources are appropriate to the
12 circumstances of the case.

13 (d) Subject to Subsections (c) and (f), additional
14 resources the committee may make available under this section
15 include:

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

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

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

25 (4) specialized continuing legal education;

26 (5) an associate judge;

27 (6) special accommodations or furnishings for the

1 parties;

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

4 (8) any other resources the committee considers
5 appropriate.

6 (e) Notwithstanding any provision of Subchapter C, a
7 justice or judge to whom Section 74.053(d) applies may not be
8 assigned under Subsection (d).

9 (f) The judicial committee for additional resources may not
10 provide additional resources under this subchapter in an amount
11 that is more than the amount appropriated for this purpose.

12 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of
13 additional resources provided for a case under this subchapter
14 shall be paid by the state and may not be taxed against any party in
15 the case for which the resources are provided or against the county
16 in which the case is pending.

17 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.
18 The filing of a motion under Section 74.253 in a case is not grounds
19 for a stay or continuance of the proceedings in the case in the
20 court in which the case is pending during the period the motion or
21 request is being considered by:

22 (1) the judge of that court;

23 (2) the presiding judge of the administrative judicial
24 region; or

25 (3) the judicial committee for additional resources.

26 Sec. 74.257. APPELLATE REVIEW. A determination made by a
27 trial court judge, the presiding judge of an administrative

1 judicial region, or the judicial committee for additional resources
2 under this subchapter is not appealable or subject to review by
3 mandamus.

4 SECTION 7.06. (a) The Texas Supreme Court shall request
5 the president of the State Bar of Texas to appoint a task force to
6 consider and make recommendations regarding the rules for
7 determining whether civil cases pending in trial courts require
8 additional resources for efficient judicial management required by
9 Section 74.252, Government Code, as added by this article. The
10 president of the State Bar of Texas shall ensure that the task force
11 has diverse representation and includes judges of trial courts and
12 attorneys licensed to practice law in this state who regularly
13 appear in civil cases before courts in this state. The task force
14 shall provide recommendations on the rules to the Texas Supreme
15 Court not later than March 1, 2012.

16 (b) The Texas Supreme Court shall:

17 (1) consider the recommendations of the task force
18 provided as required by Subsection (a) of this section; and

19 (2) adopt the rules required by Section 74.252,
20 Government Code, as added by this article, not later than May 1,
21 2012.

22 SECTION 7.07. The changes in law made by this article apply
23 to cases pending on or after May 1, 2012.

24 ARTICLE 8. GRANT PROGRAMS

25 SECTION 8.01. Subchapter C, Chapter 72, Government Code, is
26 amended by adding Section 72.029 to read as follows:

27 Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) The

1 office shall develop and administer, except as provided by
2 Subsection (c), a program to provide grants from available funds to
3 counties for initiatives that will enhance their court systems or
4 otherwise carry out the purposes of this chapter.

5 (b) To be eligible for a grant under this section, a county
6 must:

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

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

15 (c) The judicial committee for additional resources shall
16 determine whether to award a grant to a county that meets the
17 eligibility requirements prescribed by Subsection (b).

18 (d) If the judicial committee for additional resources
19 awards a grant to a county, the office shall:

20 (1) direct the comptroller to distribute the grant
21 money to the county; and

22 (2) monitor the county's use of the grant money.

23 (e) The office may accept gifts, grants, and donations for
24 purposes of this section. The office may not use state funds to
25 provide a grant under this section or to administer the grant
26 program.

27 SECTION 8.02. Subchapter A, Chapter 22, Government Code, is

1 amended by adding Section 22.017 to read as follows:

2 Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) In this
3 section, "commission" means the Permanent Judicial Commission for
4 Children, Youth and Families established by the supreme court.

5 (b) The commission shall develop and administer a program to
6 provide grants from available funds for initiatives that will
7 improve safety and permanency outcomes, enhance due process, or
8 increase the timeliness of resolution in child protection cases.

9 (c) To be eligible for a grant under this section, a
10 prospective recipient must:

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

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

17 (d) If the commission awards a grant, the commission shall:

18 (1) direct the comptroller to distribute the grant
19 money; and

20 (2) monitor the use of the grant money.

