

1-1 By: Lewis, Jackson (Senate Sponsor - Duncan) H.B. No. 79
1-2 (In the Senate - Received from the House June 22, 2011;
1-3 June 22, 2011, read first time and referred to Committee on
1-4 Jurisprudence; June 27, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 June 27, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 79 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to fiscal and other matters necessary for implementation
1-11 of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd
1-12 Legislature, Regular Session, 2011, and to the operation and
1-13 administration of, and practice and procedures in courts in, the
1-14 judicial branch of state government.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 ARTICLE 1. FISCAL NECESSITY

1-17 SECTION 1.01. The legislature finds that this Act is
1-18 necessary to the state to offset the effect of the approximately \$30
1-19 million budget reduction for the judiciary. The provisions of this
1-20 Act are designed to allow the judiciary to operate with the least
1-21 chance of harm to fulfilling the purpose of the judiciary and to
1-22 allow the operation of the judiciary in the next state fiscal
1-23 biennium in an efficient manner.

1-24 ARTICLE 2. APPELLATE COURT PROVISIONS

1-25 SECTION 2.01. Subsection (b), Section 22.002, Government
1-26 Code, is amended to read as follows:

1-27 (b) The supreme court or, in vacation, a justice of the
1-28 supreme court may issue a writ of mandamus to compel a statutory
1-29 county court judge, a statutory probate court judge, or a district
1-30 judge to proceed to trial and judgment in a case [~~agreeable to the~~
1-31 ~~principles and usages of law, returnable to the supreme court on or~~
1-32 ~~before the first day of the term, or during the session of the term,~~
1-33 ~~or before any justice of the supreme court as the nature of the case~~
1-34 ~~requires~~].

1-35 SECTION 2.02. (a) Section 24.007, Property Code, is
1-36 amended to read as follows:

1-37 Sec. 24.007. APPEAL. (a) [~~A final judgment of a county~~
1-38 ~~court in an eviction suit may not be appealed on the issue of~~
1-39 ~~possession unless the premises in question are being used for~~
1-40 ~~residential purposes only.~~] A judgment of a county court in an
1-41 eviction suit may not under any circumstances be stayed pending
1-42 appeal unless, within 10 days of the signing of the judgment, the
1-43 appellant files a supersedeas bond in an amount set by the county
1-44 court. In setting the supersedeas bond the county court shall
1-45 provide protection for the appellee to the same extent as in any
1-46 other appeal, taking into consideration the value of rents likely
1-47 to accrue during appeal, damages which may occur as a result of the
1-48 stay during appeal, and other damages or amounts as the court may
1-49 deem appropriate.

1-50 (b) Notwithstanding any other law, an appeal may be taken
1-51 from a final judgment of a county court, statutory county court,
1-52 statutory probate court, or district court in an eviction suit.

1-53 (b) The change in law made by this section applies to an
1-54 appeal of a final judgment rendered on or after the effective date
1-55 of this section. An appeal of a final judgment rendered before the
1-56 effective date of this section is governed by the law in effect on
1-57 the date the judgment was rendered, and the former law is continued
1-58 in effect for that purpose.

1-59 ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

1-60 SECTION 3.01. Section 24.002, Government Code, is amended
1-61 to read as follows:

1-62 Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON
1-63 RECUSAL [SUBSTITUTE JUDGES]. If a district judge determines on the

2-1 judge's own motion that the judge should not sit in a case pending
 2-2 in the judge's court because the judge is disqualified or otherwise
 2-3 should recuse himself or herself, the judge shall enter a recusal
 2-4 order, request the presiding judge of that administrative judicial
 2-5 region to assign another judge to sit, and take no further action in
 2-6 the case except for good cause stated in the order in which the
 2-7 action is taken. A change of venue is not necessary because of the
 2-8 disqualification of a district judge in a case or proceeding
 2-9 pending in the judge's [his] court[, but the judge shall
 2-10 immediately certify his disqualification to the governor. The
 2-11 governor shall designate a district judge of another district to
 2-12 exchange benches with the disqualified judge to try the case. The
 2-13 governor shall notify both judges of his designation, and the
 2-14 judges shall exchange benches. If the judges are prevented from
 2-15 exchanging benches, the parties or their counsels may agree on an
 2-16 attorney of the court for the trial of the case. The district judge
 2-17 or special judge shall certify to the governor the fact of a failure
 2-18 of the parties or their counsels to agree on an attorney, and the
 2-19 governor shall appoint a person legally qualified to act as judge in
 2-20 the trial of the case].

2-21 SECTION 3.02. Sections 24.003 and 24.007, Government Code,
 2-22 are amended to read as follows:

2-23 Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES
 2-24 [SUBSTITUTE JUDGES IN CERTAIN COUNTIES]. (a) This section applies
 2-25 only to [civil cases in] counties with two [~~five~~] or more district
 2-26 courts.

2-27 (b) Unless provided otherwise by the local rules of
 2-28 administration, a district judge in the county may:

2-29 (1) transfer any civil or criminal case or proceeding
 2-30 on the court's docket to the docket of another district court in the
 2-31 county;

2-32 (2) hear and determine any case or proceeding pending
 2-33 in another district court in the county without having the case
 2-34 transferred;

2-35 (3) sit for another district court in the county and
 2-36 hear and determine any case or proceeding pending in that court;

2-37 (4) temporarily exchange benches with the judge of
 2-38 another district court in the county;

2-39 (5) try different cases in the same court at the same
 2-40 time; and

2-41 (6) occupy the judge's own courtroom or the courtroom
 2-42 of another district court in the county.

2-43 (c) If a district judge in the county is sick or otherwise
 2-44 absent, another district judge in the county may hold court for the
 2-45 judge.

2-46 (d) A district judge in the county may hear and determine
 2-47 any part or question of any case or proceeding pending in any of the
 2-48 district courts, and any other district judge may complete the
 2-49 hearing and render judgment in the case or proceeding. A district
 2-50 judge may hear and determine motions, including motions for new
 2-51 trial, petitions for injunction, applications for the appointment
 2-52 of a receiver, interventions, pleas in abatement, dilatory pleas,
 2-53 and all preliminary matters, questions, and proceedings, and may
 2-54 enter judgment or order on them in the court in which the case or
 2-55 proceeding is pending without transferring the case or proceeding.
 2-56 The district judge in whose court the matter is pending may proceed
 2-57 to hear, complete, and determine the matter, or all or any part of
 2-58 another matter, and render a final judgment. A district judge may
 2-59 issue a restraining order or injunction that is returnable to any
 2-60 other district court.

2-61 (e) A judgment or order shall be entered in the minutes of
 2-62 the court in which the case is pending.

2-63 (f) This section does not limit the powers of a district
 2-64 judge when acting for another judge by exchange of benches or
 2-65 otherwise [If a district judge is disqualified in a case pending in
 2-66 his court and his disqualification is certified to the governor,
 2-67 the governor may require any other district judge in the county to
 2-68 exchange benches with the disqualified judge.

2-69 [~~(c) If a district judge is absent, sick, or disqualified,~~

3-1 ~~any of the district judges in the county may hold court for him or~~
 3-2 ~~may transfer a pending case to the court of any other district judge~~
 3-3 ~~in the county].~~

3-4 Sec. 24.007. JURISDICTION. (a) The district court has the
 3-5 jurisdiction provided by Article V, Section 8, of the Texas
 3-6 Constitution.

3-7 (b) A district court has original jurisdiction of a civil
 3-8 matter in which the amount in controversy is more than \$500,
 3-9 exclusive of interest.

3-10 SECTION 3.03. Subsection (a), Section 24.012, Government
 3-11 Code, is amended to read as follows:

3-12 (a) Notwithstanding any other law, each [Each] district
 3-13 [and criminal district] court holds in each county in the judicial
 3-14 district [at least two] terms that commence on the first Mondays in
 3-15 January and July of [court] each year [in each county in the
 3-16 district]. To the extent of a conflict between this subsection and
 3-17 a specific provision relating to a particular judicial district,
 3-18 this section controls.

3-19 SECTION 3.04. Subchapter A, Chapter 24, Government Code, is
 3-20 amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027,
 3-21 24.028, 24.029, 24.030, and 24.031 to read as follows:

3-22 Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is
 3-23 transferred from one court to another, all processes, writs, bonds,
 3-24 recognizances, and other obligations issued by the transferring
 3-25 court are returnable to the court to which the case is transferred
 3-26 as if originally issued by that court.

3-27 (b) The obligees in all bonds and recognizances taken in and
 3-28 for a court from which a case is transferred, and all witnesses
 3-29 summoned to appear in a district court from which a case is
 3-30 transferred, are required to appear before the court to which the
 3-31 case is transferred as if the bond, recognizance, or summons was
 3-32 taken in or for that court.

3-33 Sec. 24.024. FILING AND DOCKETING CASES. In a county with
 3-34 two or more district courts, the district judges may adopt rules
 3-35 governing the filing and numbering of cases, the assignment of
 3-36 cases for trial, and the distribution of the work of the courts as
 3-37 in their discretion they consider necessary or desirable for the
 3-38 orderly dispatch of the business of the courts.

3-39 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless
 3-40 otherwise provided by this subchapter, all district judges in a
 3-41 county are entitled to equal amounts of supplemental compensation
 3-42 from the county.

3-43 (b) A district judge is entitled to an amount of
 3-44 supplemental compensation for serving on the juvenile board of a
 3-45 county that is equal to the amount other judges serving on the
 3-46 juvenile board receive.

3-47 Sec. 24.026. APPOINTMENT OF INITIAL JUDGE. On the creation
 3-48 of a new judicial district, the initial vacancy in the office of
 3-49 district judge is filled in accordance with Section 28, Article V,
 3-50 Texas Constitution.

3-51 Sec. 24.027. GRAND AND PETIT JURORS. All grand and petit
 3-52 jurors selected in a county before a new district court is created
 3-53 or the composition of an existing district court is modified by an
 3-54 amendment to this chapter are considered to be selected for the new
 3-55 or modified district court, as applicable.

3-56 Sec. 24.028. CASES TRANSFERRED. If by an amendment to this
 3-57 chapter a county is removed from the composition of an existing
 3-58 judicial district and added to another existing or new judicial
 3-59 district, all cases and proceedings from that county that are
 3-60 pending in the district court of the judicial district from which
 3-61 the county was removed are transferred to the district court of the
 3-62 judicial district to which the county is added. The judge of each
 3-63 affected district court shall sign the proper orders in connection
 3-64 with the transfer.

3-65 Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN
 3-66 VALID. (a) If by an amendment to this chapter a county is removed
 3-67 from the composition of an existing judicial district and added to
 3-68 another existing or new judicial district, or if an amendment to
 3-69 this chapter changes the time or place at which the terms of court

4-1 are held, all processes, writs, bonds, recognizances, and other
 4-2 obligations issued from and made returnable to that court before
 4-3 the effective date of the transfer or other change are returnable as
 4-4 provided by this subsection. An obligation issued from the
 4-5 affected court is returnable to another district court in the
 4-6 county on the date that court directs, but may not be made
 4-7 returnable on a date that is earlier than the date on which the
 4-8 obligation was originally returnable. The obligations are legal
 4-9 and valid as if the obligations had been made returnable to the
 4-10 issuing court.

4-11 (b) The obligees in all appearance bonds and recognizances
 4-12 taken in and for a district court of a county before the effective
 4-13 date of an amendment to this chapter, and all witnesses summoned to
 4-14 appear before that district court under laws existing before the
 4-15 effective date of an amendment to this chapter, are required to
 4-16 appear at another district court in the county on the date that
 4-17 court directs, but may not be required to appear on a date that is
 4-18 earlier than the date on which the obligees or witnesses were
 4-19 originally required to appear.

4-20 Sec. 24.030. LOCATION OF COURT. (a) A district court
 4-21 shall sit in the county seat for a jury trial in a civil case. The
 4-22 commissioners court of the county may authorize a district court to
 4-23 sit in any municipality within the county to hear and determine
 4-24 nonjury trials in civil cases and to hear and determine motions,
 4-25 arguments, and other matters not heard before a jury in a civil case
 4-26 that is within the court's jurisdiction.

4-27 (b) The district clerk or the clerk's deputy serves as clerk
 4-28 of the court when a court sits in a municipality other than the
 4-29 municipality that is the county seat and may transfer:

4-30 (1) all necessary books, minutes, records, and papers
 4-31 to that municipality while the court is in session there; and

4-32 (2) the books, minutes, records, and papers back to
 4-33 the clerk's office in the county seat at the end of each session.

4-34 (c) If the commissioners court authorizes a district court
 4-35 to sit in a municipality other than the municipality that is the
 4-36 county seat, the commissioners court shall provide suitable
 4-37 facilities for the court in that municipality.

4-38 Sec. 24.031. COURT OFFICERS. The prosecuting attorney, the
 4-39 sheriff, the district clerk, the bailiffs, and the other officers
 4-40 serving the other district courts of the county shall serve in their
 4-41 respective capacities for the courts listed in this chapter.

4-42 SECTION 3.05. Subsection (g), Section 25.0362, Government
 4-43 Code, is amended to read as follows:

4-44 (g) In matters of concurrent jurisdiction, a judge of a
 4-45 county court at law and a judge of a district court in Cass County
 4-46 may transfer cases between the courts in the same manner that judges
 4-47 of district courts may transfer cases under Section 24.003
 4-48 [24.303].

4-49 SECTION 3.06. Subsection (w), Section 25.0732, Government
 4-50 Code, is amended to read as follows:

4-51 (w) In matters of concurrent jurisdiction, a judge of a
 4-52 statutory county court in El Paso County and a judge of a district
 4-53 court or another statutory county court in El Paso County may
 4-54 transfer cases between the courts in the same manner judges of
 4-55 district courts transfer cases under Section 24.003 [24.303].

4-56 SECTION 3.07. Subsection (c), Section 25.1672, Government
 4-57 Code, is amended to read as follows:

4-58 (c) In matters of concurrent jurisdiction, judges of the
 4-59 county courts at law and district courts in the county may exchange
 4-60 benches and courtrooms and may transfer cases between their dockets
 4-61 in the same manner that district court judges exchange benches and
 4-62 transfer cases under Section 24.003 [24.303].

4-63 SECTION 3.08. Subsection (v), Section 25.1862, Government
 4-64 Code, is amended to read as follows:

4-65 (v) In matters of concurrent jurisdiction, a judge of a
 4-66 county court at law and a judge of a district court or another
 4-67 county court at law may transfer cases between the courts in the
 4-68 same manner judges of district courts transfer cases under Section
 4-69 24.003 [24.303].

5-1 SECTION 3.09. Subsection (k), Section 25.2512, Government
5-2 Code, as effective September 1, 2011, is amended to read as follows:

5-3 (k) A judge of a county court at law and a judge of a
5-4 district court or another county court at law with concurrent
5-5 jurisdiction may transfer cases between the courts in the same
5-6 manner judges of district courts transfer cases under Section
5-7 24.003 [~~24.303~~].

5-8 SECTION 3.10. Subsection (k), Section 25.1932, Government
5-9 Code, is amended to read as follows:

5-10 (k) Notwithstanding Section 74.121(b)(1), in matters of
5-11 concurrent jurisdiction, the judge of a county court at law and the
5-12 judges of the district courts in the county may exchange benches and
5-13 courtrooms and may transfer cases between their dockets in the same
5-14 manner that judges of district courts exchange benches and transfer
5-15 cases under Section 24.003 [~~24.303~~].

5-16 SECTION 3.11. Subdivision (2), Subsection (b), Section
5-17 74.121, Government Code, is amended to read as follows:

5-18 (2) Notwithstanding Subdivision (1), in matters of
5-19 concurrent jurisdiction, a judge of a statutory county court in
5-20 Midland County and a judge of a district court in Midland County may
5-21 exchange benches and courtrooms with each other and may transfer
5-22 cases between their dockets in the same manner that judges of
5-23 district courts exchange benches and transfer cases under Section
5-24 24.003 [~~24.303~~].

5-25 SECTION 3.12. Subsection (d), Section 659.012, Government
5-26 Code, is amended to read as follows:

5-27 (d) Notwithstanding any other provision in this section or
5-28 other law, in [In] a county with more than five district courts, a
5-29 district judge who serves as a local administrative district judge
5-30 under Section 74.091 is entitled to an annual salary from the state
5-31 that is \$5,000 more than the salary from the state to which the
5-32 judge is otherwise entitled [under Subsection (a)(1)].

5-33 SECTION 3.13. The following provisions of the Government
5-34 Code are repealed:

- 5-35 (1) Section 24.013;
- 5-36 (2) Section 24.302;
- 5-37 (3) Section 24.303;
- 5-38 (4) Section 24.304;
- 5-39 (5) Section 24.305;
- 5-40 (6) Section 24.307;
- 5-41 (7) Section 24.308;
- 5-42 (8) Section 24.309;
- 5-43 (9) Section 24.311;
- 5-44 (10) Section 24.312;
- 5-45 (11) Section 24.313;
- 5-46 (12) Section 24.314;
- 5-47 (13) Section 24.525(b);
- 5-48 (14) Section 24.526(b);
- 5-49 (15) Section 24.527(b);
- 5-50 (16) Sections 24.528(b) and (c); and
- 5-51 (17) Sections 24.529(b) and (c).

5-52 ARTICLE 4. STATUTORY COUNTY COURTS

5-53 SECTION 4.01. Section 25.0002, Government Code, is amended
5-54 to read as follows:

5-55 Sec. 25.0002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

5-56 (1) "Criminal law cases and proceedings" includes
5-57 cases and proceedings for allegations of conduct punishable in part
5-58 by confinement in the county jail not to exceed one year.

5-59 (2) "Family[,"family] law cases and proceedings"
5-60 includes cases and proceedings under Titles 1, 2, 4, and 5, Family
5-61 Code [involving adoptions, birth records, or removal of disability
5-62 of minority or coverture, change of names of persons, child
5-63 welfare, custody, support and reciprocal support, dependency,
5-64 neglect, or delinquency, paternity, termination of parental
5-65 rights, divorce and marriage annulment, including the adjustment of
5-66 property rights, custody and support of minor children involved
5-67 therein, temporary support pending final hearing, and every other
5-68 matter incident to divorce or annulment proceedings, independent
5-69 actions involving child support, custody of minors, and wife or

6-1 ~~child desertion, and independent actions involving controversies~~
6-2 ~~between parent and child, between parents, and between spouses].~~

6-3 (3) "Juvenile law cases and proceedings" includes all
6-4 cases and proceedings brought under Title 3, Family Code.

6-5 (4) "Mental health cases and proceedings" includes all
6-6 cases and proceedings brought under Chapter 462, Health and Safety
6-7 Code, or Subtitle C or D, Title 7, Health and Safety Code.

6-8 SECTION 4.02. Subsection (c), Section 25.0003, Government
6-9 Code, is amended to read as follows:

6-10 (c) In addition to other jurisdiction provided by law, a
6-11 statutory county court exercising civil jurisdiction concurrent
6-12 with the constitutional jurisdiction of the county court has
6-13 concurrent jurisdiction with the district court in:

6-14 (1) civil cases in which the matter in controversy
6-15 exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding
6-16 interest, statutory or punitive damages and penalties, and
6-17 attorney's fees and costs, as alleged on the face of the petition;
6-18 and

6-19 (2) appeals of final rulings and decisions of the
6-20 division of workers' compensation of the Texas Department of
6-21 Insurance regarding workers' compensation claims, regardless of
6-22 the amount in controversy.

6-23 SECTION 4.03. Section 25.0004, Government Code, is amended
6-24 by adding Subsections (f) and (g) to read as follows:

6-25 (f) The judge of a statutory county court does not have
6-26 general supervisory control or appellate review of the
6-27 commissioners court.

6-28 (g) A judge of a statutory county court has the judicial
6-29 immunity of a district judge.

6-30 SECTION 4.04. Section 25.0007, Government Code, is amended
6-31 to read as follows:

6-32 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The
6-33 drawing of jury panels, selection of jurors, and practice in the
6-34 statutory county courts must conform to that prescribed by law for
6-35 county courts.

6-36 (b) Practice in a statutory county court is that prescribed
6-37 by law for county courts, except that practice, procedure, rules of
6-38 evidence, issuance of process and writs, and all other matters
6-39 pertaining to the conduct of trials and hearings in the statutory
6-40 county courts, other than the number of jurors, that involve those
6-41 matters of concurrent jurisdiction with district courts are
6-42 governed by the laws and rules pertaining to district courts. This
6-43 section does not affect local rules of administration adopted under
6-44 Section 74.093.

6-45 SECTION 4.05. Section 25.0010, Government Code, is amended
6-46 by amending Subsection (b) and adding Subsections (c), (d), (e),
6-47 and (f) to read as follows:

6-48 (b) The county attorney or criminal district attorney [~~and~~
6-49 ~~sheriff~~] shall serve each statutory county court as required by
6-50 law.

6-51 (c) A county sheriff shall in person or by deputy attend a
6-52 statutory county court as required by the court.

