

By: Jackson

H.B. No. 3445

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of the judicial branch of state government.

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

ARTICLE 1. APPELLATE COURT PROVISIONS

SECTION 1.01. Section 22.002(b), Government Code, is amended to read as follows:

(b) The supreme court or, in vacation, a justice of the supreme court may issue a writ of mandamus to compel a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment in a case ~~[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]~~.

SECTION 1.02. (a) Section 24.007, Property Code, is amended to read as follows:

Sec. 24.007. APPEAL. (a) ~~[A final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only.]~~ A judgment of a county court in an eviction suit may not under any circumstances be stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county

1 court. In setting the supersedeas bond the county court shall  
2 provide protection for the appellee to the same extent as in any  
3 other appeal, taking into consideration the value of rents likely  
4 to accrue during appeal, damages which may occur as a result of the  
5 stay during appeal, and other damages or amounts as the court may  
6 deem appropriate.

7 (b) Notwithstanding any other law, an appeal may be taken  
8 from a final judgment of a county court, statutory county court,  
9 statutory probate court, or district court in an eviction suit.

10 (b) The change in law made by this section applies to an  
11 appeal of a final judgment rendered on or after the effective date  
12 of this section. An appeal of a final judgment rendered before the  
13 effective date of this section is governed by the law in effect on  
14 the date the judgment was rendered, and the former law is continued  
15 in effect for that purpose.

16 SECTION 1.03. Section 22.007, Government Code, is repealed.

17 ARTICLE 2. GENERAL PROVISIONS FOR DISTRICT COURTS

18 SECTION 2.01. Section 24.002, Government Code, is amended  
19 to read as follows:

20 Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON  
21 RECUSAL [SUBSTITUTE JUDGES]. If a district judge determines on the  
22 judge's own motion that the judge should not sit in a case pending  
23 in the judge's court because the judge is disqualified or otherwise  
24 should recuse himself or herself, the judge shall enter a recusal  
25 order, request the presiding judge of that administrative judicial  
26 region to assign another judge to sit, and take no further action in  
27 the case except for good cause stated in the order in which the

1 action is taken. A change of venue is not necessary because of the  
2 disqualification of a district judge in a case or proceeding  
3 pending in the judge's [his] court[, ~~but the judge shall~~  
4 ~~immediately certify his disqualification to the governor. The~~  
5 ~~governor shall designate a district judge of another district to~~  
6 ~~exchange benches with the disqualified judge to try the case. The~~  
7 ~~governor shall notify both judges of his designation, and the~~  
8 ~~judges shall exchange benches. If the judges are prevented from~~  
9 ~~exchanging benches, the parties or their counsels may agree on an~~  
10 ~~attorney of the court for the trial of the case. The district judge~~  
11 ~~or special judge shall certify to the governor the fact of a failure~~  
12 ~~of the parties or their counsels to agree on an attorney, and the~~  
13 ~~governor shall appoint a person legally qualified to act as judge in~~  
14 ~~the trial of the case].~~

15 SECTION 2.02. Sections 24.003 and 24.007, Government Code,  
16 are amended to read as follows:

17 Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES  
18 [~~SUBSTITUTE JUDGES IN CERTAIN COUNTIES~~]. (a) This section applies  
19 only to [~~civil cases in~~] counties with two [~~five~~] or more district  
20 courts.

21 (b) Unless provided otherwise by the local rules of  
22 administration, a district judge in the county may:

23 (1) transfer any civil or criminal case or proceeding  
24 on the court's docket to the docket of another district court in the  
25 county;

26 (2) hear and determine any case or proceeding pending  
27 in another district court in the county without having the case

1 transferred;

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

4 (4) temporarily exchange benches with the judge of  
5 another district court in the county;

6 (5) try different cases in the same court at the same  
7 time; and

8 (6) occupy the judge's own courtroom or the courtroom  
9 of another district court in the county.

10 (c) If a district judge in the county is sick or otherwise  
11 absent, another district judge in the county may hold court for the  
12 judge.

13 (d) A district judge in the county may hear and determine  
14 any part or question of any case or proceeding pending in any of the  
15 district courts, and any other district judge may complete the  
16 hearing and render judgment in the case or proceeding. A district  
17 judge may hear and determine motions, including motions for new  
18 trial, petitions for injunction, applications for the appointment  
19 of a receiver, interventions, pleas in abatement, dilatory pleas,  
20 and all preliminary matters, questions, and proceedings, and may  
21 enter judgment or order on them in the court in which the case or  
22 proceeding is pending without transferring the case or proceeding.  
23 The district judge in whose court the matter is pending may proceed  
24 to hear, complete, and determine the matter, or all or any part of  
25 another matter, and render a final judgment. A district judge may  
26 issue a restraining order or injunction that is returnable to any  
27 other district court.

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

3        (f) This section does not limit the powers of a district  
4 judge when acting for another judge by exchange of benches or  
5 otherwise. [~~If a district judge is disqualified in a case pending in~~  
6 his court and his disqualification is certified to the governor,  
7 the governor may require any other district judge in the county to  
8 exchange benches with the disqualified judge.

9        [~~(c) If a district judge is absent, sick, or disqualified,~~  
10 ~~any of the district judges in the county may hold court for him or~~  
11 ~~may transfer a pending case to the court of any other district judge~~  
12 ~~in the county.]~~

13        Sec. 24.007. JURISDICTION. (a) The district court has the  
14 jurisdiction provided by Article V, Section 8, of the Texas  
15 Constitution.

16        (b) A district court has original jurisdiction of a civil  
17 matter in which the amount in controversy is more than \$500,  
18 exclusive of interest.

19        SECTION 2.03. Section 24.012(a), Government Code, is  
20 amended to read as follows:

21        (a) Notwithstanding any other law, each [Each] district  
22 [and criminal district] court holds in each county in the judicial  
23 district [at least two] terms that commence on the first Mondays in  
24 January and July of [court] each year [in each county in the  
25 district]. To the extent of a conflict between this subsection and  
26 a specific provision relating to a particular judicial district,  
27 this section controls.

1 SECTION 2.04. Subchapter A, Chapter 24, Government Code, is  
2 amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027,  
3 24.028, 24.029, 24.030, and 24.031 to read as follows:

4 Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is  
5 transferred from one court to another, all processes, writs, bonds,  
6 recognizances, and other obligations issued by the transferring  
7 court are returnable to the court to which the case is transferred  
8 as if originally issued by that court.

9 (b) The obligees in all bonds and recognizances taken in and  
10 for a court from which a case is transferred, and all witnesses  
11 summoned to appear in a district court from which a case is  
12 transferred, are required to appear before the court to which the  
13 case is transferred as if the bond, recognizance, or summons was  
14 taken in or for that court.

15 Sec. 24.024. FILING AND DOCKETING CASES. In a county with  
16 two or more district courts, the district judges may adopt rules  
17 governing the filing and numbering of cases, the assignment of  
18 cases for trial, and the distribution of the work of the courts as  
19 in their discretion they consider necessary or desirable for the  
20 orderly dispatch of the business of the courts.

21 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless  
22 otherwise provided by this subchapter, all district judges in a  
23 county are entitled to equal amounts of supplemental compensation  
24 from the county.

25 (b) A district judge is entitled to an amount of  
26 supplemental compensation for serving on the juvenile board of a  
27 county that is equal to the amount other judges serving on the

1 juvenile board receive.

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

6 Sec. 24.027. GRAND AND PETIT JURORS. All grand and petit  
7 jurors selected in a county before a new district court is created  
8 or the composition of an existing district court is modified by an  
9 amendment to this chapter are considered to be selected for the new  
10 or modified district court, as applicable.

11 Sec. 24.028. CASES TRANSFERRED. If by an amendment to this  
12 chapter a county is removed from the composition of an existing  
13 judicial district and added to another existing or new judicial  
14 district, all cases and proceedings from that county that are  
15 pending in the district court of the judicial district from which  
16 the county was removed are transferred to the district court of the  
17 judicial district to which the county is added. The judge of each  
18 affected district court shall sign the proper orders in connection  
19 with the transfer.

20 Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN  
21 VALID. (a) If by an amendment to this chapter a county is removed  
22 from the composition of an existing judicial district and added to  
23 another existing or new judicial district, or if an amendment to  
24 this chapter changes the time or place at which the terms of court  
25 are held, all processes, writs, bonds, recognizances, and other  
26 obligations issued from and made returnable to that court before  
27 the effective date of the transfer or other change are returnable as

1 provided by this subsection. An obligation issued from the  
2 affected court is returnable to another district court in the  
3 county on the date that court directs, but may not be made  
4 returnable on a date that is earlier than the date on which the  
5 obligation was originally returnable. The obligations are legal  
6 and valid as if the obligations had been made returnable to the  
7 issuing court.

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

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

24 (b) The district clerk or the clerk's deputy serves as clerk  
25 of the court when a court sits in a municipality other than the  
26 municipality that is the county seat and may transfer:

27 (1) all necessary books, minutes, records, and papers



1 to that municipality while the court is in session there; and

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

4 (c) If the commissioners court authorizes a district court  
5 to sit in a municipality other than the municipality that is the  
6 county seat, the commissioners court shall provide suitable  
7 facilities for the court in that municipality.

8 Sec. 24.031. COURT OFFICERS. The prosecuting attorney, the  
9 sheriff, the district clerk, the bailiffs, and the other officers  
10 serving the other district courts of the county shall serve in their  
11 respective capacities for the courts listed in this chapter.

12 SECTION 2.05. Section 25.0362(g), Government Code, is  
13 amended to read as follows:

14 (g) In matters of concurrent jurisdiction, a judge of a  
15 county court at law and a judge of a district court in Cass County  
16 may transfer cases between the courts in the same manner that judges  
17 of district courts may transfer cases under Section 24.003  
18 [~~24.303~~].

19 SECTION 2.06. Section 25.0732(w), Government Code, is  
20 amended to read as follows:

21 (w) In matters of concurrent jurisdiction, a judge of a  
22 statutory county court in El Paso County and a judge of a district  
23 court or another statutory county court in El Paso County may  
24 transfer cases between the courts in the same manner judges of  
25 district courts transfer cases under Section 24.003 [~~24.303~~].

