

BILL ANALYSIS

C.S.S.B. 1717

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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the trial court system in Texas contains courts with overlapping jurisdiction that differs depending on the county. Interested parties note that various administrative provisions are inconsistently applied to certain courts to the exclusion of others. In addition, the parties report that courts do not enjoy the ability to garner a variety of additional resources for cases that require special attention and the parties assert that matters relating to vexatious litigants should be addressed. C.S.S.B. 1717 seeks to simplify matters relating to the operation and administration of the judicial branch of state government.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Supreme Court in SECTIONS 4.02, 4.07, 6.04, and 6.05 of this bill.

ANALYSIS

C.S.S.B. 1717 makes conforming and nonsubstantive changes, in addition to substantive changes, to the following provisions relating to the operation and administration of the Texas judicial system.

Appellate Court Provisions

C.S.S.B. 1717 amends the Government Code, for purposes relating to provisions of law authorizing the Texas Supreme Court, or in vacation, a justice of the supreme court, to issue a writ of mandamus compelling a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment and to remove a provision limiting that authority to a case that is agreeable to the principles and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires.

C.S.S.B. 1717 amends the Property Code to authorize an appeal to be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit and to remove the prohibition against a final judgment of a county court in an eviction suit being appealed on the issue of possession unless the premises in question are being used for residential purposes only.

General Provisions for District Courts

C.S.S.B. 1717 amends the Government Code to require a district court judge, if the judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, to enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken. The bill removes provisions of law requiring a disqualified district judge to immediately certify the disqualification to the governor, requiring the governor to designate a district judge of another district to exchange benches with the disqualified judge to try the case and to notify such judges of the designation, requiring such judges to exchange benches, and establishing procedures for a case in which the judges are

prevented from exchanging benches.

C.S.S.B. 1717 sets out provisions establishing the authority of a district judge in a county with two or more district courts relating to the transfer of civil or criminal cases and exchange of benches, requires a judgment or order to be entered in the minutes of the court in which the case is pending, and specifies that such provisions do not limit the powers of a district judge when acting for another judge by exchange of benches or otherwise. The bill removes provisions relating to substitute judges in a civil case in a county with five or more district courts. The bill grants a district court, in addition to jurisdiction provided by the Texas Constitution, original jurisdiction of a civil matter in which the amount in controversy is more than \$500, exclusive of interest.

C.S.S.B. 1717 specifies that each district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year, rather than providing that each district and criminal district court holds at least two terms of court each year in each county in the district. The bill specifies that this provision prevails to the extent of a conflict between this provision and a specific provision relating to a particular judicial district. The bill repeals a provision relating to the terms of a court applicable to district courts specified under the Judicial Districts Act of 1969.

C.S.S.B. 1717 repeals provisions applicable only to district courts specified under the Judicial Districts Act of 1969 relating to transfer of cases and exchange of benches; filing and docketing cases; process, writs, and bonds; supplemental compensation; court officers; jurisdiction of a court; appointment of the initial judge of a new judicial district; grand and petit jurors; transferred cases; and continuing validity of process and writs after a case is transferred. The bill sets out provisions applicable to district courts in general relating to processes, writs, bonds, recognizances, and other obligations issued by a transferring court; filing and docketing cases; supplemental compensation; appointment of the initial judge on the creation of a new judicial district; grand and petit jurors; transferred cases; the continuing validity of processes, writs, and other obligations; location of a court; and court officers. The bill repeals a provision of law relating to the vacation powers of a judge of a district court in general.

C.S.S.B. 1717 repeals provisions of law prohibiting a judge in the 380th, 381st, 382nd, 383rd, or 384th Judicial District from being assigned to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County. With regard to the 383rd and 384th Judicial Districts, the bill also repeals a preclearance requirement which no longer applies.

Statutory County Courts

C.S.S.B. 1717 amends the Government Code to raise from \$100,000 to \$200,000 the cap on the amount of a matter in controversy in a civil case in which a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court. The bill specifies that the judge of a statutory county court does not have general supervisory control or appellate review of the commissioners court and grants a judge of a statutory county court the judicial immunity of a district judge. The bill establishes that practice in a statutory county court is that prescribed by law for county courts, with certain specified exceptions. The bill, in a provision of law requiring the county attorney or criminal district attorney and sheriff to serve each statutory county court, removes the sheriff from that requirement and clarifies that the county attorney or criminal district attorney is required to serve as required by law. The bill requires a county sheriff, in person or by deputy, to attend a statutory county court as required by the court. The bill authorizes the judge of a statutory county court to appoint the personnel necessary for the operation of the court, including a court coordinator or administrative assistant, if the commissioners court of the county has approved the creation of the position. The bill authorizes the commissioners court to authorize the employment of as many additional assistant district attorneys, assistant county attorneys, deputy sheriffs, and clerks as are necessary for a statutory county court.

C.S.S.B. 1717 requires a statutory county court judge, in addition to certain other qualifications, to be a United States citizen. The bill makes its provisions relating to the

qualifications of a judge of a statutory county court inapplicable to a person serving as a statutory county court judge immediately before the bill's effective date. The bill requires the commissioners court of a county, by order, to set at least two terms a year for the statutory county court. The bill requires the regular judge of a statutory county court, except as otherwise provided by law, to diligently discharge the duties of the office on a full-time basis and prohibits such a judge from engaging in the private practice of law. The bill includes its provisions relating to statutory county courts among the general provisions of law that are applicable to a statutory county court.

C.S.S.B. 1717 decreases from 96 months to 72 months the minimum time a former or retired judge of a statutory probate court is required to have served as an active judge in a district, statutory probate, statutory county, or appellate court in order to be eligible for assignment by the presiding judge of a statutory probate court to hear a case as a visiting judge under certain conditions. The bill authorizes a county, as an alternative to obtaining insurance, to self-insure in a specified amount in lieu of the bond required to be executed by a judge of a statutory probate court before beginning the duties of office. The bill makes provisions of law relating to the bond or insurance requirements for a statutory probate court judge inapplicable to an assigned or visiting judge sitting by assignment in a statutory probate court.

C.S.S.B. 1717 requires the presiding judge of the statutory probate courts, rather than the presiding judge of the administrative judicial district, to assign a statutory probate court judge or a former or retired judge of a statutory probate court to hear a case in which an order of recusal or disqualification of a statutory probate judge is issued under certain circumstances. The bill requires the chief justice of the supreme court to assign a statutory probate court judge or a former or retired judge of a statutory probate court to hear a case if the judge who is the subject of an order of recusal or disqualification in that case is the presiding judge of the statutory probate courts.

