

By: Fraser

S.B. No. 491

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the 198th Judicial District, the creation of a judicial district composed of Kimble, McCulloch, Mason, and Menard Counties, and the creation of the office of district attorney for the 440th Judicial District.

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

SECTION 1. Section 24.377, Government Code, is amended to read as follows:

Sec. 24.377. 198TH JUDICIAL DISTRICT (KERR COUNTY~~[, KIMBLE, MCCULLOCH, MASON, AND MENARD COUNTIES]~~). (a) The 198th Judicial District is composed of Kerr County~~[, Kimble, McCulloch, Mason, and Menard counties]~~.

(b) ~~[The judge of the 198th District Court may select jury commissioners and impanel grand juries in each county.]~~ The judge of the 198th District Court may alternate the drawing of grand juries with the judge of any other district court ~~[in each county]~~ within the judge's ~~[his]~~ district and may order grand and petit juries to be drawn for any term of the judge's ~~[his]~~ court as in the judge's ~~[his]~~ judgment is necessary, by an order entered in the minutes of the court. Indictments within the ~~[each]~~ county may be returned to either court within that county.

SECTION 2. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.584 to read as follows:

Sec. 24.584. 440TH JUDICIAL DISTRICT (KIMBLE, MCCULLOCH,

1 MASON, AND MENARD COUNTIES). (a) The 440th Judicial District is
2 composed of Kimble, McCulloch, Mason, and Menard Counties.

3 (b) The judge of the 440th District Court may select jury
4 commissioners and impanel grand juries in each county. The judge of
5 the 440th District Court may order grand and petit juries to be
6 drawn for any term of the judge's court as in the judge's judgment is
7 necessary, by an order entered in the minutes of the court.

8 SECTION 3. Subchapter B, Chapter 43, Government Code, is
9 amended by adding Section 43.184 to read as follows:

10 Sec. 43.184. 440TH JUDICIAL DISTRICT. The voters of the
11 440th Judicial District elect a district attorney who represents
12 the state in all matters before that district court.

13 SECTION 4. Section 46.002, Government Code, is amended to
14 read as follows:

15 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
16 applies to the state prosecuting attorney, all county prosecutors,
17 and the following state prosecutors:

18 (1) the district attorneys for Kenedy and Kleberg
19 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
20 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
21 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
22 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
23 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
24 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
25 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
26 271st, 286th, 329th, 344th, 349th, 355th, 440th, and 506th judicial
27 districts;

1 (2) the criminal district attorneys for the counties
2 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
3 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
4 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
5 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
6 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
7 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
8 Waller, Wichita, Wood, and Yoakum; and

9 (3) the county attorneys performing the duties of
10 district attorneys in the counties of Andrews, Callahan, Cameron,
11 Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb,
12 Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
13 Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb,
14 and Willacy.

15 SECTION 5. (a) The local administrative district judge
16 shall transfer to the 440th District Court all cases from Kimble,
17 McCulloch, Mason, and Menard Counties that are pending in the 198th
18 District Court on the effective date of this Act.

19 (b) When a case is transferred as provided by Subsection (a)
20 of this section:

21 (1) all processes, writs, bonds, recognizances, or
22 other obligations issued from the 198th District Court are
23 returnable to the 440th District Court as if originally issued by
24 that court; and

25 (2) the obligees on all bonds and recognizances taken
26 in and for the 198th District Court and all witnesses summoned to
27 appear in the 198th District Court are required to appear before the

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1 440th District Court as if originally required to appear before
2 that court.

3 (c) The 440th Judicial District is created on the effective
4 date of this Act.

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