

1-1 By: Miller of Comal (Senate Sponsor - Wentworth) H.B. No. 2310
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to appointment of bailiffs for the district courts in
1-9 Comal, Hays, and Caldwell Counties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 53.001(a), Government Code, is amended
1-12 to read as follows:

1-13 (a) The judges of the [~~22nd,~~] 30th, 70th, 71st, 78th, 89th,
1-14 161st, and 341st district courts, the judges of the district courts
1-15 having jurisdiction in Taylor County, the judges of the county
1-16 courts at law of Taylor County, and the judge of the County Court of
1-17 Harrison County shall each appoint a bailiff.

1-18 SECTION 2. Section 53.002, Government Code, is amended by
1-19 amending Subsection (i) and adding Subsections (j) and (k) to read
1-20 as follows:

1-21 (i) The local administrative judge of the district courts in
1-22 Comal County [~~207th District Court~~] may appoint two or more
1-23 bailiffs [~~a bailiff~~] to serve the district courts [~~court~~] in Comal
1-24 County as the judge determines necessary for the efficient
1-25 operation of the district courts, subject to the approval of a
1-26 majority of the district judges of those courts [~~the local~~
1-27 administrative judge]. A majority of the district judges of those
1-28 courts may remove a bailiff appointed under this subsection. The
1-29 local administrative judge may not appoint more than two bailiffs
1-30 under this subsection unless the funding for the additional
1-31 bailiffs is approved by the commissioners court of Comal County
1-32 before the appointment. A bailiff appointed under this subsection
1-33 is entitled to the salary recommended by the local administrative
1-34 judge, subject to the approval of the commissioners court.

1-35 (j) The local administrative judge of the district courts in
1-36 Hays County may appoint two or more bailiffs to serve the district
1-37 courts in Hays County as the judge determines necessary for the
1-38 efficient operation of the district courts, subject to the approval
1-39 of a majority of the district judges of those courts. A majority of
1-40 the district judges of those courts may remove a bailiff appointed
1-41 under this subsection. The local administrative judge may not
1-42 appoint more than two bailiffs under this subsection unless the
1-43 funding for the additional bailiffs is approved by the
1-44 commissioners court of Hays County before the appointment. A
1-45 bailiff appointed under this subsection is entitled to the salary
1-46 recommended by the local administrative judge, subject to the
1-47 approval of the commissioners court.

1-48 (k) The local administrative judge of the district courts in
1-49 Caldwell County may appoint two or more bailiffs to serve the
1-50 district courts in Caldwell County as the judge determines
1-51 necessary for the efficient operation of the district courts,
1-52 subject to the approval of a majority of the district judges of
1-53 those courts. A majority of the district judges of those courts may
1-54 remove a bailiff appointed under this subsection. The local
1-55 administrative judge may not appoint more than two bailiffs under
1-56 this subsection unless the funding for the additional bailiffs is
1-57 approved by the commissioners court of Caldwell County before the
1-58 appointment. A bailiff appointed under this subsection is entitled
1-59 to the salary recommended by the local administrative judge,
1-60 subject to the approval of the commissioners court.

1-61 SECTION 3. Section 53.004(a), Government Code, is amended
1-62 to read as follows:

1-63 (a) A bailiff in the [~~22nd,~~] 34th, 70th, 71st, or 161st
1-64 district court must be a resident of the county in which the bailiff

2-1 [he] serves the court and must be at least 18 years old.

2-2 SECTION 4. Section 53.007(a), Government Code, is amended
2-3 to read as follows:

2-4 (a) This section applies to:

2-5 (1) the [~~22nd,~~] 34th, 70th, 71st, 86th, 97th, 130th,
2-6 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district
2-7 courts;

2-8 (2) the County Court of Harrison County;

2-9 (3) the criminal district courts of Tarrant County;

2-10 (4) the district courts in Taylor County;

2-11 (5) the courts described in Section 53.002(c), (d),
2-12 (e), or (f);

2-13 (6) the county courts at law of Taylor County;

2-14 (7) the district courts in Tarrant County that give
2-15 preference to criminal cases; and

2-16 (8) the 115th District Court in Upshur County.

2-17 SECTION 5. Section 53.008, Government Code, is amended to
2-18 read as follows:

2-19 Sec. 53.008. OATH. The bailiffs of the [~~22nd,~~] 34th, 70th,
2-20 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and
2-21 385th district courts, the bailiffs of the courts described in
2-22 Section 53.002(c), (d), (e), or (f), the bailiffs and the grand jury
2-23 bailiffs of the district courts in Tarrant County that give
2-24 preference to criminal cases, the bailiffs and grand jury bailiffs
2-25 of the criminal district courts in Tarrant County, the bailiffs of
2-26 the district courts in Taylor County, and the bailiffs of the county
2-27 courts at law of Taylor County shall each swear to the following
2-28 oath, to be administered by the judge: "I solemnly swear that I
2-29 will faithfully and impartially perform all duties as may be
2-30 required of me by law, so help me God."

2-31 SECTION 6. This Act takes effect September 1, 2011.

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