C.S.S.B. 1717 prohibits the presiding judge of the statutory probate courts from assigning a judge of a statutory probate court to hear a motion for recusal or disqualification by a party in the case of a statutory probate court judge if the judge serves in the same county as the statutory probate court judge who is the subject of the motion. The bill requires the judge assigned to hear a motion for recusal or disqualification to set a hearing, cause notice of the hearing to be given to all parties or their counsel to the case, and make other orders, including orders for interim or ancillary relief, in the pending case.

C.S.S.B. 1717 removes provisions relating to the requirements of a presiding judge of the administrative judicial district on receiving a request for recusal or disqualification and requiring a judge assigned to hear a motion for recusal or disqualification to provide certain information to the presiding judge of the administrative judicial district. The bill repeals a provision of law relating to the delegation of certain authority by a presiding judge of an administrative judicial district.

C.S.S.B. 1717 requires a statutory probate court judge to be at least 25 years of age, be a United States citizen and have resided in the county for at least two years before election or appointment, and be a licensed attorney in Texas who has practiced law or served as a judge of a court in Texas, or both combined, for the five years preceding election or appointment, unless otherwise provided for by law. The bill makes such qualification requirements inapplicable to a person serving as a statutory probate court judge immediately before the bill's effective date. The bill requires the regular judge of a statutory probate court to diligently discharge the duties of the office on a full-time basis and prohibits such a judge from engaging in the private practice of law. The bill requires the commissioners court of a county, by order, to set at least two terms a year for the statutory probate court. The bill includes its provisions relating to statutory probate courts among the general provisions of law that are applicable to a statutory probate court.

C.S.S.B. 1717, in specified provisions of law relating to particular statutory county courts at law, makes conforming changes to those provisions of law and removes provisions relating to the following, as applicable: the authority of a commissioners court to employ as many bailiffs as are necessary to serve the court; the applicability of laws governing the drawing, selection, service, and pay of jurors for county courts to county courts at law; the requirement that impaneled jurors be made available by the district judge as necessary; and the requirement that

a special judge of a county court at law is entitled to receive for services actually performed the same amount of compensation as the regular judge. The bill reenacts and amends Section 25.2222(b), Government Code, as amended by Chapter 22 (S.B. 124), Acts of the 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7), Acts of the 79th Legislature, Regular Session, 2005, to make a conforming change.

C.S.S.B. 1717 removes a provision requiring the district clerk who is serving as clerk of the Comal County court at law for family law cases and proceedings to establish a separate docket for a county court at law. The bill makes provisions of law governing the drawing of jury panels, selection of jurors, and practice in the statutory courts applicable to certain El Paso County courts at law. The bill, in provisions of law applicable to statutory county courts in Galveston County, removes a provision requiring the clerk of the statutory county courts and statutory probate court to keep a separate docket for each court and removes the specification that the district clerk serves as clerk of such county courts in certain cases involving family law or workers' compensation claims. The bill grants a county criminal court at law in Harris County, in addition to certain other jurisdiction, concurrent jurisdiction with civil statutory county courts for Harris County to hear appeals of the suspension of a driver's license and original proceedings regarding occupational driver's licenses.

C.S.S.B. 1717 creates the County Court at Law No. 3 of Webb County effective January 1, 2031, or on an earlier date determined by the Commissioners Court of Webb County by an order entered in its minutes.

C.S.S.B. 1717 reenacts and amends Section 25.2512(a), Government Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, to make a conforming change.

C.S.S.B. 1717, for purposes relating to statutory county courts, defines "criminal law cases and proceedings," "juvenile law cases and proceedings," and "mental health cases and proceedings" and redefines "family law cases and proceedings."

Provisions Relating to Justice and Small Claims Courts

C.S.S.B. 1717 amends the Government Code, in a provision of law defining "incompetency" for purposes relating to the removal of a justice of the peace from office, to specify that the annual 20-hour course a justice of the peace is required to complete is a course in the performance of the justice's duties. The bill adds an educational requirement to that definition requiring a justice of the peace to successfully complete an annual 15-hour course regarding substantive, procedural, and evidentiary law in civil matters and makes that requirement applicable only in a year in which funds are appropriated by the state for the purpose of funding the cost of attending the course. The bill makes its provisions relating to those educational requirements applicable to a justice of the peace serving on or after January 1, 2012, regardless of the date the justice was elected or appointed. The bill requires a justice of the peace serving on that date to complete the justice's initial 15-hour course in substantive, procedural, and evidentiary law not later than December 31, 2012.

C.S.S.B. 1717 requires a justice court, effective May 1, 2013, to conduct proceedings in a small claims case, as that term is defined by the supreme court, in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditious, and inexpensive resolution of small claims cases. The bill sets out requirements for the rules and requires the rules to provide specific procedures for an action by an assignee of a claim or other person seeking to bring an action on an assigned claim, a person primarily engaged in the business of lending money at interest, or a collection agency or collection agent. The bill requires the justices of the peace in each county, by majority vote, to adopt local rules of administration.

C.S.S.B. 1717 amends the Civil Practice and Remedies Code, in a provision of law relating to suits brought in justice court, to require the justices of the peace in each county, by majority vote, to adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

C.S.S.B. 1717 amends the Code of Criminal Procedure to require the justices of the peace in

each county, by majority vote, to adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.

C.S.S.B. 1717 repeals Government Code provisions relating to small claims courts and abolishes each small claims court under those provisions effective May 1, 2013.

C.S.S.B. 1717 requires the supreme court, not later than May 1, 2013, to promulgate rules to define cases that constitute small claims cases, rules of civil procedure applicable to small claims cases as required by the bill's provisions, and rules for eviction proceedings. The bill requires the justice of the peace sitting as judge of a small claims court abolished under the bill's provisions to transfer all cases pending in the court to a justice court in the county immediately before the date the court is abolished. The bill specifies that when such a case is transferred, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The bill establishes that the obligees on all bonds and recognizances taken in and for the transferring court and all witnesses summoned to appear in the transferring court are required to appear before the court to which the case is transferred as if originally required to appear before that court.

