

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. Subsection (b), Section 22.002, 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 Section 22.007, Government Code, is repealed.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. Subsection (a), Section 24.012, Government
20 Code, is 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
18 shall 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. Subsection (g), Section 25.0362, Government
13 Code, is 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. Subsection (w), Section 25.0732, Government
20 Code, is 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. Subsection (c), Section 25.1672, Government
27 Code, is 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. Subsection (v), Section 25.1862, Government
7 Code, is 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. Subsection (k), Section 25.1932, Government
14 Code, is 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. Subdivision (2), Subsection (b), Section

1 74.121, Government Code, is 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. Subsection (d), Section 659.012, Government
10 Code, is amended to read as follows:

11 (d) Notwithstanding any other provision in this section or
12 other law, in [~~In~~] a county with more than five district courts, a
13 district judge who serves as a local administrative district judge
14 under Section 74.091 is entitled to an annual salary from the state
15 that is \$5,000 more than the salary from the state to which the
16 judge is otherwise entitled [~~under Subsection (a)(1)~~].

17 SECTION 2.13. The following provisions of the Government
18 Code are repealed:

- 19 (1) Section 24.013;
- 20 (2) Section 24.302;
- 21 (3) Section 24.303;
- 22 (4) Section 24.304;
- 23 (5) Section 24.305;
- 24 (6) Section 24.307;
- 25 (7) Section 24.308;
- 26 (8) Section 24.309;
- 27 (9) Section 24.310;

- 1 (10) Section 24.311;
- 2 (11) Section 24.312;
- 3 (12) Section 24.313;
- 4 (13) Section 24.314;
- 5 (14) Subsection (c), Section 24.528; and
- 6 (15) Subsection (c), Section 24.529.

ARTICLE 3. STATUTORY COUNTY COURTS

SECTION 3.01. Section 25.0002, Government Code, is amended to read as follows:

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

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

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

(3) "Juvenile law cases and proceedings" includes all

1 cases and proceedings brought under Title 3, Family Code.

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

5 SECTION 3.02. Subsection (c), Section 25.0003, Government
6 Code, is amended to read as follows:

7 (c) In addition to other jurisdiction provided by law, a
8 statutory county court exercising civil jurisdiction concurrent
9 with the constitutional jurisdiction of the county court has
10 concurrent jurisdiction with the district court in:

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

16 (2) appeals of final rulings and decisions of the
17 division of workers' compensation of the Texas Department of
18 Insurance regarding workers' compensation claims, regardless of
19 the amount in controversy.

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

22 (f) The judge of a statutory county court does not have
23 general supervisory control or appellate review of the
24 commissioners court.

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

27 SECTION 3.04. Section 25.0007, Government Code, is amended

1 to read as follows:

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

6 (b) Practice in a statutory county court is that prescribed
7 by law for county courts, except that practice, procedure, rules of
8 evidence, issuance of process and writs, and all other matters
9 pertaining to the conduct of trials and hearings in the statutory
10 county courts, other than the number of jurors, that involve those
11 matters of concurrent jurisdiction with district courts are
12 governed by the laws and rules pertaining to district courts. This
13 section does not affect local rules of administration adopted under
14 Section 74.093.

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

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

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

23 (d) The county clerk shall serve as clerk of each statutory
24 county court. The court officials shall perform the duties and
25 responsibilities of their offices and are entitled to the
26 compensation, fees, and allowances prescribed by law for those
27 offices.

1 (e) The judge of a statutory county court may appoint the
2 personnel necessary for the operation of the court, including a
3 court coordinator or administrative assistant, if the
4 commissioners court has approved the creation of the position.

5 (f) The commissioners court may authorize the employment of
6 as many additional assistant district attorneys, assistant county
7 attorneys, deputy sheriffs, and clerks as are necessary for a
8 statutory county court.

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

11 Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a
12 statutory county court must:

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

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

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

20 (b) The change in law made by this Act to Section 25.0014,
21 Government Code, does not apply to a person serving as a statutory
22 county court judge immediately before the effective date of this
23 Act who met the qualifications of Section 25.0014, Government Code,
24 as it existed on that date, and the former law is continued in
25 effect for determining that person's qualifications to serve as a
26 statutory county court judge.

27 SECTION 3.07. Subchapter A, Chapter 25, Government Code, is

1 amended by adding Sections 25.0016 and 25.00161 to read as follows:

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

5 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge
6 of a statutory county court shall diligently discharge the duties
7 of the office on a full-time basis and may not engage in the private
8 practice of law.

9 SECTION 3.08. Subsections (g) and (i), Section 25.0042,
10 Government Code, are amended to read as follows:

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

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 in a county court~~
21 ~~at law involving cases under the Family Code and Section 23.001 are~~
22 ~~governed by this section and the laws and rules pertaining to~~
23 ~~district courts and county courts.~~] If a case under the Family Code
24 or Section 23.001 is tried before a jury, the jury shall be composed
25 of 12 members.

26 SECTION 3.09. Subsection (h), Section 25.0102, Government
27 Code, is amended to read as follows:

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

10 SECTION 3.10. Subsections (e) and (f), Section 25.0132,
11 Government Code, are amended to read as follows:

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

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

26 SECTION 3.11. Subsection (a), Section 25.0202, Government
27 Code, is amended to read as follows:

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

4 (1) family law cases and proceedings;

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

8 (3) contested probate matters under Section 5(b),
9 Texas Probate Code.