21 (e) The commission may accept gifts, grants, and donations
22 for purposes of this section. The commission may not use state
23 funds to provide a grant under this section or to administer the
24 grant program.

25 ARTICLE 9. VEXATIOUS LITIGANTS

26 SECTION 9.01. Subdivision (3), Section 11.001, Civil
27 Practice and Remedies Code, is amended to read as follows:

1 (3) "Local administrative judge" means a local
2 administrative district judge, a local administrative statutory
3 probate court judge, or a local administrative statutory county
4 court judge.

5 SECTION 9.02. Section 11.101, Civil Practice and Remedies
6 Code, is amended by adding Subsection (c) to read as follows:

7 (c) A litigant may appeal from a prefiling order entered
8 under Subsection (a) designating the person a vexatious litigant.

9 SECTION 9.03. Section 11.102, Civil Practice and Remedies
10 Code, is amended by adding Subsection (c) to read as follows:

11 (c) A decision of a local administrative judge denying a
12 litigant permission to file a litigation under Subsection (a), or
13 conditioning permission to file a litigation on the furnishing of
14 security under Subsection (b), is not grounds for appeal, except
15 that the litigant may apply for a writ of mandamus with the court of
16 appeals not later than the 30th day after the date of the decision.
17 The denial of a writ of mandamus by the court of appeals is not
18 grounds for appeal to the supreme court or court of criminal
19 appeals.

20 SECTION 9.04. Section 11.103, Civil Practice and Remedies
21 Code, is amended by amending Subsection (a) and adding Subsection
22 (d) to read as follows:

23 (a) Except as provided by Subsection (d), a [A] clerk of a
24 court may not file a litigation, original proceeding, appeal, or
25 other claim presented by a vexatious litigant subject to a
26 prefiling order under Section 11.101 unless the litigant obtains an
27 order from the local administrative judge permitting the filing.

1 (d) A clerk of a court of appeals may file an appeal from a
2 prefiling order entered under Section 11.101 designating a person a
3 vexatious litigant or a timely filed writ of mandamus under Section
4 11.102(c).

5 SECTION 9.05. Section 11.104, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION;
8 DISSEMINATION OF LIST. (a) A clerk of a court shall provide the
9 Office of Court Administration of the Texas Judicial System a copy
10 of any prefiling order issued under Section 11.101 not later than
11 the 30th day after the date the prefiling order is signed.

12 (b) The Office of Court Administration of the Texas Judicial
13 System shall post on the agency's Internet website ~~[maintain]~~ a
14 list of vexatious litigants subject to prefiling orders under
15 Section 11.101 ~~[and shall annually send the list to the clerks of~~
16 ~~the courts of this state]~~. On request of a person designated a
17 vexatious litigant, the list shall indicate whether the person
18 designated a vexatious litigant has filed an appeal of that
19 designation.

20 SECTION 9.06. The posting, before the effective date of
21 this article, of the name of a person designated a vexatious
22 litigant under Chapter 11, Civil Practice and Remedies Code, on a
23 list of vexatious litigants on the Internet website of the Office of
24 Court Administration of the Texas Judicial System is not:

- 25 (1) grounds for a cause of action;
- 26 (2) a defense against a finding that a plaintiff is a
27 vexatious litigant under Chapter 11, Civil Practice and Remedies

1 Code; or

2 (3) grounds for relief or appeal from a stay, order, or
3 dismissal or any other action taken by a court or a clerk of a court
4 under Chapter 11, Civil Practice and Remedies Code.

5 ARTICLE 10. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS

6 JUDICIAL SYSTEM

7 SECTION 10.01. In this article, "office of court
8 administration" means the Office of Court Administration of the
9 Texas Judicial System.

10 SECTION 10.02. (a) The office of court administration
11 shall study the district courts and statutory county courts of this
12 state to determine overlapping jurisdiction in civil cases in which
13 the amount in controversy is more than \$200,000. The study must
14 determine the feasibility, efficiency, and potential cost of
15 converting to district courts those statutory county courts with
16 jurisdiction in civil cases in which the amount in controversy is
17 more than \$200,000.