26 SECTION 2.07. Section 25.1672(c), Government Code, is  
27 amended to read as follows:

1 (c) In matters of concurrent jurisdiction, judges of the  
2 county courts at law and district courts in the county may exchange  
3 benches and courtrooms and may transfer cases between their dockets  
4 in the same manner that district court judges exchange benches and  
5 transfer cases under Section 24.003 [~~24.303~~].

6 SECTION 2.08. Section 25.1862(v), Government Code, is  
7 amended to read as follows:

8 (v) In matters of concurrent jurisdiction, a judge of a  
9 county court at law and a judge of a district court or another  
10 county court at law may transfer cases between the courts in the  
11 same manner judges of district courts transfer cases under Section  
12 24.003 [~~24.303~~].

13 SECTION 2.09. Section 25.1932(k), Government Code, is  
14 amended to read as follows:

15 (k) Notwithstanding Section 74.121(b)(1), in matters of  
16 concurrent jurisdiction, the judge of a county court at law and the  
17 judges of the district courts in the county may exchange benches and  
18 courtrooms and may transfer cases between their dockets in the same  
19 manner that judges of district courts exchange benches and transfer  
20 cases under Section 24.003 [~~24.303~~].

21 SECTION 2.10. Section 62.201, Government Code, is amended  
22 to read as follows:

23 Sec. 62.201. NUMBER OF JURORS. The jury in a district court  
24 is composed of 12 persons, except that the parties may agree to try  
25 a particular case with fewer than 12 jurors unless a jury of six or  
26 12 is required by Section 13, Article V, Texas Constitution.

27 SECTION 2.11. Section 74.121(b)(2), Government Code, is

1 amended to read as follows:

2           (2) Notwithstanding Subdivision (1), in matters of  
3 concurrent jurisdiction, a judge of a statutory county court in  
4 Midland County and a judge of a district court in Midland County may  
5 exchange benches and courtrooms with each other and may transfer  
6 cases between their dockets in the same manner that judges of  
7 district courts exchange benches and transfer cases under Section  
8 24.003 [~~24.303~~].

9           SECTION 2.12. (a) The following provisions of the  
10 Government Code are repealed:

- 11           (1) Section 24.013;
- 12           (2) Section 24.302;
- 13           (3) Section 24.303;
- 14           (4) Section 24.304;
- 15           (5) Section 24.305;
- 16           (6) Section 24.307;
- 17           (7) Section 24.308;
- 18           (8) Section 24.309;
- 19           (9) Section 24.310;
- 20           (10) Section 24.311;
- 21           (11) Section 24.312;
- 22           (12) Section 24.313;
- 23           (13) Section 24.314;
- 24           (14) Section 24.528(c); and
- 25           (15) Section 24.529(c).

26           ARTICLE 3. STATUTORY COUNTY COURTS

27           SECTION 3.01. Section 25.0002, Government Code, is amended

1 to read as follows:

2 Sec. 25.0002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

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

6 (2) "Family[~~, "family~~] law cases and proceedings"  
7 includes cases and proceedings under Titles 1, 2, 4, and 5, Family  
8 Code [involving adoptions, birth records, or removal of disability  
9 of minority or coverture; change of names of persons; child  
10 welfare, custody, support and reciprocal support, dependency,  
11 neglect, or delinquency; paternity; termination of parental  
12 rights; divorce and marriage annulment, including the adjustment of  
13 property rights, custody and support of minor children involved  
14 therein, temporary support pending final hearing, and every other  
15 matter incident to divorce or annulment proceedings; independent  
16 actions involving child support, custody of minors, and wife or  
17 child desertion; and independent actions involving controversies  
18 between parent and child, between parents, and between spouses].

19 (3) "Juvenile law cases and proceedings" includes all  
20 cases and proceedings brought under Title 3, Family Code.

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

24 SECTION 3.02. Section 25.0003(c), Government Code, is  
25 amended to read as follows:

26 (c) In addition to other jurisdiction provided by law, a  
27 statutory county court exercising civil jurisdiction concurrent

1 with the constitutional jurisdiction of the county court has  
2 concurrent jurisdiction with the district court in:

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

8 (2) appeals of final rulings and decisions of the  
9 division of workers' compensation of the Texas Department of  
10 Insurance regarding workers' compensation claims, regardless of  
11 the amount in controversy.

12 SECTION 3.03. Section 25.0004, Government Code, is amended  
13 by adding Subsections (f) and (g) to read as follows:

14 (f) The judge of a statutory county court does not have  
15 general supervisory control or appellate review of the  
16 commissioners court.

17 (g) A judge of a statutory county court has the judicial  
18 immunity of a district judge.

19 SECTION 3.04. Section 25.0007, Government Code, is amended  
20 to read as follows:

21 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The  
22 drawing of jury panels, selection of jurors, and practice in the  
23 statutory county courts must conform to that prescribed by law for  
24 county courts.

25 (b) Practice in a statutory county court is that prescribed  
26 by law for county courts, except that practice, procedure, rules of  
27 evidence, issuance of process and writs, and all other matters

1 pertaining to the conduct of trials and hearings in the statutory  
2 county courts, other than the number of jurors, that involve those  
3 matters of concurrent jurisdiction with district courts are  
4 governed by the laws and rules pertaining to district courts. This  
5 section does not affect local rules of administration adopted under  
6 Section 74.093.

7 SECTION 3.05. Section 25.0010, Government Code, is amended  
8 by amending Subsection (b) and adding Subsections (c), (d), (e),  
9 and (f) to read as follows:

10 (b) The county attorney or criminal district attorney [~~and~~  
11 ~~sheriff~~] shall serve each statutory county court as required by  
12 law.

13 (c) A county sheriff shall in person or by deputy attend a  
14 statutory county court as required by the court.

15 (d) The county clerk shall serve as clerk of each statutory  
16 county court. The court officials shall perform the duties and  
17 responsibilities of their offices and are entitled to the  
18 compensation, fees, and allowances prescribed by law for those  
19 offices.

20 (e) The judge of a statutory county court may appoint the  
21 personnel necessary for the operation of the court, including a  
22 court coordinator or administrative assistant, if the  
23 commissioners court has approved the creation of the position.

24 (f) The commissioners court may authorize the employment of  
25 as many additional assistant district attorneys, assistant county  
26 attorneys, deputy sheriffs, and clerks as are necessary for a  
27 statutory county court.

1 SECTION 3.06. (a) Section 25.0014, Government Code, is  
2 amended to read as follows:

3 Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a  
4 statutory county court must:

5 (1) be at least 25 years of age;

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

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

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

19 SECTION 3.07. Subchapter A, Chapter 25, Government Code, is  
20 amended by adding Sections 25.0016, 25.00161, and 25.00162 to read  
21 as follows:

22 Sec. 25.0016. TERMS OF COURT. The commissioners court, by  
23 order, shall set at least two terms a year for the statutory county  
24 court.

25 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge  
26 of a statutory county court shall diligently discharge the duties  
27 of the office on a full-time basis and may not engage in the private

1 practice of law.

2 Sec. 25.00162. SPECIAL JUDGE. A special judge of a  
3 statutory county court may be appointed in the manner provided by  
4 law for the appointment of a special county judge. If the judge of a  
5 statutory county court is disqualified to try a case pending in the  
6 judge's court, the parties or their attorneys may agree on the  
7 selection of a special judge. A special judge must have the same  
8 qualifications, and is entitled to the same rate of compensation,  
9 as the regular judge. The commissioners court shall pay a special  
10 judge out of the county's general fund.

11 SECTION 3.08. Sections 25.0042(g) and (i), Government Code,  
12 are amended to read as follows:

13 (g) The district clerk serves as clerk of a county court at  
14 law in all cases arising under the Family Code and Section 23.001  
15 and shall establish a separate docket for a county court at law; the  
16 county clerk serves as clerk of the court in all other cases. [~~The~~  
17 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~  
18 ~~as are necessary to serve the court.~~]

19 (i) [~~Practice in a county court at law is that prescribed by~~  
20 ~~law for county courts, except that practice and procedure, rules of~~  
21 ~~evidence, issuance of process and writs, and all other matters~~  
22 ~~pertaining to the conduct of trials and hearings in a county court~~  
23 ~~at law involving cases under the Family Code and Section 23.001 are~~  
24 ~~governed by this section and the laws and rules pertaining to~~  
25 ~~district courts and county courts.~~] If a case under the Family Code  
26 or Section 23.001 is tried before a jury, the jury shall be composed  
27 of 12 members.



1 SECTION 3.09. Section 25.0102(h), Government Code, is  
2 amended to read as follows:

3 (h) [~~Practice in a county court at law is that prescribed by~~  
4 ~~law for county courts, except that practice and procedure, rules of~~  
5 ~~evidence, issuance of process and writs, and all other matters~~  
6 ~~pertaining to the conduct of trials and hearings in the county court~~  
7 ~~at law involving family law cases and proceedings shall be governed~~  
8 ~~by this section and the laws and rules pertaining to district~~  
9 ~~courts.~~] If a family law case or proceeding is tried before a jury,  
10 the jury shall be composed of 12 members; in all other cases the  
11 jury shall be composed of six members.

12 SECTION 3.10. Sections 25.0132(e) and (f), Government Code,  
13 are amended to read as follows:

14 (e) The district clerk serves as clerk of a county court at  
15 law in family law cases and proceedings, and the county clerk serves  
16 as clerk of the court in all other cases. The district clerk shall  
17 establish a separate docket for a county court at law. [~~The~~  
18 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~  
19 ~~as are necessary to serve a county court at law.~~]

20 (f) [~~Practice in a county court at law is that prescribed by~~  
21 ~~law for county courts, except that practice and procedure, rules of~~  
22 ~~evidence, issuance of process and writs, and all other matters~~  
23 ~~pertaining to the conduct of trials and hearings in a county court~~  
24 ~~at law involving family law cases and proceedings is that~~  
25 ~~prescribed by law for district courts and county courts.~~] If a  
26 family law case or proceeding is tried before a jury, the jury shall  
27 be composed of 12 members.

1 SECTION 3.11. Section 25.0202(a), Government Code, is  
2 amended to read as follows:

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

6 (1) family law cases and proceedings;

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

10 (3) contested probate matters under Section 5(b),  
11 Texas Probate Code.