10 SECTION 3.12. Subsection (b), Section 25.0212, Government
11 Code, is amended to read as follows:

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

15 (1) felony criminal matters;

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

18 (3) misdemeanors involving official misconduct;

19 (4) contested elections; or

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

24 SECTION 3.13. Subsections (a) and (k), Section 25.0222,
25 Government Code, are amended to read as follows:

26 (a) In addition to the jurisdiction provided by Section
27 25.0003 and other law, a statutory county court in Brazoria County

1 has concurrent jurisdiction with the district court in:

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

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

10 (3) family law cases and proceedings and juvenile
11 jurisdiction under Section 23.001.

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

19 SECTION 3.14. Subsections (e) and (f), Section 25.0302,
20 Government Code, are amended to read as follows:

21 (e) The district clerk serves as clerk of a county court at
22 law in family law cases and proceedings, and the county clerk serves
23 as clerk of the court in all other cases and proceedings. The
24 district clerk shall establish a separate docket for a county court
25 at law. [~~The commissioners court may employ the assistant district
26 attorneys, deputy sheriffs, and bailiffs necessary to serve each
27 county court at law.~~]

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

9 SECTION 3.15. Subsection (b), Section 25.0312, Government
10 Code, is amended to read as follows:

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

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

18 SECTION 3.16. Subsection (b), Section 25.0362, Government
19 Code, is amended to read as follows:

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

- 23 (1) misdemeanors involving official misconduct;
- 24 (2) suits on behalf of the state to recover penalties
25 or escheated property;
- 26 (3) contested elections;
- 27 (4) suits in which the county is a party; or

1 (5) felony cases involving capital murder.

2 SECTION 3.17. Subsection (f), Section 25.0482, Government
3 Code, is amended to read as follows:

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

11 SECTION 3.18. Subsection (g), Section 25.0632, Government
12 Code, is amended to read as follows:

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

23 SECTION 3.19. Subsection (r), Section 25.0732, Government
24 Code, is amended to read as follows:

25 (r) Section [~~Sections~~] 25.0006(b) does [~~and 25.0007 do~~] not
26 apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso
27 County, Texas.

1 SECTION 3.20. Subsection (a), Section 25.0733, Government
2 Code, is amended to read as follows:

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

7 SECTION 3.21. Subsections (i) and (l), Section 25.0862,
8 Government Code, are amended to read as follows:

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

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

1 appointing a receiver or overruling a motion to vacate or appoint a
2 receiver may be taken and are governed by the laws relating to
3 appeals from similar orders of district courts.

4 SECTION 3.22. Subsection (f), Section 25.0962, Government
5 Code, is amended to read as follows:

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

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

16 SECTION 3.23. Subsection (a), Section 25.1033, Government
17 Code, is amended to read as follows:

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

25 SECTION 3.24. Subsection (g), Section 25.1042, Government
26 Code, is amended to read as follows:

27 (g) The criminal district attorney is entitled to the same

1 fees prescribed by law for prosecutions in the county court. [~~The~~
2 ~~commissioners court may employ as many additional deputy sheriffs~~
3 ~~and clerks as are necessary to serve a county court at law.~~]

4 SECTION 3.25. Subsections (e) and (f), Section 25.1072,
5 Government Code, are amended to read as follows:

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

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

21 SECTION 3.26. Subsection (b), Section 25.1142, Government
22 Code, is amended to read as follows:

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

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

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

6 SECTION 3.27. Subsection (b), Section 25.1182, Government
7 Code, is amended to read as follows:

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

- 13 (1) suits on behalf of this state to recover penalties
- 14 or escheated property;
- 15 (2) felony cases involving capital murder;
- 16 (3) misdemeanors involving official misconduct; or
- 17 (4) contested elections.

18 SECTION 3.28. Subsection (b), Section 25.1312, Government
19 Code, is amended to read as follows:

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

- 23 (1) felony cases involving capital murder;
- 24 (2) suits on behalf of the state to recover penalties
- 25 or escheated property;
- 26 (3) misdemeanors involving official misconduct; or
- 27 (4) contested elections.

1 SECTION 3.29. Subsection (m), Section 25.1542, Government
2 Code, is amended to read as follows:

3 (m) [~~Practice and procedure and rules of evidence governing~~
4 ~~trials in and appeals from a county court apply to a county court at~~
5 ~~law, except that practice and procedure, rules of evidence,~~
6 ~~issuance of process and writs, and all other matters pertaining to~~
7 ~~the conduct of trials and hearings involving family law cases and~~
8 ~~proceedings shall be governed by this section and the laws and rules~~
9 ~~pertaining to district courts as well as county courts.] In family
10 law cases, juries shall be composed of 12 members.~~

11 SECTION 3.30. Subsection (g), Section 25.1652, Government
12 Code, is amended to read as follows:

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

21 SECTION 3.31. Subsection (i), Section 25.1762, Government
22 Code, is amended to read as follows:

23 (i) [~~The laws governing the drawing, selection, service,~~
24 ~~and pay of jurors for county courts apply to a county court at law.~~
25 ~~Jurors regularly impaneled for a week by a district court may, at~~
26 ~~the request of the judge of a county court at law, be made available~~
27 ~~by the district judge in the numbers requested and shall serve for~~

1 ~~the week in the county court at law.]~~ In matters of concurrent
2 jurisdiction with the district court, if a party to a suit files a
3 written request for a 12-member jury with the clerk of the county
4 court at law at a reasonable time that is not later than 30 days
5 before the date the suit is set for trial, the jury shall be
6 composed of 12 members.

7 SECTION 3.32. Subsection (b), Section 25.1772, Government
8 Code, is amended to read as follows:

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

- 12 (1) suits on behalf of this state to recover penalties
13 or escheated property;
- 14 (2) felony cases involving capital murder;
- 15 (3) misdemeanors involving official misconduct; or
- 16 (4) contested elections.

