

By: Miller of Comal

H.B. No. 2310

Substitute the following for H.B. No. 2310:

By: Madden

C.S.H.B. No. 2310

A BILL TO BE ENTITLED

1 AN ACT

2 relating to appointment of bailiffs for the district courts in
3 Comal, Hays, and Caldwell Counties.

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

5 SECTION 1. Section 53.001(a), Government Code, is amended
6 to read as follows:

7 (a) The judges of the [~~22nd,~~ 30th, 70th, 71st, 78th, 89th,
8 161st, and 341st district courts, the judges of the district courts
9 having jurisdiction in Taylor County, the judges of the county
10 courts at law of Taylor County, and the judge of the County Court of
11 Harrison County shall each appoint a bailiff.

12 SECTION 2. Section 53.002, Government Code, is amended by
13 amending Subsection (i) and adding Subsections (j) and (k) to read
14 as follows:

15 (i) The local administrative judge of the district courts in
16 Comal County [~~207th District Court~~] may appoint two or more
17 bailiffs [~~a bailiff~~] to serve the district courts [~~court~~] in Comal
18 County as the judge determines necessary for the efficient
19 operation of the district courts, subject to the approval of a
20 majority of the district judges of those courts [~~the local~~
21 ~~administrative judge~~]. A majority of the district judges of those
22 courts may remove a bailiff appointed under this subsection. The
23 local administrative judge may not appoint more than two bailiffs
24 under this subsection unless the funding for the additional

1 bailiffs is approved by the commissioners court of Comal County
2 before the appointment. A bailiff appointed under this subsection
3 is entitled to the salary recommended by the local administrative
4 judge, subject to the approval of the commissioners court.

5 (j) The local administrative judge of the district courts in
6 Hays County may appoint two or more bailiffs to serve the district
7 courts in Hays County as the judge determines necessary for the
8 efficient operation of the district courts, subject to the approval
9 of a majority of the district judges of those courts. A majority of
10 the district judges of those courts may remove a bailiff appointed
11 under this subsection. The local administrative judge may not
12 appoint more than two bailiffs under this subsection unless the
13 funding for the additional bailiffs is approved by the
14 commissioners court of Hays County before the appointment. A
15 bailiff appointed under this subsection is entitled to the salary
16 recommended by the local administrative judge, subject to the
17 approval of the commissioners court.

18 (k) The local administrative judge of the district courts in
19 Caldwell County may appoint two or more bailiffs to serve the
20 district courts in Caldwell County as the judge determines
21 necessary for the efficient operation of the district courts,
22 subject to the approval of a majority of the district judges of
23 those courts. A majority of the district judges of those courts may
24 remove a bailiff appointed under this subsection. The local
25 administrative judge may not appoint more than two bailiffs under
26 this subsection unless the funding for the additional bailiffs is
27 approved by the commissioners court of Caldwell County before the

1 appointment. A bailiff appointed under this subsection is entitled
2 to the salary recommended by the local administrative judge,
3 subject to the approval of the commissioners court.

4 SECTION 3. Section 53.004(a), Government Code, is amended
5 to read as follows:

6 (a) A bailiff in the [~~22nd~~] 34th, 70th, 71st, or 161st
7 district court must be a resident of the county in which the bailiff
8 [~~he~~] serves the court and must be at least 18 years old.

9 SECTION 4. Section 53.007(a), Government Code, is amended
10 to read as follows:

11 (a) This section applies to:

12 (1) the [~~22nd~~] 34th, 70th, 71st, 86th, 97th, 130th,
13 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district
14 courts;

15 (2) the County Court of Harrison County;

16 (3) the criminal district courts of Tarrant County;

17 (4) the district courts in Taylor County;

18 (5) the courts described in Section 53.002(c), (d),
19 (e), or (f);

20 (6) the county courts at law of Taylor County;

21 (7) the district courts in Tarrant County that give
22 preference to criminal cases; and

23 (8) the 115th District Court in Upshur County.

24 SECTION 5. Section 53.008, Government Code, is amended to
25 read as follows:

26 Sec. 53.008. OATH. The bailiffs of the [~~22nd~~] 34th, 70th,
27 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and

1 385th district courts, the bailiffs of the courts described in
2 Section 53.002(c), (d), (e), or (f), the bailiffs and the grand jury
3 bailiffs of the district courts in Tarrant County that give
4 preference to criminal cases, the bailiffs and grand jury bailiffs
5 of the criminal district courts in Tarrant County, the bailiffs of
6 the district courts in Taylor County, and the bailiffs of the county
7 courts at law of Taylor County shall each swear to the following
8 oath, to be administered by the judge: "I solemnly swear that I
9 will faithfully and impartially perform all duties as may be
10 required of me by law, so help me God."

11 SECTION 6. This Act takes effect September 1, 2011.