12 SECTION 3.12. Section 25.0212(b), Government Code, is  
13 amended to read as follows:

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

17 (1) felony criminal matters;

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

20 (3) misdemeanors involving official misconduct;

21 (4) contested elections; or

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

26 SECTION 3.13. Sections 25.0222(a) and (k), Government Code,  
27 are amended to read as follows:

1 (a) In addition to the jurisdiction provided by Section  
2 25.0003 and other law, a statutory county court in Brazoria County  
3 has concurrent jurisdiction with the district court in:

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

8 (2) appeals of final rulings and decisions of the  
9 division of workers' compensation of the Texas Department of  
10 Insurance regarding workers' compensation claims, regardless of  
11 the amount in controversy; and

12 (3) family law cases and proceedings and juvenile  
13 jurisdiction under Section 23.001.

14 (k) The district clerk serves as clerk of the statutory  
15 county courts in cases instituted in the district courts in which  
16 the district courts and statutory county courts have concurrent  
17 jurisdiction, and the county clerk serves as clerk for all other  
18 cases. [~~The commissioners court may employ as many additional  
19 assistant criminal district attorneys, deputy sheriffs, and deputy  
20 clerks as are necessary to serve the statutory county courts.~~]

21 SECTION 3.14. Sections 25.0302(e) and (f), Government Code,  
22 are amended to read as follows:

23 (e) The district clerk serves as clerk of a county court at  
24 law in family law cases and proceedings, and the county clerk serves  
25 as clerk of the court in all other cases and proceedings. The  
26 district clerk shall establish a separate docket for a county court  
27 at law. [~~The commissioners court may employ the assistant district~~

1 ~~attorneys, deputy sheriffs, and bailiffs necessary to serve each~~  
2 ~~county court at law.]~~

3 (f) ~~[Practice in a county court at law is that prescribed by~~  
4 ~~law for county courts, except that practice and procedure, rules of~~  
5 ~~evidence, issuance of process and writs, and all other matters~~  
6 ~~pertaining to the conduct of trials and hearings in a county court~~  
7 ~~at law involving family law cases and proceedings shall be governed~~  
8 ~~by this section and the laws and rules pertaining to district~~  
9 ~~courts.]~~ If a family law case or proceeding is tried before a jury,  
10 the jury shall be composed of 12 members.

11 SECTION 3.15. Section 25.0312(b), Government Code, is  
12 amended to read as follows:

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

- 16 (1) felony cases other than writs of habeas corpus;
- 17 (2) misdemeanors involving official misconduct;
- 18 (3) contested elections; or
- 19 (4) appeals from county court.

20 SECTION 3.16. Section 25.0362(b), Government Code, is  
21 amended to read as follows:

22 (b) A county court at law does not have ~~[general supervisory~~  
23 ~~control or appellate review of the commissioners court or]~~  
24 jurisdiction of:

- 25 (1) misdemeanors involving official misconduct;
- 26 (2) suits on behalf of the state to recover penalties  
27 or escheated property;

- 1 (3) contested elections;
- 2 (4) suits in which the county is a party; or
- 3 (5) felony cases involving capital murder.

4 SECTION 3.17. Section 25.0482(f), Government Code, is  
5 amended to read as follows:

6 (f) The district clerk serves as clerk of a county court at  
7 law for family law cases and proceedings, and the county clerk  
8 serves as clerk for all other cases and proceedings. [~~The district  
9 clerk shall establish a separate docket for a county court at law.  
10 The commissioners court may employ as many assistant county  
11 attorneys, deputy sheriffs, and bailiffs as are necessary to serve  
12 the county courts at law.~~]

13 SECTION 3.18. Section 25.0632(g), Government Code, is  
14 amended to read as follows:

15 (g) [~~Jurors regularly impaneled for the week by the district  
16 courts of Denton County must include sufficient numbers to serve in  
17 the statutory county courts and statutory probate courts as well as  
18 the district courts. The jurors shall be made available by the  
19 district judge as necessary.~~] The jury in a statutory county court  
20 or statutory probate court in all civil or criminal matters is  
21 composed of 12 members, except that in misdemeanor criminal cases  
22 and any other case in which the court has jurisdiction that under  
23 general law would be concurrent with the county court, the jury is  
24 composed of six members.

25 SECTION 3.19. Section 25.0732(r), Government Code, is  
26 amended to read as follows:

27 (r) Section [~~Sections~~] 25.0006(b) does [~~and 25.0007 do~~] not

1 apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso  
2 County, Texas.

3 SECTION 3.20. Section 25.0733(a), Government Code, is  
4 amended to read as follows:

5 (a) Sections 25.0732(g) and [~~25.0732(d), (h), (i), (j),~~  
6 ~~(m), (n), (o), (p), (q),~~] (r) [~~and (v)~~], relating to county courts  
7 at law in El Paso County, apply to a statutory probate court in El  
8 Paso County.

9 SECTION 3.21. Sections 25.0862(i) and (l), Government Code,  
10 are amended to read as follows:

11 (i) [~~The clerk of the statutory county courts and statutory~~  
12 ~~probate court shall keep a separate docket for each court.~~] The  
13 clerk shall tax the official court reporter's fees as costs in civil  
14 actions in the same manner as the fee is taxed in civil cases in the  
15 district courts. [~~The district clerk serves as clerk of the county~~  
16 ~~courts in a cause of action arising under the Family Code and an~~  
17 ~~appeal of a final ruling or decision of the division of workers'~~  
18 ~~compensation of the Texas Department of Insurance regarding~~  
19 ~~workers' compensation claims, and the county clerk serves as clerk~~  
20 ~~of the court in all other cases.~~]

21 (l) Each reporter may be made available when not engaged in  
22 proceedings in their court to report proceedings in all other  
23 courts. [~~Practice, appeals, and writs of error in a statutory~~  
24 ~~county court are as prescribed by law for county courts and county~~  
25 ~~courts at law.~~] Appeals and writs of error may be taken from  
26 judgments and orders of the County Courts Nos. 1, 2, and 3 of  
27 Galveston County and the judges, in civil and criminal cases, in the

1 manner prescribed by law for appeals and writs of error. Appeals  
2 from interlocutory orders of the County Courts Nos. 1, 2, and 3  
3 appointing a receiver or overruling a motion to vacate or appoint a  
4 receiver may be taken and are governed by the laws relating to  
5 appeals from similar orders of district courts.

6 SECTION 3.22. Section 25.0962(f), Government Code, is  
7 amended to read as follows:

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

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

18 SECTION 3.23. Section 25.1033(a), Government Code, is  
19 amended to read as follows:

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

27 SECTION 3.24. Section 25.1034(i), Government Code, is

1 amended to read as follows:

2 (i) With the approval of the commissioners court, a judge of  
3 a statutory probate court may appoint an ~~[administrative assistant,~~  
4 ~~a court coordinator, an]~~ auditor ~~[, and other staff necessary for~~  
5 ~~the operation of the courts]~~. The commissioners court, with the  
6 advice and counsel of the judges, sets the salary ~~[salaries]~~ of the  
7 auditor ~~[staff]~~.

8 SECTION 3.25. Section 25.1042(g), Government Code, is  
9 amended to read as follows:

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

14 SECTION 3.26. Sections 25.1072(e) and (f), Government Code,  
15 are amended to read as follows:

16 (e) The county clerk serves as clerk of a county court at  
17 law, except that the district clerk serves as clerk of the court in  
18 family law cases and proceedings. The district clerk shall  
19 establish a separate docket for a county court at law. ~~[The~~  
20 ~~commissioners court may employ as many assistant district~~  
21 ~~attorneys, deputy sheriffs, and bailiffs as are necessary to serve~~  
22 ~~the court.]~~

23 (f) ~~[Practice in a county court at law is that prescribed by~~  
24 ~~law for county courts, except that practice and procedure, rules of~~  
25 ~~evidence, issuance of process and writs, and other matters~~  
26 ~~pertaining to the conduct of trials and hearings in a county court~~  
27 ~~at law involving family law cases and proceedings are governed by~~



1 ~~this section and the laws and rules pertaining to district courts,~~  
2 ~~as well as county courts.]~~ If a family law case or proceeding is  
3 tried before a jury, the jury shall be composed of 12 members.

4 SECTION 3.27. Section 25.1142(b), Government Code, is  
5 amended to read as follows:

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

9 (1) civil cases in which the amount in controversy  
10 exceeds \$200,000 [~~\$100,000~~], excluding interest;

11 (2) felony jury trials;

12 (3) suits on behalf of the state to recover penalties  
13 or escheated property;

14 (4) misdemeanors involving official misconduct; or

15 (5) contested elections.

16 SECTION 3.28. Section 25.1182(b), Government Code, is  
17 amended to read as follows:

18 (b) A county court at law's civil jurisdiction concurrent  
19 with the district court in civil cases is limited to cases in which  
20 the matter in controversy does not exceed \$200,000. A county court  
21 at law does not have [~~general supervisory control or appellate~~  
22 ~~review of the commissioners court or~~] jurisdiction of:

23 (1) suits on behalf of this state to recover penalties  
24 or escheated property;

25 (2) felony cases involving capital murder;

26 (3) misdemeanors involving official misconduct; or

27 (4) contested elections.

1 SECTION 3.29. Section 25.1312(b), Government Code, is  
2 amended to read as follows:

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

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

11 SECTION 3.30. Section 25.1542(m), Government Code, is  
12 amended to read as follows:

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

21 SECTION 3.31. Section 25.1652(g), Government Code, is  
22 amended to read as follows:

23 (g) ~~[Practice in a county court at law is that prescribed by~~  
24 ~~law for county courts, except that practice and procedure, rules of~~  
25 ~~evidence, issuance of process and writs, and all other matters~~  
26 ~~pertaining to the conduct of trials and hearings involving family~~  
27 ~~law matters and proceedings shall be governed by this section and~~

1 ~~the laws and rules pertaining to district courts.]~~ If a family law  
2 case is tried before a jury, the jury shall be composed of 12  
3 members.

4 SECTION 3.32. Section 25.1762(i), Government Code, is  
5 amended to read as follows:

6 (i) ~~[The laws governing the drawing, selection, service,  
7 and pay of jurors for county courts apply to a county court at law.  
8 Jurors regularly impaneled for a week by a district court may, at  
9 the request of the judge of a county court at law, be made available  
10 by the district judge in the numbers requested and shall serve for  
11 the week in the county court at law.]~~ In matters of concurrent  
12 jurisdiction with the district court, if a party to a suit files a  
13 written request for a 12-member jury with the clerk of the county  
14 court at law at a reasonable time that is not later than 30 days  
15 before the date the suit is set for trial, the jury shall be  
16 composed of 12 members.