17 SECTION 3.33. Subsection (e), Section 25.1892, Government
18 Code, is amended to read as follows:

19 (e) [~~The county attorney or district attorney serves a~~
20 ~~county court at law as required by the judge.] The district clerk
21 serves as clerk of a county court at law in cases enumerated in
22 Subsection (a)(2), and the county clerk serves as clerk in all other
23 cases. The district clerk shall establish a separate docket for a
24 county court at law. [~~The commissioners court may employ as many~~
25 ~~additional assistant county attorneys, deputy sheriffs, and clerks~~
26 ~~as are necessary to serve a county court at law.]~~~~

27 SECTION 3.34. Subsection (i), Section 25.1932, Government

1 Code, is amended to read as follows:

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

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

12 SECTION 3.35. Subsection (b), Section 25.2012, Government
13 Code, is 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 cases involving capital murder;
18 (2) suits on behalf of the state to recover penalties
19 or escheated property;
20 (3) misdemeanors involving official misconduct; or
21 (4) contested elections.

22 SECTION 3.36. Subsection (n), Section 25.2142, Government
23 Code, is amended to read as follows:

24 (n) [~~A special judge of a county court at law is entitled to~~
25 ~~receive for services actually performed the same amount of~~
26 ~~compensation as the regular judge.~~] A former judge sitting as a
27 visiting judge of a county court at law is entitled to receive for

1 services performed the same amount of compensation that the regular
2 judge receives, less an amount equal to the pro rata annuity
3 received from any state, district, or county retirement fund. An
4 active judge sitting as a visiting judge of a county court at law is
5 entitled to receive for services performed the same amount of
6 compensation that the regular judge receives, less an amount equal
7 to the pro rata compensation received from state or county funds as
8 salary, including supplements.

9 SECTION 3.37. (a) Subsection (b), Section 25.2222,
10 Government Code, as amended by Chapter 22 (S.B. 124), Acts of the
11 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7),
12 Acts of the 79th Legislature, Regular Session, 2005, is reenacted
13 and amended to read as follows:

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

16 (1) civil cases in which the matter in controversy
17 exceeds \$500 and does not exceed \$200,000 [~~\$100,000~~], excluding
18 mandatory damages and penalties, attorney's fees, interest, and
19 costs;

20 (2) nonjury family law cases and proceedings;

21 (3) final rulings and decisions of the division of
22 workers' compensation of the Texas Department of Insurance
23 regarding workers' compensation claims, regardless of the amount in
24 controversy;

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

27 (5) suits to decide the issue of title to real or

1 personal property;

2 (6) suits to recover damages for slander or defamation
3 of character;

4 (7) suits for the enforcement of a lien on real
5 property;

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

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

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

11 (b) Subsection (b), Section 25.2222, Government Code, as
12 amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature,
13 Regular Session, 1991, is repealed as duplicative of Subsection
14 (b), Section 25.2222, Government Code, as amended by Subsection (a)
15 of this section.

16 SECTION 3.38. Subsection (a), Section 25.2232, Government
17 Code, is amended to read as follows:

18 (a) In addition to the jurisdiction provided by Section
19 25.0003 and other law, a county court at law in Taylor County has:

20 (1) concurrent jurisdiction with the county court in
21 the trial of cases involving insanity and approval of applications
22 for admission to state hospitals and special schools if admission
23 is by application; and

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

27 SECTION 3.39. Subsection (i), Section 25.2352, Government

1 Code, is amended to read as follows:

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

9 SECTION 3.40. Subsection (i), Section 25.2382, Government
10 Code, is amended to read as follows:

11 (i) [~~Practice in a county court at law is that prescribed by~~
12 ~~law for county courts, except that practice and procedure, rules of~~
13 ~~evidence, issuance of process and writs, and all other matters~~
14 ~~pertaining to the conduct of trials and hearings in a county court~~
15 ~~at law involving matters enumerated in Subsection (a)(2)(B) or (C)~~
16 ~~shall be governed by this section and the laws and rules pertaining~~
17 ~~to district courts.~~] If a family law case [~~in Subsection (a)(2)(B)~~
18 ~~or (C)~~] is tried before a jury, the jury shall be composed of 12
19 members.

20 SECTION 3.41. Subsections (g) and (h), Section 25.2422,
21 Government Code, are amended to read as follows:

22 (g) The district attorney of the 49th Judicial District
23 serves as district attorney of a county court at law, except that
24 the county attorney of Webb County prosecutes all juvenile, child
25 welfare, mental health, and other civil cases in which the state is
26 a party. The district clerk serves as clerk of a county court at law
27 in the cases enumerated in Subsection (a)(2), and the county clerk

1 serves as clerk of a county court at law in all other cases. [~~The~~
2 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
3 ~~as are necessary to serve the court.~~]

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

12 SECTION 3.42. Subsections (d) and (k), Section 25.2452,
13 Government Code, are amended to read as follows:

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

15 (1) a case under:

16 (A) the Alcoholic Beverage Code;

17 (B) the Election Code; or

18 (C) the Tax Code;

19 (2) a matter over which the district court has
20 exclusive jurisdiction; or

21 (3) a civil case, other than a case under the Family
22 Code or the Texas Probate Code, in which the amount in controversy
23 is:

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

26 (B) more than \$200,000 [~~\$100,000~~], exclusive of
27 punitive or exemplary damages, penalties, interest, costs, and

1 attorney's fees.