18 (b) Not later than January 1, 2013, the office of court
19 administration shall submit a report regarding the determinations
20 made by the office relating to statutory county courts to the
21 governor, the lieutenant governor, the speaker of the house of
22 representatives, the chairs of the standing committees of the
23 senate and house of representatives with primary jurisdiction over
24 the judicial system, and the commissioners court of any county with
25 a statutory county court with jurisdiction in civil cases in which
26 the amount in controversy is more than \$200,000.

27 (c) The office of court administration may accept gifts,

1 grants, and donations to conduct the study under this section. The
2 office of court administration may not use state funds to conduct
3 the study and, notwithstanding Subsection (a) of this section, is
4 required to conduct the study only to the extent gifts, grants, and
5 donations are available for that purpose.

6 ARTICLE 11. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

7 SECTION 11.01. Section 263.601, Family Code, is amended by
8 amending Subdivision (1) and adding Subdivision (3-a) to read as
9 follows:

10 (1) "Foster care" means a voluntary residential living
11 arrangement with a foster parent or other residential child-care
12 provider that is:

13 (A) licensed or approved by the department or
14 verified by a licensed child-placing agency; and

15 (B) paid under a contract with the department.

16 (3-a) "Trial independence period" means a period of
17 not less than six months, or a longer period as a court may order not
18 to exceed 12 months, during which a young adult exits foster care
19 with the option to return to foster care under the continuing
20 extended jurisdiction of the court.

21 SECTION 11.02. Section 263.602, Family Code, is amended to
22 read as follows:

23 Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had
24 continuing, exclusive jurisdiction over a young adult on the day
25 before [~~may, at~~] the young adult's 18th birthday continues to have
26 extended [~~request, render an order that extends the court's~~]
27 jurisdiction over the young adult and shall retain the case on the

1 court's docket while the young adult remains in extended foster
2 care and during a trial independence period described [as provided]
3 by this section [subchapter].

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

8 (1) whether the young adult's living arrangement is
9 safe and appropriate and whether the department has made reasonable
10 efforts to place the young adult in the least restrictive
11 environment necessary to meet the young adult's needs;

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

15 (3) whether, for a young adult whose permanency plan
16 is independent living:

17 (A) the young adult participated in the
18 development of the plan of service;

19 (B) the young adult's plan of service reflects
20 the independent living skills and appropriate services needed to
21 achieve independence by the projected date; and

22 (C) the young adult continues to make reasonable
23 progress in developing the skills needed to achieve independence by
24 the projected date; and

25 (4) whether additional services that the department is
26 authorized to provide are needed to meet the needs of the young
27 adult [~~The extended jurisdiction of the court terminates on the~~

1 ~~earlier of:~~

2 ~~[(1) the young adult's 21st birthday, or~~

3 ~~[(2) the date the young adult withdraws consent to the~~
4 ~~extension of the court's jurisdiction in writing or in court].~~

5 (c) Not later than the 10th day before the date set for a
6 hearing under this section, the department shall file with the
7 court a copy of the young adult's plan of service and a report that
8 addresses the issues described by Subsection (b).

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

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

14 (2) the department;

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

18 (4) the director of the residential child-care
19 facility or other approved provider with whom the young adult is
20 placed, if applicable;

21 (5) each parent of the young adult whose parental
22 rights have not been terminated and who is still actively involved
23 in the life of the young adult;

24 (6) a legal guardian of the young adult, if
25 applicable; and

26 (7) the young adult's attorney ad litem, guardian ad
27 litem, and volunteer advocate, the appointment of which has not

1 been previously dismissed by the court.

2 (e) If, after reviewing the young adult's plan of service
3 and the report filed under Subsection (c), and any additional
4 testimony and evidence presented at the review hearing, the court
5 determines that the young adult is entitled to additional services,
6 the court may order the department to take appropriate action to
7 ensure that the young adult receives those services.

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

12 (1) the last day of the:

13 (A) sixth month after the date the young adult
14 leaves foster care; or

15 (B) 12th month after the date the young adult
16 leaves foster care if specified in a court order, for the purpose of
17 allowing the young adult to pursue a trial independence period; or

18 (2) the young adult's 21st birthday.