6-53 (d) The county clerk shall serve as clerk of each statutory
6-54 county court. The court officials shall perform the duties and
6-55 responsibilities of their offices and are entitled to the
6-56 compensation, fees, and allowances prescribed by law for those
6-57 offices.

6-58 (e) The judge of a statutory county court may appoint the
6-59 personnel necessary for the operation of the court, including a
6-60 court coordinator or administrative assistant, if the
6-61 commissioners court has approved the creation of the position.

6-62 (f) The commissioners court may authorize the employment of
6-63 as many additional assistant district attorneys, assistant county
6-64 attorneys, deputy sheriffs, and clerks as are necessary for a
6-65 statutory county court.

6-66 SECTION 4.06. (a) Section 25.0014, Government Code, is
6-67 amended to read as follows:

6-68 Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a
6-69 statutory county court must:

7-1 (1) be at least 25 years of age;
 7-2 (2) be a United States citizen and have resided in the
 7-3 county for at least two years before election or appointment; and

7-4 (3) be a licensed attorney in this state who has
 7-5 practiced law or served as a judge of a court in this state, or both
 7-6 combined, for the four years preceding election or appointment,
 7-7 unless otherwise provided for by law.

7-8 (b) The change in law made by this Act to Section 25.0014,
 7-9 Government Code, does not apply to a person serving as a statutory
 7-10 county court judge immediately before the effective date of this
 7-11 Act who met the qualifications of Section 25.0014, Government Code,
 7-12 as it existed on that date, and the former law is continued in
 7-13 effect for determining that person's qualifications to serve as a
 7-14 statutory county court judge.

7-15 SECTION 4.07. (a) Subchapter A, Chapter 25, Government
 7-16 Code, is amended by adding Sections 25.0016 and 25.00161 to read as
 7-17 follows:

7-18 Sec. 25.0016. TERMS OF COURT. The commissioners court, by
 7-19 order, shall set at least two terms a year for the statutory county
 7-20 court.

7-21 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge
 7-22 of a statutory county court shall diligently discharge the duties
 7-23 of the office on a full-time basis and may not engage in the private
 7-24 practice of law.

7-25 (b) Section 25.00161, Government Code, as added by this Act,
 7-26 applies only to a regular judge serving a term to which the judge is
 7-27 elected on or after the effective date of this Act. A judge serving
 7-28 a term to which the judge was elected before the effective date of
 7-29 this Act is governed by the law in effect on the date the judge was
 7-30 elected, and that law is continued in effect for that purpose.

7-31 SECTION 4.08. Subsection (t), Section 25.0022, Government
 7-32 Code, is amended to read as follows:

7-33 (t) To be eligible for assignment under this section, a
 7-34 former or retired judge of a statutory probate court must:

7-35 (1) not have been removed from office;

7-36 (2) certify under oath to the presiding judge, on a
 7-37 form prescribed by the state board of regional judges, that:

7-38 (A) the judge has not been publicly reprimanded
 7-39 or censured by the State Commission on Judicial Conduct; and

7-40 (B) the judge:

7-41 (i) did not resign or retire from office
 7-42 after the State Commission on Judicial Conduct notified the judge
 7-43 of the commencement of a full investigation into an allegation or
 7-44 appearance of misconduct or disability of the judge as provided in
 7-45 Section 33.022 and before the final disposition of that
 7-46 investigation; or

7-47 (ii) if the judge did resign from office
 7-48 under circumstances described by Subparagraph (i), was not publicly
 7-49 reprimanded or censured as a result of the investigation;

7-50 (3) annually demonstrate that the judge has completed
 7-51 in the past state fiscal year the educational requirements for an
 7-52 active statutory probate court judge;

7-53 (4) have served as an active judge for at least 72 [~~96~~]
 7-54 months in a district, statutory probate, statutory county, or
 7-55 appellate court; and

7-56 (5) have developed substantial experience in the
 7-57 judge's area of specialty.

7-58 SECTION 4.09. Section 25.00231, Government Code, is amended
 7-59 by amending Subsection (c) and adding Subsection (e) to read as
 7-60 follows:

7-61 (c) In lieu of the bond required by Subsection (b), a county
 7-62 may elect to obtain insurance or to self-insure in the amount
 7-63 required by Subsection (b) against losses caused by the statutory
 7-64 probate court judge's gross negligence in performing the duties of
 7-65 office.

7-66 (e) This section does not apply to an assigned or visiting
 7-67 judge sitting by assignment in a statutory probate court.

7-68 SECTION 4.10. (a) Subchapter B, Chapter 25, Government
 7-69 Code, is amended by adding Sections 25.0033, 25.0034, and 25.0035

8-1 to read as follows:

8-2 Sec. 25.0033. QUALIFICATIONS OF JUDGE. The judge of a
 8-3 statutory probate court must:

8-4 (1) be at least 25 years of age;

8-5 (2) be a United States citizen and have resided in the
 8-6 county for at least two years before election or appointment; and

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

8-11 Sec. 25.0034. PRIVATE PRACTICE OF LAW. The regular judge of
 8-12 a statutory probate court shall diligently discharge the duties of
 8-13 the office on a full-time basis and may not engage in the private
 8-14 practice of law.

8-15 Sec. 25.0035. TERMS OF COURT. The commissioners court, by
 8-16 order, shall set at least two terms a year for the statutory probate
 8-17 court.

8-18 (b) Section 25.0033, Government Code, as added by this Act,
 8-19 does not apply to a person serving as a statutory probate court
 8-20 judge immediately before the effective date of this Act. The
 8-21 qualifications of a person serving as a statutory probate court
 8-22 judge on the effective date of this Act are governed by the law in
 8-23 effect immediately before the effective date of this Act, and the
 8-24 former law is continued in effect for that purpose.

8-25 SECTION 4.11. Subsections (g) and (i), Section 25.0042,
 8-26 Government Code, are amended to read as follows:

8-27 (g) The district clerk serves as clerk of a county court at
 8-28 law in all cases arising under the Family Code and Section 23.001
 8-29 and shall establish a separate docket for a county court at law; the
 8-30 county clerk serves as clerk of the court in all other cases. [~~The~~
 8-31 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
 8-32 ~~as are necessary to serve the court.~~]

8-33 (i) [~~Practice in a county court at law is that prescribed by~~
 8-34 ~~law for county courts, except that practice and procedure, rules of~~
 8-35 ~~evidence, issuance of process and writs, and all other matters~~
 8-36 ~~pertaining to the conduct of trials and hearings in a county court~~
 8-37 ~~at law involving cases under the Family Code and Section 23.001 are~~
 8-38 ~~governed by this section and the laws and rules pertaining to~~
 8-39 ~~district courts and county courts.~~] If a case under the Family Code
 8-40 or Section 23.001 is tried before a jury, the jury shall be composed
 8-41 of 12 members.

8-42 SECTION 4.12. Subsection (h), Section 25.0102, Government
 8-43 Code, is amended to read as follows:

8-44 (h) [~~Practice in a county court at law is that prescribed by~~
 8-45 ~~law for county courts, except that practice and procedure, rules of~~
 8-46 ~~evidence, issuance of process and writs, and all other matters~~
 8-47 ~~pertaining to the conduct of trials and hearings in the county court~~
 8-48 ~~at law involving family law cases and proceedings shall be governed~~
 8-49 ~~by this section and the laws and rules pertaining to district~~
 8-50 ~~courts.~~] If a family law case or proceeding is tried before a jury,
 8-51 the jury shall be composed of 12 members; in all other cases the
 8-52 jury shall be composed of six members.

8-53 SECTION 4.13. Subsections (e) and (f), Section 25.0132,
 8-54 Government Code, are amended to read as follows:

8-55 (e) The district clerk serves as clerk of a county court at
 8-56 law in family law cases and proceedings, and the county clerk serves
 8-57 as clerk of the court in all other cases. The district clerk shall
 8-58 establish a separate docket for a county court at law. [~~The~~
 8-59 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
 8-60 ~~as are necessary to serve a county court at law.~~]

8-61 (f) [~~Practice in a county court at law is that prescribed by~~
 8-62 ~~law for county courts, except that practice and procedure, rules of~~
 8-63 ~~evidence, issuance of process and writs, and all other matters~~
 8-64 ~~pertaining to the conduct of trials and hearings in a county court~~
 8-65 ~~at law involving family law cases and proceedings is that~~
 8-66 ~~prescribed by law for district courts and county courts.~~] If a
 8-67 family law case or proceeding is tried before a jury, the jury shall
 8-68 be composed of 12 members.

8-69 SECTION 4.14. Subsection (a), Section 25.0202, Government

9-1 Code, is amended to read as follows:

9-2 (a) In addition to the jurisdiction provided by Section
9-3 25.0003 and other law, a county court at law in Bosque County has
9-4 concurrent jurisdiction with the district court in:

9-5 (1) family law cases and proceedings;

9-6 (2) civil cases in which the matter in controversy
9-7 exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding
9-8 interest, court costs, and attorney's fees; and

9-9 (3) contested probate matters under Section 4D [~~5(b)~~],
9-10 Texas Probate Code.

9-11 SECTION 4.15. Subsection (b), Section 25.0212, Government
9-12 Code, is amended to read as follows:

9-13 (b) A county court at law does not have [~~general supervisory~~
9-14 ~~control or appellate review of the commissioners court or~~
9-15 jurisdiction of:

9-16 (1) felony criminal matters;

9-17 (2) suits on behalf of the state to recover penalties
9-18 or escheated property;

9-19 (3) misdemeanors involving official misconduct;

9-20 (4) contested elections; or

9-21 (5) civil cases in which the matter in controversy
9-22 exceeds \$200,000 [~~\$100,000~~], excluding interest, statutory or
9-23 punitive damages and penalties, and attorney's fees and costs, as
9-24 alleged on the face of the petition.

9-25 SECTION 4.16. Subsections (a) and (k), Section 25.0222,
9-26 Government Code, are amended to read as follows:

9-27 (a) In addition to the jurisdiction provided by Section
9-28 25.0003 and other law, a statutory county court in Brazoria County
9-29 has concurrent jurisdiction with the district court in:

9-30 (1) civil cases in which the matter in controversy
9-31 exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding
9-32 interest, statutory damages and penalties, and attorney's fees and
9-33 costs, as alleged on the face of the petition;

9-34 (2) appeals of final rulings and decisions of the
9-35 division of workers' compensation of the Texas Department of
9-36 Insurance regarding workers' compensation claims, regardless of
9-37 the amount in controversy; and

9-38 (3) family law cases and proceedings and juvenile
9-39 jurisdiction under Section 23.001.

9-40 (k) The district clerk serves as clerk of the statutory
9-41 county courts in cases instituted in the district courts in which
9-42 the district courts and statutory county courts have concurrent
9-43 jurisdiction, and the county clerk serves as clerk for all other
9-44 cases. [~~The commissioners court may employ as many additional~~
9-45 ~~assistant criminal district attorneys, deputy sheriffs, and deputy~~
9-46 ~~clerks as are necessary to serve the statutory county courts.]~~

9-47 SECTION 4.17. Subsections (e) and (f), Section 25.0302,
9-48 Government Code, are amended to read as follows:

9-49 (e) The district clerk serves as clerk of a county court at
9-50 law in family law cases and proceedings, and the county clerk serves
9-51 as clerk of the court in all other cases and proceedings. The
9-52 district clerk shall establish a separate docket for a county court
9-53 at law. [~~The commissioners court may employ the assistant district~~
9-54 ~~attorneys, deputy sheriffs, and bailiffs necessary to serve each~~
9-55 ~~county court at law.]~~

9-56 (f) [~~Practice in a county court at law is that prescribed by~~
9-57 ~~law for county courts, except that practice and procedure, rules of~~
9-58 ~~evidence, issuance of process and writs, and all other matters~~
9-59 ~~pertaining to the conduct of trials and hearings in a county court~~
9-60 ~~at law involving family law cases and proceedings shall be governed~~
9-61 ~~by this section and the laws and rules pertaining to district~~
9-62 ~~courts.] If a family law case or proceeding is tried before a jury,
9-63 the jury shall be composed of 12 members.~~

9-64 SECTION 4.18. Subsection (b), Section 25.0312, Government
9-65 Code, is amended to read as follows:

9-66 (b) A county court at law does not have [~~general supervisory~~
9-67 ~~control or appellate review of the commissioners court or~~
9-68 jurisdiction of:

9-69 (1) felony cases other than writs of habeas corpus;

- 10-1 (2) misdemeanors involving official misconduct;
- 10-2 (3) contested elections; or
- 10-3 (4) appeals from county court.

10-4 SECTION 4.19. Subsection (b), Section 25.0362, Government
 10-5 Code, is amended to read as follows:

10-6 (b) A county court at law does not have [~~general supervisory~~
 10-7 ~~control or appellate review of the commissioners court or~~
 10-8 jurisdiction of:

- 10-9 (1) misdemeanors involving official misconduct;
- 10-10 (2) suits on behalf of the state to recover penalties
 10-11 or escheated property;
- 10-12 (3) contested elections;
- 10-13 (4) suits in which the county is a party; or
- 10-14 (5) felony cases involving capital murder.

10-15 SECTION 4.20. Subsection (f), Section 25.0482, Government
 10-16 Code, is amended to read as follows:

10-17 (f) The district clerk serves as clerk of a county court at
 10-18 law for family law cases and proceedings, and the county clerk
 10-19 serves as clerk for all other cases and proceedings. [~~The district~~
 10-20 ~~clerk shall establish a separate docket for a county court at law.~~
 10-21 ~~The commissioners court may employ as many assistant county~~
 10-22 ~~attorneys, deputy sheriffs, and bailiffs as are necessary to serve~~
 10-23 ~~the county courts at law.]~~

10-24 SECTION 4.21. Subsection (g), Section 25.0632, Government
 10-25 Code, is amended to read as follows:

10-26 (g) [~~Jurors regularly impaneled for the week by the district~~
 10-27 ~~courts of Denton County must include sufficient numbers to serve in~~
 10-28 ~~the statutory county courts and statutory probate courts as well as~~
 10-29 ~~the district courts. The jurors shall be made available by the~~
 10-30 ~~district judge as necessary.] The jury in a statutory county court
 10-31 or statutory probate court in all civil or criminal matters is
 10-32 composed of 12 members, except that in misdemeanor criminal cases
 10-33 and any other case in which the court has jurisdiction that under
 10-34 general law would be concurrent with the county court, the jury is
 10-35 composed of six members.~~

10-36 SECTION 4.22. Subsection (r), Section 25.0732, Government
 10-37 Code, is amended to read as follows:

10-38 (r) Section [~~Sections~~] 25.0006(b) does [~~and 25.0007 do~~] not
 10-39 apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso
 10-40 County, Texas.

10-41 SECTION 4.23. Subsection (a), Section 25.0733, Government
 10-42 Code, is amended to read as follows:

10-43 (a) Sections 25.0732(g) and [~~25.0732(d), (h), (i), (j),~~
 10-44 ~~(m), (n), (o), (p), (q),]~~ (r) [~~, and (v),]~~ relating to county courts
 10-45 at law in El Paso County, apply to a statutory probate court in El
 10-46 Paso County.

10-47 SECTION 4.24. Subsections (i) and (l), Section 25.0862,
 10-48 Government Code, are amended to read as follows:

10-49 (i) [~~The clerk of the statutory county courts and statutory~~
 10-50 ~~probate court shall keep a separate docket for each court.] The
 10-51 clerk shall tax the official court reporter's fees as costs in civil
 10-52 actions in the same manner as the fee is taxed in civil cases in the
 10-53 district courts. [~~The district clerk serves as clerk of the county~~
 10-54 ~~courts in a cause of action arising under the Family Code and an~~
 10-55 ~~appeal of a final ruling or decision of the division of workers'~~
 10-56 ~~compensation of the Texas Department of Insurance regarding~~
 10-57 ~~workers' compensation claims, and the county clerk serves as clerk~~
 10-58 ~~of the court in all other cases.]~~~~

10-59 (l) Each reporter may be made available when not engaged in
 10-60 proceedings in their court to report proceedings in all other
 10-61 courts. [~~Practice, appeals, and writs of error in a statutory~~
 10-62 ~~county court are as prescribed by law for county courts and county~~
 10-63 ~~courts at law.] Appeals and writs of error may be taken from
 10-64 judgments and orders of the County Courts Nos. 1, 2, and 3 of
 10-65 Galveston County and the judges, in civil and criminal cases, in the
 10-66 manner prescribed by law for appeals and writs of error. Appeals
 10-67 from interlocutory orders of the County Courts Nos. 1, 2, and 3
 10-68 appointing a receiver or overruling a motion to vacate or appoint a
 10-69 receiver may be taken and are governed by the laws relating to~~

11-1 appeals from similar orders of district courts.

11-2 SECTION 4.25. Subsection (f), Section 25.0962, Government
 11-3 Code, is amended to read as follows:

11-4 (f) ~~[Practice in a county court at law is that prescribed by
 11-5 law for county courts, except that practice and procedure, rules of
 11-6 evidence, issuance of process and writs, and all other matters
 11-7 pertaining to the conduct of trials and hearings in a county court
 11-8 at law involving cases in the court's concurrent jurisdiction with
 11-9 the district court shall be governed by this section and the laws
 11-10 and rules pertaining to district courts as well as county courts.]~~

11-11 If a case in the court's concurrent jurisdiction with the district
 11-12 court is tried before a jury, the jury shall be composed of 12
 11-13 members.

11-14 SECTION 4.26. Subsection (a), Section 25.1033, Government
 11-15 Code, is amended to read as follows:

11-16 (a) A county criminal court at law in Harris County has the
 11-17 criminal jurisdiction provided by law for county courts, concurrent
 11-18 jurisdiction with civil statutory county courts for Harris County
 11-19 to hear appeals of the suspension of a driver's license and original
 11-20 proceedings regarding occupational driver's licenses, and
 11-21 appellate jurisdiction in appeals of criminal cases from justice
 11-22 courts and municipal courts in the county.

11-23 SECTION 4.27. Subsection (g), Section 25.1042, Government
 11-24 Code, is amended to read as follows:

11-25 (g) The criminal district attorney is entitled to the same
 11-26 fees prescribed by law for prosecutions in the county court. ~~[The
 11-27 commissioners court may employ as many additional deputy sheriffs
 11-28 and clerks as are necessary to serve a county court at law.]~~

11-29 SECTION 4.28. Subsections (e) and (f), Section 25.1072,
 11-30 Government Code, are amended to read as follows:

11-31 (e) The county clerk serves as clerk of a county court at
 11-32 law, except that the district clerk serves as clerk of the court in
 11-33 family law cases and proceedings. The district clerk shall
 11-34 establish a separate docket for a county court at law. ~~[The
 11-35 commissioners court may employ as many assistant district
 11-36 attorneys, deputy sheriffs, and bailiffs as are necessary to serve
 11-37 the court.]~~

11-38 (f) ~~[Practice in a county court at law is that prescribed by
 11-39 law for county courts, except that practice and procedure, rules of
 11-40 evidence, issuance of process and writs, and other matters
 11-41 pertaining to the conduct of trials and hearings in a county court
 11-42 at law involving family law cases and proceedings are governed by
 11-43 this section and the laws and rules pertaining to district courts,
 11-44 as well as county courts.]~~ If a family law case or proceeding is
 11-45 tried before a jury, the jury shall be composed of 12 members.

11-46 SECTION 4.29. Subsection (b), Section 25.1142, Government
 11-47 Code, is amended to read as follows:

11-48 (b) A county court at law does not have ~~[general supervisory
 11-49 control or appellate review of the commissioners court or]
 11-50 jurisdiction of:~~

- 11-51 (1) civil cases in which the amount in controversy
 11-52 exceeds \$200,000 ~~[\$100,000]~~, excluding interest;
- 11-53 (2) felony jury trials;
- 11-54 (3) suits on behalf of the state to recover penalties
 11-55 or escheated property;
- 11-56 (4) misdemeanors involving official misconduct; or
- 11-57 (5) contested elections.

11-58 SECTION 4.30. Subsection (b), Section 25.1182, Government
 11-59 Code, is amended to read as follows:

11-60 (b) A county court at law's civil jurisdiction concurrent
 11-61 with the district court in civil cases is limited to cases in which
 11-62 the matter in controversy does not exceed \$200,000. A county court
 11-63 at law does not have ~~[general supervisory control or appellate
 11-64 review of the commissioners court or]~~ jurisdiction of:

- 11-65 (1) suits on behalf of this state to recover penalties
 11-66 or escheated property;
- 11-67 (2) felony cases involving capital murder;
- 11-68 (3) misdemeanors involving official misconduct; or
- 11-69 (4) contested elections.