2 (k) Except as otherwise required by law, if a case is tried
3 before a jury, the jury shall be composed of six members and may
4 render verdicts by a five to one margin in civil cases and a
5 unanimous verdict in criminal cases. ~~[The laws governing the
6 drawing, selection, service, and pay of jurors for county courts
7 apply to the county courts at law. Jurors regularly impaneled for a
8 week by a district court may, on request of the county judge
9 exercising the jurisdiction provided by this section or a county
10 court at law judge, be made available and shall serve for the week
11 in the county court or county court at law.]~~

12 SECTION 3.43. Subsection (h), Section 25.2462, Government
13 Code, is amended to read as follows:

14 (h) ~~[The county attorney and the county sheriff shall attend
15 a county court at law as required by the judge.]~~ The district clerk
16 serves as clerk of a county court at law in family law cases and
17 proceedings, and the county clerk serves as clerk of the court in
18 all other cases and proceedings.

19 SECTION 3.44. Subsection (i), Section 25.2482, Government
20 Code, is amended to read as follows:

21 (i) ~~[The county attorney and the county sheriff shall attend
22 a county court at law as required by the judge.]~~ The district clerk
23 serves as clerk of a county court at law in family law cases and
24 proceedings, and the county clerk serves as clerk of the court in
25 all other cases and proceedings.

26 SECTION 3.45. Subsection (a), Section 25.2512, Government
27 Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts

1 of the 72nd Legislature, Regular Session, 1991, is reenacted and
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 Wise County has:

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

7 (2) concurrent jurisdiction with the district court
8 in:

9 (A) eminent domain cases;

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

13 (C) family law cases and proceedings.

14 SECTION 3.46. The following provisions of the Government
15 Code are repealed:

16 (1) Subsections (b), (d), (f), and (j), Section
17 25.0042;

18 (2) Subsections (b), (f), (g), and (h), Section
19 25.0052;

20 (3) Subsections (b), (d), (f), and (i), Section
21 25.0102;

22 (4) Subsections (d), (g), and (h), Section 25.0132;

23 (5) Subsections (c) and (e), Section 25.0152;

24 (6) Subsections (b), (f), (g), (h), and (i), Section
25 25.0162;

26 (7) Subsections (d), (k), (l), (m), (n), (o), (q),
27 (s), and (t), Section 25.0172;

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

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

- 1 (42) Subsections (d), (e), (f), (m), and (o), Section
2 25.1033;
- 3 (43) Subsections (c), (h), (k), and (l), Section
4 25.1034;
- 5 (44) Subsections (b), (d), (f), (h), and (i), Section
6 25.1042;
- 7 (45) Subsections (b), (d), (g), and (h), Section
8 25.1072;
- 9 (46) Subsections (e), (f), (l), and (o), Section
10 25.1092;
- 11 (47) Subsections (d), (e), (h), (i), (j), and (l),
12 Section 25.1102;
- 13 (48) Section 25.1103;
- 14 (49) Subsections (b), (c), (f), and (k), Section
15 25.1112;
- 16 (50) Subsections (f), (g), (h), (j), (l), (m), and
17 (p), Section 25.1132;
- 18 (51) Subsections (c), (e), and (g), Section 25.1142;
- 19 (52) Subsections (b), (e), (f), (h), and (i), Section
20 25.1152;
- 21 (53) Subsections (c), (e), and (h), Section 25.1182;
- 22 (54) Subsections (c), (g), and (i), Section 25.1252;
- 23 (55) Subsections (b), (d), (f), (h), and (i), Section
24 25.1282;
- 25 (56) Subsections (d), (e), (i), (k), (l), and (n),
26 Section 25.1312;
- 27 (57) Subsections (d), (e), (f), (i), and (j), Section

- 1 25.1322;
- 2 (58) Subsections (d) and (h), Section 25.1352;
- 3 (59) Subsections (e), (g), and (i), Section 25.1392;
- 4 (60) Subsections (b), (c), (e), (h), (i), and (k),
5 Section 25.1412;
- 6 (61) Subsections (d), (g), (h), (l), and (m), Section
7 25.1482;
- 8 (62) Subsections (f), (i), (k), and (n), Section
9 25.1542;
- 10 (63) Subsections (e), (f), and (g), Section 25.1572;
- 11 (64) Subsections (d), (f), and (h), Section 25.1652;
- 12 (65) Subsections (b) and (f), Section 25.1672;
- 13 (66) Subsections (b), (c), and (g), Section 25.1722;
- 14 (67) Subsections (d), (e), (f), (h), and (i), Section
15 25.1732;
- 16 (68) Subsections (b), (e), (f), and (h), Section
17 25.1762;
- 18 (69) Subsections (c), (e), and (h), Section 25.1772;
- 19 (70) Subsections (e), (f), (h), (i), and (j), Section
20 25.1792;
- 21 (71) Subsections (c), (h), (i), (j), (k), (l), and
22 (q), Section 25.1802;
- 23 (72) Subsections (b), (d), and (j), Section 25.1832;
- 24 (73) Subsections (e), (f), and (i), Section 25.1852;
- 25 (74) Subsections (c), (f), (h), (i), (j), (m), (n),
26 (p), (q), and (u), Section 25.1862;
- 27 (75) Subsection (d), Section 25.1892;