Associate Judges

Criminal Associate Judges

C.S.S.B. 1717 amends the Government Code to authorize a judge of a district court or a statutory county court that hears criminal cases to appoint a full-time or part-time associate judge to perform the duties of a criminal associate judge if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill sets out provisions relating to the appointment, qualifications, compensation, and termination of a criminal associate judge. The bill establishes the matters arising out of a criminal case that may be referred to a criminal associate judge. The bill authorizes a criminal associate judge to accept an agreed plea of guilty or no contest from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and to assess punishment if a plea agreement is announced on the record between the defendant and the state. The bill grants a criminal associate judge all of the powers of a magistrate under state law and authorizes such a judge to administer an oath for any purpose. The bill authorizes a criminal associate judge to select a jury and prohibits the judge, except as otherwise provided by the bill's provisions, from presiding over a trial on the merits, whether or not the trial is before a jury.

C.S.S.B. 1717 requires a judge referring one or more cases to a criminal associate judge to issue a written order of referral that specifies the associate judge's duties and authorizes certain specified contents of the order. The bill establishes the powers of a criminal associate judge to whom a case is referred, subject to the limitations specified in the order of referral. The bill prohibits a criminal associate judge from entering a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution. The bill authorizes the associate judge to make findings, conclusions, and recommendations on those issues. The bill authorizes a criminal associate judge appointed by a district or statutory county court judge to whom a case is referred, subject to the limitations specified in the order of referral, to accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court and requires the judge to forward any fee or fine collected for the misdemeanor offense to the county clerk. The bill authorizes a criminal associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

C.S.S.B. 1717 sets out provisions relating to the attendance of a bailiff at a hearing by a criminal associate judge; the provision of a court reporter to record proceedings before the associate judge; a witness appearing before the associate judge; the transmission of papers from an associate judge to the referring court at the conclusion of a proceeding; and the authority of the referring court to modify, correct, reject, reverse, or recommit for further information an action taken by an associate judge and makes the action the decree of the court if the court does not modify, correct, reject, reverse or recommit the action to the associate judge. The bill grants a criminal associate judge the same judicial immunity as a district judge.

Civil Associate Judges

C.S.S.B. 1717 authorizes a judge of a district court or statutory court that is assigned civil cases to appoint a full-time or part-time associate judge to perform the duties of a civil associate judge if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill sets out provisions relating to the appointment, qualifications, compensation, and termination of a civil associate judge. The bill authorizes a judge of a court to refer any civil case or portion of a civil case to a civil associate judge for resolution unless a party to the proceeding files a written objection to a civil associate judge hearing a trial on the merits or presiding at a jury trial. The bill specifies that a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals. The bill establishes a deadline for filing an objection and requires the referring court to hear the trial on the merits or preside at a jury trial if an objection is filed.

C.S.S.B. 1717 authorizes a case to be referred to a civil associate judge by an order of referral in a specific case or by an omnibus order and establishes the powers of a civil associate judge, subject to the limitations in the order of referral, and authorizes a civil associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party. The bill sets out provisions relating to a witness, a court reporter, and preservation of the record and authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

C.S.S.B. 1717 requires a civil associate judge, after hearing a matter, to notify each attorney participating in the hearing of the associate judge's decision and specifies that a civil associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision. The bill establishes procedures for filing and hearing an appeal of a civil associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, and procedures relating to a temporary restraining order, a temporary injunction, and a matter appealed to the referring court.

C.S.S.B. 1717 sets out procedures relating to the right to a de novo hearing, a waiver of that right by a party to the proceeding, court orders pending a de novo hearing before the referring court, and a referring court's action on a civil associate judge's proposed order or judgment if a party to the proceeding does not file a request for a de novo hearing before the referring court. The bill authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision and sets out procedures relating to the request for a de novo hearing and relating to a de novo hearing. The bill provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request such a hearing does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court and sets out provisions relating to the appeal. The bill authorizes a referring court not later than the 30th day after the date an action is taken by an associate judge to modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge and makes the action the decree of the court if the court does not modify, correct, reject, reverse, or recommit the action to the associate judge. The bill grants a civil associate judge the same judicial immunity as a district judge.

Statutory Probate Court Associate Judges

C.S.S.B. 1717 transfers Subchapter G, Chapter 54, Government Code, to Chapter 54A, Government Code, redesignates that subchapter as Subchapter C, Chapter 54A, Government Code, to include provisions of law relating to statutory probate court associate judges in the chapter relating to associate judges created by the bill's provisions, and makes the subchapter applicable to a statutory probate court. The bill, in a provision of law authorizing a judge of a statutory probate court by order to appoint an associate judge with approval of the commissioners court, authorizes the statutory probate court judge to appoint one or more full-time or part-time associate judges to perform the duties authorized by provisions of law and by the bill's provisions relating to statutory probate court associate judges. The bill authorizes a statutory probate court associate judge appointed by a statutory probate court that has

jurisdiction in more than one county to serve only in a county in which the commissioners court has authorized the appointment. The bill sets out the qualifications of a statutory probate court associate judge and removes a provision of law requiring a statutory probate court associate judge to meet the qualifications to serve as a judge of the court to which the associate judge is appointed.

C.S.S.B. 1717, in the provision of law entitling a statutory probate court associate judge to the compensation set by the appointing judge and approved by the commissioners court, adds the specification that the compensation is approved by the commissioners courts of the counties in which the associate judge serves. The bill removes the prohibition against an associate judge's salary exceeding the salary of the appointing judge. The bill requires a statutory probate court associate judge serving in more than one county to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

C.S.S.B. 1717 includes the power to rule on pretrial motions among the powers granted to a statutory probate court associate judge, except as limited by an order of referral. The bill authorizes such a judge to recommend the rulings or judgment, in addition to orders, to be made in a case. The bill, in the provision of law authorizing such an associate judge to take action as necessary and proper for the efficient performance of the judge's duties, clarifies that those duties are those required by the order of referral. The bill authorizes such an associate judge, without prejudice to the right to a de novo hearing, to render and sign an order authorizing psychoactive medications.

C.S.S.B. 1717 authorizes a referring court, in addition to fining or imprisoning the witness, to issue attachment against a witness who fails to appear before a statutory probate court associate judge after being summoned or who refuses to answer questions. The bill makes the court's authority relating to such a witness contingent on certification of the failure to appear or refusal to answer questions to the referring court.