12-1 SECTION 4.31. Subsection (b), Section 25.1312, Government
12-2 Code, is amended to read as follows:

12-3 (b) A statutory county court in Kaufman County does not have
12-4 ~~[general supervisory control or appellate review of the~~
12-5 ~~commissioners court or]~~ jurisdiction of:

- 12-6 (1) felony cases involving capital murder;
- 12-7 (2) suits on behalf of the state to recover penalties
12-8 or escheated property;
- 12-9 (3) misdemeanors involving official misconduct; or
- 12-10 (4) contested elections.

12-11 SECTION 4.32. Subsection (m), Section 25.1542, Government
12-12 Code, is amended to read as follows:

12-13 (m) ~~[Practice and procedure and rules of evidence governing~~
12-14 ~~trials in and appeals from a county court apply to a county court at~~
12-15 ~~law, except that practice and procedure, rules of evidence,~~
12-16 ~~issuance of process and writs, and all other matters pertaining to~~
12-17 ~~the conduct of trials and hearings involving family law cases and~~
12-18 ~~proceedings shall be governed by this section and the laws and rules~~
12-19 ~~pertaining to district courts as well as county courts.]~~ In family
12-20 law cases, juries shall be composed of 12 members.

12-21 SECTION 4.33. Subsection (g), Section 25.1652, Government
12-22 Code, is amended to read as follows:

12-23 (g) ~~[Practice in a county court at law is that prescribed by~~
12-24 ~~law for county courts, except that practice and procedure, rules of~~
12-25 ~~evidence, issuance of process and writs, and all other matters~~
12-26 ~~pertaining to the conduct of trials and hearings involving family~~
12-27 ~~law matters and proceedings shall be governed by this section and~~
12-28 ~~the laws and rules pertaining to district courts.]~~ If a family law
12-29 case is tried before a jury, the jury shall be composed of 12
12-30 members.

12-31 SECTION 4.34. Subsection (i), Section 25.1762, Government
12-32 Code, is amended to read as follows:

12-33 (i) ~~[The laws governing the drawing, selection, service,~~
12-34 ~~and pay of jurors for county courts apply to a county court at law.~~
12-35 ~~Jurors regularly impaneled for a week by a district court may, at~~
12-36 ~~the request of the judge of a county court at law, be made available~~
12-37 ~~by the district judge in the numbers requested and shall serve for~~
12-38 ~~the week in the county court at law.]~~ In matters of concurrent
12-39 jurisdiction with the district court, if a party to a suit files a
12-40 written request for a 12-member jury with the clerk of the county
12-41 court at law at a reasonable time that is not later than 30 days
12-42 before the date the suit is set for trial, the jury shall be
12-43 composed of 12 members.

12-44 SECTION 4.35. Subsection (b), Section 25.1772, Government
12-45 Code, is amended to read as follows:

12-46 (b) A county court at law does not have ~~[general supervisory~~
12-47 ~~control or appellate review of the commissioners court or]~~
12-48 jurisdiction of:

- 12-49 (1) suits on behalf of this state to recover penalties
12-50 or escheated property;
- 12-51 (2) felony cases involving capital murder;
- 12-52 (3) misdemeanors involving official misconduct; or
- 12-53 (4) contested elections.

12-54 SECTION 4.36. Subsection (e), Section 25.1892, Government
12-55 Code, is amended to read as follows:

12-56 (e) ~~[The county attorney or district attorney serves a~~
12-57 ~~county court at law as required by the judge.]~~ The district clerk
12-58 serves as clerk of a county court at law in cases enumerated in
12-59 Subsection (a)(2), and the county clerk serves as clerk in all other
12-60 cases. The district clerk shall establish a separate docket for a
12-61 county court at law. ~~[The commissioners court may employ as many~~
12-62 ~~additional assistant county attorneys, deputy sheriffs, and clerks~~
12-63 ~~as are necessary to serve a county court at law.]~~

12-64 SECTION 4.37. Subsection (i), Section 25.1932, Government
12-65 Code, is amended to read as follows:

12-66 (i) ~~[Practice in a county court at law is that prescribed by~~
12-67 ~~law for county courts, except that practice and procedure, rules of~~
12-68 ~~evidence, issuance of process and writs, and all other matters~~
12-69 ~~pertaining to the conduct of trials and hearings in a county court~~

13-1 ~~at law involving cases in the court's concurrent jurisdiction with~~
13-2 ~~the district court shall be governed by this section and the laws~~
13-3 ~~and rules pertaining to district courts as well as county courts.]~~
13-4 If a case in the court's concurrent jurisdiction with the district
13-5 court is tried before a jury, the jury shall be composed of 12
13-6 members.

13-7 SECTION 4.38. Subsection (b), Section 25.2012, Government
13-8 Code, is amended to read as follows:

13-9 (b) A county court at law does not have [~~general supervisory~~
13-10 ~~control or appellate review of the commissioners court or~~
13-11 jurisdiction of:

- 13-12 (1) felony cases involving capital murder;
- 13-13 (2) suits on behalf of the state to recover penalties
13-14 or escheated property;
- 13-15 (3) misdemeanors involving official misconduct; or
- 13-16 (4) contested elections.

13-17 SECTION 4.39. Subsection (n), Section 25.2142, Government
13-18 Code, is amended to read as follows:

13-19 (n) [~~A special judge of a county court at law is entitled to~~
13-20 ~~receive for services actually performed the same amount of~~
13-21 ~~compensation as the regular judge.] A former judge sitting as a
13-22 visiting judge of a county court at law is entitled to receive for
13-23 services performed the same amount of compensation that the regular
13-24 judge receives, less an amount equal to the pro rata annuity
13-25 received from any state, district, or county retirement fund. An
13-26 active judge sitting as a visiting judge of a county court at law is
13-27 entitled to receive for services performed the same amount of
13-28 compensation that the regular judge receives, less an amount equal
13-29 to the pro rata compensation received from state or county funds as
13-30 salary, including supplements.~~

13-31 SECTION 4.40. (a) Subsection (b), Section 25.2222,
13-32 Government Code, as amended by Chapter 22 (S.B. 124), Acts of the
13-33 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7),
13-34 Acts of the 79th Legislature, Regular Session, 2005, is reenacted
13-35 and amended to read as follows:

13-36 (b) A county court at law has concurrent jurisdiction with
13-37 the district court in:

- 13-38 (1) civil cases in which the matter in controversy
13-39 exceeds \$500 and does not exceed \$200,000 [~~\$100,000~~], excluding
13-40 mandatory damages and penalties, attorney's fees, interest, and
13-41 costs;
- 13-42 (2) nonjury family law cases and proceedings;
- 13-43 (3) final rulings and decisions of the division of
13-44 workers' compensation of the Texas Department of Insurance
13-45 regarding workers' compensation claims, regardless of the amount in
13-46 controversy;
- 13-47 (4) eminent domain proceedings, both statutory and
13-48 inverse, regardless of the amount in controversy;
- 13-49 (5) suits to decide the issue of title to real or
13-50 personal property;
- 13-51 (6) suits to recover damages for slander or defamation
13-52 of character;
- 13-53 (7) suits for the enforcement of a lien on real
13-54 property;
- 13-55 (8) suits for the forfeiture of a corporate charter;
- 13-56 (9) suits for the trial of the right to property valued
13-57 at \$200 or more that has been levied on under a writ of execution,
13-58 sequestration, or attachment; and
- 13-59 (10) suits for the recovery of real property.

13-60 (b) Subsection (b), Section 25.2222, Government Code, as
13-61 amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature,
13-62 Regular Session, 1991, is repealed as duplicative of Subsection
13-63 (b), Section 25.2222, Government Code, as amended by Subsection (a)
13-64 of this section.

13-65 SECTION 4.41. Subsection (a), Section 25.2232, Government
13-66 Code, is amended to read as follows:

13-67 (a) In addition to the jurisdiction provided by Section
13-68 25.0003 and other law, a county court at law in Taylor County has:

- 13-69 (1) concurrent jurisdiction with the county court in

14-1 the trial of cases involving insanity and approval of applications
 14-2 for admission to state hospitals and special schools if admission
 14-3 is by application; and

14-4 (2) concurrent jurisdiction with the district court in
 14-5 civil cases in which the matter in controversy exceeds \$500 but does
 14-6 not exceed \$200,000 [~~\$100,000~~], excluding interest.

14-7 SECTION 4.42. Subsection (i), Section 25.2352, Government
 14-8 Code, is amended to read as follows:

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

14-15 is tried before a jury, the jury shall be composed of 12 members.
 14-16 SECTION 4.43. Subsection (i), Section 25.2382, Government
 14-17 Code, is amended to read as follows:

14-18 (i) [~~Practice in a county court at law is that prescribed by~~
 14-19 ~~law for county courts, except that practice and procedure, rules of~~
 14-20 ~~evidence, issuance of process and writs, and all other matters~~
 14-21 ~~pertaining to the conduct of trials and hearings in a county court~~
 14-22 ~~at law involving matters enumerated in Subsection (a)(2)(B) or (C)~~
 14-23 ~~shall be governed by this section and the laws and rules pertaining~~
 14-24 ~~to district courts.] If a family law case [~~in Subsection (a)(2)(B)~~
 14-25 ~~or (C)] is tried before a jury, the jury shall be composed of 12~~
 14-26 members.~~

14-27 SECTION 4.44. (a) Subsection (a), Section 25.2421,
 14-28 Government Code, is amended to read as follows:

14-29 (a) Webb County has the following statutory county courts:
 14-30 (1) the County Court at Law No. 1 of Webb County; [~~and~~]
 14-31 (2) the County Court at Law No. 2 of Webb County; and
 14-32 (3) the County Court at Law No. 3 of Webb County.

14-33 (b) Notwithstanding Subsection (a), Section 25.2421,
 14-34 Government Code, as amended by this Act, the County Court at Law No.
 14-35 3 of Webb County is created January 1, 2031, or on an earlier date
 14-36 determined by the Commissioners Court of Webb County by an order
 14-37 entered in its minutes.

14-38 SECTION 4.45. Subsections (g) and (h), Section 25.2422,
 14-39 Government Code, are amended to read as follows:

14-40 (g) The district attorney of the 49th Judicial District
 14-41 serves as district attorney of a county court at law, except that
 14-42 the county attorney of Webb County prosecutes all juvenile, child
 14-43 welfare, mental health, and other civil cases in which the state is
 14-44 a party. The district clerk serves as clerk of a county court at law
 14-45 in the cases enumerated in Subsection (a)(2), and the county clerk
 14-46 serves as clerk of a county court at law in all other cases. [~~The~~
 14-47 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
 14-48 ~~as are necessary to serve the court.]~~

14-49 (h) [~~Practice and procedure, rules of evidence, issuance of~~
 14-50 ~~process and writs, and all other matters pertaining to the conduct~~
 14-51 ~~of trials and hearings in a county court at law involving those~~
 14-52 ~~matters of concurrent jurisdiction enumerated in Subsection~~
 14-53 ~~(a)(2)(B) or (C) are governed by this section and the laws and rules~~
 14-54 ~~pertaining to district courts, as well as county courts.] If a~~

14-55 family law case [~~enumerated in Subsection (a)(2)(B) or (C)] is~~
 14-56 tried before a jury, the jury shall be composed of 12 members.
 14-57 SECTION 4.46. Subsections (d) and (k), Section 25.2452,
 14-58 Government Code, are amended to read as follows:

14-59 (d) A county court at law does not have jurisdiction of:
 14-60 (1) a case under:
 14-61 (A) the Alcoholic Beverage Code;
 14-62 (B) the Election Code; or
 14-63 (C) the Tax Code;
 14-64 (2) a matter over which the district court has
 14-65 exclusive jurisdiction; or
 14-66 (3) a civil case, other than a case under the Family
 14-67 Code or the Texas Probate Code, in which the amount in controversy
 14-68 is:
 14-69 (A) less than the maximum amount in controversy

15-1 allowed the justice court in Wichita County; or
 15-2 (B) more than \$200,000 [~~\$100,000~~], exclusive of
 15-3 punitive or exemplary damages, penalties, interest, costs, and
 15-4 attorney's fees.

15-5 (k) Except as otherwise required by law, if a case is tried
 15-6 before a jury, the jury shall be composed of six members and may
 15-7 render verdicts by a five to one margin in civil cases and a
 15-8 unanimous verdict in criminal cases. [~~The laws governing the~~
 15-9 ~~drawing, selection, service, and pay of jurors for county courts~~
 15-10 ~~apply to the county courts at law. Jurors regularly impaneled for a~~
 15-11 ~~week by a district court may, on request of the county judge~~
 15-12 ~~exercising the jurisdiction provided by this section or a county~~
 15-13 ~~court at law judge, be made available and shall serve for the week~~
 15-14 ~~in the county court or county court at law.]~~

15-15 SECTION 4.47. Subsection (h), Section 25.2462, Government
 15-16 Code, is amended to read as follows:

15-17 (h) [~~The county attorney and the county sheriff shall attend~~
 15-18 ~~a county court at law as required by the judge.] The district clerk~~
 15-19 serves as clerk of a county court at law in family law cases and
 15-20 proceedings, and the county clerk serves as clerk of the court in
 15-21 all other cases and proceedings.

15-22 SECTION 4.48. Subsection (i), Section 25.2482, Government
 15-23 Code, is amended to read as follows:

15-24 (i) [~~The county attorney and the county sheriff shall attend~~
 15-25 ~~a county court at law as required by the judge.] The district clerk~~
 15-26 serves as clerk of a county court at law in family law cases and
 15-27 proceedings, and the county clerk serves as clerk of the court in
 15-28 all other cases and proceedings.

15-29 SECTION 4.49. Subsection (e), Section 25.2512, Government
 15-30 Code, as effective September 1, 2011, is amended to read as follows:

15-31 (e) In addition to the qualifications required by Section
 15-32 25.0014, a regular judge of a county court at law must have the
 15-33 qualifications of a district judge as required by Section 7,
 15-34 Article V, Texas Constitution. [~~A special judge of a county court~~
 15-35 ~~at law with the same qualifications as the regular judge may be~~
 15-36 ~~appointed in the manner provided by law for the appointment of a~~
 15-37 ~~special county judge. A special judge is entitled to the same rate~~
 15-38 ~~of compensation as the regular judge.]~~

15-39 SECTION 4.50. (a) The following provisions of the
 15-40 Government Code are repealed:

- 15-41 (1) Subsections (b), (d), (f), and (j), Section
 15-42 25.0042;
 15-43 (2) Subsections (b), (f), (g), and (h), Section
 15-44 25.0052;
 15-45 (3) Subsections (b), (d), (f), and (i), Section
 15-46 25.0102;
 15-47 (4) Subsections (d), (g), and (h), Section 25.0132;
 15-48 (5) Subsections (c) and (e), Section 25.0152;
 15-49 (6) Subsections (b), (f), (g), (h), and (i), Section
 15-50 25.0162;
 15-51 (7) Subsections (d), (k), (l), (m), (n), (o), (q),
 15-52 (s), and (t), Section 25.0172;
 15-53 (8) Subsections (c), (d), (h), (i), and (k), Section
 15-54 25.0173;
 15-55 (9) Subsections (c), (d), and (g), Section 25.0202;
 15-56 (10) Subsections (c), (e), and (g), Section 25.0212;
 15-57 (11) Subsections (d), (e), (i), (j), and (n), Section
 15-58 25.0222;
 15-59 (12) Subsections (b), (d), (f), (h), and (i), Section
 15-60 25.0232;
 15-61 (13) Subsections (b), (c), and (e), Section 25.0272;
 15-62 (14) Subsections (b), (c), (g), (h), and (i), Section
 15-63 25.0292;
 15-64 (15) Subsections (b), (d), and (g), Section 25.0302;
 15-65 (16) Subsections (c), (e), and (j), Section 25.0312;
 15-66 (17) Subsections (e), (g), (i), (k), (l), and (m),
 15-67 Section 25.0332;
 15-68 (18) Subsection (c), Section 25.0362;
 15-69 (19) Subsections (b), (d), (f), (i), (j), and (k),

16-1 Section 25.0392;
 16-2 (20) Subsections (b), (c), and (d), Section 25.0452;
 16-3 (21) Subsections (a), (c), (d), and (e), Section
 16-4 25.0453;
 16-5 (22) Subsections (b), (d), (e), (g), and (h), Section
 16-6 25.0482;
 16-7 (23) Subsections (a), (b), (d), (g), and (h), Section
 16-8 25.0512;
 16-9 (24) Subsections (b), (d), (f), and (g), Section
 16-10 25.0522;
 16-11 (25) Subsections (b), (h), (i), (j), and (k), Section
 16-12 25.0592;
 16-13 (26) Subsections (d), (f), (g), (h), (i), and (j),
 16-14 Section 25.0593;
 16-15 (27) Subsections (d), (e), (g), (h), (i), (j), and
 16-16 (k), Section 25.0594;
 16-17 (28) Subsections (c), (d), (f), and (g), Section
 16-18 25.0595;
 16-19 (29) Section 25.0596;
 16-20 (30) Subsections (a), (b), and (d), Section 25.0632;
 16-21 (31) Subsections (b), (g), (h), (j), (k), and (l),
 16-22 Section 25.0702;
 16-23 (32) Subsections (b), (d), (f), (j), and (k), Section
 16-24 25.0722;
 16-25 (33) Subsections (d), (g), (h), (i), (j), (m), (n),
 16-26 (o), (p), (s), and (v), Section 25.0732;
 16-27 (34) Subsections (c), (d), and (f), Section 25.0733;
 16-28 (35) Subsection (b), Section 25.0742;
 16-29 (36) Subsections (d), (f), (h), (j), and (l), Section
 16-30 25.0812;
 16-31 (37) Subsections (f) and (j), Section 25.0862;
 16-32 (38) Subsections (e), (f), and (i), Section 25.0932;
 16-33 (39) Subsections (c), (f), (g), (j), and (k), Section
 16-34 25.0942;
 16-35 (40) Subsections (d), (e), and (g), Section 25.0962;
 16-36 (41) Subsections (d), (e), (g), (h), and (k), Section
 16-37 25.1032;
 16-38 (42) Subsections (d), (e), (f), (m), and (o), Section
 16-39 25.1033;
 16-40 (43) Subsections (c), (h), (k), and (l), Section
 16-41 25.1034;
 16-42 (44) Subsections (b), (d), (f), (h), and (i), Section
 16-43 25.1042;
 16-44 (45) Subsections (b), (d), (g), and (h), Section
 16-45 25.1072;
 16-46 (46) Subsections (e), (f), (l), and (o), Section
 16-47 25.1092;
 16-48 (47) Subsections (d), (e), (h), (i), (j), and (l),
 16-49 Section 25.1102;
 16-50 (48) Section 25.1103;
 16-51 (49) Subsections (b), (c), (f), and (k), Section
 16-52 25.1112;
 16-53 (50) Subsections (f), (g), (h), (j), (l), (m), and
 16-54 (p), Section 25.1132;
 16-55 (51) Subsections (c), (e), and (g), Section 25.1142;
 16-56 (52) Subsections (b), (e), (f), (h), and (i), Section
 16-57 25.1152;
 16-58 (53) Subsections (c), (e), and (h), Section 25.1182;
 16-59 (54) Subsections (c), (g), and (i), Section 25.1252;
 16-60 (55) Subsections (b), (d), (f), (h), and (i), Section
 16-61 25.1282;
 16-62 (56) Subsections (d), (e), (i), (k), (l), and (n),
 16-63 Section 25.1312;
 16-64 (57) Subsections (d), (e), (f), (i), and (j), Section
 16-65 25.1322;
 16-66 (58) Subsections (d) and (h), Section 25.1352;
 16-67 (59) Subsections (e), (g), and (i), Section 25.1392;
 16-68 (60) Subsections (b), (c), (e), (h), (i), and (k),
 16-69 Section 25.1412;