- 1 (76) Subsections (e), (g), (i), (j), and (k), Section
2 25.1902;
- 3 (77) Subsections (b), (c), (f), (h), and (j), Section
4 25.1932;
- 5 (78) Subsections (b), (d), (f), (h), and (j), Section
6 25.1972;
- 7 (79) Subsections (d), (e), (i), (k), (l), and (n),
8 Section 25.2012;
- 9 (80) Subsections (c), (e), and (h), Section 25.2032;
- 10 (81) Subsections (c), (e), (f), (h), and (i), Section
11 25.2072;
- 12 (82) Subsections (c), (e), (i), (r), (t), and (u),
13 Section 25.2142;
- 14 (83) Subsections (d), (f), (h), (j), and (k), Section
15 25.2162;
- 16 (84) Subsections (c), (g), (h), (i), (k), and (n),
17 Section 25.2222;
- 18 (85) Subsections (c), (e), (g), and (h), Section
19 25.2223;
- 20 (86) Subsections (b), (c), (f), (g), (i), and (j),
21 Section 25.2224;
- 22 (87) Subsections (b), (e), (f), and (g), Section
23 25.2232;
- 24 (88) Subsections (b), (d), (f), (g), (i), and (j),
25 Section 25.2282;
- 26 (89) Subsections (b), (e), (i), (k), and (l), Section
27 25.2292;

- 1 (90) Subsections (e), (f), (g), (k), and (l), Section
2 25.2293;
- 3 (91) Subsections (b), (d), (f), (g), and (j), Section
4 25.2352;
- 5 (92) Subsections (c), (e), and (h), Section 25.2362;
- 6 (93) Subsections (c), (f), (g), (h), and (i), Section
7 25.2372;
- 8 (94) Subsections (b), (d), (f), and (j), Section
9 25.2382;
- 10 (95) Subsections (b), (d), (f), and (j), Section
11 25.2392;
- 12 (96) Subsections (b), (d), (f), (i), and (k), Section
13 25.2412;
- 14 (97) Subsections (b), (d), (f), (i), and (j), Section
15 25.2422;
- 16 (98) Subsections (f), (h), and (j), Section 25.2452;
- 17 (99) Subsections (c), (d), (e), (g), (i), and (j),
18 Section 25.2462;
- 19 (100) Subsections (d), (e), (f), (h), (j), and (k),
20 Section 25.2482; and
- 21 (101) Subsections (b), (e), (h), and (i), Section
22 25.2512.

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

24 SECTION 4.01. (a) Subsection (a), Section 27.005,
25 Government Code, is amended to read as follows:

26 (a) For purposes of removal under Chapter 87, Local
27 Government Code, "incompetency" in the case of a justice of the

1 peace includes the failure of the justice to successfully complete:

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

5 (2) each following year:

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

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

10 (b) Subject to Subsection (c) of this section, Subsection
11 (a), Section 27.005, Government Code, as amended by this section,
12 applies to a justice of the peace serving on or after the effective
13 date of this article, regardless of the date the justice was elected
14 or appointed.

15 (c) A justice of the peace serving on the effective date of
16 this article must complete the justice's initial 15-hour course in
17 substantive, procedural, and evidentiary law required by Paragraph
18 (B), Subdivision (2), Subsection (a), Section 27.005, Government
19 Code, as added by this section, not later than December 31, 2012.

20 SECTION 4.02. Subchapter C, Chapter 27, Government Code, is
21 amended by adding Section 27.060 to read as follows:

22 Sec. 27.060. SMALL CLAIMS. (a) A justice court shall
23 conduct proceedings in a small claims case, as that term is defined
24 by the supreme court, in accordance with rules of civil procedure
25 promulgated by the supreme court to ensure the fair, expeditious,
26 and inexpensive resolution of small claims cases.

27 (b) Except as provided by Subsection (c), rules of the

1 supreme court must provide that:

2 (1) if both parties appear, the judge shall proceed to
3 hear the case;

4 (2) formal pleadings other than the statement are not
5 required;

6 (3) the judge shall hear the testimony of the parties
7 and the witnesses that the parties produce and shall consider the
8 other evidence offered;

9 (4) the hearing is informal, with the sole objective
10 being to dispense speedy justice between the parties;

11 (5) discovery is limited to that considered
12 appropriate and permitted by the judge; and

13 (6) the judge shall develop the facts of the case, and
14 for that purpose may question a witness or party and may summon any
15 party to appear as a witness as the judge considers necessary to a
16 correct judgment and speedy disposition of the case.

17 (c) The rules of the supreme court must provide specific
18 procedures for an action by:

19 (1) an assignee of a claim or other person seeking to
20 bring an action on an assigned claim;

21 (2) a person primarily engaged in the business of
22 lending money at interest; or

23 (3) a collection agency or collection agent.

24 SECTION 4.03. Subchapter C, Chapter 27, Government Code, is
25 amended by adding Section 27.061 to read as follows:

26 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the
27 peace in each county shall, by majority vote, adopt local rules of

1 administration.

2 SECTION 4.04. Subchapter E, Chapter 15, Civil Practice and
3 Remedies Code, is amended by adding Section 15.0821 to read as
4 follows:

5 Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The
6 justices of the peace in each county shall, by majority vote, adopt
7 local rules of administration regarding the transfer of a pending
8 case from one precinct to a different precinct.

9 SECTION 4.05. Article 4.12, Code of Criminal Procedure, is
10 amended by adding Subsection (e) to read as follows:

11 (e) The justices of the peace in each county shall, by
12 majority vote, adopt local rules of administration regarding the
13 transfer of a pending misdemeanor case from one precinct to a
14 different precinct.

15 SECTION 4.06. (a) Chapter 28, Government Code, is
16 repealed.

17 (b) On the effective date of this section, each small claims
18 court under Chapter 28, Government Code, is abolished.

19 SECTION 4.07. Not later than May 1, 2013, the Texas Supreme
20 Court shall promulgate:

21 (1) rules to define cases that constitute small claims
22 cases;

23 (2) rules of civil procedure applicable to small
24 claims cases as required by Section 27.060, Government Code, as
25 added by this article; and

26 (3) rules for eviction proceedings.