17 SECTION 3.33. Section 25.1772(b), Government Code, is  
18 amended to read as follows:

19 (b) A county court at law does not have ~~[general supervisory  
20 control or appellate review of the commissioners court or]~~  
21 jurisdiction of:

22 (1) suits on behalf of this state to recover penalties  
23 or escheated property;

24 (2) felony cases involving capital murder;

25 (3) misdemeanors involving official misconduct; or

26 (4) contested elections.

27 SECTION 3.34. Section 25.1892(e), Government Code, is

1 amended to read as follows:

2 (e) ~~[The county attorney or district attorney serves a~~  
3 ~~county court at law as required by the judge.]~~ The district clerk  
4 serves as clerk of a county court at law in cases enumerated in  
5 Subsection (a)(2), and the county clerk serves as clerk in all other  
6 cases. The district clerk shall establish a separate docket for a  
7 county court at law. ~~[The commissioners court may employ as many~~  
8 ~~additional assistant county attorneys, deputy sheriffs, and clerks~~  
9 ~~as are necessary to serve a county court at law.]~~

10 SECTION 3.35. Section 25.1932(i), Government Code, is  
11 amended to read as follows:

12 (i) ~~[Practice in a county court at law is that prescribed by~~  
13 ~~law for county courts, except that practice and procedure, rules of~~  
14 ~~evidence, issuance of process and writs, and all other matters~~  
15 ~~pertaining to the conduct of trials and hearings in a county court~~  
16 ~~at law involving cases in the court's concurrent jurisdiction with~~  
17 ~~the district court shall be governed by this section and the laws~~  
18 ~~and rules pertaining to district courts as well as county courts.]~~

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

22 SECTION 3.36. Section 25.2012(b), Government Code, is  
23 amended to read as follows:

24 (b) A county court at law does not have ~~[general supervisory~~  
25 ~~control or appellate review of the commissioners court or]~~  
26 jurisdiction of:

27 (1) felony cases involving capital murder;

- 1           (2) suits on behalf of the state to recover penalties  
2 or escheated property;  
3           (3) misdemeanors involving official misconduct; or  
4           (4) contested elections.

5           SECTION 3.37. Section 25.2142(n), Government Code, is  
6 amended to read as follows:

7           (n) [~~A special judge of a county court at law is entitled to~~  
8 ~~receive for services actually performed the same amount of~~  
9 ~~compensation as the regular judge.~~] A former judge sitting as a  
10 visiting judge of a county court at law is entitled to receive for  
11 services performed the same amount of compensation that the regular  
12 judge receives, less an amount equal to the pro rata annuity  
13 received from any state, district, or county retirement fund. An  
14 active judge sitting as a visiting judge of a county court at law is  
15 entitled to receive for services performed the same amount of  
16 compensation that the regular judge receives, less an amount equal  
17 to the pro rata compensation received from state or county funds as  
18 salary, including supplements.

19           SECTION 3.38. Section 25.2222(b), Government Code, as  
20 amended by Chapter 746, Acts of the 72nd Legislature, Regular  
21 Session, 1991, and Chapter 265, Acts of the 79th Legislature,  
22 Regular Session, 2005, is reenacted and amended to read as follows:

23           (b) A county court at law has concurrent jurisdiction with  
24 the district court in:

25           (1) civil cases in which the matter in controversy  
26 exceeds \$500 and does not exceed \$200,000 [~~\$100,000~~], excluding  
27 mandatory damages and penalties, attorney's fees, interest, and

1 costs;

2 (2) nonjury family law cases and proceedings;

3 (3) final rulings and decisions of the division of  
4 workers' compensation of the Texas Department of Insurance  
5 regarding workers' compensation claims, regardless of the amount in  
6 controversy;

7 (4) eminent domain proceedings, both statutory and  
8 inverse, regardless of the amount in controversy;

9 (5) suits to decide the issue of title to real or  
10 personal property;

11 (6) suits to recover damages for slander or defamation  
12 of character;

13 (7) suits for the enforcement of a lien on real  
14 property;

15 (8) suits for the forfeiture of a corporate charter;

16 (9) suits for the trial of the right to property valued  
17 at \$200 or more that has been levied on under a writ of execution,  
18 sequestration, or attachment; and

19 (10) suits for the recovery of real property.

20 SECTION 3.39. Section 25.2232(a), Government Code, is  
21 amended to read as follows:

22 (a) In addition to the jurisdiction provided by Section  
23 25.0003 and other law, a county court at law in Taylor County has:

24 (1) concurrent jurisdiction with the county court in  
25 the trial of cases involving insanity and approval of applications  
26 for admission to state hospitals and special schools if admission  
27 is by application; and

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

4           SECTION 3.40. Section 25.2293(j), Government Code, is  
5 amended to read as follows:

6           (j) The judge of a statutory probate court may appoint an  
7 [~~administrative assistant and an~~] auditor to aid the judge in the  
8 performance of his duties. The judge sets the salary of the  
9 [~~administrative assistant and the salary of the~~] auditor by an  
10 order entered in the minutes of the court. The appointment  
11 [~~appointments~~] and the salary [~~salaries~~] may be changed only by  
12 order of the judge. The salary [~~salaries~~] of the auditor [~~and the~~  
13 ~~administrative assistant~~] shall be paid monthly out of the county's  
14 general fund or any other fund available for that purpose.

15           SECTION 3.41. Section 25.2352(i), Government Code, is  
16 amended to read as follows:

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

24           SECTION 3.42. Section 25.2382(i), Government Code, is  
25 amended to read as follows:

26           (i) [~~Practice in a county court at law is that prescribed by~~  
27 ~~law for county courts, except that practice and procedure, rules of~~

1 ~~evidence, issuance of process and writs, and all other matters~~  
2 ~~pertaining to the conduct of trials and hearings in a county court~~  
3 ~~at law involving matters enumerated in Subsection (a)(2)(B) or (C)~~  
4 ~~shall be governed by this section and the laws and rules pertaining~~  
5 ~~to district courts.] If a family law case [~~in Subsection (a)(2)(B)~~~~

6 ~~or (C)] is tried before a jury, the jury shall be composed of 12~~

7 members.

8 SECTION 3.43. Sections 25.2422(g) and (h), Government Code,  
9 are amended to read as follows:

10 (g) The district attorney of the 49th Judicial District  
11 serves as district attorney of a county court at law, except that  
12 the county attorney of Webb County prosecutes all juvenile, child  
13 welfare, mental health, and other civil cases in which the state is  
14 a party. The district clerk serves as clerk of a county court at law  
15 in the cases enumerated in Subsection (a)(2), and the county clerk  
16 serves as clerk of a county court at law in all other cases. [~~The~~  
17 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~  
18 ~~as are necessary to serve the court.]~~

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

27 SECTION 3.44. Sections 25.2452(d) and (k), Government Code,



1 are amended to read as follows:

2 (d) A county court at law does not have jurisdiction of:

3 (1) a case under:

4 (A) the Alcoholic Beverage Code;

5 (B) the Election Code; or

6 (C) the Tax Code;

7 (2) a matter over which the district court has  
8 exclusive jurisdiction; or

9 (3) a civil case, other than a case under the Family  
10 Code or the Texas Probate Code, in which the amount in controversy  
11 is:

12 (A) less than the maximum amount in controversy  
13 allowed the justice court in Wichita County; or

14 (B) more than \$200,000 [~~\$100,000~~], exclusive of  
15 punitive or exemplary damages, penalties, interest, costs, and  
16 attorney's fees.

17 (k) Except as otherwise required by law, if a case is tried  
18 before a jury, the jury shall be composed of six members and may  
19 render verdicts by a five to one margin in civil cases and a  
20 unanimous verdict in criminal cases. [~~The laws governing the  
21 drawing, selection, service, and pay of jurors for county courts  
22 apply to the county courts at law. Jurors regularly impaneled for a  
23 week by a district court may, on request of the county judge  
24 exercising the jurisdiction provided by this section or a county  
25 court at law judge, be made available and shall serve for the week  
26 in the county court or county court at law.~~]

27 SECTION 3.45. Section 25.2462(h), Government Code, is

1 amended to read as follows:

2 (h) [~~The county attorney and the county sheriff shall attend~~  
3 ~~a county court at law as required by the judge.~~] The district clerk  
4 serves as clerk of a county court at law in family law cases and  
5 proceedings, and the county clerk serves as clerk of the court in  
6 all other cases and proceedings.

7 SECTION 3.46. Section 25.2482(i), Government Code, is  
8 amended to read as follows:

9 (i) [~~The county attorney and the county sheriff shall attend~~  
10 ~~a county court at law as required by the judge.~~] The district clerk  
11 serves as clerk of a county court at law in family law cases and  
12 proceedings, and the county clerk serves as clerk of the court in  
13 all other cases and proceedings.

14 SECTION 3.47. Section 25.2512(a), Government Code, as  
15 amended by Chapters 518 and 746, Acts of the 72nd Legislature,  
16 Regular Session, 1992, is reenacted and amended to read as follows:

17 (a) In addition to the jurisdiction provided by Section  
18 25.0003 and other law, a county court at law in Wise County has:

19 (1) concurrent with the county court, the probate  
20 jurisdiction provided by general law for county courts; and

21 (2) concurrent jurisdiction with the district court  
22 in:

23 (A) eminent domain cases;

24 (B) civil cases in which the amount in  
25 controversy exceeds \$500, but does not exceed \$200,000 [~~\$100,000~~],  
26 excluding interest and attorney's fees; and

27 (C) family law cases and proceedings.