C.S.S.B. 1717 authorizes a statutory probate court associate judge's report to be in the form of a proposed order and removes the requirement that the report be written. The bill adds the option, in the provision of law requiring the associate judge to prepare the report in the form directed by the referring court, for the referring court to direct the report to be in the form of a notation in the court's jacket, as an alternative to a notation on the referring court's docket sheet. The bill, in a provision authorizing notice of the judge's report to be given to involved parties by providing a copy of the report, specifies that the copy of the report includes any proposed order. The bill authorizes a party, before the start of a hearing by a statutory probate court associate judge, to waive the right to a de novo hearing before the referring court in writing or on the record. The bill specifies that, pending a de novo hearing, the decisions and recommendations of the statutory probate court associate judge, in addition to a proposed order or judgment, have the full force and effect, and are enforceable as, an order or judgment of the referring court.

C.S.S.B. 1717 specifies that the decisions and recommendations of the associate judge, in addition to a proposed order or judgment, become the order or judgment of the referring court at the time the judge of the referring court signs the proposed order or judgment if a request for a de novo hearing is not timely filed or the right to such a hearing is waived. The bill requires an order by a statutory probate court associate judge for the temporary detention or incarceration of a witness or party to be presented to the referring court on the day the witness or party is detained or incarcerated. The bill authorizes the referring court, without prejudice to the right to a de novo hearing, to approve the temporary detention or incarceration or order the release of the party or witness, with or without bond, pending a de novo hearing. The bill authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or to continue the person's detention or incarceration for not more than 72 hours.

C.S.S.B. 1717 clarifies that a de novo hearing held before the referring court is limited to the issues specified in the request for the hearing. The bill authorizes any party to file a request for a de novo hearing before the referring court, if a request for such a hearing is filed by another party, not later than the seventh working day, rather than the seventh day, after the date of filing of the initial request. The bill removes the exception to the provision of law requiring the referring court to hold a de novo hearing not later than the 30th day after the date on which the

initial request was filed for a case in which all of the parties agree to a later date. The bill removes a provision of law granting a statutory probate court associate judge the judicial immunity of a probate judge and specifying that all existing immunity granted to such a judge by law, express or implied, continues in full force and effect.

Associate Judge for Juvenile Matters

C.S.S.B. 1717 amends the Family Code to authorize a judge of a court that is designated as a juvenile court to appoint a full-time or part-time associate judge to perform the duties of an associate judge for juvenile matters, as provided by the bill's provisions, if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill makes its provisions relating to an associate judge for juvenile matters inapplicable to a juvenile court master in Harris County. The bill sets out provisions relating to the appointment, qualifications, compensation, and termination of an associate judge for juvenile matters. The bill authorizes a judge of a juvenile court to refer to an associate judge for juvenile matters any aspect of a juvenile matter brought under provisions of law relating to the parent-child relationship, the juvenile justice code, or a rule of the Texas Rules of Civil Procedure requiring a court to enforce its decrees, unless a party files a written objection to the associate judge hearing a trial on the merits or presiding at a jury trial. The bill specifies that a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals. The bill establishes a deadline for filing an objection and requires the referring court to hear the trial on the merits or preside at a jury trial if an objection is filed. The bill specifies that requirements relating to such objections apply when a judge has authority to refer the trial of a suit under provisions of law relating to the parent-child relationship, the marriage relationship, or protective orders and family violence to an associate judge, master, or other assistant judge, regardless of whether the assistant judge is appointed under the bill's provisions relating to associate judges for juvenile matters.

C.S.S.B. 1717 authorizes a case to be referred to an associate judge for juvenile matters by an order of referral in a specific case or by an omnibus order and authorizes the order of referral to limit the powers or duties of the associate judge. The bill establishes the powers of an associate judge for juvenile matters, subject to limitations in the order of referral, and authorizes such an associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

C.S.S.B. 1717 authorizes an associate judge for juvenile matters to serve as a referee, as provided by certain specified provisions of the juvenile justice code, and authorizes a referee appointed by the juvenile board of a county to be appointed to serve as an associate judge for juvenile matters. The bill sets out provisions relating the attendance of a bailiff at a hearing by an associate judge for juvenile matters, a witness appearing before an associate judge, the provision of a court reporter during a hearing held by an associate judge, the preservation of the record in a hearing held by an associate judge, and an associate judge's report relating to juvenile matters.

C.S.S.B. 1717 sets out procedures relating to the right to a de novo hearing, a waiver of that right by a party, court orders pending a de novo hearing before the referring court, and a referring court's action on an associate judge's proposed order or judgment if a party does not file a request for a de novo hearing before the referring court. The bill authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report and sets out provisions relating to the de novo hearing.

C.S.S.B. 1717 provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request such a hearing does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court and sets out provisions relating to the appeal. The bill grants an associate judge for juvenile matters the same judicial immunity as a district judge.

C.S.S.B. 1717 authorizes a judge of a court having jurisdiction of a suit under provisions of law relating to the parent-child relationship, the marriage relationship, or protective orders and

family violence to appoint a visiting associate judge to perform the duties of an associate judge for juvenile matters during a period for which the associate judge is temporarily unable to perform the judge's official duties because of absence or illness, injury, or other disability, if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge. The bill requires such a visiting associate judge to have served as an associate judge for at least two years and specifies that certain specified provisions of law applicable to an associate judge appointed by a judge of a court having jurisdiction of a suit under provisions of law relating to the parent-child relationship, the marriage relationship, or protective orders and family violence are also applicable to such a visiting associate judge.

C.S.S.B. 1717 amends the Government Code to make conforming and nonsubstantive changes relating to the fees collected by a district court clerk under the Government Code. The bill includes an associate judge, magistrate, master, referee, or criminal law hearing officer among the persons who are authorized to administer an oath made in Texas and to give a certificate of the fact.

C.S.S.B. 1717 amends the Code of Criminal Procedure, in provisions of law clarifying what constitutes operations of a district, county, or justice court for purposes relating to fees associated with certain judicial building security funds, includes in that clarification activities of a criminal associate judge, civil associate judge, or statutory probate court associate judge appointed under the bill's provisions, rather than activities of certain magistrates, referees, masters, and associate judges of specified counties.

C.S.S.B. 1717 amends the Family Code to authorize certain hearings that may be heard by a referee under the juvenile justice code to alternatively be held by a criminal associate judge, civil associate judge, or statutory probate court associate judge appointed under the bill's provisions, rather than certain masters, provided that certain conditions are met.