27 SECTION 4.08. (a) Immediately before the date the small

1 claims court in a county is abolished in accordance with this
2 article, the justice of the peace sitting as judge of that court
3 shall transfer all cases pending in the court to a justice court in
4 the county.

5 (b) When a case is transferred as provided by Subsection (a)
6 of this section, all processes, writs, bonds, recognizances, or
7 other obligations issued from the transferring court are returnable
8 to the court to which the case is transferred as if originally
9 issued by that court. The obligees on all bonds and recognizances
10 taken in and for the transferring court and all witnesses summoned
11 to appear in the transferring court are required to appear before
12 the court to which the case is transferred as if originally required
13 to appear before that court.

14 SECTION 4.09. Sections 4.02 and 4.06 of this article take
15 effect May 1, 2013.

16 ARTICLE 5. ASSOCIATE JUDGES

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

19 CHAPTER 54A. ASSOCIATE JUDGES

20 SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

21 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
22 district court or a statutory county court that hears criminal
23 cases.

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

1 jurisdiction has authorized the creation of an associate judge
2 position.

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

6 (c) If more than one court in a county is subject to this
7 subchapter, 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.

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

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

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

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

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

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

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

4 (b) If an associate judge serves in more than one county,
5 the associate judge shall be paid a salary as determined by
6 agreement of the commissioners courts of the counties in which the
7 associate judge serves.

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

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

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

15 (c) The employment of an associate judge who serves two
16 courts may be terminated by either of the judges of the courts the
17 associate judge serves.

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

21 (1) the associate judge's name and state bar
22 identification number;

23 (2) each court ordering termination; and

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

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

- 1 (1) a negotiated plea of guilty before the court;
2 (2) a bond forfeiture;
3 (3) a pretrial motion;
4 (4) a postconviction writ of habeas corpus;
5 (5) an examining trial;
6 (6) an occupational driver's license;
7 (7) an appeal of an administrative driver's license
8 revocation hearing;
9 (8) any other matter the judge considers necessary and
10 proper; and
11 (9) setting, adjusting, or revoking bond before the
12 filing of an information or the return of an indictment.

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

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

19 (d) An associate judge may select a jury. An associate
20 judge may not preside over a trial on the merits, whether or not the
21 trial is before a jury.

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

25 (b) An order of referral may:

26 (1) limit the powers of the associate judge and direct
27 the associate judge to report only on specific issues, do

- 1 particular acts, or receive and report on evidence only;
2 (2) set the time and place for the hearing;
3 (3) prescribe a closing date for the hearing;
4 (4) provide a date for filing the associate judge's
5 findings;
6 (5) designate proceedings for more than one case over
7 which the associate judge shall preside;
8 (6) direct the associate judge to call the court's
9 docket; and
10 (7) set forth general powers and limitations or
11 authority of the associate judge applicable to any case referred.
12 Sec. 54A.008. POWERS. (a) Except as limited by an order of
13 referral, an associate judge to whom a case is referred may:
14 (1) conduct hearings;
15 (2) hear evidence;
16 (3) compel production of relevant evidence;
17 (4) rule on the admissibility of evidence;
18 (5) issue summons for the appearance of witnesses;
19 (6) examine a witness;
20 (7) swear a witness for a hearing;
21 (8) make findings of fact on evidence;
22 (9) formulate conclusions of law;
23 (10) rule on pretrial motions;
24 (11) recommend the rulings, orders, or judgment to be
25 made in a case;
26 (12) regulate proceedings in a hearing;
27 (13) order the attachment of a witness or party who

1 fails to obey a subpoena;

2 (14) accept a plea of guilty from a defendant charged
3 with misdemeanor, felony, or both misdemeanor and felony offenses;

4 (15) select a jury; and

5 (16) take action as necessary and proper for the
6 efficient performance of the duties required by the order of
7 referral.

8 (b) An associate judge may not enter a ruling on any issue of
9 law or fact if that ruling could result in dismissal or require
10 dismissal of a pending criminal prosecution, but the associate
11 judge may make findings, conclusions, and recommendations on those
12 issues.

13 (c) Except as limited by an order of referral, an associate
14 judge who is appointed by a district or statutory county court judge
15 and to whom a case is referred may accept a plea of guilty or nolo
16 contendere in a misdemeanor case for a county criminal court. The
17 associate judge shall forward any fee or fine collected for the
18 misdemeanor offense to the county clerk.

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

23 Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff shall
24 attend a hearing by an associate judge if directed by the referring
25 court.

26 Sec. 54A.010. COURT REPORTER. At the request of a party,
27 the court shall provide a court reporter to record the proceedings

1 before the associate judge.

2 Sec. 54A.011. 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 issue attachment against and may
6 fine or imprison a witness whose failure to appear after being
7 summoned or whose refusal to answer questions has been certified to
8 the court.

9 Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the
10 conclusion of the proceedings, an associate judge shall transmit to
11 the referring court any papers relating to the case, including the
12 associate judge's findings, conclusions, orders, recommendations,
13 or other action taken.

14 Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the
15 30th day after the date an action is taken by an associate judge, a
16 referring court may modify, correct, reject, reverse, or recommit
17 for further information the action taken by the associate judge.

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

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

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

24 SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

25 Sec. 54A.101. APPLICABILITY. This subchapter applies to a
26 district court or a statutory county court that is assigned civil
27 cases.