17-1 (61) Subsections (d), (g), (h), (l), and (m), Section
 17-2 25.1482;
 17-3 (62) Subsections (f), (i), (k), and (n), Section
 17-4 25.1542;
 17-5 (63) Subsections (e), (f), and (g), Section 25.1572;
 17-6 (64) Subsections (d), (f), and (h), Section 25.1652;
 17-7 (65) Subsections (b) and (f), Section 25.1672;
 17-8 (66) Subsections (b), (c), and (g), Section 25.1722;
 17-9 (67) Subsections (d), (e), (f), (h), and (i), Section
 17-10 25.1732;
 17-11 (68) Subsections (b), (e), (f), and (h), Section
 17-12 25.1762;
 17-13 (69) Subsections (c), (e), and (h), Section 25.1772;
 17-14 (70) Subsections (e), (f), (h), (i), and (j), Section
 17-15 25.1792;
 17-16 (71) Subsections (c), (h), (i), (j), (k), (l), and
 17-17 (q), Section 25.1802;
 17-18 (72) Subsections (b), (d), and (j), Section 25.1832;
 17-19 (73) Subsections (e), (f), and (i), Section 25.1852;
 17-20 (74) Subsections (c), (f), (h), (i), (j), (m), (n),
 17-21 (p), (q), and (u), Section 25.1862;
 17-22 (75) Subsection (d), Section 25.1892;
 17-23 (76) Subsections (e), (g), (i), (j), and (k), Section
 17-24 25.1902;
 17-25 (77) Subsections (b), (c), (f), (h), and (j), Section
 17-26 25.1932;
 17-27 (78) Subsections (b), (d), (f), (h), and (j), Section
 17-28 25.1972;
 17-29 (79) Subsections (d), (e), (i), (k), (l), and (n),
 17-30 Section 25.2012;
 17-31 (80) Subsections (c), (e), and (h), Section 25.2032;
 17-32 (81) Subsections (c), (e), (f), (h), and (i), Section
 17-33 25.2072;
 17-34 (82) Subsections (c), (e), (i), (r), (t), and (u),
 17-35 Section 25.2142;
 17-36 (83) Subsections (d), (f), (h), (j), and (k), Section
 17-37 25.2162;
 17-38 (84) Subsections (c), (g), (h), (i), (k), and (n),
 17-39 Section 25.2222;
 17-40 (85) Subsections (c), (e), (g), and (h), Section
 17-41 25.2223;
 17-42 (86) Subsections (b), (c), (f), (g), (i), and (j),
 17-43 Section 25.2224;
 17-44 (87) Subsections (b), (e), (f), and (g), Section
 17-45 25.2232;
 17-46 (88) Subsections (b), (d), (f), (g), (i), and (j),
 17-47 Section 25.2282;
 17-48 (89) Subsections (b), (e), (i), (k), and (l), Section
 17-49 25.2292;
 17-50 (90) Subsections (e), (f), (g), (k), and (l), Section
 17-51 25.2293;
 17-52 (91) Subsections (b), (d), (f), (g), and (j), Section
 17-53 25.2352;
 17-54 (92) Subsections (c), (e), and (h), Section 25.2362;
 17-55 (93) Subsections (c), (f), (g), (h), and (i), Section
 17-56 25.2372;
 17-57 (94) Subsections (b), (d), (f), and (j), Section
 17-58 25.2382;
 17-59 (95) Subsections (b), (d), (f), and (j), Section
 17-60 25.2392;
 17-61 (96) Subsections (b), (d), (f), (i), and (k), Section
 17-62 25.2412;
 17-63 (97) Subsections (b), (d), (f), (i), and (j), Section
 17-64 25.2422;
 17-65 (98) Subsections (f), (h), and (j), Section 25.2452;
 17-66 (99) Subsections (c), (d), (e), (g), (i), and (j),
 17-67 Section 25.2462;
 17-68 (100) Subsections (d), (e), (f), (h), (j), and (k),
 17-69 Section 25.2482; and

18-1 (101) Subsections (b) and (i), Section 25.2512.
 18-2 (b) The repeal of Subsection (d), Section 25.1042, and
 18-3 Subsection (d), Section 25.2162, Government Code, apply only to a
 18-4 regular judge serving a term for which the judge is elected on or
 18-5 after the effective date of this Act. A judge serving a term for
 18-6 which the judge was elected before the effective date of this Act is
 18-7 governed by the law in effect on the date the judge was elected, and
 18-8 that law is continued in effect for that purpose.
 18-9 ARTICLE 5. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS
 18-10 SECTION 5.01. (a) Subsection (a), Section 27.005,
 18-11 Government Code, is amended to read as follows:
 18-12 (a) For purposes of removal under Chapter 87, Local
 18-13 Government Code, "incompetency" in the case of a justice of the
 18-14 peace includes the failure of the justice to successfully complete:
 18-15 (1) within one year after the date the justice is first
 18-16 elected, an 80-hour course in the performance of the justice's
 18-17 duties; and
 18-18 (2) each following year, a 20-hour course in the
 18-19 performance of the justice's duties, including not less than 10
 18-20 hours of instruction regarding substantive, procedural, and
 18-21 evidentiary law in civil matters.
 18-22 (b) Subsection (a), Section 27.005, Government Code, as
 18-23 amended by this section, applies to a justice of the peace serving
 18-24 on or after the effective date of this article, regardless of the
 18-25 date the justice was elected or appointed.
 18-26 SECTION 5.02. Subchapter C, Chapter 27, Government Code, is
 18-27 amended by adding Section 27.060 to read as follows:
 18-28 Sec. 27.060. SMALL CLAIMS. (a) A justice court shall
 18-29 conduct proceedings in a small claims case, as that term is defined
 18-30 by the supreme court, in accordance with rules of civil procedure
 18-31 promulgated by the supreme court to ensure the fair, expeditious,
 18-32 and inexpensive resolution of small claims cases.
 18-33 (b) Except as provided by Subsection (c), rules of the
 18-34 supreme court must provide that:
 18-35 (1) if both parties appear, the judge shall proceed to
 18-36 hear the case;
 18-37 (2) formal pleadings other than the statement are not
 18-38 required;
 18-39 (3) the judge shall hear the testimony of the parties
 18-40 and the witnesses that the parties produce and shall consider the
 18-41 other evidence offered;
 18-42 (4) the hearing is informal, with the sole objective
 18-43 being to dispense speedy justice between the parties;
 18-44 (5) discovery is limited to that considered
 18-45 appropriate and permitted by the judge; and
 18-46 (6) the judge shall develop the facts of the case, and
 18-47 for that purpose may question a witness or party and may summon any
 18-48 party to appear as a witness as the judge considers necessary to a
 18-49 correct judgment and speedy disposition of the case.
 18-50 (c) The rules of the supreme court must provide specific
 18-51 procedures for an action by:
 18-52 (1) an assignee of a claim or other person seeking to
 18-53 bring an action on an assigned claim;
 18-54 (2) a person primarily engaged in the business of
 18-55 lending money at interest; or
 18-56 (3) a collection agency or collection agent.
 18-57 (d) The rules adopted by the supreme court may not:
 18-58 (1) require that a party in a case be represented by an
 18-59 attorney;
 18-60 (2) be so complex that a reasonable person without
 18-61 legal training would have difficulty understanding or applying the
 18-62 rules; or
 18-63 (3) require that discovery rules adopted under the
 18-64 Texas Rules of Civil Procedure or the Texas Rules of Evidence be
 18-65 applied except to the extent the justice of the peace hearing the
 18-66 case determines that the rules must be followed to ensure that the
 18-67 proceeding is fair to all parties.
 18-68 (e) A committee established by the supreme court to
 18-69 recommend rules to be adopted under this section must include

19-1 justices of the peace.
 19-2 SECTION 5.03. Subchapter C, Chapter 27, Government Code, is
 19-3 amended by adding Section 27.061 to read as follows:
 19-4 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the
 19-5 peace in each county shall, by majority vote, adopt local rules of
 19-6 administration.
 19-7 SECTION 5.04. Subchapter E, Chapter 15, Civil Practice and
 19-8 Remedies Code, is amended by adding Section 15.0821 to read as
 19-9 follows:
 19-10 Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The
 19-11 justices of the peace in each county shall, by majority vote, adopt
 19-12 local rules of administration regarding the transfer of a pending
 19-13 case from one precinct to a different precinct.
 19-14 SECTION 5.05. Article 4.12, Code of Criminal Procedure, is
 19-15 amended by adding Subsection (e) to read as follows:
 19-16 (e) The justices of the peace in each county shall, by
 19-17 majority vote, adopt local rules of administration regarding the
 19-18 transfer of a pending misdemeanor case from one precinct to a
 19-19 different precinct.
 19-20 SECTION 5.06. (a) Chapter 28, Government Code, is
 19-21 repealed.
 19-22 (b) On the effective date of this section, each small claims
 19-23 court under Chapter 28, Government Code, is abolished.
 19-24 SECTION 5.07. Not later than May 1, 2013, the Texas Supreme
 19-25 Court shall promulgate:
 19-26 (1) rules to define cases that constitute small claims
 19-27 cases;
 19-28 (2) rules of civil procedure applicable to small
 19-29 claims cases as required by Section 27.060, Government Code, as
 19-30 added by this article; and
 19-31 (3) rules for eviction proceedings.
 19-32 SECTION 5.08. (a) Immediately before the date the small
 19-33 claims court in a county is abolished in accordance with this
 19-34 article, the justice of the peace sitting as judge of that court
 19-35 shall transfer all cases pending in the court to a justice court in
 19-36 the county.
 19-37 (b) When a case is transferred as provided by Subsection (a)
 19-38 of this section, all processes, writs, bonds, recognizances, or
 19-39 other obligations issued from the transferring court are returnable
 19-40 to the court to which the case is transferred as if originally
 19-41 issued by that court. The obligees on all bonds and recognizances
 19-42 taken in and for the transferring court and all witnesses summoned
 19-43 to appear in the transferring court are required to appear before
 19-44 the court to which the case is transferred as if originally required
 19-45 to appear before that court.
 19-46 SECTION 5.09. Sections 5.02 and 5.06 of this article take
 19-47 effect May 1, 2013.
 19-48 ARTICLE 6. ASSOCIATE JUDGES
 19-49 SECTION 6.01. Subtitle D, Title 2, Government Code, is
 19-50 amended by adding Chapter 54A to read as follows:
 19-51 CHAPTER 54A. ASSOCIATE JUDGES
 19-52 SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES
 19-53 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
 19-54 district court or a statutory county court that hears criminal
 19-55 cases.
 19-56 Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject
 19-57 to this subchapter may appoint a full-time or part-time associate
 19-58 judge to perform the duties authorized by this subchapter if the
 19-59 commissioners court of the county in which the court has
 19-60 jurisdiction has authorized the creation of an associate judge
 19-61 position.
 19-62 (b) If a court has jurisdiction in more than one county, an
 19-63 associate judge appointed by that court may serve only in a county
 19-64 in which the commissioners court has authorized the appointment.
 19-65 (c) If more than one court in a county is subject to this
 19-66 subchapter, the commissioners court may authorize the appointment
 19-67 of an associate judge for each court or may authorize one or more
 19-68 associate judges to share service with two or more courts.
 19-69 (d) If an associate judge serves more than one court, the

20-1 associate judge's appointment must be made as established by local
 20-2 rule, but in no event by less than a vote of two-thirds of the judges
 20-3 under whom the associate judge serves.

20-4 Sec. 54A.003. QUALIFICATIONS. To qualify for appointment
 20-5 as an associate judge under this subchapter, a person must:

20-6 (1) be a resident of this state and one of the counties
 20-7 the person will serve;

20-8 (2) have been licensed to practice law in this state
 20-9 for at least four years;

20-10 (3) not have been removed from office by impeachment,
 20-11 by the supreme court, by the governor on address to the legislature,
 20-12 by a tribunal reviewing a recommendation of the State Commission on
 20-13 Judicial Conduct, or by the legislature's abolition of the judge's
 20-14 court; and

20-15 (4) not have resigned from office after having
 20-16 received notice that formal proceedings by the State Commission on
 20-17 Judicial Conduct had been instituted as provided by Section 33.022
 20-18 and before final disposition of the proceedings.

20-19 Sec. 54A.004. COMPENSATION. (a) An associate judge shall
 20-20 be paid a salary determined by the commissioners court of the county
 20-21 in which the associate judge serves.

20-22 (b) If an associate judge serves in more than one county,
 20-23 the associate judge shall be paid a salary as determined by
 20-24 agreement of the commissioners courts of the counties in which the
 20-25 associate judge serves.

20-26 (c) The associate judge's salary is paid from the county
 20-27 fund available for payment of officers' salaries.

20-28 Sec. 54A.005. TERMINATION. (a) An associate judge who
 20-29 serves a single court serves at the will of the judge of that court.

20-30 (b) The employment of an associate judge who serves more
 20-31 than two courts may only be terminated by a majority vote of all the
 20-32 judges of the courts the associate judge serves.

20-33 (c) The employment of an associate judge who serves two
 20-34 courts may be terminated by either of the judges of the courts the
 20-35 associate judge serves.

20-36 (d) To terminate an associate judge's employment, the
 20-37 appropriate judges must sign a written order of termination. The
 20-38 order must state:

20-39 (1) the associate judge's name and state bar
 20-40 identification number;

20-41 (2) each court ordering termination; and

20-42 (3) the date the associate judge's employment ends.

20-43 Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) A
 20-44 judge may refer to an associate judge any matter arising out of a
 20-45 criminal case involving:

20-46 (1) a negotiated plea of guilty or no contest before
 20-47 the court;

20-48 (2) a bond forfeiture;

20-49 (3) a pretrial motion;

20-50 (4) a writ of habeas corpus;

20-51 (5) an examining trial;

20-52 (6) an occupational driver's license;

20-53 (7) an appeal of an administrative driver's license
 20-54 revocation hearing;

20-55 (8) a civil commitment matter under Subtitle C, Title
 20-56 7, Health and Safety Code;

20-57 (9) setting, adjusting, or revoking bond;

20-58 (10) the issuance of search warrants, including a
 20-59 search warrant under Article 18.02(10), Code of Criminal Procedure,
 20-60 notwithstanding Article 18.01(c), Code of Criminal Procedure; and

20-61 (11) any other matter the judge considers necessary
 20-62 and proper.

20-63 (b) An associate judge may accept an agreed plea of guilty
 20-64 or no contest from a defendant charged with misdemeanor, felony, or
 20-65 both misdemeanor and felony offenses and may assess punishment if a
 20-66 plea agreement is announced on the record between the defendant and
 20-67 the state.

20-68 (c) An associate judge has all of the powers of a magistrate
 20-69 under the laws of this state and may administer an oath for any

21-1 purpose.

21-2 (d) An associate judge may select a jury. Except as
 21-3 provided in Subsection (b), an associate judge may not preside over
 21-4 a trial on the merits, whether or not the trial is before a jury.

21-5 Sec. 54A.007. ORDER OF REFERRAL. (a) To refer one or more
 21-6 cases to an associate judge, a judge must issue a written order of
 21-7 referral that specifies the associate judge's duties.

21-8 (b) An order of referral may:

21-9 (1) limit the powers of the associate judge and direct
 21-10 the associate judge to report only on specific issues, do
 21-11 particular acts, or receive and report on evidence only;

21-12 (2) set the time and place for the hearing;

21-13 (3) prescribe a closing date for the hearing;

21-14 (4) provide a date for filing the associate judge's
 21-15 findings;

21-16 (5) designate proceedings for more than one case over
 21-17 which the associate judge shall preside;

21-18 (6) direct the associate judge to call the court's
 21-19 docket; and

21-20 (7) set forth general powers and limitations or
 21-21 authority of the associate judge applicable to any case referred.

21-22 Sec. 54A.008. POWERS. (a) Except as limited by an order of
 21-23 referral, an associate judge to whom a case is referred may:

21-24 (1) conduct hearings;

21-25 (2) hear evidence;

21-26 (3) compel production of relevant evidence;

21-27 (4) rule on the admissibility of evidence;

21-28 (5) issue summons for the appearance of witnesses;

21-29 (6) examine a witness;

21-30 (7) swear a witness for a hearing;

21-31 (8) make findings of fact on evidence;

21-32 (9) formulate conclusions of law;

21-33 (10) rule on pretrial motions;

21-34 (11) recommend the rulings, orders, or judgment to be
 21-35 made in a case;

21-36 (12) regulate proceedings in a hearing;

21-37 (13) order the attachment of a witness or party who
 21-38 fails to obey a subpoena;

21-39 (14) accept a plea of guilty from a defendant charged
 21-40 with misdemeanor, felony, or both misdemeanor and felony offenses;

21-41 (15) select a jury;

21-42 (16) notwithstanding Article 18.01(c), Code of
 21-43 Criminal Procedure, issue a search warrant, including a search
 21-44 warrant under Article 18.02(10), Code of Criminal Procedure; and

21-45 (17) take action as necessary and proper for the
 21-46 efficient performance of the duties required by the order of
 21-47 referral.

21-48 (b) An associate judge may not enter a ruling on any issue of
 21-49 law or fact if that ruling could result in dismissal or require
 21-50 dismissal of a pending criminal prosecution, but the associate
 21-51 judge may make findings, conclusions, and recommendations on those
 21-52 issues.

21-53 (c) Except as limited by an order of referral, an associate
 21-54 judge who is appointed by a district or statutory county court judge
 21-55 and to whom a case is referred may accept a plea of guilty or nolo
 21-56 contendere in a misdemeanor case for a county criminal court. The
 21-57 associate judge shall forward any fee or fine collected for the
 21-58 misdemeanor offense to the county clerk.

21-59 (d) An associate judge may, in the interest of justice,
 21-60 refer a case back to the referring court regardless of whether a
 21-61 timely objection to the associate judge hearing the trial on the
 21-62 merits or presiding at a jury trial has been made by any party.

21-63 Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff shall
 21-64 attend a hearing by an associate judge if directed by the referring
 21-65 court.

21-66 Sec. 54A.010. COURT REPORTER. At the request of a party,
 21-67 the court shall provide a court reporter to record the proceedings
 21-68 before the associate judge.

21-69 Sec. 54A.011. WITNESS. (a) A witness appearing before an

22-1 associate judge is subject to the penalties for perjury provided by
 22-2 law.

22-3 (b) A referring court may issue attachment against and may
 22-4 fine or imprison a witness whose failure to appear after being
 22-5 summoned or whose refusal to answer questions has been certified to
 22-6 the court.

22-7 Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the
 22-8 conclusion of the proceedings, an associate judge shall transmit to
 22-9 the referring court any papers relating to the case, including the
 22-10 associate judge's findings, conclusions, orders, recommendations,
 22-11 or other action taken.

22-12 Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the
 22-13 30th day after the date an action is taken by an associate judge, a
 22-14 referring court may modify, correct, reject, reverse, or recommit
 22-15 for further information the action taken by the associate judge.

22-16 (b) If the court does not modify, correct, reject, reverse,
 22-17 or recommit an action to the associate judge, the action becomes the
 22-18 decree of the court.

22-19 Sec. 54A.014. JUDICIAL IMMUNITY. An associate judge has
 22-20 the same judicial immunity as a district judge.

22-21 [Sections 54A.015-54A.100 reserved for expansion]

22-22 SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

22-23 Sec. 54A.101. APPLICABILITY. This subchapter applies to a
 22-24 district court or a statutory county court that is assigned civil
 22-25 cases.

22-26 Sec. 54A.102. APPOINTMENT. (a) A judge of a court subject
 22-27 to this subchapter may appoint a full-time or part-time associate
 22-28 judge to perform the duties authorized by this subchapter if the
 22-29 commissioners court of the county in which the court has
 22-30 jurisdiction has authorized the creation of an associate judge
 22-31 position.

22-32 (b) If a district court has jurisdiction in more than one
 22-33 county, an associate judge appointed by that court may serve only in
 22-34 a county in which the commissioners court has authorized the
 22-35 appointment.

22-36 (c) If more than one court in a county is subject to this
 22-37 subchapter, the commissioners court may authorize the appointment
 22-38 of an associate judge for each court or may authorize one or more
 22-39 associate judges to share service with two or more courts.

22-40 (d) If an associate judge serves more than one court, the
 22-41 associate judge's appointment must be made as established by local
 22-42 rule, but in no event by less than a vote of two-thirds of the judges
 22-43 under whom the associate judge serves.

22-44 Sec. 54A.103. QUALIFICATIONS. To qualify for appointment
 22-45 as an associate judge under this subchapter, a person must:

22-46 (1) be a resident of this state and one of the counties
 22-47 the person will serve;

22-48 (2) have been licensed to practice law in this state
 22-49 for at least four years;

22-50 (3) not have been removed from office by impeachment,
 22-51 by the supreme court, by the governor on address to the legislature,
 22-52 by a tribunal reviewing a recommendation of the State Commission on
 22-53 Judicial Conduct, or by the legislature's abolition of the judge's
 22-54 court; and

22-55 (4) not have resigned from office after having
 22-56 received notice that formal proceedings by the State Commission on
 22-57 Judicial Conduct had been instituted as provided in Section 33.022
 22-58 and before final disposition of the proceedings.

22-59 Sec. 54A.104. COMPENSATION. (a) An associate judge shall
 22-60 be paid a salary determined by the commissioners court of the county
 22-61 in which the associate judge serves.

22-62 (b) If an associate judge serves in more than one county,
 22-63 the associate judge shall be paid a salary as determined by
 22-64 agreement of the commissioners courts of the counties in which the
 22-65 associate judge serves.

22-66 (c) The associate judge's salary is paid from the county
 22-67 fund available for payment of officers' salaries.

22-68 Sec. 54A.105. TERMINATION. (a) An associate judge who
 22-69 serves a single court serves at the will of the judge of that court.

23-1 (b) The employment of an associate judge who serves more
 23-2 than two courts may only be terminated by a majority vote of all the
 23-3 judges of the courts the associate judge serves.

23-4 (c) The employment of an associate judge who serves two
 23-5 courts may be terminated by either of the judges of the courts the
 23-6 associate judge serves.