1           SECTION 3.48. The following provisions of the Government  
2 Code are repealed:

- 3           (1) Sections 25.0042(b), (d), (f), and (j);
- 4           (2) Sections 25.0052(b), (f), (g), and (h);
- 5           (3) Sections 25.0102(b), (d), (f), and (i);
- 6           (4) Sections 25.0132(d), (g), and (h);
- 7           (5) Sections 25.0152(c) and (e);
- 8           (6) Sections 25.0162(b), (f), (g), (h), and (i);
- 9           (7) Sections 25.0172(d), (k), (l), (m), (n), (o), (q),  
10 (s), and (t);
- 11          (8) Sections 25.0173(c), (d), (h), (i), and (k);
- 12          (9) Sections 25.0202(c), (d), and (g);
- 13          (10) Sections 25.0212(c), (e), and (g);
- 14          (11) Sections 25.0222(d), (e), (i), (j), and (n);
- 15          (12) Sections 25.0232(b), (d), (f), (h), and (i);
- 16          (13) Sections 25.0272(b), (c), and (e);
- 17          (14) Sections 25.0292(b), (c), (g), (h), and (i);
- 18          (15) Sections 25.0302(b), (d), and (g);
- 19          (16) Sections 25.0312(c), (e), and (j);
- 20          (17) Sections 25.0332(e), (g), (i), (k), (l), and (m);
- 21          (18) Section 25.0362(c);
- 22          (19) Sections 25.0392(b), (d), (f), (i), (j), and (k);
- 23          (20) Sections 25.0452(b), (c), and (d);
- 24          (21) Sections 25.0453(a), (c), (d), and (e);
- 25          (22) Sections 25.0482(b), (d), (e), (g), and (h);
- 26          (23) Sections 25.0512(a), (b), (d), (g), and (h);
- 27          (24) Sections 25.0522(b), (d), (f), and (g);

- 1 (25) Sections 25.0592(b), (h), (i), (j), and (k);
- 2 (26) Sections 25.0593(d), (f), (g), (h), (i), and (j);
- 3 (27) Sections 25.0594(d), (e), (g), (h), (i), (j), and
- 4 (k);
- 5 (28) Sections 25.0595(c), (d), (f), and (g);
- 6 (29) Section 25.0596;
- 7 (30) Sections 25.0632(a), (b), and (d);
- 8 (31) Sections 25.0702(b), (g), (h), (j), (k), and (l);
- 9 (32) Sections 25.0722(b), (d), (f), (j), and (k);
- 10 (33) Sections 25.0732(d), (g), (h), (i), (j), (m),
- 11 (n), (o), (p), (s), and (v);
- 12 (34) Sections 25.0733(c), (d), and (f);
- 13 (35) Section 25.0742(b);
- 14 (36) Sections 25.0812(d), (f), (h), (j), and (l);
- 15 (37) Sections 25.0862(f) and (j);
- 16 (38) Sections 25.0932(e), (f), and (i);
- 17 (39) Sections 25.0942(c), (f), (g), (j), and (k);
- 18 (40) Sections 25.0962(d), (e), and (g);
- 19 (41) Sections 25.1032(d), (e), (g), (h), and (k);
- 20 (42) Sections 25.1033(d), (e), (f), (m), and (o);
- 21 (43) Sections 25.1034(c), (h), (k), and (l);
- 22 (44) Sections 25.1042(b), (d), (f), (h), and (i);
- 23 (45) Sections 25.1072(b), (d), (g), and (h);
- 24 (46) Sections 25.1092(e), (f), (l), and (o);
- 25 (47) Sections 25.1102(d), (e), (h), (i), (j), and (l);
- 26 (48) Section 25.1103;
- 27 (49) Sections 25.1112(b), (c), (f), and (k);

- 1 (50) Sections 25.1132(f), (g), (h), (j), (l), (m), and  
2 (p);
- 3 (51) Sections 25.1142(c), (e), and (g);
- 4 (52) Sections 25.1152(b), (e), (f), (h), and (i);
- 5 (53) Sections 25.1182(c), (e), and (h);
- 6 (54) Sections 25.1252(c), (g), and (i);
- 7 (55) Sections 25.1282(b), (d), (f), (h), and (i);
- 8 (56) Sections 25.1312(d), (e), (i), (k), (l), and (n);
- 9 (57) Sections 25.1322(d), (e), (f), (i), and (j);
- 10 (58) Sections 25.1352(d) and (h);
- 11 (59) Sections 25.1392(e), (g), and (i);
- 12 (60) Sections 25.1412(b), (c), (e), (h), (i), and (k);
- 13 (61) Sections 25.1482(d), (g), (h), (l), and (m);
- 14 (62) Sections 25.1542(f), (i), (k), and (n);
- 15 (63) Sections 25.1572(e), (f), and (g);
- 16 (64) Sections 25.1652(d), (f), and (h);
- 17 (65) Sections 25.1672(b) and (f);
- 18 (66) Sections 25.1722(b), (c), and (g);
- 19 (67) Sections 25.1732(d), (e), (f), (h), and (i);
- 20 (68) Sections 25.1762(b), (e), (f), and (h);
- 21 (69) Sections 25.1772(c), (e), and (h);
- 22 (70) Sections 25.1792(e), (f), (h), (i), and (j);
- 23 (71) Sections 25.1802(c), (h), (i), (j), (k), (l), and  
24 (q);
- 25 (72) Sections 25.1832(b), (d), and (j);
- 26 (73) Sections 25.1852(e), (f), and (i);
- 27 (74) Sections 25.1862(c), (f), (h), (i), (j), (m),

- 1 (n), (p), (q), and (u);
- 2 (75) Section 25.1892(d);
- 3 (76) Sections 25.1902(e), (g), (i), (j), and (k);
- 4 (77) Sections 25.1932(b), (c), (f), (h), and (j);
- 5 (78) Sections 25.1972(b), (d), (f), (h), and (j);
- 6 (79) Sections 25.2012(d), (e), (i), (k), (l), and (n);
- 7 (80) Sections 25.2032(c), (e), and (h);
- 8 (81) Sections 25.2072(c), (e), (f), (h), and (i);
- 9 (82) Sections 25.2142(c), (e), (i), (r), (t), and (u);
- 10 (83) Sections 25.2162(d), (f), (h), (j), and (k);
- 11 (84) Sections 25.2222(c), (g), (h), (i), (k), and (n);
- 12 (85) Sections 25.2223(c), (e), (g), (h), and (j);
- 13 (86) Sections 25.2224(b), (c), (f), (g), (i), and (j);
- 14 (87) Sections 25.2232(b), (e), (f), and (g);
- 15 (88) Sections 25.2282(b), (d), (f), (g), (i), and (j);
- 16 (89) Sections 25.2292(b), (e), (i), (k), and (l);
- 17 (90) Sections 25.2293(e), (f), (g), (k), and (l);
- 18 (91) Sections 25.2352(b), (d), (f), (g), and (j);
- 19 (92) Sections 25.2362(c), (e), and (h);
- 20 (93) Sections 25.2372(c), (f), (g), (h), and (i);
- 21 (94) Sections 25.2382(b), (d), (f), and (j);
- 22 (95) Sections 25.2392(b), (d), (f), and (j);
- 23 (96) Sections 25.2412(b), (d), (f), (i), and (k);
- 24 (97) Sections 25.2422(b), (d), (f), (i), and (j);
- 25 (98) Sections 25.2452(f), (h), and (j);
- 26 (99) Sections 25.2462(c), (d), (e), (g), (i), and (j);
- 27 (100) Sections 25.2482(d), (e), (f), (h), (j), and

1 (k); and

2 (101) Sections 25.2512(b), (e), (h), and (i).

3 ARTICLE 4. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

4 SECTION 4.01. (a) Section 27.005(a), Government Code, is  
5 amended to read as follows:

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

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

12 (2) each following year:

13 (A) ~~[7]~~ a 20-hour course in the performance of  
14 the justice's duties; and

15 (B) a 15-hour course regarding substantive,  
16 procedural, and evidentiary law in civil matters.

17 (b) Subject to Subsection (c) of this section, Section  
18 27.005(a), Government Code, as amended by this section, applies to  
19 a justice of the peace serving on or after the effective date of  
20 this article, regardless of the date the justice was elected or  
21 appointed.

22 (c) A justice of the peace serving on the effective date of  
23 this article must complete the justice's initial 15-hour course in  
24 substantive, procedural, and evidentiary law required by Section  
25 27.005(a)(2)(B), Government Code, as added by this section, not  
26 later than August 31, 2012.

ARTICLE 5. ASSOCIATE JUDGES

SECTION 5.01. Subtitle D, Title 2, Government Code, is amended by adding Chapter 54A to read as follows:

CHAPTER 54A. ASSOCIATE JUDGES

SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

Sec. 54A.001. APPLICABILITY. This subchapter applies to a district court or a statutory county court that gives preference to criminal cases.

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

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

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

(d) If an associate judge serves more than one court, the associate judge's appointment must be made by a vote of two-thirds of the judges under whom the associate judge serves.

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

(1) be a resident of this state and one of the counties



1 the person will serve;

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

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

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

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

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

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

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

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

27 (c) The employment of an associate judge who serves two

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

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

6 (1) the associate judge's name and state bar  
7 identification number;

8 (2) each court ordering termination; and

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

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

13 (1) a negotiated plea of guilty before the court;

14 (2) a bond forfeiture;

15 (3) a pretrial motion;

16 (4) a postconviction writ of habeas corpus;

17 (5) an examining trial;

18 (6) an occupational driver's license;

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

21 (8) any other matter the judge considers necessary and  
22 proper; and

23 (9) setting, adjusting, or revoking bond before the  
24 filing of an information or the return of an indictment.

25 (b) An associate judge may accept an agreed plea of guilty  
26 from a defendant charged with misdemeanor, felony, or both  
27 misdemeanor and felony offenses.

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

4       (d) An associate judge may select a jury. An associate  
5 judge may not preside over a trial on the merits, whether or not the  
6 trial is before a jury.

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

10       (b) An order of referral may:

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

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

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

16           (4) provide a date for filing the associate judge's  
17 findings;

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

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

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

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

26           (1) conduct hearings;

27           (2) hear evidence;

- 1           (3) compel production of relevant evidence;  
2           (4) rule on the admissibility of evidence;  
3           (5) issue summons for the appearance of witnesses;  
4           (6) examine a witness;  
5           (7) swear a witness for a hearing;  
6           (8) make findings of fact on evidence;  
7           (9) formulate conclusions of law;  
8           (10) rule on pretrial motions;  
9           (11) recommend the rulings, orders, or judgment to be  
10 made in a case;  
11           (12) regulate proceedings in a hearing;  
12           (13) order the attachment of a witness or party who  
13 fails to obey a subpoena;  
14           (14) accept a plea of guilty from a defendant charged  
15 with misdemeanor, felony, or both misdemeanor and felony offenses;  
16           (15) select a jury; and  
17           (16) take action as necessary and proper for the  
18 efficient performance of the duties required by the order of  
19 referral.  
20           (b) An associate judge may not enter a ruling on any issue of  
21 law or fact if that ruling could result in dismissal or require  
22 dismissal of a pending criminal prosecution, but the associate  
23 judge may make findings, conclusions, and recommendations on those  
24 issues.  
25           (c) Except as limited by an order of referral, an associate  
26 judge who is appointed by a district or statutory county court judge  
27 and to whom a case is referred may accept a plea of guilty or nolo

1 contendere in a misdemeanor case for a county criminal court. The  
2 associate judge shall forward any fee or fine collected for the  
3 misdemeanor offense to the county clerk.