1 Sec. 54A.102. APPOINTMENT. (a) A judge of a court subject
2 to this subchapter may appoint a full-time or part-time associate
3 judge to perform the duties authorized by this subchapter if the
4 commissioners court of the county in which the court has
5 jurisdiction has authorized the creation of an associate judge
6 position.

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

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

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

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

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

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

24 (3) not have been removed from office by impeachment,
25 by the supreme court, by the governor on address to the legislature,
26 by a tribunal reviewing a recommendation of the State Commission on
27 Judicial Conduct, or by the legislature's abolition of the judge's

1 court; and

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

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

9 (b) If an associate judge serves in more than one county,
10 the associate judge shall be paid a salary as determined by
11 agreement of the commissioners courts of the counties in which the
12 associate judge serves.

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

15 Sec. 54A.105. TERMINATION. (a) An associate judge who
16 serves a single court serves at the will of the judge of that court.

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

20 (c) The employment of an associate judge who serves two
21 courts may be terminated by either of the judges of the courts the
22 associate judge serves.

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

26 (1) the associate judge's name and state bar
27 identification number;

1 (2) each court ordering termination; and

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

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

7 (b) Unless a party files a written objection to the
8 associate judge hearing a trial on the merits, the judge may refer
9 the trial to the associate judge. A trial on the merits is any final
10 adjudication from which an appeal may be taken to a court of
11 appeals.

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

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

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

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

25 (1) conduct hearings;

26 (2) hear evidence;

27 (3) compel production of relevant evidence;

- 1 (4) rule on the admissibility of evidence;
2 (5) issue summons for the appearance of witnesses;
3 (6) examine a witness;
4 (7) swear a witness for a hearing;
5 (8) make findings of fact on evidence;
6 (9) formulate conclusions of law;
7 (10) rule on pretrial motions;
8 (11) recommend the rulings, orders, or judgment to be
9 made in a case;
10 (12) regulate proceedings in a hearing;
11 (13) order the attachment of a witness or party who
12 fails to obey a subpoena; and
13 (14) take action as necessary and proper for the
14 efficient performance of the duties required by the order of
15 referral.
16 (b) An associate judge may, in the interest of justice,
17 refer a case back to the referring court regardless of whether a
18 timely objection to the associate judge hearing the trial on the
19 merits or presiding at a jury trial has been made by any party.
20 Sec. 54A.109. WITNESS. (a) A witness appearing before an
21 associate judge is subject to the penalties for perjury provided by
22 law.
23 (b) A referring court may fine or imprison a witness who:
24 (1) failed to appear before an associate judge after
25 being summoned; or
26 (2) improperly refused to answer questions if the
27 refusal has been certified to the court by the associate judge.

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

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

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

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

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

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

27 (c) A temporary restraining order issued by an associate

1 judge is effective immediately and expires on the 15th day after the
2 date of issuance unless, after a hearing, the order is modified or
3 extended by the associate judge or referring judge.

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

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

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

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

14 (b) The notice may be given:

15 (1) by oral statement in open court;

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

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

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

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

27 (b) If a request for a de novo hearing before the referring

1 court is not timely filed or the right to a de novo hearing before
2 the referring court is waived, the proposed order or judgment of the
3 associate judge becomes the order or judgment of the referring
4 court only on the referring court's signing the proposed order or
5 judgment.

6 (c) An order by an associate judge for the temporary
7 detention or incarceration of a witness or party shall be presented
8 to the referring court on the day the witness or party is detained
9 or incarcerated. The referring court, without prejudice to the
10 right to a de novo hearing provided by Section 54A.115, may approve
11 the temporary detention or incarceration or may order the release
12 of the party or witness, with or without bond, pending a de novo
13 hearing. If the referring court is not immediately available, the
14 associate judge may order the release of the party or witness, with
15 or without bond, pending a de novo hearing or may continue the
16 person's detention or incarceration for not more than 72 hours.

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

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

22 (2) hear additional evidence; or

23 (3) recommit the matter to the associate judge for
24 further proceedings.

25 Sec. 54A.115. DE NOVO HEARING. (a) A party may request a
26 de novo hearing before the referring court by filing with the clerk
27 of the referring court a written request not later than the seventh

1 working day after the date the party receives notice of the
2 substance of the associate judge's decision as provided by Section
3 54A.111.

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

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

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

14 (e) The referring court, after notice to the parties, shall
15 hold a de novo hearing not later than the 30th day after the date the
16 initial request for a de novo hearing was filed with the clerk of
17 the referring court.

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

24 (g) The denial of relief to a party after a de novo hearing
25 under this section or a party's waiver of the right to a de novo
26 hearing before the referring court does not affect the right of a
27 party to file a motion for new trial, a motion for judgment

1 notwithstanding the verdict, or other posttrial motions.

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

5 Sec. 54A.116. APPELLATE REVIEW. (a) A party's failure to
6 request a de novo hearing before the referring court or a party's
7 waiver of the right to request a de novo hearing before the
8 referring court does not deprive the party of the right to appeal to
9 or request other relief from a court of appeals or the supreme
10 court.

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

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

19 Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the
20 30th day after the date an action is taken by an associate judge, a
21 referring court may modify, correct, reject, reverse, or recommit
22 for further information the action taken by the associate judge.

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

26 Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge
27 appointed under this subchapter has the judicial immunity of a

1 district judge.