23-7 (d) To terminate an associate judge's employment, the
 23-8 appropriate judges must sign a written order of termination. The
 23-9 order must state:

23-10 (1) the associate judge's name and state bar
 23-11 identification number;

23-12 (2) each court ordering termination; and

23-13 (3) the date the associate judge's employment ends.

23-14 Sec. 54A.106. CASES THAT MAY BE REFERRED. (a) Except as
 23-15 provided by this section, a judge of a court may refer any civil
 23-16 case or portion of a civil case to an associate judge for
 23-17 resolution.

23-18 (b) Unless a party files a written objection to the
 23-19 associate judge hearing a trial on the merits, the judge may refer
 23-20 the trial to the associate judge. A trial on the merits is any final
 23-21 adjudication from which an appeal may be taken to a court of
 23-22 appeals.

23-23 (c) A party must file an objection to an associate judge
 23-24 hearing a trial on the merits or presiding at a jury trial not later
 23-25 than the 10th day after the date the party receives notice that the
 23-26 associate judge will hear the trial. If an objection is filed, the
 23-27 referring court shall hear the trial on the merits or preside at a
 23-28 jury trial.

23-29 Sec. 54A.107. METHODS OF REFERRAL. (a) A case may be
 23-30 referred to an associate judge by an order of referral in a specific
 23-31 case or by an omnibus order.

23-32 (b) The order of referral may limit the powers or duties of
 23-33 an associate judge.

23-34 Sec. 54A.108. POWERS. (a) Except as limited by an order of
 23-35 referral, an associate judge may:

23-36 (1) conduct hearings;

23-37 (2) hear evidence;

23-38 (3) compel production of relevant evidence;

23-39 (4) rule on the admissibility of evidence;

23-40 (5) issue summons for the appearance of witnesses;

23-41 (6) examine a witness;

23-42 (7) swear a witness for a hearing;

23-43 (8) make findings of fact on evidence;

23-44 (9) formulate conclusions of law;

23-45 (10) rule on pretrial motions;

23-46 (11) recommend the rulings, orders, or judgment to be
 23-47 made in a case;

23-48 (12) regulate proceedings in a hearing;

23-49 (13) order the attachment of a witness or party who
 23-50 fails to obey a subpoena; and

23-51 (14) take action as necessary and proper for the
 23-52 efficient performance of the duties required by the order of
 23-53 referral.

23-54 (b) An associate judge may, in the interest of justice,
 23-55 refer a case back to the referring court regardless of whether a
 23-56 timely objection to the associate judge hearing the trial on the
 23-57 merits or presiding at a jury trial has been made by any party.

23-58 Sec. 54A.109. WITNESS. (a) A witness appearing before an
 23-59 associate judge is subject to the penalties for perjury provided by
 23-60 law.

23-61 (b) A referring court may fine or imprison a witness who:

23-62 (1) failed to appear before an associate judge after
 23-63 being summoned; or

23-64 (2) improperly refused to answer questions if the
 23-65 refusal has been certified to the court by the associate judge.

23-66 Sec. 54A.110. COURT REPORTER; RECORD. (a) A court
 23-67 reporter may be provided during a hearing held by an associate judge
 23-68 appointed under this subchapter. A court reporter is required to be
 23-69 provided when the associate judge presides over a jury trial.

24-1 (b) A party, the associate judge, or the referring court may
 24-2 provide for a reporter during the hearing if one is not otherwise
 24-3 provided.

24-4 (c) Except as provided by Subsection (a), in the absence of
 24-5 a court reporter or on agreement of the parties, the record may be
 24-6 preserved by any means approved by the associate judge.

24-7 (d) The referring court or associate judge may assess the
 24-8 expense of preserving the record under Subsection (c) as costs.

24-9 (e) On appeal of the associate judge's report or proposed
 24-10 order, the referring court may consider testimony or other evidence
 24-11 in the record if the record is taken by a court reporter.

24-12 Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) After
 24-13 hearing a matter, an associate judge shall notify each attorney
 24-14 participating in the hearing of the associate judge's decision. An
 24-15 associate judge's decision has the same force and effect as an order
 24-16 of the referring court unless a party appeals the decision as
 24-17 provided by Subsection (b).

24-18 (b) To appeal an associate judge's decision, other than the
 24-19 issuance of a temporary restraining order or temporary injunction,
 24-20 a party must file an appeal in the referring court not later than
 24-21 the seventh day after the date the party receives notice of the
 24-22 decision under Subsection (a).

24-23 (c) A temporary restraining order issued by an associate
 24-24 judge is effective immediately and expires on the 15th day after the
 24-25 date of issuance unless, after a hearing, the order is modified or
 24-26 extended by the associate judge or referring judge.

24-27 (d) A temporary injunction issued by an associate judge is
 24-28 effective immediately and continues during the pendency of a trial
 24-29 unless, after a hearing, the order is modified by a referring judge.

24-30 (e) A matter appealed to the referring court shall be tried
 24-31 de novo and is limited to only those matters specified in the
 24-32 appeal. Except on leave of court, a party may not submit on appeal
 24-33 any additional evidence or pleadings.

24-34 Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.
 24-35 (a) Notice of the right to a de novo hearing before the referring
 24-36 court shall be given to all parties.

24-37 (b) The notice may be given:
 24-38 (1) by oral statement in open court;
 24-39 (2) by posting inside or outside the courtroom of the
 24-40 referring court; or

24-41 (3) as otherwise directed by the referring court.
 24-42 (c) Before the start of a hearing by an associate judge, a
 24-43 party may waive the right of a de novo hearing before the referring
 24-44 court in writing or on the record.

24-45 Sec. 54A.113. ORDER OF COURT. (a) Pending a de novo
 24-46 hearing before the referring court, a proposed order or judgment of
 24-47 the associate judge is in full force and effect and is enforceable
 24-48 as an order or judgment of the referring court, except for an order
 24-49 providing for the appointment of a receiver.

24-50 (b) If a request for a de novo hearing before the referring
 24-51 court is not timely filed or the right to a de novo hearing before
 24-52 the referring court is waived, the proposed order or judgment of the
 24-53 associate judge becomes the order or judgment of the referring
 24-54 court only on the referring court's signing the proposed order or
 24-55 judgment.

24-56 (c) An order by an associate judge for the temporary
 24-57 detention or incarceration of a witness or party shall be presented
 24-58 to the referring court on the day the witness or party is detained
 24-59 or incarcerated. The referring court, without prejudice to the
 24-60 right to a de novo hearing provided by Section 54A.115, may approve
 24-61 the temporary detention or incarceration or may order the release
 24-62 of the party or witness, with or without bond, pending a de novo
 24-63 hearing. If the referring court is not immediately available, the
 24-64 associate judge may order the release of the party or witness, with
 24-65 or without bond, pending a de novo hearing or may continue the
 24-66 person's detention or incarceration for not more than 72 hours.

24-67 Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
 24-68 ORDER OR JUDGMENT. Unless a party files a written request for a de
 24-69 novo hearing before the referring court, the referring court may:

25-1 (1) adopt, modify, or reject the associate judge's
 25-2 proposed order or judgment;

25-3 (2) hear additional evidence; or

25-4 (3) recommit the matter to the associate judge for
 25-5 further proceedings.

25-6 Sec. 54A.115. DE NOVO HEARING. (a) A party may request a
 25-7 de novo hearing before the referring court by filing with the clerk
 25-8 of the referring court a written request not later than the seventh
 25-9 working day after the date the party receives notice of the
 25-10 substance of the associate judge's decision as provided by Section
 25-11 54A.111.

25-12 (b) A request for a de novo hearing under this section must
 25-13 specify the issues that will be presented to the referring court.
 25-14 The de novo hearing is limited to the specified issues.

25-15 (c) Notice of a request for a de novo hearing before the
 25-16 referring court shall be given to the opposing attorney in the
 25-17 manner provided by Rule 21a, Texas Rules of Civil Procedure.

25-18 (d) If a request for a de novo hearing before the referring
 25-19 court is filed by a party, any other party may file a request for a
 25-20 de novo hearing before the referring court not later than the
 25-21 seventh working day after the date the initial request was filed.

25-22 (e) The referring court, after notice to the parties, shall
 25-23 hold a de novo hearing not later than the 30th day after the date the
 25-24 initial request for a de novo hearing was filed with the clerk of
 25-25 the referring court.

25-26 (f) In the de novo hearing before the referring court, the
 25-27 parties may present witnesses on the issues specified in the
 25-28 request for hearing. The referring court may also consider the
 25-29 record from the hearing before the associate judge, including the
 25-30 charge to and verdict returned by a jury, if the record was taken by
 25-31 a court reporter.

25-32 (g) The denial of relief to a party after a de novo hearing
 25-33 under this section or a party's waiver of the right to a de novo
 25-34 hearing before the referring court does not affect the right of a
 25-35 party to file a motion for new trial, a motion for judgment
 25-36 notwithstanding the verdict, or other posttrial motions.

25-37 (h) A party may not demand a second jury in a de novo hearing
 25-38 before the referring court if the associate judge's proposed order
 25-39 or judgment resulted from a jury trial.

25-40 Sec. 54A.116. APPELLATE REVIEW. (a) A party's failure to
 25-41 request a de novo hearing before the referring court or a party's
 25-42 waiver of the right to request a de novo hearing before the
 25-43 referring court does not deprive the party of the right to appeal to
 25-44 or request other relief from a court of appeals or the supreme
 25-45 court.

25-46 (b) Except as provided by Subsection (c), the date an order
 25-47 or judgment by the referring court is signed is the controlling date
 25-48 for the purposes of appeal to or request for other relief from a
 25-49 court of appeals or the supreme court.

25-50 (c) The date an agreed order or a default order is signed by
 25-51 an associate judge is the controlling date for the purpose of an
 25-52 appeal to, or a request for other relief relating to the order from,
 25-53 a court of appeals or the supreme court.

25-54 Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the
 25-55 30th day after the date an action is taken by an associate judge, a
 25-56 referring court may modify, correct, reject, reverse, or recommit
 25-57 for further information the action taken by the associate judge.

25-58 (b) If the court does not modify, correct, reject, reverse,
 25-59 or recommit an action to the associate judge, the action becomes the
 25-60 decree of the court.

25-61 Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge
 25-62 appointed under this subchapter has the judicial immunity of a
 25-63 district judge.

25-64 SECTION 6.02. Subchapter G, Chapter 54, Government Code, is
 25-65 transferred to Chapter 54A, Government Code, as added by this Act,
 25-66 redesignated as Subchapter C, Chapter 54A, Government Code, and
 25-67 amended to read as follows:

25-68 SUBCHAPTER C [C]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

25-69 Sec. 54A.201 [54.601]. DEFINITION. In this subchapter,

26-1 "statutory probate court" has the meaning assigned by Section 3,
26-2 Texas Probate Code.

26-3 Sec. 54A.202. APPLICABILITY. This subchapter applies to a
26-4 statutory probate court.

26-5 Sec. 54A.203 [54.603]. APPOINTMENT. (a) After obtaining
26-6 the approval of the commissioners court to create an associate
26-7 judge position, the judge of a statutory probate court by order may
26-8 appoint one or more full-time or part-time [a person to act as]
26-9 associate judges to perform the duties authorized by this
26-10 subchapter [judge for the statutory probate court].

26-11 (b) If a statutory probate court has jurisdiction in more
26-12 than one county, an associate judge appointed by that court may
26-13 serve only in a county in which the commissioners court has
26-14 authorized the appointment.

26-15 (c) The commissioners court may authorize the appointment
26-16 of an associate judge for each court or may authorize one or more
26-17 associate judges to share service with two or more courts, if more
26-18 than one statutory probate court exists in a county.

26-19 (d) [(e)] If an associate judge serves more than one court,
26-20 the associate judge's appointment must be made with the unanimous
26-21 approval of all the judges under whom the associate judge serves.

26-22 [(d) An associate judge must meet the qualifications to
26-23 serve as a judge of the court to which the associate judge is
26-24 appointed.]

26-25 (e) An associate judge appointed under this subchapter may
26-26 serve as an associate judge appointed under Section 574.0085,
26-27 Health and Safety Code.

26-28 Sec. 54A.204. QUALIFICATIONS. To qualify for appointment
26-29 as an associate judge under this subchapter, a person must:

26-30 (1) be a resident of this state and one of the counties
26-31 the person will serve;

26-32 (2) have been licensed to practice law in this state
26-33 for at least five years;

26-34 (3) not have been removed from office by impeachment,
26-35 by the supreme court, by the governor on address to the legislature,
26-36 by a tribunal reviewing a recommendation of the State Commission on
26-37 Judicial Conduct, or by the legislature's abolition of the judge's
26-38 court; and

26-39 (4) not have resigned from office after having
26-40 received notice that formal proceedings by the State Commission on
26-41 Judicial Conduct had been instituted as provided in Section 33.022
26-42 and before final disposition of the proceedings.

26-43 Sec. 54A.205 [54.605]. COMPENSATION. (a) An associate
26-44 judge is entitled to the compensation set by the appointing judge
26-45 and approved by the commissioners court or commissioners courts of
26-46 the counties in which the associate judge serves. [The salary of
26-47 the associate judge may not exceed the salary of the appointing
26-48 judge.]

26-49 (b) If an associate judge serves in more than one county,
26-50 the associate judge shall be paid a salary as determined by
26-51 agreement of the commissioners courts of the counties in which the
26-52 associate judge serves.

26-53 (c) Except as provided by Subsection (d) [(e)], the
26-54 compensation of the associate judge shall be paid by the county from
26-55 the county general fund. The compensation must be paid in the same
26-56 manner that the appointing judge's salary is paid.

26-57 (d) [(e)] On the recommendation of the statutory probate
26-58 court judges in the county and subject to the approval of the county
26-59 commissioners court, the county may pay all or part of the
26-60 compensation of the associate judge from the excess contributions
26-61 remitted to the county under Section 25.00212 and deposited in the
26-62 contributions fund created under Section 25.00213.

26-63 Sec. 54A.206 [54.604]. TERMINATION OF ASSOCIATE JUDGE.

26-64 (a) An associate judge who serves a single court serves at the will
26-65 of the judge of that court.

26-66 (b) The employment of an associate judge who serves more
26-67 than two courts may only be terminated by a majority vote of all the
26-68 judges of the courts that the associate judge serves.

26-69 (c) The employment of an associate judge who serves two

27-1 courts may be terminated by either of the judges of the courts that
 27-2 the associate judge serves.

27-3 (d) The appointment of the associate judge terminates if:

27-4 (1) the associate judge becomes a candidate for
 27-5 election to public office; or

27-6 (2) the commissioners court does not appropriate funds
 27-7 in the county's budget to pay the salary of the associate judge.

27-8 (e) If an associate judge serves a single court and the
 27-9 appointing judge vacates the judge's office, the associate judge's
 27-10 employment continues, subject to Subsections (d) and (h), unless
 27-11 the successor appointed or elected judge terminates that
 27-12 employment.

27-13 (f) If an associate judge serves two courts and one of the
 27-14 appointing judges vacates the judge's office, the associate judge's
 27-15 employment continues, subject to Subsections (d) and (h), unless
 27-16 the successor appointed or elected judge terminates that employment
 27-17 or the judge of the other court served by the associate judge
 27-18 terminates that employment as provided by Subsection (c).

27-19 (g) If an associate judge serves more than two courts and an
 27-20 appointing judge vacates the judge's office, the associate judge's
 27-21 employment continues, subject to Subsections (d) and (h), unless:

27-22 (1) if no successor judge has been elected or
 27-23 appointed, the majority of the judges of the other courts the
 27-24 associate judge serves vote to terminate that employment; or

27-25 (2) if a successor judge has been elected or
 27-26 appointed, the majority of the judges of the courts the associate
 27-27 judge serves, including the successor judge, vote to terminate that
 27-28 employment as provided by Subsection (b).

27-29 (h) Notwithstanding the powers of an associate judge
 27-30 provided by Section 54A.209 [~~54.610~~], an associate judge whose
 27-31 employment continues as provided by Subsection (e), (f), or (g)
 27-32 after the judge of a court served by the associate judge vacates the
 27-33 judge's office may perform administrative functions with respect to
 27-34 that court, but may not perform any judicial function, including
 27-35 any power prescribed by Section 54A.209 [~~54.610~~], with respect to
 27-36 that court until a successor judge is appointed or elected.

27-37 Sec. 54A.207 [~~54.608~~]. CASES THAT MAY BE REFERRED.

27-38 (a) Except as provided by this section, a judge of a court may
 27-39 refer to an associate judge any aspect of a suit over which the
 27-40 probate court has jurisdiction, including any matter ancillary to
 27-41 the suit.

27-42 (b) Unless a party files a written objection to the
 27-43 associate judge hearing a trial on the merits, the judge may refer
 27-44 the trial to the associate judge. A trial on the merits is any final
 27-45 adjudication from which an appeal may be taken to a court of
 27-46 appeals.

27-47 (c) A party must file an objection to an associate judge
 27-48 hearing a trial on the merits or presiding at a jury trial not later
 27-49 than the 10th day after the date the party receives notice that the
 27-50 associate judge will hear the trial. If an objection is filed, the
 27-51 referring court shall hear the trial on the merits or preside at a
 27-52 jury trial.

27-53 Sec. 54A.2071 [~~54.606~~]. OATH. An associate judge must take
 27-54 the constitutional oath of office required of appointed officers of
 27-55 this state.

27-56 [~~Sec. 54.607. MAGISTRATE. An associate judge appointed~~
 27-57 ~~under this subchapter is a magistrate.~~]

27-58 Sec. 54A.208 [~~54.609~~]. METHODS [~~ORDER~~] OF REFERRAL. (a) A
 27-59 case may be referred to an associate judge by an order of referral
 27-60 in a specific case or by an omnibus order [~~In referring a case to an~~
 27-61 ~~associate judge, the judge of the referring court shall render:~~

27-62 [~~(1) an individual order of referral, or~~

27-63 [~~(2) a general order of referral~~] specifying the class
 27-64 and type of cases to be referred [~~heard by the associate judge~~].

27-65 (b) The order of referral may limit the power or duties of an
 27-66 associate judge.

27-67 Sec. 54A.209 [~~54.610~~]. POWERS OF ASSOCIATE JUDGE. (a)

27-68 Except as limited by an order of referral, an associate judge may:

27-69 (1) conduct a hearing;

28-1 (2) hear evidence;

28-2 (3) compel production of relevant evidence;

28-3 (4) rule on the admissibility of evidence;

28-4 (5) issue a summons for the appearance of witnesses;

28-5 (6) examine a witness;

28-6 (7) swear a witness for a hearing;

28-7 (8) make findings of fact on evidence;

28-8 (9) formulate conclusions of law;

28-9 (10) rule on pretrial motions;

28-10 (11) recommend the rulings, orders, or judgment [~~an~~

28-11 ~~order~~] to be made [~~rendered~~] in a case;

28-12 (12) [~~(11)~~] regulate all proceedings in a hearing

28-13 before the associate judge;

28-14 (13) [~~(12)~~] take action as necessary and proper for

28-15 the efficient performance of the [~~associate judge's~~] duties

28-16 required by the order of referral;

28-17 (14) [~~(13)~~] order the attachment of a witness or party

28-18 who fails to obey a subpoena;

28-19 (15) [~~(14)~~] order the detention of a witness or party

28-20 found guilty of contempt, pending approval by the referring court

28-21 as provided by Section 54A.214 [~~54.616~~];

28-22 (16) [~~(15)~~] without prejudice to the right to a de novo

28-23 hearing under Section 54A.216 [~~54.618~~], render and sign:

28-24 (A) a final order agreed to in writing as to both

28-25 form and substance by all parties;

28-26 (B) a final default order;

28-27 (C) a temporary order;

28-28 (D) a final order in a case in which a party files

28-29 an unrevoked waiver made in accordance with Rule 119, Texas Rules of

28-30 Civil Procedure, that waives notice to the party of the final

28-31 hearing or waives the party's appearance at the final hearing;

28-32 (E) an order specifying that the court clerk

28-33 shall issue:

28-34 (i) letters testamentary or of

28-35 administration; or

28-36 (ii) letters of guardianship; or

28-37 (F) an order for inpatient or outpatient mental

28-38 health, mental retardation, or chemical dependency services or an

28-39 order authorizing psychoactive medications; and

28-40 (17) [~~(16)~~] sign a final order that includes a waiver

28-41 of the right to a de novo hearing in accordance with Section 54A.216

28-42 [~~54.618~~].

28-43 (b) An associate judge may, in the interest of justice,

28-44 refer a case back to the referring court regardless of whether a

28-45 timely objection to the associate judge hearing the trial on the

28-46 merits or presiding at a jury trial has been made by any party.

28-47 (c) An order described by Subsection (a)(16) [~~(a)(15)~~] that

28-48 is rendered and signed by an associate judge constitutes an order of

28-49 the referring court. The judge of the referring court shall sign

28-50 the order not later than the 30th day after the date the associate

28-51 judge signs the order.