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

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

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

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

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

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

26 Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the  
27 30th day after the date an action is taken by an associate judge, a

1 referring court may modify, correct, reject, reverse, or recommit  
2 for further information the action taken by the associate judge.

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

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

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

9 SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

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

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

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

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

27 (d) If an associate judge serves more than one court, the

1 associate judge's appointment must be made by a vote of two-thirds  
2 of the judges under whom the associate judge serves.

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

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

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

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

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

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

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

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

27 Sec. 54A.105. TERMINATION. (a) An associate judge who

1 serves a single court serves at the will of the judge of that court.

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

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

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

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

13 (2) each court ordering termination; and

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

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

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

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



1 referring court shall hear the trial on the merits or preside at a  
2 jury trial.

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

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

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

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

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

5       Sec. 54A.109. WITNESS. (a) A witness appearing before an  
6 associate judge is subject to the penalties for perjury provided by  
7 law.

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

9           (1) failed to appear before an associate judge after  
10 being summoned; or

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

13       Sec. 54A.110. COURT REPORTER; RECORD. (a) A court  
14 reporter may be provided during a hearing held by an associate judge  
15 appointed under this subchapter. A court reporter is required to be  
16 provided when the associate judge presides over a jury trial.

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

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

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

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

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

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

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

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

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

23       Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

24       (a) Notice of the right to a de novo hearing before the referring  
25 court shall be given to all parties.

26       (b) The notice may be given:

27           (1) by oral statement in open court;

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

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

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

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

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

18           (c) An order by an associate judge for the temporary  
19 detention or incarceration of a witness or party shall be presented  
20 to the referring court on the day the witness or party is detained  
21 or incarcerated. The referring court, without prejudice to the  
22 right to a de novo hearing provided by Section 54A.115, may approve  
23 the temporary detention or incarceration or may order the release  
24 of the party or witness, with or without bond, pending a de novo  
25 hearing. If the referring court is not immediately available, the  
26 associate judge may order the release of the party or witness, with  
27 or without bond, pending a de novo hearing or may continue the

1 person's detention or incarceration for not more than 72 hours.

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

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

7 (2) hear additional evidence; or

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

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

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

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

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

26 (e) The referring court, after notice to the parties, shall  
27 hold a de novo hearing not later than the 30th day after the date the

1 initial request for a de novo hearing was filed with the clerk of  
2 the referring court.

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

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

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

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

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

27 (c) The date an agreed order or a default order is signed by

1 an associate judge is the controlling date for the purpose of an  
2 appeal to, or a request for other relief relating to the order from,  
3 a court of appeals or the supreme court.

4 Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the  
5 30th day after the date an action is taken by an associate judge, a  
6 referring court may modify, correct, reject, reverse, or recommit  
7 for further information the action taken by the associate judge.

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

11 Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge  
12 appointed under this subchapter has the judicial immunity of a  
13 district judge.

14 SECTION 5.02. Subchapter G, Chapter 54, Government Code, is  
15 transferred to Chapter 54A, Government Code, as added by this Act,  
16 redesignated as Subchapter C, Chapter 54A, Government Code, and  
17 amended to read as follows:

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

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

22 Sec. 54A.202. APPLICABILITY. This subchapter applies to a  
23 statutory probate court.

24 Sec. 54A.203 [~~54.603~~]. APPOINTMENT. (a) After obtaining  
25 the approval of the commissioners court to create an associate  
26 judge position, the judge of a statutory probate court by order may  
27 appoint a full-time or part-time [~~person to act as~~] associate judge

1 to perform the duties authorized by this subchapter [~~for the~~  
2 ~~statutory probate court~~].

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

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

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

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

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

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

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

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

26 (3) not have been removed from office by impeachment,  
27 by the supreme court, by the governor on address to the legislature,



1 by a tribunal reviewing a recommendation of the State Commission on  
2 Judicial Conduct, or by the legislature's abolition of the judge's  
3 court; and

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

8 Sec. 54A.205 [~~54.605~~]. COMPENSATION. (a) An associate  
9 judge shall be paid a salary determined [~~is entitled to the~~  
10 ~~compensation set by the appointing judge and approved~~] by the  
11 commissioners court of the county in which the associate judge  
12 serves. [~~The salary of the associate judge may not exceed the~~  
13 ~~salary of the appointing judge.~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 appeals.

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

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

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

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

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

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

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

- 24 (1) conduct a hearing;  
25 (2) hear evidence;  
26 (3) compel production of relevant evidence;  
27 (4) rule on the admissibility of evidence;

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

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

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

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

6 (ii) letters of guardianship; or

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

9 (17) [~~(16)~~] sign a final order that includes a waiver  
10 of the right to a de novo hearing in accordance with Section 54A.216  
11 [~~54.618~~].

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

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

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

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

27 [~~Sec. 54.612. COURT REPORTER. (a) A court reporter may be~~

1 ~~provided during a hearing held by an associate judge appointed~~  
2 ~~under this subchapter unless required by other law. A court~~  
3 ~~reporter is required to be provided when the associate judge~~  
4 ~~presides over a jury trial.~~

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

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

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

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

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

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

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

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

27 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court

1 reporter may be provided during a hearing held by an associate judge  
2 appointed under this subchapter. A court reporter is required to be  
3 provided when the associate judge presides over a jury trial.

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

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

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

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

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

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

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

22 (2) a proposed order.

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

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

27 (1) in open court, by an oral statement, or by



1 providing a copy of the associate judge's written report, including  
2 any proposed order;

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

4 (3) by facsimile transmission.

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

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

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

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

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

19 (b) The notice may be given:

20 (1) by oral statement in open court;

21 (2) by posting inside or outside the courtroom of the  
22 referring court; or

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

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

27 Sec. 54A.214 [~~54.616~~]. ORDER OF COURT. (a) Pending a de

1 novo hearing before the referring court, the decisions and  
2 recommendations of the associate judge or a proposed order or  
3 judgment of the associate judge has the full force and effect, and  
4 is enforceable as, an order or judgment of the referring court,  
5 except for an order providing for the appointment of a receiver.

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

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

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

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

3           (2) hear further evidence; or

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

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

10          Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE REFERRING  
11 COURT. (a) A party may request a de novo hearing before the  
12 referring court by filing with the clerk of the referring court a  
13 written request not later than the seventh working day after the  
14 date the party receives notice of the substance of the associate  
15 judge's report as provided by Section 54.212 [~~54.614~~].

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

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

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

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

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

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

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

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

21 Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's  
22 failure to request a de novo hearing before the referring court or a  
23 party's waiver of the right to request a de novo hearing before the  
24 referring court does not deprive the party of the right to appeal to  
25 or request other relief from a court of appeals or the supreme  
26 court.

27 (b) Except as provided by Subsection (c), the date the judge

1 of a referring court signs an order or judgment is the controlling  
2 date for the purposes of appeal to or request for other relief from  
3 a court of appeals or the supreme court.

4 (c) The date an order described by Section 54A.209(a)(16)  
5 [~~54.610(a)(15)~~] is signed by an associate judge is the controlling  
6 date for the purpose of an appeal to, or a request for other relief  
7 relating to the order from, a court of appeals or the supreme court.

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

12 SECTION 5.03. Chapter 201, Family Code, is amended by  
13 adding Subchapter D to read as follows:

14 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

15 Sec. 201.301. APPLICABILITY. This subchapter applies only  
16 to an associate judge appointed under this subchapter and does not  
17 apply to a juvenile court master appointed under Subchapter K,  
18 Chapter 54, Government Code.

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

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

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

6       (d) If an associate judge serves more than one court, the  
7 associate judge's appointment must be made by a vote of two-thirds  
8 of the judges under whom the associate judge serves.

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

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

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

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

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

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

27       (b) If an associate judge serves in more than one county,

1 the associate judge shall be paid a salary as determined by  
2 agreement of the commissioners courts of the counties in which the  
3 associate judge serves.

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

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

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

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

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

17 (1) the associate judge's name and state bar  
18 identification number;

19 (2) each court ordering termination; and

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

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

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

25 (2) in connection with Rule 308, Texas Rules of Civil  
26 Procedure.

27 (b) Unless a party files a written objection to the

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

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

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

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

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

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

- 23 (1) conduct a hearing;  
24 (2) hear evidence;  
25 (3) compel production of relevant evidence;  
26 (4) rule on the admissibility of evidence;  
27 (5) issue a summons for:



1                   (A) the appearance of witnesses; and  
2                   (B) the appearance of a parent who has failed to  
3 appear before an agency authorized to conduct an investigation of  
4 an allegation of abuse or neglect of a child after receiving proper  
5 notice;

- 6                   (6) examine a witness;  
7                   (7) swear a witness for a hearing;  
8                   (8) make findings of fact on evidence;  
9                   (9) formulate conclusions of law;  
10                  (10) recommend an order to be rendered in a case;  
11                  (11) regulate proceedings in a hearing;  
12                  (12) order the attachment of a witness or party who  
13 fails to obey a subpoena;  
14                  (13) order the detention of a witness or party found  
15 guilty of contempt, pending approval by the referring court; and  
16                  (14) take action as necessary and proper for the  
17 efficient performance of the associate judge's duties.

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

22                  Sec. 201.309. REFEREES. (a) An associate judge appointed  
23 under this subchapter may serve as a referee as provided by Sections  
24 51.04(g) and 54.10.

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

27                  Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a

1 hearing by an associate judge if directed by the referring court.

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

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

6 (1) failed to appear before an associate judge after  
7 being summoned; or

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

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

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

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

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

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

27 Sec. 201.313. REPORT. (a) The associate judge's report may

1 contain the associate judge's findings, conclusions, or  
2 recommendations and may be in the form of a proposed order. The  
3 associate judge's report must be in writing and in the form directed  
4 by the referring court.