19 (g) A court with extended jurisdiction described by this
20 section is not required to conduct periodic hearings for a young
21 adult during a trial independence period and may not compel a young
22 adult who has exited foster care to attend a court hearing.

23 SECTION 11.03. Subchapter G, Chapter 263, Family Code, is
24 amended by adding Section 263.6021 to read as follows:

25 Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG
26 ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

27 (a) Notwithstanding Section 263.602, a court that had continuing,

1 exclusive jurisdiction over a young adult on the day before the
2 young adult's 18th birthday may, at the young adult's request,
3 render an order that extends the court's jurisdiction beyond the
4 end of a trial independence period if the young adult receives
5 transitional living services from the department.

6 (b) The extended jurisdiction of the court under this
7 section terminates on the earlier of:

8 (1) the young adult's 21st birthday; or

9 (2) the date the young adult withdraws consent to the
10 extension of the court's jurisdiction in writing or in court.

11 (c) At the request of a young adult who is receiving
12 transitional living services from the department and who consents
13 to voluntary extension of the court's jurisdiction under this
14 section, the court may hold a hearing to review the services the
15 young adult is receiving.

16 (d) Before a review hearing scheduled under this section,
17 the department must file with the court a report summarizing the
18 young adult's transitional living services plan, services being
19 provided to the young adult under that plan, and the young adult's
20 progress in achieving independence.

21 (e) If, after reviewing the report and any additional
22 testimony and evidence presented at the hearing, the court
23 determines that the young adult is entitled to additional services,
24 the court may order the department to take appropriate action to
25 ensure that the young adult receives those services.

26 SECTION 11.04. Subsections (a) and (c), Section 263.603,
27 Family Code, are amended to read as follows:

1 (a) Notwithstanding Section 263.6021 [~~263.602~~], if the
2 court believes that a young adult may be incapacitated as defined by
3 Section 601(14)(B), Texas Probate Code, the court may extend its
4 jurisdiction on its own motion without the young adult's consent to
5 allow the department to refer the young adult to the Department of
6 Aging and Disability Services for guardianship services as required
7 by Section 48.209, Human Resources Code.

8 (c) If the Department of Aging and Disability Services
9 determines a guardianship is not appropriate, or the court with
10 probate jurisdiction denies the application to appoint a guardian,
11 the court under Subsection (a) may continue to extend its
12 jurisdiction over the young adult only as provided by Section
13 263.602 or 263.6021.

14 SECTION 11.05. Section 263.609, Family Code, is repealed.

15 SECTION 11.06. This article takes effect immediately if
16 this Act receives a vote of two-thirds of all the members elected to
17 each house, as provided by Section 39, Article III, Texas
18 Constitution. If this Act does not receive the vote necessary for
19 immediate effect, this article takes effect on the 91st day after
20 the last day of the legislative session.

21 ARTICLE 12. INMATE LITIGATION

22 SECTION 12.01. Subsection (a), Section 14.002, Civil
23 Practice and Remedies Code, is amended to read as follows:

24 (a) This chapter applies only to an action, including an
25 appeal or original proceeding, [a suit] brought by an inmate in a
26 district, county, justice of the peace, or small claims court or an
27 appellate court, including the supreme court or the court of

1 criminal appeals, in which an affidavit or unsworn declaration of
2 inability to pay costs is filed by the inmate.

3 SECTION 12.02. Subsections (a) and (b), Section 14.004,
4 Civil Practice and Remedies Code, are amended to read as follows:

5 (a) An inmate who files an affidavit or unsworn declaration
6 of inability to pay costs shall file a separate affidavit or
7 declaration:

8 (1) identifying each action [~~suit~~], other than an
9 action [~~a suit~~] under the Family Code, previously brought by the
10 person and in which the person was not represented by an attorney,
11 without regard to whether the person was an inmate at the time the
12 action [~~suit~~] was brought; and

13 (2) describing each action [~~suit~~] that was previously
14 brought by:

15 (A) stating the operative facts for which relief
16 was sought;

17 (B) listing the case name, cause number, and the
18 court in which the action [~~suit~~] was brought;

19 (C) identifying each party named in the action
20 [~~suit~~]; and

21 (D) stating the result of the action [~~suit~~],
22 including whether the action or a claim that was a basis for the
23 action [~~suit~~] was dismissed as frivolous or malicious under Section
24 13.001 or Section 14.003 or otherwise.