28-52 (d) An answer filed by or on behalf of a party who previously

28-53 filed a waiver described in Subsection (a)(16)(D) [~~(a)(15)(D)~~]

28-54 revokes that waiver.

28-55 Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff

28-56 shall attend a hearing conducted by an associate judge if directed

28-57 to attend by the referring court.

28-58 [~~Sec. 54.612. COURT REPORTER. (a) A court reporter may be~~

28-59 ~~provided during a hearing held by an associate judge appointed~~

28-60 ~~under this subchapter unless required by other law. A court~~

28-61 ~~reporter is required to be provided when the associate judge~~

28-62 ~~presides over a jury trial.~~

28-63 [~~(b) A party, the associate judge, or the referring court~~

28-64 ~~may provide for a reporter during the hearing, if one is not~~

28-65 ~~otherwise provided.~~

28-66 [~~(c) Except as provided by Subsection (a), in the absence of~~

28-67 ~~a court reporter or on agreement of the parties, the record may be~~

28-68 ~~preserved by any means approved by the referring court.~~

28-69 [~~(d) The referring court or associate judge may impose on a~~

29-1 ~~party the expense of preserving the record as a court cost.~~

29-2 ~~[(c) On a request for a de novo hearing, the referring court~~
 29-3 ~~may consider testimony or other evidence in the record, if the~~
 29-4 ~~record is taken by a court reporter, in addition to witnesses or~~
 29-5 ~~other matters presented under Section 54.618.]~~

29-6 Sec. 54A.210 [54.613]. WITNESS. (a) A witness appearing
 29-7 before an associate judge is subject to the penalties for perjury
 29-8 provided by law.

29-9 (b) A referring court may issue attachment against and may
 29-10 fine or imprison a witness whose failure [who:

29-11 [~~(1) fails~~] to appear [before an associate judge]
 29-12 after being summoned or whose refusal to answer questions has been
 29-13 certified to the court [~~or~~

29-14 [~~(2) improperly refuses to answer a question if the~~
 29-15 refusal has been certified to the court by the associate judge].

29-16 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court
 29-17 reporter may be provided during a hearing held by an associate judge
 29-18 appointed under this subchapter. A court reporter is required to be
 29-19 provided when the associate judge presides over a jury trial.

29-20 (b) A party, the associate judge, or the referring court may
 29-21 provide for a reporter during the hearing if one is not otherwise
 29-22 provided.

29-23 (c) Except as provided by Subsection (a), in the absence of
 29-24 a court reporter or on agreement of the parties, the record may be
 29-25 preserved by any means approved by the associate judge.

29-26 (d) The referring court or associate judge may assess the
 29-27 expense of preserving the record as court costs.

29-28 (e) On appeal of the associate judge's report or proposed
 29-29 order, the referring court may consider testimony or other evidence
 29-30 in the record if the record is taken by a court reporter.

29-31 Sec. 54A.212 [54.614]. REPORT. (a) The associate judge's
 29-32 report may contain the associate judge's findings, conclusions, or
 29-33 recommendations and may be in the form of a proposed order.

29-34 (b) The associate judge shall prepare a [written] report in
 29-35 the form directed by the referring court, including in the form of:

29-36 (1) a notation on the referring court's docket sheet or
 29-37 in the court's jacket; or

29-38 (2) a proposed order.

29-39 (c) [~~(b)~~] After a hearing, the associate judge shall provide
 29-40 the parties participating in the hearing notice of the substance of
 29-41 the associate judge's report, including any proposed order.

29-42 (d) [~~(c)~~] Notice may be given to the parties:

29-43 (1) in open court, by an oral statement, or by
 29-44 providing a copy of the associate judge's written report, including
 29-45 any proposed order;

29-46 (2) by certified mail, return receipt requested;

29-47 (3) by facsimile transmission; or

29-48 (4) by electronic mail.

29-49 (e) [~~(d)~~] There is a rebuttable presumption that notice is
 29-50 received on the date stated on:

29-51 (1) the signed return receipt, if notice was provided
 29-52 by certified mail;

29-53 (2) the confirmation page produced by the facsimile
 29-54 machine, if notice was provided by facsimile transmission; or

29-55 (3) a printout evidencing submission of the electronic
 29-56 mail message, if notice was provided by electronic mail.

29-57 (f) [~~(e)~~] After a hearing conducted by an associate judge,
 29-58 the associate judge shall send the associate judge's signed and
 29-59 dated report, including any proposed order, and all other papers
 29-60 relating to the case to the referring court.

29-61 Sec. 54A.213 [54.615]. NOTICE OF RIGHT TO DE NOVO HEARING
 29-62 BEFORE REFERRING COURT. (a) An associate judge shall give all
 29-63 parties notice of the right to a de novo hearing before the
 29-64 referring court.

29-65 (b) The notice may be given:

29-66 (1) by oral statement in open court;

29-67 (2) by posting inside or outside the courtroom of the
 29-68 referring court; or

29-69 (3) as otherwise directed by the referring court.

30-1 (c) Before the start of a hearing by an associate judge, a
 30-2 party may waive the right to a de novo hearing before the referring
 30-3 court in writing or on the record.

30-4 Sec. 54A.214 [~~54.616~~]. ORDER OF COURT. (a) Pending a de
 30-5 novo hearing before the referring court, the decisions and
 30-6 recommendations of the associate judge or a proposed order or
 30-7 judgment of the associate judge has the full force and effect, and
 30-8 is enforceable as, an order or judgment of the referring court,
 30-9 except for an order providing for the appointment of a receiver.

30-10 (b) Except as provided by Section 54A.209(c) [~~54.610(e)~~],
 30-11 if a request for a de novo hearing before the referring court is not
 30-12 timely filed or the right to a de novo hearing before the referring
 30-13 court is waived, the decisions and recommendations of the associate
 30-14 judge or the proposed order or judgment of the associate judge
 30-15 becomes the order or judgment of the referring court at the time the
 30-16 judge of the referring court signs the proposed order or judgment.

30-17 (c) An order by an associate judge for the temporary
 30-18 detention or incarceration of a witness or party shall be presented
 30-19 to the referring court on the day the witness or party is detained
 30-20 or incarcerated. The referring court, without prejudice to the
 30-21 right to a de novo hearing provided by Section 54A.216, may approve
 30-22 the temporary detention or incarceration or may order the release
 30-23 of the party or witness, with or without bond, pending a de novo
 30-24 hearing. If the referring court is not immediately available, the
 30-25 associate judge may order the release of the party or witness, with
 30-26 or without bond, pending a de novo hearing or may continue the
 30-27 person's detention or incarceration for not more than 72 hours.

30-28 Sec. 54A.215 [~~54.617~~]. JUDICIAL ACTION ON ASSOCIATE JUDGE'S
 30-29 PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a written
 30-30 request for a de novo hearing before the referring court, the
 30-31 referring court may:

30-32 (1) adopt, modify, or reject the associate judge's
 30-33 proposed order or judgment;

30-34 (2) hear further evidence; or

30-35 (3) recommit the matter to the associate judge for
 30-36 further proceedings.

30-37 (b) The judge of the referring court shall sign a proposed
 30-38 order or judgment the court adopts as provided by Subsection (a)(1)
 30-39 not later than the 30th day after the date the associate judge
 30-40 signed the order or judgment.

30-41 Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE REFERRING
 30-42 COURT. (a) A party may request a de novo hearing before the
 30-43 referring court by filing with the clerk of the referring court a
 30-44 written request not later than the seventh working day after the
 30-45 date the party receives notice of the substance of the associate
 30-46 judge's report as provided by Section 54A.212 [~~54.614~~].

30-47 (b) A request for a de novo hearing under this section must
 30-48 specify the issues that will be presented to the referring court.
 30-49 The de novo hearing is limited to the specified issues.

30-50 (c) In the de novo hearing before the referring court,
 30-51 the parties may present witnesses on the issues specified in the
 30-52 request for hearing. The referring court may also consider the
 30-53 record from the hearing before the associate judge, including the
 30-54 charge to and verdict returned by a jury, if the record was taken by
 30-55 a court reporter.

30-56 (d) Notice of a request for a de novo hearing before the
 30-57 referring court must be given to the opposing attorney in the manner
 30-58 provided by Rule 21a, Texas Rules of Civil Procedure.

30-59 (e) If a request for a de novo hearing before the referring
 30-60 court is filed by a party, any other party may file a request for a
 30-61 de novo hearing before the referring court not later than the
 30-62 seventh working day after the date of filing of the initial request.

30-63 (f) The referring court, after notice to the parties, shall
 30-64 hold a de novo hearing not later than the 30th day after the date on
 30-65 which the initial request for a de novo hearing was filed with the
 30-66 clerk of the referring court [~~, unless all of the parties agree to a~~
 30-67 ~~later date~~].

30-68 (g) Before the start of a hearing conducted by an associate
 30-69 judge, the parties may waive the right of a de novo hearing before

31-1 the referring court. The waiver may be in writing or on the record.

31-2 (h) The denial of relief to a party after a de novo hearing
31-3 under this section or a party's waiver of the right to a de novo
31-4 hearing before the referring court does not affect the right of a
31-5 party to file a motion for new trial, motion for judgment
31-6 notwithstanding the verdict, or other post-trial motion.

31-7 (i) A party may not demand a second jury in a de novo hearing
31-8 before the referring court if the associate judge's proposed order
31-9 or judgment resulted from a jury trial.

31-10 Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's
31-11 failure to request a de novo hearing before the referring court or a
31-12 party's waiver of the right to request a de novo hearing before the
31-13 referring court does not deprive the party of the right to appeal to
31-14 or request other relief from a court of appeals or the supreme
31-15 court.

31-16 (b) Except as provided by Subsection (c), the date the judge
31-17 of a referring court signs an order or judgment is the controlling
31-18 date for the purposes of appeal to or request for other relief from
31-19 a court of appeals or the supreme court.

31-20 (c) The date an order described by Section 54A.209(a)(16)
31-21 [~~54.610(a)(15)~~] is signed by an associate judge is the controlling
31-22 date for the purpose of an appeal to, or a request for other relief
31-23 relating to the order from, a court of appeals or the supreme court.

31-24 Sec. 54A.218 [~~54.620~~]. IMMUNITY. An associate judge
31-25 appointed under this subchapter has the judicial immunity of a
31-26 probate judge. All existing immunity granted an associate judge by
31-27 law, express or implied, continues in full force and effect.

31-28 SECTION 6.03. Chapter 201, Family Code, is amended by
31-29 adding Subchapter D to read as follows:

31-30 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

31-31 Sec. 201.301. APPLICABILITY. This subchapter applies only
31-32 to an associate judge appointed under this subchapter and does not
31-33 apply to a juvenile court master appointed under Subchapter K,
31-34 Chapter 54, Government Code.

31-35 Sec. 201.302. APPOINTMENT. (a) A judge of a court that is
31-36 designated as a juvenile court may appoint a full-time or part-time
31-37 associate judge to perform the duties authorized by this chapter if
31-38 the commissioners court of a county in which the court has
31-39 jurisdiction has authorized creation of an associate judge
31-40 position.

31-41 (b) If a court has jurisdiction in more than one county, an
31-42 associate judge appointed by that court may serve only in a county
31-43 in which the commissioners court has authorized the appointment.

31-44 (c) If more than one court in a county has been designated as
31-45 a juvenile court, the commissioners court may authorize the
31-46 appointment of an associate judge for each court or may authorize
31-47 one or more associate judges to share service with two or more
31-48 courts.

31-49 (d) If an associate judge serves more than one court, the
31-50 associate judge's appointment must be made as established by local
31-51 rule, but in no event by less than a vote of two-thirds of the judges
31-52 under whom the associate judge serves.

31-53 Sec. 201.303. QUALIFICATIONS. To qualify for appointment
31-54 as an associate judge under this subchapter, a person must:

31-55 (1) be a resident of this state and one of the counties
31-56 the person will serve;

31-57 (2) have been licensed to practice law in this state
31-58 for at least four years;

31-59 (3) not have been removed from office by impeachment,
31-60 by the supreme court, by the governor on address to the legislature,
31-61 by a tribunal reviewing a recommendation of the State Commission on
31-62 Judicial Conduct, or by the legislature's abolition of the judge's
31-63 court; and

31-64 (4) not have resigned from office after having
31-65 received notice that formal proceedings by the State Commission on
31-66 Judicial Conduct had been instituted as provided in Section 33.022,
31-67 Government Code, and before final disposition of the proceedings.

31-68 Sec. 201.304. COMPENSATION. (a) An associate judge shall
31-69 be paid a salary determined by the commissioners court of the county

32-1 in which the associate judge serves.

32-2 (b) If an associate judge serves in more than one county,
32-3 the associate judge shall be paid a salary as determined by
32-4 agreement of the commissioners courts of the counties in which the
32-5 associate judge serves.

32-6 (c) The associate judge's salary is paid from the county
32-7 fund available for payment of officers' salaries.

32-8 Sec. 201.305. TERMINATION. (a) An associate judge who
32-9 serves a single court serves at the will of the judge of that court.

32-10 (b) The employment of an associate judge who serves more
32-11 than two courts may only be terminated by a majority vote of all the
32-12 judges of the courts which the associate judge serves.

32-13 (c) The employment of an associate judge who serves two
32-14 courts may be terminated by either of the judges of the courts which
32-15 the associate judge serves.

32-16 (d) To terminate an associate judge's employment, the
32-17 appropriate judges must sign a written order of termination. The
32-18 order must state:

32-19 (1) the associate judge's name and state bar
32-20 identification number;

32-21 (2) each court ordering termination; and

32-22 (3) the date the associate judge's employment ends.

32-23 Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as
32-24 provided by this section, a judge of a juvenile court may refer to
32-25 an associate judge any aspect of a juvenile matter brought:

32-26 (1) under this title or Title 3; or

32-27 (2) in connection with Rule 308a, Texas Rules of Civil
32-28 Procedure.

32-29 (b) Unless a party files a written objection to the
32-30 associate judge hearing a trial on the merits, the judge may refer
32-31 the trial to the associate judge. A trial on the merits is any final
32-32 adjudication from which an appeal may be taken to a court of
32-33 appeals.

32-34 (c) A party must file an objection to an associate judge
32-35 hearing a trial on the merits or presiding at a jury trial not later
32-36 than the 10th day after the date the party receives notice that the
32-37 associate judge will hear the trial. If an objection is filed, the
32-38 referring court shall hear the trial on the merits or preside at a
32-39 jury trial.

32-40 (d) The requirements of Subsections (b) and (c) apply when a
32-41 judge has authority to refer the trial of a suit under this title,
32-42 Title 1, or Title 4 to an associate judge, master, or other
32-43 assistant judge regardless of whether the assistant judge is
32-44 appointed under this subchapter.

32-45 Sec. 201.307. METHODS OF REFERRAL. (a) A case may be
32-46 referred to an associate judge by an order of referral in a specific
32-47 case or by an omnibus order.

32-48 (b) The order of referral may limit the power or duties of an
32-49 associate judge.

32-50 Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as
32-51 limited by an order of referral, an associate judge may:

32-52 (1) conduct a hearing;

32-53 (2) hear evidence;

32-54 (3) compel production of relevant evidence;

32-55 (4) rule on the admissibility of evidence;

32-56 (5) issue a summons for:

32-57 (A) the appearance of witnesses; and

32-58 (B) the appearance of a parent who has failed to
32-59 appear before an agency authorized to conduct an investigation of
32-60 an allegation of abuse or neglect of a child after receiving proper
32-61 notice;

32-62 (6) examine a witness;

32-63 (7) swear a witness for a hearing;

32-64 (8) make findings of fact on evidence;

32-65 (9) formulate conclusions of law;

32-66 (10) recommend an order to be rendered in a case;

32-67 (11) regulate proceedings in a hearing;

32-68 (12) order the attachment of a witness or party who
32-69 fails to obey a subpoena;

33-1 (13) order the detention of a witness or party found
 33-2 guilty of contempt, pending approval by the referring court; and

33-3 (14) take action as necessary and proper for the
 33-4 efficient performance of the associate judge's duties.

33-5 (b) An associate judge may, in the interest of justice,
 33-6 refer a case back to the referring court regardless of whether a
 33-7 timely objection to the associate judge hearing the trial on the
 33-8 merits or presiding at a jury trial has been made by any party.

33-9 Sec. 201.309. REFEREES. (a) An associate judge appointed
 33-10 under this subchapter may serve as a referee as provided by Sections
 33-11 51.04(g) and 54.10.

33-12 (b) A referee appointed under Section 51.04(g) may be
 33-13 appointed to serve as an associate judge under this subchapter.

33-14 Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a
 33-15 hearing by an associate judge if directed by the referring court.

33-16 Sec. 201.311. WITNESS. (a) A witness appearing before an
 33-17 associate judge is subject to the penalties for perjury provided by
 33-18 law.

33-19 (b) A referring court may fine or imprison a witness who:

33-20 (1) failed to appear before an associate judge after
 33-21 being summoned; or

33-22 (2) improperly refused to answer questions if the
 33-23 refusal has been certified to the court by the associate judge.

33-24 Sec. 201.312. COURT REPORTER; RECORD. (a) A court
 33-25 reporter may be provided during a hearing held by an associate judge
 33-26 appointed under this subchapter. A court reporter is required to be
 33-27 provided when the associate judge presides over a jury trial or a
 33-28 contested final termination hearing.

33-29 (b) A party, the associate judge, or the referring court may
 33-30 provide for a reporter during the hearing if one is not otherwise
 33-31 provided.

33-32 (c) Except as provided by Subsection (a), in the absence of
 33-33 a court reporter or on agreement of the parties, the record may be
 33-34 preserved by any means approved by the associate judge.

33-35 (d) The referring court or associate judge may assess the
 33-36 expense of preserving the record as costs.

33-37 (e) On a request for a de novo hearing, the referring court
 33-38 may consider testimony or other evidence in the record, if the
 33-39 record is taken by a court reporter, in addition to witnesses or
 33-40 other matters presented under Section 201.317.

33-41 Sec. 201.313. REPORT. (a) The associate judge's report may
 33-42 contain the associate judge's findings, conclusions, or
 33-43 recommendations and may be in the form of a proposed order. The
 33-44 associate judge's report must be in writing and in the form directed
 33-45 by the referring court.

33-46 (b) After a hearing, the associate judge shall provide the
 33-47 parties participating in the hearing notice of the substance of the
 33-48 associate judge's report, including any proposed order.

33-49 (c) Notice may be given to the parties:

33-50 (1) in open court, by an oral statement or by providing
 33-51 a copy of the associate judge's written report, including any
 33-52 proposed order;

33-53 (2) by certified mail, return receipt requested; or

33-54 (3) by facsimile.

33-55 (d) A rebuttable presumption exists that notice is received
 33-56 on the date stated on:

33-57 (1) the signed return receipt, if notice was provided
 33-58 by certified mail; or

33-59 (2) the confirmation page produced by the facsimile
 33-60 machine, if notice was provided by facsimile.

33-61 (e) After a hearing conducted by an associate judge, the
 33-62 associate judge shall send the associate judge's signed and dated
 33-63 report, including any proposed order, and all other papers relating
 33-64 to the case to the referring court.

33-65 Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.
 33-66 (a) An associate judge shall give all parties notice of the right
 33-67 to a de novo hearing to the judge of the referring court.

33-68 (b) The notice may be given:

33-69 (1) by oral statement in open court;

34-1 (2) by posting inside or outside the courtroom of the
 34-2 referring court; or

34-3 (3) as otherwise directed by the referring court.

34-4 (c) Before the start of a hearing by an associate judge, a
 34-5 party may waive the right of a de novo hearing before the referring
 34-6 court in writing or on the record.

34-7 Sec. 201.315. ORDER OF COURT. (a) Pending a de novo
 34-8 hearing before the referring court, a proposed order or judgment of
 34-9 the associate judge is in full force and effect and is enforceable
 34-10 as an order or judgment of the referring court, except for an order
 34-11 providing for the appointment of a receiver.

34-12 (b) If a request for a de novo hearing before the referring
 34-13 court is not timely filed or the right to a de novo hearing before
 34-14 the referring court is waived, the proposed order or judgment of the
 34-15 associate judge becomes the order or judgment of the referring
 34-16 court only on the referring court's signing the proposed order or
 34-17 judgment.

34-18 (c) An order by an associate judge for the temporary
 34-19 detention or incarceration of a witness or party shall be presented
 34-20 to the referring court on the day the witness or party is detained
 34-21 or incarcerated. The referring court, without prejudice to the
 34-22 right to a de novo hearing provided by Section 201.317, may approve
 34-23 the temporary detention or incarceration or may order the release
 34-24 of the party or witness, with or without bond, pending a de novo
 34-25 hearing. If the referring court is not immediately available, the
 34-26 associate judge may order the release of the party or witness, with
 34-27 or without bond, pending a de novo hearing or may continue the
 34-28 person's detention or incarceration for not more than 72 hours.