C.S.S.B. 1717 repeals Government Code provisions relating to magistrates, masters, referees, associate judges, and hearing officers in certain specified counties. The bill specifies that a magistrate, master, referee, associate judge, or hearing officer who is appointed before the bill's effective date under provisions of law subject to that repeal continues to serve as a criminal associate judge, civil associate judge, or statutory probate court associate judge, as appropriate, with the powers and duties provided by the bill's provisions, provided the court for which the magistrate, master, referee, associate judge, or hearing officer serves has authority to appoint an associate judge under applicable provisions of the bill.

Court Administration

C.S.S.B. 1717 amends the Government Code to clarify, for purposes relating to the requirement for the governor to appoint one judge in each administrative region as presiding judge of the region, that such a region is an administrative judicial region and to require the governor to immediately appoint or reappoint a presiding judge on the removal of a presiding judge, in addition to other circumstances.

C.S.S.B. 1717 removes the requirement for an administrative assistant employed by the presiding judge to have the qualifications established by rule of the supreme court. The bill authorizes the presiding judge, to the extent available funds are appropriated by the state, to employ a full-time or part-time staff attorney and entitles such a staff attorney to compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant. The bill authorizes a staff attorney to provide assistance to a district judge for a specific case at the direction of the judicial committee for additional resources. The bill requires the Office of Court Administration of the Texas Judicial System to assist the presiding judges in monitoring the compliance of staff attorneys with any job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies; addressing the training needs and resource requirements of the staff attorneys; conducting annual performance evaluations for the staff attorneys based on written personnel performance standards adopted by the presiding judges; and receiving, investigating, and resolving complaints about particular staff attorneys based on a uniform process adopted by the presiding judges. The bill requires adequate quarters for a staff attorney to be provided in a courthouse of the administrative judicial region.

C.S.S.B. 1717 authorizes the local rules of administration adopted by the district and statutory county court judges in each county to provide for other strategies for managing cases that require special judicial attention, in addition to certain other matters.

C.S.S.B. 1717 sets out provisions relating to additional judicial resources that are inapplicable to a criminal matter, a case in which judicial review is sought under provisions of the Administrative Procedure Act relating to judicial review of contested cases, or a case that has been transferred by the judicial panel on multidistrict litigation to a district court for consolidated or coordinated pretrial proceedings. The bill requires the supreme court to adopt rules under which courts, presiding judges of the administrative judicial regions, and the judicial committee for additional resources may determine whether a case requires additional resources to ensure efficient judicial management of the case. The bill requires the supreme court to include certain specified considerations in developing those rules.

C.S.S.B. 1717 requires the judge of a court in which a case is pending, on the motion of a party in the case or on the court's own motion, to review the case and determine whether, under the rules adopted by the supreme court, the case will require additional resources to ensure efficient judicial management. The bill specifies that the judge is not required to conduct an evidentiary hearing for purposes of making such a determination but may, in the judge's discretion, direct the attorneys for the parties to the case and the parties to appear before the judge for a conference to provide information to assist the judge in making the determination.

C.S.S.B. 1717 requires a judge who determines that a case will require additional resources to notify the presiding judge of the administrative judicial region in which the court is located about the case and to request any specific additional resources that are needed, including the assignment of a judge under the Court Administration Act. The bill requires the presiding judge of the administrative judicial region to use resources previously allotted to the presiding judge or submit a request for specific additional resources to the judicial committee for additional resources if the presiding judge agrees that, in accordance with the supreme court's rules, the case will require additional resources to ensure efficient judicial management.

C.S.S.B. 1717 establishes the judicial committee for additional resources and sets out the composition of the committee. The bill makes the chief justice of the supreme court the presiding officer and requires the office of court administration to provide staff support to the committee. The bill requires the committee, on receipt of a request for additional resources from a presiding judge of an administrative judicial region, to determine whether the case that is the subject of the request requires additional resources in accordance with the rules adopted by the supreme court. The bill requires the committee, if the committee determines that the case requires additional resources, to make available the requested resources to the extent funds are available for those resources under the General Appropriations Act and to the extent the committee determines the requested resources are appropriate to the circumstances of the case. The bill sets out specified additional resources that the committee is authorized to make available. The bill prohibits certain specified judges from being assigned as an additional resource and prohibits the committee from providing additional resources in an amount that is more than the amount appropriated for such a purpose.

C.S.S.B. 1717 requires the cost of additional resources provided for a case under the bill's provisions to be paid by the state and prohibits such costs from being taxed against any party in the case for which the resources are provided or against the county in which the case is pending. The bill specifies that the filing of a motion for a court to determine whether additional resources are necessary does not constitute grounds for a stay or continuance of the proceedings in the case in the court in which the case is pending during the period the motion or request is being considered by the judge of that court, the presiding judge of the administrative judicial region, or the judicial committee for additional resources. The bill specifies that a determination relating to the need for additional resources is not appealable or subject to review by mandamus.

C.S.S.B. 1717 requires the supreme court to request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding the rules for determining whether civil cases pending in trial courts require additional resources for efficient judicial management. The bill requires the president of the State Bar of Texas to

ensure that the task force has diverse representation and includes judges of trial courts and attorneys licensed to practice law in Texas who regularly appear in civil cases before Texas courts. The bill requires the task force to provide recommendations on the rules to the supreme court not later than March 1, 2012. The bill requires the supreme court to consider the task force's recommendations and to adopt the required rules not later than May 1, 2012. The bill makes its provisions relating to court administration applicable to cases pending on or after May 1, 2012.

Grant Programs

C.S.S.B. 1717 amends the Government Code to require the Office of Court Administration of the Texas Judicial System to develop and administer a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes set out in provisions of law relating to the office of court administration. The bill sets out the eligibility requirements for a county to receive such a grant and requires the judicial committee for additional resources to determine whether to award a grant to a county that meets the prescribed eligibility requirements. The bill requires the office of court administration to direct the comptroller of public accounts to distribute the grant money awarded to a county and to monitor the county's use of the grant money.

C.S.S.B. 1717 requires the Permanent Judicial Commission for Children, Youth and Families to develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases. The bill sets out eligibility requirements for a prospective recipient to receive such a grant and requires the commission to direct the comptroller to distribute the grant money awarded and monitor the use of the grant money. The bill defines "commission."

Vexatious Litigants

C.S.S.B. 1717 amends the Civil Practice and Remedies Code to authorize a litigant to appeal from a prefiling order prohibiting a person from filing, in propria persona, new litigation and designating the person a vexatious litigant. The bill specifies that a decision of a local administrative judge denying a vexatious litigant permission to file a litigation, or conditioning permission to file a litigation on the furnishing of security, does not constitute grounds for appeal. The bill creates an exception to that specification for a litigant who files a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision and specifies that the denial of such a writ of mandamus by the court of appeals does not constitute grounds for appeal to the Texas Supreme Court or the Texas Court of Criminal Appeals.