25 (b) If the affidavit or unsworn declaration filed under this
26 section states that a previous action or claim [~~suit~~] was dismissed
27 as frivolous or malicious, the affidavit or unsworn declaration

1 must state the date of the final order affirming the dismissal.

2 SECTION 12.03. Subsection (a), Section 14.007, Civil
3 Practice and Remedies Code, is amended to read as follows:

4 (a) An order of a court under Section 14.006(a) shall
5 include the costs described by Subsection (b) if the court finds
6 that:

7 (1) the inmate has previously filed an action to which
8 this chapter applies [~~in a district, county, justice of the peace,~~
9 ~~or small claims court~~]; and

10 (2) a final order has been issued that affirms that the
11 action was dismissed as frivolous or malicious under Section 13.001
12 or Section 14.003 or otherwise.

13 SECTION 12.04. The change in law made by this article
14 applies only to an action brought on or after the effective date of
15 this Act. An action brought before the effective date of this Act is
16 governed by the law in effect immediately before the effective date
17 of this Act, and that law is continued in effect for that purpose.

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

20 SECTION 13.01. Subdivision (1), Subsection (a), Section
21 411.201, Government Code, is amended to read as follows:

22 (1) "Active judicial officer" means:

23 (A) a person serving as a judge or justice of the
24 supreme court, the court of criminal appeals, a court of appeals, a
25 district court, a criminal district court, a constitutional county
26 court, a statutory county court, a justice court, or a municipal
27 court; [~~or~~]

1 (B) a federal judge who is a resident of this
2 state; or

3 (C) a person appointed and serving as an
4 associate judge under Chapter 201, Family Code.

5 SECTION 13.02. (a) If H.B. No. 242, Acts of the 82nd
6 Legislature, Regular Session, 2011, does not become law, Subsection
7 (a), Section 46.15, Penal Code, is amended to read as follows:

8 (a) Sections 46.02 and 46.03 do not apply to:

9 (1) peace officers or special investigators under
10 Article 2.122, Code of Criminal Procedure, and neither section
11 prohibits a peace officer or special investigator from carrying a
12 weapon in this state, including in an establishment in this state
13 serving the public, regardless of whether the peace officer or
14 special investigator is engaged in the actual discharge of the
15 officer's or investigator's duties while carrying the weapon;

16 (2) parole officers and neither section prohibits an
17 officer from carrying a weapon in this state if the officer is:

18 (A) engaged in the actual discharge of the
19 officer's duties while carrying the weapon; and

20 (B) in compliance with policies and procedures
21 adopted by the Texas Department of Criminal Justice regarding the
22 possession of a weapon by an officer while on duty;

23 (3) community supervision and corrections department
24 officers appointed or employed under Section 76.004, Government
25 Code, and neither section prohibits an officer from carrying a
26 weapon in this state if the officer is:

27 (A) engaged in the actual discharge of the

1 officer's duties while carrying the weapon; and

2 (B) authorized to carry a weapon under Section
3 76.0051, Government Code;

4 (4) an active judicial officer as defined by Section
5 411.201, Government Code, [a judge or justice of a federal court,
6 the supreme court, the court of criminal appeals, a court of
7 appeals, a district court, a criminal district court, a
8 constitutional county court, a statutory county court, a justice
9 court, or a municipal court] who is licensed to carry a concealed
10 handgun under Subchapter H, Chapter 411, Government Code;

11 (5) an honorably retired peace officer or federal
12 criminal investigator who holds a certificate of proficiency issued
13 under Section 1701.357, Occupations Code, and is carrying a photo
14 identification that:

15 (A) verifies that the officer honorably retired
16 after not less than 15 years of service as a commissioned officer;
17 and

18 (B) is issued by a state or local law enforcement
19 agency;

20 (6) a district attorney, criminal district attorney,
21 county attorney, or municipal attorney who is licensed to carry a
22 concealed handgun under Subchapter H, Chapter 411, Government Code;

23 (7) an assistant district attorney, assistant
24 criminal district attorney, or assistant county attorney who is
25 licensed to carry a concealed handgun under Subchapter H, Chapter
26 411, Government Code;

27 (8) a bailiff designated by an active judicial officer

1 as defined by Section 411.201, Government Code, who is:

2 (A) licensed to carry a concealed handgun under
3 Chapter 411, Government Code; and

4 (B) engaged in escorting the judicial officer; or

5 (9) a juvenile probation officer who is authorized to
6 carry a firearm under Section 142.006, Human Resources Code.