34-29 Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
 34-30 ORDER OR JUDGMENT. Unless a party files a written request for a de
 34-31 novo hearing before the referring court, the referring court may:

34-32 (1) adopt, modify, or reject the associate judge's
 34-33 proposed order or judgment;

34-34 (2) hear additional evidence; or

34-35 (3) recommit the matter to the associate judge for
 34-36 further proceedings.

34-37 Sec. 201.317. DE NOVO HEARING. (a) A party may request a de
 34-38 novo hearing before the referring court by filing with the clerk of
 34-39 the referring court a written request not later than the seventh
 34-40 working day after the date the party receives notice of the
 34-41 substance of the associate judge's report as provided by Section
 34-42 201.313.

34-43 (b) A request for a de novo hearing under this section must
 34-44 specify the issues that will be presented to the referring court.
 34-45 The de novo hearing is limited to the specified issues.

34-46 (c) Notice of a request for a de novo hearing before the
 34-47 referring court shall be given to the opposing attorney in the
 34-48 manner provided by Rule 21a, Texas Rules of Civil Procedure.

34-49 (d) If a request for a de novo hearing before the referring
 34-50 court is filed by a party, any other party may file a request for a
 34-51 de novo hearing before the referring court not later than the
 34-52 seventh working day after the date the initial request was filed.

34-53 (e) The referring court, after notice to the parties, shall
 34-54 hold a de novo hearing not later than the 30th day after the date the
 34-55 initial request for a de novo hearing was filed with the clerk of
 34-56 the referring court.

34-57 (f) In the de novo hearing before the referring court, the
 34-58 parties may present witnesses on the issues specified in the
 34-59 request for hearing. The referring court may also consider the
 34-60 record from the hearing before the associate judge, including the
 34-61 charge to and verdict returned by a jury, if the record was taken by
 34-62 a court reporter.

34-63 (g) The denial of relief to a party after a de novo hearing
 34-64 under this section or a party's waiver of the right to a de novo
 34-65 hearing before the referring court does not affect the right of a
 34-66 party to file a motion for new trial, a motion for judgment
 34-67 notwithstanding the verdict, or other posttrial motions.

34-68 (h) A party may not demand a second jury in a de novo hearing
 34-69 before the referring court if the associate judge's proposed order

35-1 or judgment resulted from a jury trial.

35-2 Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to
 35-3 request a de novo hearing before the referring court or a party's
 35-4 waiver of the right to request a de novo hearing before the
 35-5 referring court does not deprive the party of the right to appeal to
 35-6 or request other relief from a court of appeals or the supreme
 35-7 court.

35-8 (b) Except as provided by Subsection (c), the date an order
 35-9 or judgment by the referring court is signed is the controlling date
 35-10 for the purposes of appeal to or request for other relief from a
 35-11 court of appeals or the supreme court.

35-12 (c) The date an agreed order or a default order is signed by
 35-13 an associate judge is the controlling date for the purpose of an
 35-14 appeal to, or a request for other relief relating to the order from,
 35-15 a court of appeals or the supreme court.

35-16 Sec. 201.319. JUDICIAL IMMUNITY. An associate judge
 35-17 appointed under this subchapter has the judicial immunity of a
 35-18 district judge.

35-19 Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) If an
 35-20 associate judge appointed under this subchapter is temporarily
 35-21 unable to perform the judge's official duties because of absence or
 35-22 illness, injury, or other disability, a judge of a court having
 35-23 jurisdiction of a suit under this title or Title 1 or 4 may appoint a
 35-24 visiting associate judge to perform the duties of the associate
 35-25 judge during the period of the associate judge's absence or
 35-26 disability if the commissioners court of a county in which the court
 35-27 has jurisdiction authorizes the employment of a visiting associate
 35-28 judge.

35-29 (b) To be eligible for appointment under this section, a
 35-30 person must have served as an associate judge for at least two
 35-31 years.

35-32 (c) Sections 201.001 through 201.017 apply to a visiting
 35-33 associate judge appointed under this section.

35-34 SECTION 6.04. Subsection (b), Section 22.110, Government
 35-35 Code, is amended to read as follows:

35-36 (b) The court of criminal appeals shall adopt the rules
 35-37 necessary to accomplish the purposes of this section. The rules
 35-38 must require each district judge, judge of a statutory county
 35-39 court, associate judge appointed under Chapter 54A [54] of this
 35-40 code or Chapter 201, Family Code, master, referee, and magistrate
 35-41 to complete at least 12 hours of the training within the judge's
 35-42 first term of office or the judicial officer's first four years of
 35-43 service and provide a method for certification of completion of
 35-44 that training. At least four hours of the training must be
 35-45 dedicated to issues related to child abuse and neglect and must
 35-46 cover at least two of the topics described in Subsections
 35-47 (d)(8)-(12). At least six hours of the training must be dedicated
 35-48 to the training described by Subsections (d)(5), (6), and (7). The
 35-49 rules must require each judge and judicial officer to complete an
 35-50 additional five hours of training during each additional term in
 35-51 office or four years of service. At least two hours of the
 35-52 additional training must be dedicated to issues related to child
 35-53 abuse and neglect. The rules must exempt from the training
 35-54 requirement of this subsection each judge or judicial officer who
 35-55 files an affidavit stating that the judge or judicial officer does
 35-56 not hear any cases involving family violence, sexual assault, or
 35-57 child abuse and neglect.

35-58 SECTION 6.05. Section 602.002, Government Code, is amended
 35-59 to read as follows:

35-60 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
 35-61 state may be administered and a certificate of the fact given by:

35-62 (1) a judge, retired judge, or clerk of a municipal
 35-63 court;

35-64 (2) a judge, retired judge, senior judge, clerk, or
 35-65 commissioner of a court of record;

35-66 (3) a justice of the peace or a clerk of a justice
 35-67 court;

35-68 (4) an associate judge, magistrate, master, referee,
 35-69 or criminal law hearing officer;

36-1 (5) a notary public;
36-2 (6) [~~5~~] a member of a board or commission created by
36-3 a law of this state, in a matter pertaining to a duty of the board or
36-4 commission;
36-5 (7) [~~6~~] a person employed by the Texas Ethics
36-6 Commission who has a duty related to a report required by Title 15,
36-7 Election Code, in a matter pertaining to that duty;
36-8 (8) [~~7~~] a county tax assessor-collector or an
36-9 employee of the county tax assessor-collector if the oath relates
36-10 to a document that is required or authorized to be filed in the
36-11 office of the county tax assessor-collector;
36-12 (9) [~~8~~] the secretary of state or a former secretary
36-13 of state;
36-14 (10) [~~9~~] an employee of a personal bond office, or
36-15 an employee of a county, who is employed to obtain information
36-16 required to be obtained under oath if the oath is required or
36-17 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
36-18 Criminal Procedure;
36-19 (11) [~~10~~] the lieutenant governor or a former
36-20 lieutenant governor;
36-21 (12) [~~11~~] the speaker of the house of
36-22 representatives or a former speaker of the house of
36-23 representatives;
36-24 (13) [~~12~~] the governor or a former governor;
36-25 (14) [~~13~~] a legislator or retired legislator;
36-26 (15) [~~14~~] the attorney general or a former attorney
36-27 general;
36-28 (16) [~~15~~] the secretary or clerk of a municipality
36-29 in a matter pertaining to the official business of the
36-30 municipality; or
36-31 (17) [~~16~~] a peace officer described by Article 2.12,
36-32 Code of Criminal Procedure, if:
36-33 (A) the oath is administered when the officer is
36-34 engaged in the performance of the officer's duties; and
36-35 (B) the administration of the oath relates to the
36-36 officer's duties.

36-37 SECTION 6.06. Article 2.09, Code of Criminal Procedure, is
36-38 amended to read as follows:
36-39 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
36-40 officers is a magistrate within the meaning of this Code: The
36-41 justices of the Supreme Court, the judges of the Court of Criminal
36-42 Appeals, the justices of the Courts of Appeals, the judges of the
36-43 District Court, the magistrates appointed by the judges of the
36-44 district courts of Bexar County, Dallas County, or Tarrant County
36-45 that give preference to criminal cases, the criminal law hearing
36-46 officers for Harris County appointed under Subchapter L, Chapter
36-47 54, Government Code, the criminal law hearing officers for Cameron
36-48 County appointed under Subchapter BB, Chapter 54, Government Code,
36-49 the magistrates or associate judges appointed by the judges of the
36-50 district courts of Lubbock County, Nolan County, or Webb County,
36-51 the magistrates appointed by the judges of the criminal district
36-52 courts of Dallas County or Tarrant County, the associate judges
36-53 [~~masters~~] appointed by the judges of the district courts and the
36-54 county courts at law that give preference to criminal cases in
36-55 Jefferson County, the associate judges [~~magistrates~~] appointed by
36-56 the judges of the district courts and the statutory county courts of
36-57 Brazos County, Nueces County, or Williamson County, the magistrates
36-58 appointed by the judges of the district courts and statutory county
36-59 courts that give preference to criminal cases in Travis County, the
36-60 criminal magistrates appointed by the Brazoria County
36-61 Commissioners Court, the criminal magistrates appointed by the
36-62 Burnet County Commissioners Court, the county judges, the judges of
36-63 the county courts at law, judges of the county criminal courts, the
36-64 judges of statutory probate courts, the associate judges appointed
36-65 by the judges of the statutory probate courts under [~~Subchapter C,~~
36-66 Chapter 54A [54], Government Code, the associate judges appointed
36-67 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
36-68 ~~Chapter 54~~], Government Code, the magistrates appointed under
36-69 Subchapter JJ, Chapter 54, Government Code, as added by H.B. No.

37-1 2132, Acts of the 82nd Legislature, Regular Session, 2011, the
 37-2 justices of the peace, and the mayors and recorders and the judges
 37-3 of the municipal courts of incorporated cities or towns.

37-4 SECTION 6.07. Subsection (d), Article 102.017, Code of
 37-5 Criminal Procedure, is amended to read as follows:

37-6 (d) Except as provided by Subsection (d-2), the clerks of
 37-7 the respective courts shall collect the costs and pay them to the
 37-8 county or municipal treasurer, as appropriate, or to any other
 37-9 official who discharges the duties commonly delegated to the county
 37-10 or municipal treasurer, as appropriate, for deposit in a fund to be
 37-11 known as the courthouse security fund or a fund to be known as the
 37-12 municipal court building security fund, as appropriate. Money
 37-13 deposited in a courthouse security fund may be used only for
 37-14 security personnel, services, and items related to buildings that
 37-15 house the operations of district, county, or justice courts, and
 37-16 money deposited in a municipal court building security fund may be
 37-17 used only for security personnel, services, and items related to
 37-18 buildings that house the operations of municipal courts. For
 37-19 purposes of this subsection, operations of a district, county, or
 37-20 justice court include the activities of associate judges, masters,
 37-21 magistrates, referees, hearing officers, criminal law magistrate
 37-22 court judges, and masters in chancery appointed under:

- 37-23 (1) Section 61.311, Alcoholic Beverage Code;
- 37-24 (2) Section 51.04(g) or Chapter 201, Family Code;
- 37-25 (3) Section 574.0085, Health and Safety Code;
- 37-26 (4) Section 33.71, Tax Code;
- 37-27 (5) Chapter 54A [Chapter 54], Government Code; or
- 37-28 (6) Rule 171, Texas Rules of Civil Procedure.

37-29 SECTION 6.08. Subsection (a), Section 54.10, Family Code,
 37-30 is amended to read as follows:

37-31 (a) Except as provided by Subsection (e), a hearing under
 37-32 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
 37-33 under Chapter 55, including a jury trial, or a hearing under the
 37-34 Interstate Compact for Juveniles (Chapter 60) may be held by a
 37-35 referee appointed in accordance with Section 51.04(g) or an
 37-36 associate judge [a master] appointed under Chapter 54A [54],
 37-37 Government Code, provided:

37-38 (1) the parties have been informed by the referee or
 37-39 associate judge [master] that they are entitled to have the hearing
 37-40 before the juvenile court judge; and

37-41 (2) after each party is given an opportunity to
 37-42 object, no party objects to holding the hearing before the referee
 37-43 or associate judge [master].

37-44 SECTION 6.09. A magistrate, master, referee, associate
 37-45 judge, or hearing officer appointed as provided by Subchapters A,
 37-46 B, C, E, F, I, O, P, S, T, U, V, X, CC, FF, and II, Chapter 54,
 37-47 Government Code, before the effective date of this Act, continues
 37-48 to serve as an associate judge under Chapter 54A, Government Code,
 37-49 as added by this article, with the powers and duties provided by
 37-50 that chapter, provided the court for which the magistrate, master,
 37-51 referee, associate judge, or hearing officer serves has authority
 37-52 to appoint an associate judge under Chapter 54A, Government Code.

37-53 SECTION 6.10. The changes in law made by this article apply
 37-54 to a matter referred to an associate judge on or after the effective
 37-55 date of this article. A matter referred to an associate judge
 37-56 before the effective date of this article is governed by the law in
 37-57 effect on the date the matter was referred to the associate judge,
 37-58 and the former law is continued in effect for that purpose.

37-59 SECTION 6.11. The following subchapters of Chapter 54,
 37-60 Government Code, are repealed:

- 37-61 (1) Subchapter A;
- 37-62 (2) Subchapter B;
- 37-63 (3) Subchapter C;
- 37-64 (4) Subchapter E;
- 37-65 (5) Subchapter F;
- 37-66 (6) Subchapter I;
- 37-67 (7) Subchapter O;
- 37-68 (8) Subchapter P;
- 37-69 (9) Subchapter S;

- 38-1 (10) Subchapter T;
- 38-2 (11) Subchapter U;
- 38-3 (12) Subchapter V;
- 38-4 (13) Subchapter X;
- 38-5 (14) Subchapter CC;
- 38-6 (15) Subchapter FF; and
- 38-7 (16) Subchapter II.

ARTICLE 7. COURT ADMINISTRATION

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

Sec. 74.005. APPOINTMENT OF ~~[REGIONAL]~~ PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the advice and consent of the senate, shall appoint one judge in each administrative judicial region as presiding judge of the region.

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

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

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

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

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

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

(2) conduct correspondence for the presiding judge;

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

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

(c) ~~[(d)]~~ An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the presiding judge.

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

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

(c) The rules may provide for:

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

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

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

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

SECTION 7.04. Chapter 74, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

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

(1) a criminal matter;

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

(3) a case that has been transferred by the judicial panel on multidistrict litigation to a district court for

39-1 consolidated or coordinated pretrial proceedings under Subchapter
39-2 H.

39-3 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE
39-4 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt
39-5 rules under which courts, presiding judges of the administrative
39-6 judicial regions, and the judicial committee for additional
39-7 resources may determine whether a case requires additional
39-8 resources to ensure efficient judicial management of the case.

39-9 (b) In developing the rules, the supreme court shall include
39-10 considerations regarding whether a case involves or is likely to
39-11 involve:

39-12 (1) a large number of parties who are separately
39-13 represented by counsel;

39-14 (2) coordination with related actions pending in one
39-15 or more courts in other counties of this state or in one or more
39-16 United States district courts;

39-17 (3) numerous pretrial motions that present difficult
39-18 or novel legal issues that will be time-consuming to resolve;

39-19 (4) a large number of witnesses or substantial
39-20 documentary evidence;

39-21 (5) substantial postjudgment supervision;

39-22 (6) a trial that will last more than four weeks; and

39-23 (7) a substantial additional burden on the trial
39-24 court's docket and the resources available to the trial court to
39-25 hear the case.

39-26 Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of
39-27 a party in a case, or on the court's own motion, the judge of the
39-28 court in which the case is pending shall review the case and
39-29 determine whether, under rules adopted by the supreme court under
39-30 Section 74.252, the case will require additional resources to
39-31 ensure efficient judicial management. The judge is not required to
39-32 conduct an evidentiary hearing for purposes of making the
39-33 determination but may, in the judge's discretion, direct the
39-34 attorneys for the parties to the case and the parties to appear
39-35 before the judge for a conference to provide information to assist
39-36 the judge in making the determination.

39-37 (b) On determining that a case will require additional
39-38 resources as provided by Subsection (a), the judge shall:

39-39 (1) notify the presiding judge of the administrative
39-40 judicial region in which the court is located about the case; and

39-41 (2) request any specific additional resources that are
39-42 needed, including the assignment of a judge under this chapter.

39-43 (c) If the presiding judge of the administrative judicial
39-44 region agrees that, in accordance with the rules adopted by the
39-45 supreme court under Section 74.252, the case will require
39-46 additional resources to ensure efficient judicial management, the
39-47 presiding judge shall:

39-48 (1) use resources previously allotted to the presiding
39-49 judge; or

39-50 (2) submit a request for specific additional resources
39-51 to the judicial committee for additional resources.

39-52 Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.
39-53 (a) The judicial committee for additional resources is composed
39-54 of:

39-55 (1) the chief justice of the supreme court; and

39-56 (2) the nine presiding judges of the administrative
39-57 judicial regions.

39-58 (b) The chief justice of the supreme court serves as
39-59 presiding officer. The office of court administration shall
39-60 provide staff support to the committee.

39-61 (c) On receipt of a request for additional resources from a
39-62 presiding judge of an administrative judicial region under Section
39-63 74.253, the committee shall determine whether the case that is the
39-64 subject of the request requires additional resources in accordance
39-65 with the rules adopted under Section 74.252. If the committee
39-66 determines that the case does require additional resources, the
39-67 committee shall make available the resources requested by the trial
39-68 judge to the extent funds are available for those resources under
39-69 the General Appropriations Act and to the extent the committee

40-1 determines the requested resources are appropriate to the
 40-2 circumstances of the case.

40-3 (d) Subject to Subsections (c) and (f), additional
 40-4 resources the committee may make available under this section
 40-5 include:

40-6 (1) the assignment of an active or retired judge under
 40-7 this chapter, subject to the consent of the judge of the court in
 40-8 which the case for which the resources are provided is pending;

40-9 (2) additional legal, administrative, or clerical
 40-10 personnel;

40-11 (3) information and communication technology,
 40-12 including case management software, video teleconferencing, and
 40-13 specially designed courtroom presentation hardware or software to
 40-14 facilitate presentation of the evidence to the trier of fact;

40-15 (4) specialized continuing legal education;

40-16 (5) an associate judge;

40-17 (6) special accommodations or furnishings for the
 40-18 parties;

40-19 (7) other services or items determined necessary to
 40-20 try the case; and

40-21 (8) any other resources the committee considers
 40-22 appropriate.

40-23 (e) Notwithstanding any provision of Subchapter C, a
 40-24 justice or judge to whom Section 74.053(d) applies may not be
 40-25 assigned under Subsection (d).

40-26 (f) The judicial committee for additional resources may not
 40-27 provide additional resources under this subchapter in an amount
 40-28 that is more than the amount appropriated for this purpose.

40-29 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of
 40-30 additional resources provided for a case under this subchapter
 40-31 shall be paid by the state and may not be taxed against any party in
 40-32 the case for which the resources are provided or against the county
 40-33 in which the case is pending.

40-34 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.
 40-35 The filing of a motion under Section 74.253 in a case is not grounds
 40-36 for a stay or continuance of the proceedings in the case in the
 40-37 court in which the case is pending during the period the motion or
 40-38 request is being considered by:

40-39 (1) the judge of that court;

40-40 (2) the presiding judge of the administrative judicial
 40-41 region; or

40-42 (3) the judicial committee for additional resources.

40-43 Sec. 74.257. APPELLATE REVIEW. A determination made by a
 40-44 trial court judge, the presiding judge of an administrative
 40-45 judicial region, or the judicial committee for additional resources
 40-46 under this subchapter is not appealable or subject to review by
 40-47 mandamus.

40-48 SECTION 7.05. (a) The Texas Supreme Court shall request
 40-49 the president of the State Bar of Texas to appoint a task force to
 40-50 consider and make recommendations regarding the rules for
 40-51 determining whether civil cases pending in trial courts require
 40-52 additional resources for efficient judicial management required by
 40-53 Section 74.252, Government Code, as added by this article. The
 40-54 president of the State Bar of Texas shall ensure that the task force
 40-55 has diverse representation and includes judges of trial courts and
 40-56 attorneys licensed to practice law in this state who regularly
 40-57 appear in civil cases before courts in this state. The task force
 40-58 shall provide recommendations on the rules to the Texas Supreme
 40-59 Court not later than March 1, 2012.

40-60 (b) The Texas Supreme Court shall:

40-61 (1) consider the recommendations of the task force
 40-62 provided as required by Subsection (a) of this section; and

40-63 (2) adopt the rules required by Section 74.252,
 40-64 Government Code, as added by this article, not later than May 1,
 40-65 2012.

40-66 SECTION 7.06. The changes in law made by this article apply
 40-67 to cases pending on or after May 1, 2012.