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

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

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

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

13 (3) by facsimile.

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

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

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

20 (e) After a hearing conducted by an associate judge, the  
21 associate judge shall send the associate judge's signed and dated  
22 report, including any proposed order, and all other papers relating  
23 to the case to the referring court.

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

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

27 (b) The notice may be given:

1           (1) by oral statement in open court;

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

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

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

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

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

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

1 or without bond, pending a de novo hearing or may continue the  
2 person's detention or incarceration for not more than 72 hours.

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

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

8 (2) hear additional evidence; or

9 (3) recommit the matter to the associate judge for  
10 further proceedings.

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

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

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

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

27 (e) The referring court, after notice to the parties, shall

1 hold a de novo hearing not later than the 30th day after the date the  
2 initial request for a de novo hearing was filed with the clerk of  
3 the referring court.

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

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

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

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

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

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

5       Sec. 201.319. JUDICIAL IMMUNITY. An associate judge  
6 appointed under this subchapter has the judicial immunity of a  
7 district judge.

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

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

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

23       SECTION 5.04. Section 22.110(b), Government Code, is  
24 amended to read as follows:

25       (b) The court of criminal appeals shall adopt the rules  
26 necessary to accomplish the purposes of this section. The rules  
27 must require each district judge, judge of a statutory county

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

20 SECTION 5.05. (a) Section 101.0611, Government Code, is  
21 amended to read as follows:

22 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT  
23 CODE. The clerk of a district court shall collect fees and costs  
24 under the Government Code as follows:

- 25 (1) appellate judicial system filing fees for:  
26 (A) First or Fourteenth Court of Appeals District  
27 (Sec. 22.2021, Government Code) . . . not more than \$5;



1 (B) Second Court of Appeals District  
2 (Sec. 22.2031, Government Code) . . . not more than \$5;

3 (C) Third Court of Appeals District  
4 (Sec. 22.2041, Government Code) . . . \$5;

5 (D) Fourth Court of Appeals District  
6 (Sec. 22.2051, Government Code) . . . not more than \$5;

7 (E) Fifth Court of Appeals District  
8 (Sec. 22.2061, Government Code) . . . not more than \$5;

9 (E-1) Sixth Court of Appeals District (Sec.  
10 22.2071, Government Code) . . . \$5;

11 (E-2) Seventh Court of Appeals District (Sec.  
12 22.2081, Government Code) . . . \$5;

13 (F) Ninth Court of Appeals District  
14 (Sec. 22.2101, Government Code) . . . \$5;

15 (G) Eleventh Court of Appeals District  
16 (Sec. 22.2121, Government Code) . . . \$5;

17 (G-1) Twelfth Court of Appeals District (Sec.  
18 22.2131, Government Code) . . . \$5; and

19 (H) Thirteenth Court of Appeals District  
20 (Sec. 22.2141, Government Code) . . . not more than \$5;

21 (2) when administering a case for the Rockwall County  
22 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and  
23 court costs as if the case had been filed in district court;

24 (3) additional filing fees:

25 (A) for each suit filed for insurance contingency  
26 fund, if authorized by the county commissioners court (Sec. 51.302,  
27 Government Code) . . . not to exceed \$5;

1 (B) to fund the improvement of Dallas County  
2 civil court facilities, if authorized by the county commissioners  
3 court (Sec. 51.705, Government Code) . . . not more than \$15;

4 (B-1) to fund the improvement of Bexar County  
5 court facilities, if authorized by the county commissioners court  
6 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

7 (C) to fund the improvement of Hays County court  
8 facilities, if authorized by the county commissioners court  
9 (Sec. 51.707, Government Code) . . . not more than \$15; and

10 (D) to fund the preservation of court records  
11 (Sec. 51.708, Government Code) . . . not more than \$10;

12 (4) for filing a suit, including an appeal from an  
13 inferior court:

14 (A) for a suit with 10 or fewer plaintiffs  
15 (Sec. 51.317, Government Code) . . . \$50;

16 (B) for a suit with at least 11 but not more than  
17 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

18 (C) for a suit with at least 26 but not more than  
19 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

20 (D) for a suit with at least 101 but not more than  
21 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

22 (E) for a suit with at least 501 but not more than  
23 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

24 (F) for a suit with more than 1,000 plaintiffs  
25 (Sec. 51.317, Government Code) . . . \$200;

26 (5) for filing a cross-action, counterclaim,  
27 intervention, contempt action, motion for new trial, or third-party

- 1 petition (Sec. 51.317, Government Code) . . . \$15;
- 2           (6) for issuing a citation or other writ or process not  
3 otherwise provided for, including one copy, when requested at the  
4 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
5 \$8;
- 6           (7) for records management and preservation  
7 (Sec. 51.317, Government Code) . . . \$10;
- 8           (7-a) for district court records archiving, if adopted  
9 by the county commissioners court (Sec. 51.317(b)(5), Government  
10 Code) . . . not more than \$5;
- 11           (8) for issuing a subpoena, including one copy  
12 (Sec. 51.318, Government Code) . . . \$8;
- 13           (9) for issuing a citation, commission for deposition,  
14 writ of execution, order of sale, writ of execution and order of  
15 sale, writ of injunction, writ of garnishment, writ of attachment,  
16 or writ of sequestration not provided for in Section 51.317, or any  
17 other writ or process not otherwise provided for, including one  
18 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 19           (10) for searching files or records to locate a cause  
20 when the docket number is not provided (Sec. 51.318, Government  
21 Code) . . . \$5;
- 22           (11) for searching files or records to ascertain the  
23 existence of an instrument or record in the district clerk's office  
24 (Sec. 51.318, Government Code) . . . \$5;
- 25           (12) for abstracting a judgment (Sec. 51.318,  
26 Government Code) . . . \$8;
- 27           (13) for approving a bond (Sec. 51.318, Government

1 Code) . . . \$4;

2 (14) for a certified copy of a record, judgment,  
3 order, pleading, or paper on file or of record in the district  
4 clerk's office, including certificate and seal, for each page or  
5 part of a page (Sec. 51.318, Government Code) . . . \$1;

6 (15) for a noncertified copy, for each page or part of  
7 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

8 (16) fee for performing a service:

9 (A) related to the matter of the estate of a  
10 deceased person (Sec. 51.319, Government Code) . . . the same fee  
11 allowed the county clerk for those services;

12 (B) related to the matter of a minor  
13 (Sec. 51.319, Government Code) . . . the same fee allowed the  
14 county clerk for the service;

15 (C) of serving process by certified or registered  
16 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
17 constable is authorized to charge for the service under Section  
18 118.131, Local Government Code; and

19 (D) prescribed or authorized by law but for which  
20 no fee is set (Sec. 51.319, Government Code) . . . a reasonable  
21 fee;

22 (17) jury fee (Sec. 51.604, Government Code) . . .  
23 \$30; and

24 (18) additional filing fee for family protection on  
25 filing a suit for dissolution of a marriage under Chapter 6, Family  
26 Code (Sec. 51.961, Government Code) . . . not to exceed \$15[+

27 [~~(19) at a hearing held by an associate judge in Dallas~~

1 ~~County, a court cost to preserve the record, in the absence of a~~  
2 ~~court reporter, by other means (Sec. 54.509, Government Code) . . .~~  
3 ~~as assessed by the referring court or associate judge, and~~  
4 ~~[(20) at a hearing held by an associate judge in Duval~~  
5 ~~County, a court cost to preserve the record (Sec. 54.1151,~~  
6 ~~Government Code) . . . as imposed by the referring court or~~  
7 ~~associate judge].~~

8 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,  
9 101.06116, and 101.06117, Government Code, are repealed.

10 SECTION 5.06. Article 2.09, Code of Criminal Procedure, is  
11 amended to read as follows:

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

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

16 SECTION 5.07. Article 102.017(d), Code of Criminal  
17 Procedure, is amended to read as follows:

18 (d) Except as provided by Subsection (d-2), the clerks of  
19 the respective courts shall collect the costs and pay them to the  
20 county or municipal treasurer, as appropriate, or to any other  
21 official who discharges the duties commonly delegated to the county  
22 or municipal treasurer, as appropriate, for deposit in a fund to be  
23 known as the courthouse security fund or a fund to be known as the  
24 municipal court building security fund, as appropriate. Money  
25 deposited in a courthouse security fund may be used only for  
26 security personnel, services, and items related to buildings that  
27 house the operations of district, county, or justice courts, and

1 money deposited in a municipal court building security fund may be  
2 used only for security personnel, services, and items related to  
3 buildings that house the operations of municipal courts. For  
4 purposes of this subsection, operations of a district, county, or  
5 justice court include the activities of associate judges, masters,  
6 magistrates, referees, hearing officers, criminal law magistrate  
7 court judges, and masters in chancery appointed under:

- 8 (1) Section 61.311, Alcoholic Beverage Code;
- 9 (2) Section 51.04(g) or Chapter 201, Family Code;
- 10 (3) Section 574.0085, Health and Safety Code;
- 11 (4) Section 33.71, Tax Code;
- 12 (5) Chapter 54A [~~Chapter 54~~], Government Code; or
- 13 (6) Rule 171, Texas Rules of Civil Procedure.

14 SECTION 5.08. Section 54.10(a), Family Code, is amended to  
15 read as follows:

16 (a) Except as provided by Subsection (e), a hearing under  
17 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing  
18 under Chapter 55, including a jury trial, or a hearing under the  
19 Interstate Compact for Juveniles (Chapter 60) may be held by a  
20 referee appointed in accordance with Section 51.04(g) or an  
21 associate judge [~~a master~~] appointed under Chapter 54A [~~54~~],  
22 Government Code, provided:

23 (1) the parties have been informed by the referee or  
24 master that they are entitled to have the hearing before the  
25 juvenile court judge; and

26 (2) after each party is given an opportunity to  
27 object, no party objects to holding the hearing before the referee

1 or master.

2 SECTION 5.09. A magistrate, master, referee, associate  
3 judge, or hearing officer appointed as provided by Chapter 54,  
4 Government Code, before the effective date of this Act, continues  
5 to serve as an associate judge under Chapter 54A, Government Code,  
6 as added by this article, with the powers and duties provided by  
7 that chapter, provided the court for which the magistrate, master,  
8 referee, associate judge, or hearing officer serves has authority  
9 to appoint an associate judge under Chapter 54A, Government Code.