7 (b) If H.B. No. 242, Acts of the 82nd Legislature, Regular
8 Session, 2011, becomes law, Subsection (a), Section 46.15, Penal
9 Code, as effective September 1, 2011, is amended to read as follows:

10 (a) Sections 46.02 and 46.03 do not apply to:

11 (1) peace officers or special investigators under
12 Article 2.122, Code of Criminal Procedure, and neither section
13 prohibits a peace officer or special investigator from carrying a
14 weapon in this state, including in an establishment in this state
15 serving the public, regardless of whether the peace officer or
16 special investigator is engaged in the actual discharge of the
17 officer's or investigator's duties while carrying the weapon;

18 (2) parole officers and neither section prohibits an
19 officer from carrying a weapon in this state if the officer is:

20 (A) engaged in the actual discharge of the
21 officer's duties while carrying the weapon; and

22 (B) in compliance with policies and procedures
23 adopted by the Texas Department of Criminal Justice regarding the
24 possession of a weapon by an officer while on duty;

25 (3) community supervision and corrections department
26 officers appointed or employed under Section 76.004, Government
27 Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

2 (A) engaged in the actual discharge of the
3 officer's duties while carrying the weapon; and

4 (B) authorized to carry a weapon under Section
5 76.0051, Government Code;

6 (4) an active judicial officer as defined by Section
7 411.201, Government Code, [a judge or justice of a federal court,
8 the supreme court, the court of criminal appeals, a court of
9 appeals, a district court, a criminal district court, a
10 constitutional county court, a statutory county court, a justice
11 court, or a municipal court] who is licensed to carry a concealed
12 handgun under Subchapter H, Chapter 411, Government Code;

13 (5) an honorably retired peace officer, qualified
14 retired law enforcement officer, federal criminal investigator, or
15 former reserve law enforcement officer who holds a certificate of
16 proficiency issued under Section 1701.357, Occupations Code, and is
17 carrying a photo identification that is issued by a federal, state,
18 or local law enforcement agency, as applicable, and that verifies
19 that the officer is:

20 (A) an honorably retired peace officer;

21 (B) a qualified retired law enforcement officer;

22 (C) a federal criminal investigator; or

23 (D) a former reserve law enforcement officer who
24 has served in that capacity not less than a total of 15 years with a
25 state or local law enforcement agency;

26 (6) a district attorney, criminal district attorney,
27 county attorney, or municipal attorney who is licensed to carry a

1 concealed handgun under Subchapter H, Chapter 411, Government Code;

2 (7) an assistant district attorney, assistant
3 criminal district attorney, or assistant county attorney who is
4 licensed to carry a concealed handgun under Subchapter H, Chapter
5 411, Government Code;

6 (8) a bailiff designated by an active judicial officer
7 as defined by Section 411.201, Government Code, who is:

8 (A) licensed to carry a concealed handgun under
9 Chapter 411, Government Code; and

10 (B) engaged in escorting the judicial officer; or

11 (9) a juvenile probation officer who is authorized to
12 carry a firearm under Section 142.006, Human Resources Code.

13 SECTION 13.03. The change in law made by this article to
14 Section 46.15, Penal Code, applies only to an offense committed on
15 or after the effective date of this article. An offense committed
16 before the effective date of this article is covered by the law in
17 effect when the offense was committed, and the former law is
18 continued in effect for that purpose. For purposes of this section,
19 an offense was committed before the effective date of this article
20 if any element of the offense occurred before that date.