40-68 ARTICLE 8. GRANT PROGRAMS

40-69 SECTION 8.01. Subchapter C, Chapter 72, Government Code, is

41-1 amended by adding Section 72.029 to read as follows:

41-2 Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) The
41-3 office shall develop and administer, except as provided by
41-4 Subsection (c), a program to provide grants from available funds to
41-5 counties for initiatives that will enhance their court systems or
41-6 otherwise carry out the purposes of this chapter.

41-7 (b) To be eligible for a grant under this section, a county
41-8 must:

41-9 (1) use the grant money to implement initiatives that
41-10 will enhance the county's court system, including initiatives to
41-11 develop programs to more efficiently manage cases that require
41-12 special judicial attention, or otherwise carry out the purposes of
41-13 this chapter; and

41-14 (2) apply for the grant in accordance with procedures
41-15 developed by the office and comply with any other requirements of
41-16 the office.

41-17 (c) The judicial committee for additional resources shall
41-18 determine whether to award a grant to a county that meets the
41-19 eligibility requirements prescribed by Subsection (b).

41-20 (d) If the judicial committee for additional resources
41-21 awards a grant to a county, the office shall:

41-22 (1) direct the comptroller to distribute the grant
41-23 money to the county; and

41-24 (2) monitor the county's use of the grant money.

41-25 (e) The office may accept gifts, grants, and donations for
41-26 purposes of this section. The office may not use state funds to
41-27 provide a grant under this section or to administer the grant
41-28 program.

41-29 SECTION 8.02. Subchapter A, Chapter 22, Government Code, is
41-30 amended by adding Section 22.017 to read as follows:

41-31 Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) In this
41-32 section, "commission" means the Permanent Judicial Commission for
41-33 Children, Youth and Families established by the supreme court.

41-34 (b) The commission shall develop and administer a program to
41-35 provide grants from available funds for initiatives that will
41-36 improve safety and permanency outcomes, enhance due process, or
41-37 increase the timeliness of resolution in child protection cases.

41-38 (c) To be eligible for a grant under this section, a
41-39 prospective recipient must:

41-40 (1) use the grant money to improve safety or
41-41 permanency outcomes, enhance due process, or increase timeliness of
41-42 resolution in child protection cases; and

41-43 (2) apply for the grant in accordance with procedures
41-44 developed by the commission and comply with any other requirements
41-45 of the supreme court.

41-46 (d) If the commission awards a grant, the commission shall:

41-47 (1) direct the comptroller to distribute the grant
41-48 money; and

41-49 (2) monitor the use of the grant money.

41-50 (e) The commission may accept gifts, grants, and donations
41-51 for purposes of this section. The commission may not use state
41-52 funds to provide a grant under this section or to administer the
41-53 grant program.

41-54 ARTICLE 9. VEXATIOUS LITIGANTS

41-55 SECTION 9.01. Subdivision (3), Section 11.001, Civil
41-56 Practice and Remedies Code, is amended to read as follows:

41-57 (3) "Local administrative judge" means a local
41-58 administrative district judge, a local administrative statutory
41-59 probate court judge, or a local administrative statutory county
41-60 court judge.

41-61 SECTION 9.02. Section 11.101, Civil Practice and Remedies
41-62 Code, is amended by adding Subsection (c) to read as follows:

41-63 (c) A litigant may appeal from a prefiling order entered
41-64 under Subsection (a) designating the person a vexatious litigant.

41-65 SECTION 9.03. Section 11.102, Civil Practice and Remedies
41-66 Code, is amended by adding Subsection (c) to read as follows:

41-67 (c) A decision of a local administrative judge denying a
41-68 litigant permission to file a litigation under Subsection (a), or
41-69 conditioning permission to file a litigation on the furnishing of

42-1 security under Subsection (b), is not grounds for appeal, except
 42-2 that the litigant may apply for a writ of mandamus with the court of
 42-3 appeals not later than the 30th day after the date of the decision.
 42-4 The denial of a writ of mandamus by the court of appeals is not
 42-5 grounds for appeal to the supreme court or court of criminal
 42-6 appeals.

42-7 SECTION 9.04. Section 11.103, Civil Practice and Remedies
 42-8 Code, is amended by amending Subsection (a) and adding Subsection
 42-9 (d) to read as follows:

42-10 (a) Except as provided by Subsection (d), a [A] clerk of a
 42-11 court may not file a litigation, original proceeding, appeal, or
 42-12 other claim presented by a vexatious litigant subject to a
 42-13 prefiling order under Section 11.101 unless the litigant obtains an
 42-14 order from the local administrative judge permitting the filing.

42-15 (d) A clerk of a court of appeals may file an appeal from a
 42-16 prefiling order entered under Section 11.101 designating a person a
 42-17 vexatious litigant or a timely filed writ of mandamus under Section
 42-18 11.102(c).

42-19 SECTION 9.05. Section 11.104, Civil Practice and Remedies
 42-20 Code, is amended to read as follows:

42-21 Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION;
 42-22 DISSEMINATION OF LIST. (a) A clerk of a court shall provide the
 42-23 Office of Court Administration of the Texas Judicial System a copy
 42-24 of any prefiling order issued under Section 11.101 not later than
 42-25 the 30th day after the date the prefiling order is signed.

42-26 (b) The Office of Court Administration of the Texas Judicial
 42-27 System shall post on the agency's Internet website ~~maintain~~
 42-28 a list of vexatious litigants subject to prefiling orders under
 42-29 Section 11.101 ~~and shall annually send the list to the clerks of~~
 42-30 ~~the courts of this state~~. On request of a person designated a
 42-31 vexatious litigant, the list shall indicate whether the person
 42-32 designated a vexatious litigant has filed an appeal of that
 42-33 designation.

42-34 SECTION 9.06. The posting, before the effective date of
 42-35 this article, of the name of a person designated a vexatious
 42-36 litigant under Chapter 11, Civil Practice and Remedies Code, on a
 42-37 list of vexatious litigants on the Internet website of the Office of
 42-38 Court Administration of the Texas Judicial System is not:

42-39 (1) grounds for a cause of action;

42-40 (2) a defense against a finding that a plaintiff is a
 42-41 vexatious litigant under Chapter 11, Civil Practice and Remedies
 42-42 Code; or

42-43 (3) grounds for relief or appeal from a stay, order, or
 42-44 dismissal or any other action taken by a court or a clerk of a court
 42-45 under Chapter 11, Civil Practice and Remedies Code.

42-46 ARTICLE 10. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS
 42-47 JUDICIAL SYSTEM

42-48 SECTION 10.01. In this article, "office of court
 42-49 administration" means the Office of Court Administration of the
 42-50 Texas Judicial System.

42-51 SECTION 10.02. (a) The office of court administration
 42-52 shall study the district courts and statutory county courts of this
 42-53 state to determine overlapping jurisdiction in civil cases in which
 42-54 the amount in controversy is more than \$200,000. The study must
 42-55 determine the feasibility, efficiency, and potential cost of
 42-56 converting to district courts those statutory county courts with
 42-57 jurisdiction in civil cases in which the amount in controversy is
 42-58 more than \$200,000.

42-59 (b) Not later than January 1, 2013, the office of court
 42-60 administration shall submit a report regarding the determinations
 42-61 made by the office relating to statutory county courts to the
 42-62 governor, the lieutenant governor, the speaker of the house of
 42-63 representatives, the chairs of the standing committees of the
 42-64 senate and house of representatives with primary jurisdiction over
 42-65 the judicial system, and the commissioners court of any county with
 42-66 a statutory county court with jurisdiction in civil cases in which
 42-67 the amount in controversy is more than \$200,000.

42-68 (c) The office of court administration may accept gifts,
 42-69 grants, and donations to conduct the study under this section. The

43-1 office of court administration may not use state funds to conduct
 43-2 the study and, notwithstanding Subsection (a) of this section, is
 43-3 required to conduct the study only to the extent gifts, grants, and
 43-4 donations are available for that purpose.

43-5 ARTICLE 11. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

43-6 SECTION 11.01. Section 263.601, Family Code, is amended by
 43-7 amending Subdivision (1) and adding Subdivision (3-a) to read as
 43-8 follows:

43-9 (1) "Foster care" means a voluntary residential living
 43-10 arrangement with a foster parent or other residential child-care
 43-11 provider that is:

43-12 (A) licensed or approved by the department or
 43-13 verified by a licensed child-placing agency; and

43-14 (B) paid under a contract with the department.

43-15 (3-a) "Trial independence period" means a period of
 43-16 not less than six months, or a longer period as a court may order not
 43-17 to exceed 12 months, during which a young adult exits foster care
 43-18 with the option to return to foster care under the continuing
 43-19 extended jurisdiction of the court.

43-20 SECTION 11.02. Section 263.602, Family Code, is amended to
 43-21 read as follows:

43-22 Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had
 43-23 continuing, exclusive jurisdiction over a young adult on the day
 43-24 before ~~may, at~~ the young adult's 18th birthday continues to have
 43-25 extended ~~[request, render an order that extends the court's]~~
 43-26 jurisdiction over the young adult and shall retain the case on the
 43-27 court's docket while the young adult remains in extended foster
 43-28 care and during a trial independence period described ~~[as provided]~~
 43-29 by this section ~~[subchapter]~~.

43-30 (b) A court with extended jurisdiction over a young adult
 43-31 who remains in extended foster care shall conduct extended foster
 43-32 care review hearings every six months for the purpose of reviewing
 43-33 and making findings regarding:

43-34 (1) whether the young adult's living arrangement is
 43-35 safe and appropriate and whether the department has made reasonable
 43-36 efforts to place the young adult in the least restrictive
 43-37 environment necessary to meet the young adult's needs;

43-38 (2) whether the department is making reasonable
 43-39 efforts to finalize the permanency plan that is in effect for the
 43-40 young adult, including a permanency plan for independent living;

43-41 (3) whether, for a young adult whose permanency plan
 43-42 is independent living:

43-43 (A) the young adult participated in the
 43-44 development of the plan of service;

43-45 (B) the young adult's plan of service reflects
 43-46 the independent living skills and appropriate services needed to
 43-47 achieve independence by the projected date; and

43-48 (C) the young adult continues to make reasonable
 43-49 progress in developing the skills needed to achieve independence by
 43-50 the projected date; and

43-51 (4) whether additional services that the department is
 43-52 authorized to provide are needed to meet the needs of the young
 43-53 adult ~~[The extended jurisdiction of the court terminates on the~~
 43-54 earlier of:

43-55 ~~[(1) the young adult's 21st birthday; or~~

43-56 ~~[(2) the date the young adult withdraws consent to the~~
 43-57 ~~extension of the court's jurisdiction in writing or in court].~~

43-58 (c) Not later than the 10th day before the date set for a
 43-59 hearing under this section, the department shall file with the
 43-60 court a copy of the young adult's plan of service and a report that
 43-61 addresses the issues described by Subsection (b).

43-62 (d) Notice of an extended foster care review hearing shall
 43-63 be given as provided by Rule 21a, Texas Rules of Civil Procedure, to
 43-64 the following persons, each of whom has a right to present evidence
 43-65 and be heard at the hearing:

43-66 (1) the young adult who is the subject of the suit;

43-67 (2) the department;

43-68 (3) the foster parent with whom the young adult is
 43-69 placed and the administrator of a child-placing agency responsible

44-1 for placing the young adult, if applicable;

44-2 (4) the director of the residential child-care
44-3 facility or other approved provider with whom the young adult is
44-4 placed, if applicable;

44-5 (5) each parent of the young adult whose parental
44-6 rights have not been terminated and who is still actively involved
44-7 in the life of the young adult;

44-8 (6) a legal guardian of the young adult, if
44-9 applicable; and

44-10 (7) the young adult's attorney ad litem, guardian ad
44-11 litem, and volunteer advocate, the appointment of which has not
44-12 been previously dismissed by the court.

44-13 (e) If, after reviewing the young adult's plan of service
44-14 and the report filed under Subsection (c), and any additional
44-15 testimony and evidence presented at the review hearing, the court
44-16 determines that the young adult is entitled to additional services,
44-17 the court may order the department to take appropriate action to
44-18 ensure that the young adult receives those services.

44-19 (f) A court with extended jurisdiction over a young adult as
44-20 described in Subsection (a) shall continue to have jurisdiction
44-21 over the young adult and shall retain the case on the court's docket
44-22 until the earlier of:

44-23 (1) the last day of the:

44-24 (A) sixth month after the date the young adult
44-25 leaves foster care; or

44-26 (B) 12th month after the date the young adult
44-27 leaves foster care if specified in a court order, for the purpose of
44-28 allowing the young adult to pursue a trial independence period; or

44-29 (2) the young adult's 21st birthday.

44-30 (g) A court with extended jurisdiction described by this
44-31 section is not required to conduct periodic hearings for a young
44-32 adult during a trial independence period and may not compel a young
44-33 adult who has exited foster care to attend a court hearing.

44-34 SECTION 11.03. Subchapter G, Chapter 263, Family Code, is
44-35 amended by adding Section 263.6021 to read as follows:

44-36 Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG
44-37 ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

44-38 (a) Notwithstanding Section 263.602, a court that had continuing,
44-39 exclusive jurisdiction over a young adult on the day before the
44-40 young adult's 18th birthday may, at the young adult's request,
44-41 render an order that extends the court's jurisdiction beyond the
44-42 end of a trial independence period if the young adult receives
44-43 transitional living services from the department.

44-44 (b) The extended jurisdiction of the court under this
44-45 section terminates on the earlier of:

44-46 (1) the young adult's 21st birthday; or

44-47 (2) the date the young adult withdraws consent to the
44-48 extension of the court's jurisdiction in writing or in court.

44-49 (c) At the request of a young adult who is receiving
44-50 transitional living services from the department and who consents
44-51 to voluntary extension of the court's jurisdiction under this
44-52 section, the court may hold a hearing to review the services the
44-53 young adult is receiving.

44-54 (d) Before a review hearing scheduled under this section,
44-55 the department must file with the court a report summarizing the
44-56 young adult's transitional living services plan, services being
44-57 provided to the young adult under that plan, and the young adult's
44-58 progress in achieving independence.

44-59 (e) If, after reviewing the report and any additional
44-60 testimony and evidence presented at the hearing, the court
44-61 determines that the young adult is entitled to additional services,
44-62 the court may order the department to take appropriate action to
44-63 ensure that the young adult receives those services.

44-64 SECTION 11.04. Subsections (a) and (c), Section 263.603,
44-65 Family Code, are amended to read as follows:

44-66 (a) Notwithstanding Section ~~263.6021~~ [263.602], if the
44-67 court believes that a young adult may be incapacitated as defined by
44-68 Section 601(14)(B), Texas Probate Code, the court may extend its
44-69 jurisdiction on its own motion without the young adult's consent to

45-1 allow the department to refer the young adult to the Department of
45-2 Aging and Disability Services for guardianship services as required
45-3 by Section 48.209, Human Resources Code.

45-4 (c) If the Department of Aging and Disability Services
45-5 determines a guardianship is not appropriate, or the court with
45-6 probate jurisdiction denies the application to appoint a guardian,
45-7 the court under Subsection (a) may continue to extend its
45-8 jurisdiction over the young adult only as provided by Section
45-9 263.602 or 263.6021.

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

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

ARTICLE 12. INMATE LITIGATION

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

(a) This chapter applies only to an action, including an
appeal or original proceeding, [a suit] brought by an inmate in a
district, county, justice of the peace, or small claims court or an
appellate court, including the supreme court or the court of
criminal appeals, in which an affidavit or unsworn declaration of
inability to pay costs is filed by the inmate.

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

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

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

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

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

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

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

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

(b) If the affidavit or unsworn declaration filed under this
section states that a previous action or claim [suit] was dismissed
as frivolous or malicious, the affidavit or unsworn declaration
must state the date of the final order affirming the dismissal.

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

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

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

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

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

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

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

(1) "Active judicial officer" means:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court; ~~or~~

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

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

SECTION 13.02. Subsection (a), Section 46.15, Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) engaged in escorting the judicial officer; or

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

47-1 SECTION 13.03. The change in law made by this article to
47-2 Section 46.15, Penal Code, applies only to an offense committed on
47-3 or after the effective date of this article. An offense committed
47-4 before the effective date of this article is covered by the law in
47-5 effect when the offense was committed, and the former law is
47-6 continued in effect for that purpose. For purposes of this section,
47-7 an offense was committed before the effective date of this article
47-8 if any element of the offense occurred before that date.

47-9 SECTION 13.04. This article takes effect on the 91st day
47-10 after the last day of the legislative session.

47-11 ARTICLE 14. COURT COSTS

47-12 SECTION 14.01. Subsection (b), Section 51.005, Government
47-13 Code, is amended to read as follows:

47-14 (b) The fees are:

- 47-15 (1) application for petition for review [~~writ of~~
47-16 ~~error~~] \$ 50
- 47-17 (2) additional fee if application for petition for
47-18 review [~~writ of error~~] is granted \$ 75
- 47-19 (3) motion for leave to file petition for writ of
47-20 mandamus, prohibition, injunction, and other similar proceedings
47-21 originating in the supreme court \$ 50
- 47-22 (4) additional fee if a motion under Subdivision (3)
47-23 is granted \$ 75
- 47-24 (5) certified question from a federal court of appeals
47-25 to the supreme court \$ 75
- 47-26 (6) case appealed to the supreme court from the
47-27 district court by direct appeal \$100
- 47-28 (7) any other proceeding filed in the supreme
47-29 court \$ 75.

47-30 SECTION 14.02. Subsection (a), Section 51.207, Government
47-31 Code, is amended to read as follows:

47-32 (a) The clerk of a court of appeals shall collect the fees
47-33 described in Subsection (b) in a civil case before the court for the
47-34 following services:

- 47-35 (1) filing records, applications, motions, briefs,
47-36 and other necessary and proper papers;
- 47-37 (2) docketing and making docket and minute book
47-38 entries;
- 47-39 (3) issuing notices, citations, processes, and
47-40 mandates;
- 47-41 (4) preparing transcripts on application for petition
47-42 for review [~~writ of error~~] to the supreme court; and
- 47-43 (5) performing other necessary clerical duties.

47-44 SECTION 14.03. Section 101.021, Government Code, is amended
47-45 to read as follows:

47-46 Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT
47-47 CODE. The clerk of the supreme court shall collect fees and costs
47-48 as follows:

- 47-49 (1) application for petition for review [~~writ of~~
47-50 ~~error~~] (Sec. 51.005, Government Code) . . . \$50;
- 47-51 (2) additional fee if application for petition for
47-52 review [~~writ of error~~] is granted (Sec. 51.005, Government Code)
47-53 . . . \$75;
- 47-54 (3) motion for leave to file petition for writ of
47-55 mandamus, prohibition, injunction, and other similar proceedings
47-56 originating in the supreme court (Sec. 51.005, Government Code)
47-57 . . . \$50;
- 47-58 (4) additional fee if a motion under Subdivision (3)
47-59 is granted (Sec. 51.005, Government Code) . . . \$75;
- 47-60 (5) certified question from a federal court of appeals
47-61 to the supreme court (Sec. 51.005, Government Code) . . . \$75;
- 47-62 (6) case appealed to the supreme court from the
47-63 district court by direct appeal (Sec. 51.005, Government Code)
47-64 . . . \$100;
- 47-65 (7) any other proceeding filed in the supreme court
47-66 (Sec. 51.005, Government Code) . . . \$75;
- 47-67 (8) administering an oath and giving a sealed
47-68 certificate of the oath (Sec. 51.005, Government Code) . . . \$5;
- 47-69 (9) making certain copies, including certificate and

48-1 seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if
 48-2 more than 10 pages;
 48-3 (10) any official service performed by the clerk for
 48-4 which a fee is not otherwise provided (Sec. 51.005, Government
 48-5 Code) . . . reasonable amount set by order or rule of supreme court;
 48-6 (10-a) supreme court support account filing fee (Sec.
 48-7 51.0051, Government Code) . . . amount set by the supreme court,
 48-8 not to exceed \$50;
 48-9 (11) issuance of attorney's license or certificate
 48-10 (Sec. 51.006, Government Code) . . . \$10; and
 48-11 (12) additional filing fee to fund civil legal
 48-12 services for the indigent (Sec. 51.941, Government Code) . . . \$25.

ARTICLE 15. COMPOSITION OF CERTAIN COUNTY JUVENILE BOARDS

SECTION 15.01. Subsection (a), Section 152.2051, Human Resources Code, is amended to read as follows:

(a) The Rockwall County Juvenile Board is composed of:

- 48-17 (1) the judge of the County Court at Law of Rockwall
48-18 County;
- 48-19 (2) the district judges [~~judge~~] in Rockwall County;
- 48-20 (3) one county commissioner appointed by the
48-21 commissioners court;
- 48-22 (4) one member of the board of trustees of the Rockwall
48-23 Independent School District selected by the board of trustees of
48-24 the Rockwall Independent School District; and
- 48-25 (5) one member of the board of trustees of the Royse
48-26 City Independent School District selected by the board of trustees
48-27 of the Royse City Independent School District.

ARTICLE 16. NO APPROPRIATION; EFFECTIVE DATE

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

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

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