C.S.S.B. 1717 adds an original proceeding, appeal, or other claim to the claims a court clerk is prohibited from filing if presented by a vexatious litigant who is subject to a prefiling order prohibiting the litigant from filing a new litigation in a court in Texas unless the litigant obtains an order that permits the filing from the local administrative judge and creates an exception to that prohibition for a clerk of a court of appeals who files an appeal from a prefiling order designating a person a vexatious litigant or a timely filed writ of mandamus. The bill, in the provision of law requiring a court clerk to provide the Office of Court Administration of the Texas Judicial System a copy of any prefiling order prohibiting a vexatious litigant from filing a new litigation in a court in Texas, sets the deadline by which the clerk is required to provide the copy at not later than the 30th day after the date the prefiling order is signed. The bill requires the office to post on the agency's Internet website, rather than requiring it to maintain, a list of vexatious litigants subject to prefiling orders prohibiting the litigant from filing a new litigation in a court in Texas and requires the list, on request of a person designated a vexatious litigant, to indicate whether the person designated a vexatious litigant has filed an appeal of the litigant's designation as a vexatious litigant. The bill removes a provision of law requiring the office to annually send the list of vexatious litigants to the court clerks of the state.

C.S.S.B. 1717 provides that the posting, before the effective date of its provisions relating to vexatious litigants, of the name of a person designated a vexatious litigant on a list of vexatious litigants on the Internet website of the office is not grounds for a cause of action; a

defense against a finding that a plaintiff is a vexatious litigant; or grounds for relief or appeal from a stay, order, or dismissal or any other action taken by a court or a court clerk under provisions of law relating to a vexatious litigant. The bill expands the definition of "local administrative judge" to include a local administrative statutory probate court judge, for purposes relating to a vexatious litigant.

Study by Office of Court Administration of Texas Judicial System

C.S.S.B. 1717 requires the Office of Court Administration of the Texas Judicial System to study the district courts and statutory county courts of the state to determine overlapping jurisdiction in civil cases in which the amount in controversy is more than \$200,000 and requires the study to determine the feasibility, efficiency, and potential cost of converting to district courts those statutory county courts with jurisdiction in civil cases in which the amount in controversy is more than \$200,000. The bill defines "office of court administration." The bill requires the office of court administration, not later than January 1, 2013, to submit a report regarding those determinations to specified persons and commissioners courts.

No Appropriation

C.S.S.B. 1717 specifies that its provisions do not make an appropriation and that a provision of the bill creating a new governmental program or new entitlement or imposing a new duty on a governmental entity is not mandatory during a fiscal period for which a specific legislative appropriation is not made for the provision's implementation.

Other Provisions

C.S.S.B. 1717 repeals the following provisions of the Government Code:

- Section 24.013
- Section 24.302
- Section 24.303
- Section 24.304
- Section 24.305
- Section 24.307
- Section 24.308
- Section 24.309
- Section 24.311
- Section 24.312
- Section 24.313
- Section 24.314
- Section 24.525(b)
- Section 24.526(b)
- Section 24.527(b)
- Sections 24.528(b) and (c)
- Sections 24.529(b) and (c)
- Section 25.00255(i-4)
- Sections 25.0042(b), (d), (f), and (j)
- Sections 25.0052(b), (f), (g), and (h)
- Sections 25.0102(b), (d), (f), and (i)
- Sections 25.0132(d), (g), and (h)
- Sections 25.0152(c) and (e)
- Sections 25.0162(b), (f), (g), (h), and (i)
- Sections 25.0172(d), (k), (l), (m), (n), (o), (q), (s), and (t)
- Sections 25.0173(c), (d), (h), (i), and (k)
- Sections 25.0202(c), (d), and (g)
- Sections 25.0212(c), (e), and (g)
- Sections 25.0222(d), (e), (i), (j), and (n)
- Sections 25.0232(b), (d), (f), (h), and (i)
- Sections 25.0272(b), (c), and (e)
- Sections 25.0292(b), (c), (g), (h), and (i)
- Sections 25.0302(b), (d), and (g)

- Sections 25.0312(c), (e), and (j)
- Sections 25.0332(e), (g), (i), (k), (l), and (m)
- Section 25.0362(c)
- Sections 25.0392(b), (d), (f), (i), (j), and (k)
- Sections 25.0452(b), (c), and (d)
- Sections 25.0453(a), (c), (d), and (e)
- Sections 25.0482(b), (d), (e), (g), and (h)
- Sections 25.0512(a), (b), (d), (g), and (h)
- Sections 25.0522(b), (d), (f), and (g)
- Sections 25.0592(b), (h), (i), (j), and (k)
- Sections 25.0593(d), (f), (g), (h), (i), and (j)
- Sections 25.0594(d), (e), (g), (h), (i), (j), and (k)
- Sections 25.0595(c), (d), (f), and (g)
- Section 25.0596
- Sections 25.0632(a), (b), and (d)
- Sections 25.0702(b), (g), (h), (j), (k), and (l)
- Sections 25.0722(b), (d), (f), (j), and (k)
- Sections 25.0732(d), (g), (h), (i), (j), (m), (n), (o), (p), (s), and (v)
- Sections 25.0733(c), (d), and (f)
- Section 25.0742(b)
- Sections 25.0812(d), (f), (h), (j), and (l)
- Sections 25.0862(f) and (j)
- Sections 25.0932(e), (f), and (i)
- Sections 25.0942(c), (f), (g), (j), and (k)
- Sections 25.0962(d), (e), and (g)
- Sections 25.1032(d), (e), (g), (h), and (k)
- Sections 25.1033(d), (e), (f), (m), and (o)
- Sections 25.1034(c), (h), (k), and (l)
- Sections 25.1042(b), (f), (h), and (i)
- Sections 25.1072(b), (d), (g), and (h)
- Sections 25.1092(e), (f), (l), and (o)
- Sections 25.1102(d), (e), (h), (i), (j), and (l)
- Section 25.1103
- Sections 25.1112(b), (c), (f), and (k)
- Sections 25.1132(f), (g), (h), (j), (l), (m), and (p)
- Sections 25.1142(c), (e), and (g)
- Sections 25.1152(b), (e), (f), (h), and (i)
- Sections 25.1182(c), (e), and (h)
- Sections 25.1252(c), (g), and (i)
- Sections 25.1282(b), (d), (f), (h), and (i)
- Sections 25.1312(d), (e), (i), (k), (l), and (n)
- Sections 25.1322(d), (e), (f), (i), and (j)
- Sections 25.1352(d) and (h)
- Sections 25.1392(e), (g), and (i)
- Sections 25.1412(b), (c), (e), (h), (i), and (k)
- Sections 25.1482(d), (g), (h), (l), and (m)
- Sections 25.1542(f), (i), (k), and (n)
- Sections 25.1572(e), (f), and (g)
- Sections 25.1652(d), (f), and (h)
- Sections 25.1672(b) and (f)
- Sections 25.1722(b), (c), and (g)
- Sections 25.1732(d), (e), (f), (h), and (i)
- Sections 25.1762(b), (e), (f), and (h)
- Sections 25.1772(c), (e), and (h)
- Sections 25.1792(e), (f), (h), (i), and (j)
- Sections 25.1802(c), (h), (i), (j), (k), (l), and (q)
- Sections 25.1832(b), (d), and (j)
- Sections 25.1852(e), (f), and (i)