21 SECTION 13.04. This article takes effect on the 91st day
22 after the last day of the legislative session.

23 ARTICLE 14. COURT COSTS

24 SECTION 14.01. Subsection (b), Section 51.005, Government
25 Code, is amended to read as follows:

26 (b) The fees are:

27 (1) application for petition for review [~~writ of~~

- 1 ~~error]~~ \$ 50
- 2 (2) additional fee if application for petition for
- 3 review [~~writ of error~~] is granted \$ 75
- 4 (3) motion for leave to file petition for writ of
- 5 mandamus, prohibition, injunction, and other similar proceedings
- 6 originating in the supreme court \$ 50
- 7 (4) additional fee if a motion under Subdivision (3)
- 8 is granted \$ 75
- 9 (5) certified question from a federal court of appeals
- 10 to the supreme court \$ 75
- 11 (6) case appealed to the supreme court from the
- 12 district court by direct appeal \$100
- 13 (7) any other proceeding filed in the supreme
- 14 court \$ 75.

15 SECTION 14.02. Subsection (a), Section 51.207, Government
16 Code, is amended to read as follows:

17 (a) The clerk of a court of appeals shall collect the fees
18 described in Subsection (b) in a civil case before the court for the
19 following services:

- 20 (1) filing records, applications, motions, briefs,
- 21 and other necessary and proper papers;
- 22 (2) docketing and making docket and minute book
- 23 entries;
- 24 (3) issuing notices, citations, processes, and
- 25 mandates;
- 26 (4) preparing transcripts on application for petition
- 27 for review [~~writ of error~~] to the supreme court; and

1 (5) performing other necessary clerical duties.

2 SECTION 14.03. Section 101.021, Government Code, is amended
3 to read as follows:

4 Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT
5 CODE. The clerk of the supreme court shall collect fees and costs
6 as follows:

7 (1) application for petition for review [~~writ of~~
8 ~~error~~] (Sec. 51.005, Government Code) . . . \$50;

9 (2) additional fee if application for petition for
10 review [~~writ of error~~] is granted (Sec. 51.005, Government Code)
11 . . . \$75;

12 (3) motion for leave to file petition for writ of
13 mandamus, prohibition, injunction, and other similar proceedings
14 originating in the supreme court (Sec. 51.005, Government Code)
15 . . . \$50;

16 (4) additional fee if a motion under Subdivision (3)
17 is granted (Sec. 51.005, Government Code) . . . \$75;

18 (5) certified question from a federal court of appeals
19 to the supreme court (Sec. 51.005, Government Code) . . . \$75;

20 (6) case appealed to the supreme court from the
21 district court by direct appeal (Sec. 51.005, Government Code)
22 . . . \$100;

23 (7) any other proceeding filed in the supreme court
24 (Sec. 51.005, Government Code) . . . \$75;

25 (8) administering an oath and giving a sealed
26 certificate of the oath (Sec. 51.005, Government Code) . . . \$5;

27 (9) making certain copies, including certificate and

1 seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if
2 more than 10 pages;

3 (10) any official service performed by the clerk for
4 which a fee is not otherwise provided (Sec. 51.005, Government
5 Code) . . . reasonable amount set by order or rule of supreme court;

6 (10-a) supreme court support account filing fee (Sec.
7 51.0051, Government Code) . . . amount set by the supreme court,
8 not to exceed \$50;

9 (11) issuance of attorney's license or certificate
10 (Sec. 51.006, Government Code) . . . \$10; and

11 (12) additional filing fee to fund civil legal
12 services for the indigent (Sec. 51.941, Government Code) . . . \$25.

13 ARTICLE 15. ALTERNATIVE DISPUTE RESOLUTION FOR CRIMINAL MATTERS

14 SECTION 15.01. (a) Section 152.001, Civil Practice and
15 Remedies Code, is amended to read as follows:

16 Sec. 152.001. DEFINITION. In this chapter, "alternative
17 dispute resolution system" means an informal forum in which
18 mediation, conciliation, or arbitration is used to resolve disputes
19 among individuals, entities, and units of government, including
20 those having an ongoing relationship such as relatives, neighbors,
21 landlords and tenants, employees and employers, and merchants and
22 consumers.

23 (b) If S.B. No. 1271, Acts of the 82nd Legislature, Regular
24 Session, 2011, becomes law, this section has no effect.