10 SECTION 5.10. The changes in law made by this article apply  
11 to a matter referred to an associate judge on or after the effective  
12 date of this article. A matter referred to an associate judge  
13 before the effective date of this article is governed by the law in  
14 effect on the date the matter was referred to the associate judge,  
15 and the former law is continued in effect for that purpose.

16 SECTION 5.11. The following subchapters of Chapter 54,  
17 Government Code, are repealed:

- 18 (1) Subchapter A;
- 19 (2) Subchapter B;
- 20 (3) Subchapter C;
- 21 (4) Subchapter E;
- 22 (5) Subchapter F;
- 23 (6) Subchapter I;
- 24 (7) Subchapter O;
- 25 (8) Subchapter P;
- 26 (9) Subchapter S;
- 27 (10) Subchapter T;



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

8 ARTICLE 6. COURT ADMINISTRATION

9 SECTION 6.01. Section 74.005, Government Code, is amended  
10 to read as follows:

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

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

18 SECTION 6.02. Section 74.050, Government Code, is amended  
19 to read as follows:

20 Sec. 74.050. SUPPORT STAFF ~~[ADMINISTRATIVE ASSISTANT]~~. (a)  
21 The presiding judge may employ, directly or through a contract with  
22 another governmental entity, a full-time or part-time  
23 administrative assistant and up to three full-time equivalent staff  
24 attorneys.

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

27 ~~[(c) An administrative assistant]~~ shall aid the presiding

1 judge in carrying out the judge's duties under this chapter. The  
2 administrative assistant shall:

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

5 (2) conduct correspondence for the presiding judge;

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

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

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

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

21 (e) A staff attorney may provide assistance to a district  
22 judge for a specific case at the direction of the judicial committee  
23 for additional resources.

24 (f) The office of court administration shall assist the  
25 presiding judges in:

26 (1) monitoring the compliance of staff attorneys with  
27 any job performance standards, uniform practices adopted by the

1 presiding judges, and federal and state laws and policies;

2 (2) addressing the training needs and resource  
3 requirements of the staff attorneys;

4 (3) conducting annual performance evaluations for the  
5 staff attorneys based on written personnel performance standards  
6 adopted by the presiding judges; and

7 (4) receiving, investigating, and resolving  
8 complaints about particular staff attorneys based on a uniform  
9 process adopted by the presiding judges.

10 (g) Adequate quarters for a staff attorney hired as provided  
11 by this section shall be provided in a courthouse of the  
12 administrative judicial region.

13 SECTION 6.03. Section 74.093(c), Government Code, is  
14 amended to read as follows:

15 (c) The rules may provide for:

16 (1) the selection and authority of a presiding judge  
17 of a division or branch of the courts as provided by Subsection  
18 (b)(2);

19 (2) assigning courts a [giving] preference for [to] a  
20 specified class of cases, such as civil, criminal, juvenile, child  
21 protection, or family law, or other cases requiring special  
22 judicial attention;

23 (3) other strategies for managing cases that require  
24 special judicial attention;

25 (4) [~~2~~] a coordinated response for the transaction  
26 of essential judicial functions in the event of a disaster; and

27 (5) [~~3~~] any other matter necessary to carry out this

1 chapter or to improve the administration and management of the  
2 court system and its auxiliary services.

3 SECTION 6.04. Chapter 74, Government Code, is amended by  
4 adding Subchapter J to read as follows:

5 SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

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

8 (1) a criminal matter;

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

11 (3) a case that has been transferred by the judicial  
12 panel on multidistrict litigation to a district court for  
13 consolidated or coordinated pretrial proceedings under Subchapter  
14 H.

15 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE  
16 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt  
17 rules under which courts, presiding judges of the administrative  
18 judicial regions, and the judicial committee for additional  
19 resources may determine whether a case requires additional  
20 resources to ensure efficient judicial management of the case.

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

24 (1) a large number of parties who are separately  
25 represented by counsel;

26 (2) coordination with related actions pending in one  
27 or more courts in other counties of this state or in one or more

1 United States district courts;

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

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

6 (5) substantial postjudgment supervision;

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

8 (7) a substantial additional burden on the trial  
9 court's docket and the resources available to the trial court to  
10 hear the case.

11 Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of  
12 a party in a case, or on the court's own motion, the judge of the  
13 court in which the case is pending shall review the case and  
14 determine whether, under rules adopted by the supreme court under  
15 Section 74.252, the case will require additional resources to  
16 ensure efficient judicial management. The judge is not required to  
17 conduct an evidentiary hearing for purposes of making the  
18 determination but may, in the judge's discretion, direct the  
19 attorneys for the parties to the case and the parties to appear  
20 before the judge for a conference to provide information to assist  
21 the judge in making the determination.

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

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

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

1        (c) If the presiding judge of the administrative judicial  
2 region agrees that, in accordance with the rules adopted by the  
3 supreme court under Section 74.252, the case will require  
4 additional resources to ensure efficient judicial management, the  
5 presiding judge shall:

6            (1) use resources previously allotted to the presiding  
7 judge; or

8            (2) submit a request for specific additional resources  
9 to the judicial committee for additional resources.

10        Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

11 (a) The judicial committee for additional resources is composed  
12 of:

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

14            (2) the nine presiding judges of the administrative  
15 judicial regions.

16        (b) The chief justice of the supreme court serves as  
17 presiding officer. The office of court administration shall  
18 provide staff support to the committee.

19        (c) On receipt of a request for additional resources from a  
20 presiding judge of an administrative judicial region under Section  
21 74.253, the committee shall determine whether the case that is the  
22 subject of the request requires additional resources in accordance  
23 with the rules adopted under Section 74.252. If the committee  
24 determines that the case does require additional resources, the  
25 committee shall make available the resources requested by the trial  
26 judge to the extent funds are available for those resources under  
27 the General Appropriations Act and to the extent the committee

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

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

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

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

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

15 (4) specialized continuing legal education;

16 (5) an associate judge;

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

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

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

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

26 (f) The judicial committee for additional resources may not  
27 provide additional resources under this subchapter in an amount

1 that is more than the amount appropriated for this purpose.

2 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of  
3 additional resources provided for a case under this subchapter  
4 shall be paid by the state and may not be taxed against any party in  
5 the case for which the resources are provided or against the county  
6 in which the case is pending.

7 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.  
8 The filing of a motion under Section 74.253 in a case is not grounds  
9 for a stay or continuance of the proceedings in the case in the  
10 court in which the case is pending during the period the motion or  
11 request is being considered by:

12 (1) the judge of that court;

13 (2) the presiding judge of the administrative judicial  
14 region; or

15 (3) the judicial committee for additional resources.

16 Sec. 74.257. APPELLATE REVIEW. A determination made by a  
17 trial court judge, the presiding judge of an administrative  
18 judicial region, or the judicial committee for additional resources  
19 under this subchapter is not appealable or subject to review by  
20 mandamus.

21 SECTION 6.05. (a) The Texas Supreme Court shall request the  
22 president of the State Bar of Texas to appoint a task force to  
23 consider and make recommendations regarding the rules for  
24 determining whether civil cases pending in trial courts require  
25 additional resources for efficient judicial management required by  
26 Section 74.252, Government Code, as added by this Act. The  
27 president of the State Bar of Texas shall ensure that the task force



1 has diverse representation and includes judges of trial courts and  
2 attorneys licensed to practice law in this state who regularly  
3 appear in civil cases before courts in this state. The task force  
4 shall provide recommendations on the rules to the Texas Supreme  
5 Court not later than November 1, 2011.

6 (b) The Texas Supreme Court shall:

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

9 (2) adopt the rules required by Section 74.252,  
10 Government Code, as added by this Act, not later than January 1,  
11 2012.

12 SECTION 6.06. The changes in law made by this article apply  
13 to cases pending on or after January 1, 2012.

14 ARTICLE 7. GRANT PROGRAMS

15 SECTION 7.01. Subchapter C, Chapter 72, Government Code, is  
16 amended by adding Section 72.029 to read as follows:

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

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

24 (1) use the grant money to implement initiatives that  
25 will enhance the county's court system, including grants to develop  
26 programs to more efficiently manage cases that require special  
27 judicial attention, or otherwise carry out the purposes of this

1 chapter; and

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

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

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

10 (1) direct the comptroller to distribute the grant  
11 money to the county; and

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

13 SECTION 7.02. Subchapter A, Chapter 22, Government Code, is  
14 amended by adding Section 22.017 to read as follows:

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

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

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

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

27 (2) apply for the grant in accordance with procedures

1 developed by the commission and comply with any other requirements  
2 of the supreme court.

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

4 (1) direct the comptroller to distribute the grant  
5 money; and

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

7 ARTICLE 8. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS

8 JUDICIAL SYSTEM

9 SECTION 8.01. In this article, "office of court  
10 administration" means the Office of Court Administration of the  
11 Texas Judicial System.

12 SECTION 8.02. (a) The office of court administration shall  
13 study the district courts and statutory county courts of this state  
14 to determine overlapping jurisdiction in civil cases in which the  
15 amount in controversy is more than \$200,000. The study must  
16 determine the feasibility, efficiency, and potential cost of  
17 converting to district courts those statutory county courts with  
18 jurisdiction in civil cases in which the amount in controversy is  
19 more than \$200,000.

20 (b) Not later than September 1, 2012, the office of court  
21 administration shall submit a report regarding the determinations  
22 made by the office relating to statutory county courts to the  
23 governor, the lieutenant governor, the speaker of the house of  
24 representatives, the chairs of the standing committees of the  
25 senate and house of representatives with primary jurisdiction over  
26 the judicial system, and the commissioners court of any county with  
27 a statutory county court with jurisdiction in civil cases in which

1 the amount in controversy is more than \$200,000.

2 ARTICLE 9. NO APPROPRIATION; EFFECTIVE DATE

3 SECTION 9.01. This Act does not make an appropriation. A  
4 provision in this Act that creates a new governmental program,  
5 creates a new entitlement, or imposes a new duty on a governmental  
6 entity is not mandatory during a fiscal period for which the  
7 legislature has not made a specific appropriation to implement the  
8 provision.

9 SECTION 9.02. This Act takes effect September 1, 2011.