- Sections 25.1862(c), (f), (h), (i), (j), (m), (n), (p), (q), and (u)
- Section 25.1892(d)
- Sections 25.1902(e), (g), (i), (j), and (k)
- Sections 25.1932(b), (c), (f), (h), and (j)
- Sections 25.1972(b), (d), (f), (h), and (j)
- Sections 25.2012(d), (e), (i), (k), (l), and (n)
- Sections 25.2032(c), (e), and (h)
- Sections 25.2072(c), (e), (f), (h), and (i)
- Sections 25.2142(c), (e), (i), (r), (t), and (u)
- Sections 25.2162 (f), (h), (j), and (k)
- Sections 25.2222(c), (g), (h), (i), (k), and (n)
- Sections 25.2223(c), (e), (g), and (h)
- Sections 25.2224(b), (c), (f), (g), (i), and (j)
- Sections 25.2232(b), (e), (f), and (g)
- Sections 25.2282(b), (d), (f), (g), (i), and (j)
- Sections 25.2292(b), (e), (i), (k), and (l)
- Sections 25.2293(e), (f), (g), (k), and (l)
- Sections 25.2352(b), (d), (f), (g), and (j)
- Sections 25.2362(c), (e), and (h)
- Sections 25.2372(c), (f), (g), (h), and (i)
- Sections 25.2382(b), (d), (f), and (j)
- Sections 25.2392(b), (d), (f), and (j)
- Sections 25.2412(b), (d), (f), (i), and (k)
- Sections 25.2422(b), (d), (f), (i), and (j)
- Sections 25.2452(f), (h), and (j)
- Sections 25.2462(c), (d), (e), (g), (i), and (j)
- Sections 25.2482(d), (e), (f), (h), (j), and (k)
- Sections 25.2512(b), (e), (h), and (i)
- Section 101.06111
- Section 101.06113
- Section 101.06114
- Section 101.06115
- Section 101.06116
- Section 101.06117
- Subchapters A, B, C, E, F, I, O, P, S, T, U, V, X, CC, FF, and II, Chapter 54

C.S.S.B. 1717 repeals Section 25.2222(b), Government Code, as amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991.

C.S.S.B. 1717 repeals Chapter 28, Government Code, effective May 1, 2013.

EFFECTIVE DATE

Except as otherwise provided, January 1, 2012.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1717 omits a provision included in the original repealing a provision of law relating to an application for a writ of error with the Texas Supreme Court.

C.S.S.B. 1717 omits a provision included in the original making the authorization for parties involved in a district court case to agree to try the case with fewer than 12 jurors inapplicable to a case in which a jury of six or 12 is required by the Texas Constitution.

C.S.S.B. 1717 omits a provision included in the original repealing a provision of law requiring each court listed in the Judicial Districts Act of 1969 that is directed to give preference to specific matters or types of cases to participate in all matters relating to juries, grand juries,

indictments, and docketing of cases in the same manner as the existing district courts that are similarly directed within that county.

C.S.S.B. 1717 contains provisions not included in the original repealing provisions of law prohibiting a judge in the 380th, 381st, 382nd, 383rd, or 384th Judicial District from being assigned to serve as a visiting judge in certain specified counties, including the repeal of a preclearance requirement for the 383rd and 384th Judicial Districts.

C.S.S.B. 1717 differs from the original by requiring the regular judge of a statutory county court to diligently discharge the duties of the office on a full-time basis and prohibiting the judge from engaging in the private practice of law except as otherwise provided by law, whereas the original contains no such exception.

C.S.S.B. 1717 contains a provision not included in the original decreasing from 96 months to 72 months the minimum time a former or retired judge of a statutory probate court is required to have served as an active judge in a district, statutory probate, statutory county, or appellate court in order to be eligible for assignment by the presiding judge of a statutory probate court to hear a case as a visiting judge under certain conditions.

C.S.S.B. 1717 contains provisions not included in the original authorizing a county to elect to self-insure in lieu of the bond or purchase of insurance required to be executed by a judge of a statutory probate court before beginning the duties of office and exempting an assigned or visiting judge sitting by assignment in a statutory probate court from certain bond requirements. C.S.S.B. 1717 also includes a bond or insurance exception for assigned or visiting judges assigned to a statutory probate court.

C.S.S.B. 1717 contains a provision not included in the original requiring the presiding judge of the statutory probate courts to assign a judge to hear a case in which an order of recusal or disqualification of a statutory probate judge is issued under certain circumstances and requiring the chief justice of the supreme court to assign a judge to hear such a case if the judge who is the subject of the order of recusal or disqualification in the case is the presiding judge of the statutory probate courts.

C.S.S.B. 1717 contains a provision not included in the original prohibiting the presiding judge of the statutory probate courts from assigning a judge of a statutory probate court to hear a motion by a party in the case for recusal or disqualification of a statutory probate court judge if the judge serves in the same county as the statutory probate court judge who is the subject of the motion. The substitute contains a provision not included in the original setting out duties for a judge assigned by the presiding judge of the statutory probate courts to hear a motion for recusal or disqualification.

C.S.S.B. 1717 contains a provision not included in the original removing statutory provisions relating to the requirements of a presiding judge of the administrative judicial district on receiving a request for recusal or disqualification and requiring a judge assigned to hear such a motion to provide certain information to the presiding judge of the administrative judicial district. The substitute contains a provision not included in the original repealing a provision of law relating to the delegation of certain authority by a presiding judge of an administrative judicial district.