25 SECTION 15.02. (a) Subsection (a), Section 152.002, Civil
26 Practice and Remedies Code, is amended to read as follows:

27 (a) The commissioners court of a county by order may

1 establish an alternative dispute resolution system for the
2 peaceable and expeditious resolution of [~~citizen~~] disputes.

3 (b) If S.B. No. 1271, Acts of the 82nd Legislature, Regular
4 Session, 2011, becomes law, this section has no effect.

5 SECTION 15.03. Section 152.003, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 152.003. REFERRAL OF CASES. (a) A judge of a district
8 court, county court, statutory county court, probate court, or
9 justice of the peace court in a county in which an alternative
10 dispute resolution system has been established may, on motion of a
11 party or on the judge's or justice's own motion, refer a civil or, on
12 the request of an attorney representing the state, a criminal case
13 to the system regardless of whether the defendant in the criminal
14 case has been formally charged. Referral under this section does
15 not prejudice the case.

16 (b) Before requesting a referral of a criminal case under
17 this section, an attorney representing the state must obtain the
18 consent of the victim to the referral.

19 SECTION 15.04. (a) If H.B. No. 2702, Acts of the 82nd
20 Legislature, Regular Session, 2011, does not become law, Section
21 152.006, Civil Practice and Remedies Code, is amended to read as
22 follows:

23 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION
24 CENTERS. An entity described by Section 152.002(b)(1) that
25 provides services for the resolution of disputes [~~in a county with a~~
26 ~~population of 250,000 or more but less than 290,000~~] may collect a
27 reasonable fee in any amount set by the commissioners court from a

1 person who receives the services. [~~This section may not be~~
2 ~~construed to affect the collection of a fee by any other entity~~
3 ~~described by Section 152.002(b)(1).~~]

4 (b) If H.B. No. 2702, Acts of the 82nd Legislature, Regular
5 Session, 2011, becomes law, Section 152.006, Civil Practice and
6 Remedies Code, as effective September 1, 2011, is amended to read
7 as follows:

8 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION
9 CENTERS. An entity described by Section 152.002(b)(1) that
10 provides services for the resolution of disputes [~~in a county that~~
11 ~~borders the Gulf of Mexico with a population of 250,000 or more but~~
12 ~~less than 300,000]~~ may collect a reasonable fee in any amount set by
13 the commissioners court from a person who receives the
14 services. [~~This section may not be construed to affect the~~
15 ~~collection of a fee by any other entity described by Section~~
16 ~~152.002(b)(1).~~]

17 SECTION 15.05. Section 154.021, Civil Practice and Remedies
18 Code, is amended by adding Subsection (d) to read as follows:

19 (d) Except as provided by Section 152.003 of this code or
20 Article 26.13(g), Code of Criminal Procedure, a court may not refer
21 a criminal case for alternative dispute resolution.

22 SECTION 15.06. (a) The changes in law made by this article
23 with respect to criminal cases apply only to a criminal case in
24 which the defendant is arrested for or charged with an offense that
25 occurs on or after the effective date of this Act. A criminal case
26 in which the defendant is arrested for or charged with an offense
27 that occurs before the effective date of this Act is governed by the

1 law in effect when the offense was committed, and the former law is
2 continued in effect for that purpose. For purposes of this section,
3 an offense was committed before the effective date of this Act if
4 any element of the offense was committed before that date.

5 (b) The changes in law made by this article with respect to
6 civil cases apply only to a civil case referred to a county
7 alternative dispute resolution system on or after the effective
8 date of this Act. A civil case referred before the effective date of
9 this Act is governed by the law in effect when the case is referred,
10 and the former law is continued in effect for that purpose.

11 ARTICLE 16. NO APPROPRIATION; EFFECTIVE DATE

12 SECTION 16.01. This Act does not make an appropriation. A
13 provision in this Act that creates a new governmental program,
14 creates a new entitlement, or imposes a new duty on a governmental
15 entity is not mandatory during a fiscal period for which the
16 legislature has not made a specific appropriation to implement the
17 provision.

18 SECTION 16.02. Except as otherwise provided by this Act,
19 this Act takes effect January 1, 2012.