C.S.S.B. 1717 contains provisions not included in the original establishing qualification requirements for a statutory probate court judge and making those qualifications inapplicable to a statutory probate court judge serving before a specified date. The substitute contains provisions not included in the original requiring the regular judge of a statutory probate court to diligently discharge the duties of the office on a full-time basis, prohibiting such a judge from engaging in the private practice of law, and requiring the commissioners court to set at least two terms a year for the statutory probate court.

C.S.S.B. 1717 contains provisions not included in the original providing for the creation of the County Court at Law No. 3 of Webb County.

C.S.S.B. 1717 omits a provision included in the original repealing a provision of law prohibiting the judge of a county court at law in Harrison County from appearing and pleading as an attorney

in a county court at law in the county or in a court with jurisdiction inferior to the county courts at law. The substitute omits a provision included in the original repealing a provision of law authorizing the judge of a county court at law in Starr County to engage in the private practice of law but prohibiting the judge from appearing and pleading as an attorney in any court of record in Texas or in any court over which the judge has appellate jurisdiction.

C.S.S.B. 1717 contains a provision not included in the original, in a provision requiring a justice of the peace to successfully complete a 15-hour course regarding substantive, procedural, and evidentiary law in civil matters, limiting the applicability of that requirement to a year in which funds are appropriated by the state for the purpose of funding the cost of attending the course.

C.S.S.B. 1717, in provisions relating to the appointment of a criminal associate judge, civil associate judge, or associate judge for juvenile matters, differs from the original by requiring the appointment of an associate judge who serves more than one court to be made as established by local rule but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves, whereas the original requires the appointment to be made by a vote of two-thirds of the judges under whom the associate judge serves.

C.S.S.B. 1717, in a provision establishing the matters arising out of a criminal case that may be referred to an associate judge, adds matters not included in the original involving a negotiated plea of no contest before the court and a civil commitment matter under the Texas Mental Health Code. The substitute differs from the original by including among such matters a matter involving any writ of habeas corpus, whereas the original includes a postconviction writ of habeas corpus. The substitute differs from the original by including among such matters a matter involving setting, adjusting, or revoking bond, whereas the original specifies setting, adjusting, or revoking bond before the filing of an information or the return of an indictment.

C.S.S.B. 1717 contains authorizations not included in the original providing that a criminal associate judge may accept an agreed plea of no contest from a defendant and providing that a criminal associate judge may assess punishment if a plea agreement is announced on the record between the defendant and the state. The substitute contains an exception not included in the original, in a provision prohibiting a criminal associate judge from presiding over a trial on the merits, for a criminal associate judge who accepts an agreed plea of guilty or no contest from a defendant or assesses authorized punishment.

C.S.S.B. 1717 contains a provision not included in the original authorizing a statutory probate court associate judge, without prejudice to the right to a de novo hearing, to render and sign an order authorizing psychoactive medications.

C.S.S.B. 1717 differs from the original by removing a statutory provision granting a statutory probate court associate judge the judicial immunity of a probate judge and specifying that all existing immunity granted to such a judge by law, express or implied, continues in full force and effect, whereas the original retains that statutory provision.

C.S.S.B. 1717, in a provision specifying that a magistrate, master, referee, associate judge, or hearing officer appointed under specified provisions of law before the bill's effective date continues to serve as an associate judge under the bill's provisions, differs from the original by making that specification applicable only to magistrates, masters, referees, associate judges, or hearing officers whose related statutory provisions are subject to repeal under the substitute's provisions, whereas the original makes the specification applicable to all magistrates, masters, referees, associate judges, or hearing officers under the applicable provisions of law.

C.S.S.B. 1717 omits a provision included in the original repealing statutory provisions relating to magistrates in a constitutional county court in a county with a population of two million or more.

C.S.S.B. 1717 contains a provision not included in the original authorizing the presiding judge of an administrative judicial region to only employ a staff attorney to the extent available funds are appropriated by the state. The substitute differs from the original by requiring adequate quarters for a staff attorney hired by the presiding judge to be provided in a courthouse of the administrative judicial region, whereas the original conditions this requirement on the consent of the commissioners court of the county in which the courthouse is located.

C.S.S.B. 1717 contains a provision not included in the original expanding the definition of "local administrative judge" for purposes relating to a vexatious litigant. The substitute contains a provision not included in the original authorizing a litigant to appeal from a prefiling order designating the person a vexatious litigant. The substitute contains provisions not included in the original specifying that a decision of a local administrative judge denying a litigant permission to file a litigation, or conditioning permission to file a litigation on the furnishing of security, does not constitute grounds for appeal; creating an exception to that specification for certain litigants authorized to apply for a writ of mandamus within a certain period; and specifying that a denial of such a writ of mandamus by the court does not constitute grounds for appeal.

C.S.S.B. 1717 contains a provision not included in the original adding an original proceeding, appeal, or other claim to the claims a court clerk is prohibited from filing if presented by certain vexatious litigants and creating an exception to that prohibition for a clerk of a court of appeals who files an appeal from a prefiling order designating a person a vexatious litigant or a timely filed writ of mandamus.

C.S.S.B. 1717 contains a provision not included in the original setting the deadline by which a court clerk is required to provide the Office of Court Administration of the Texas Judicial System a copy of any prefiling order prohibiting a vexatious litigant from filing a new litigation in a court in Texas. The substitute contains a provision not included in the original requiring the office of court administration to post on the agency's Internet website a list of certain vexatious litigants and removing a provision of law requiring the office to annually send the list of vexatious litigants to the court clerks of the state. The substitute also provides that at the litigant's request, the website is to show that the litigant has filed an appeal.

C.S.S.B. 1717 contains a provision not included in the original providing that the posting, before the effective date of the substitute's provisions relating to vexatious litigants, of the name of a person designated a vexatious litigant on a list of vexatious litigants on the office's Internet website does not constitute grounds for a cause of action; a defense against a finding that a plaintiff is a vexatious litigant; or grounds for relief or appeal from certain actions taken by a court or a court clerk regarding vexatious litigants.

C.S.S.B. 1717 differs from the original by making the bill effective on January 1, 2012, except as otherwise provided by the bill, whereas the original specifies a January 1, 2012, effective date. The substitute differs from the original in nonsubstantive ways by making technical corrections and by conforming to certain bill drafting conventions.