2 SECTION 5.02. Subchapter G, Chapter 54, Government Code, is
3 transferred to Chapter 54A, Government Code, as added by this Act,
4 redesignated as Subchapter C, Chapter 54A, Government Code, and
5 amended to read as follows:

6 SUBCHAPTER C [~~G~~]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

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

10 Sec. 54A.202. APPLICABILITY. This subchapter applies to a
11 statutory probate court.

12 Sec. 54A.203 [~~54.603~~]. APPOINTMENT. (a) After obtaining
13 the approval of the commissioners court to create an associate
14 judge position, the judge of a statutory probate court by order may
15 appoint one or more full-time or part-time [~~a person to act as~~]
16 associate judges to perform the duties authorized by this
17 subchapter [~~judge for the statutory probate court~~].

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

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

26 (d) [~~(c)~~] If an associate judge serves more than one court,
27 the associate judge's appointment must be made with the unanimous

1 approval of all the judges under whom the associate judge serves.

2 ~~[(d) An associate judge must meet the qualifications to~~
3 ~~serve as a judge of the court to which the associate judge is~~
4 ~~appointed.]~~

5 (e) An associate judge appointed under this subchapter may
6 serve as an associate judge appointed under Section 574.0085,
7 Health and Safety Code.

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

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

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

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

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

23 Sec. 54A.205 [54.605]. COMPENSATION. (a) An associate
24 judge is entitled to the compensation set by the appointing judge
25 and approved by the commissioners court or commissioners courts of
26 the counties in which the associate judge serves. ~~[The salary of~~
27 ~~the associate judge may not exceed the salary of the appointing~~

1 ~~judge.]~~

2 (b) If an associate judge serves in more than one county,
3 the associate judge shall be paid a salary as determined by
4 agreement of the commissioners courts of the counties in which the
5 associate judge serves.

6 (c) Except as provided by Subsection (d) [~~e~~], the
7 compensation of the associate judge shall be paid by the county from
8 the county general fund. The compensation must be paid in the same
9 manner that the appointing judge's salary is paid.

10 (d) [~~e~~] On the recommendation of the statutory probate
11 court judges in the county and subject to the approval of the county
12 commissioners court, the county may pay all or part of the
13 compensation of the associate judge from the excess contributions
14 remitted to the county under Section 25.00212 and deposited in the
15 contributions fund created under Section 25.00213.

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

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

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

22 (c) The employment of an associate judge who serves two
23 courts may be terminated by either of the judges of the courts that
24 the associate judge serves.

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

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

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

3 (e) If an associate judge serves a single court and the
4 appointing judge vacates the judge's office, the associate judge's
5 employment continues, subject to Subsections (d) and (h), unless
6 the successor appointed or elected judge terminates that
7 employment.

8 (f) If an associate judge serves two courts and one of the
9 appointing judges vacates the judge's office, the associate judge's
10 employment continues, subject to Subsections (d) and (h), unless
11 the successor appointed or elected judge terminates that employment
12 or the judge of the other court served by the associate judge
13 terminates that employment as provided by Subsection (c).

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

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

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

24 (h) Notwithstanding the powers of an associate judge
25 provided by Section 54A.209 [~~54.610~~], an associate judge whose
26 employment continues as provided by Subsection (e), (f), or (g)
27 after the judge of a court served by the associate judge vacates the

1 judge's office may perform administrative functions with respect to
2 that court, but may not perform any judicial function, including
3 any power prescribed by Section 54A.209 [~~54.610~~], with respect to
4 that court until a successor judge is appointed or elected.

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

6 (a) Except as provided by this section, a judge of a court may
7 refer to an associate judge any aspect of a suit over which the
8 probate court has jurisdiction, including any matter ancillary to
9 the suit.

10 (b) Unless a party files a written objection to the
11 associate judge hearing a trial on the merits, the judge may refer
12 the trial to the associate judge. A trial on the merits is any final
13 adjudication from which an appeal may be taken to a court of
14 appeals.

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

21 Sec. 54A.2071 [~~54.606~~]. OATH. An associate judge must take
22 the constitutional oath of office required of appointed officers of
23 this state.

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

26 Sec. 54A.208 [~~54.609~~]. METHODS [~~ORDER~~] OF REFERRAL. (a) A
27 case may be referred to an associate judge by an order of referral

1 in a specific case or by an omnibus order [~~In referring a case to an~~
2 ~~associate judge, the judge of the referring court shall render:~~

3 ~~(1) an individual order of referral; or~~
4 ~~(2) a general order of referral]~~ specifying the class
5 and type of cases to be referred [~~heard by the associate judge~~].

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

8 Sec. 54A.209 [~~54.610~~]. POWERS OF ASSOCIATE JUDGE.

9 (a) Except as limited by an order of referral, an associate judge
10 may:

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

1 (14) [~~(13)~~] order the attachment of a witness or party
2 who fails to obey a subpoena;

3 (15) [~~(14)~~] order the detention of a witness or party
4 found guilty of contempt, pending approval by the referring court
5 as provided by Section 54A.214 [~~54.616~~];

6 (16) [~~(15)~~] without prejudice to the right to a de novo
7 hearing under Section 54A.216 [~~54.618~~], render and sign:

8 (A) a final order agreed to in writing as to both
9 form and substance by all parties;

10 (B) a final default order;

11 (C) a temporary order;

12 (D) a final order in a case in which a party files
13 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
14 Civil Procedure, that waives notice to the party of the final
15 hearing or waives the party's appearance at the final hearing;

16 (E) an order specifying that the court clerk
17 shall issue:

18 (i) letters testamentary or of
19 administration; or

20 (ii) letters of guardianship; or

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

23 (17) [~~(16)~~] sign a final order that includes a waiver
24 of the right to a de novo hearing in accordance with Section 54A.216
25 [~~54.618~~].

26 (b) An associate judge may, in the interest of justice,
27 refer a case back to the referring court regardless of whether a

1 timely objection to the associate judge hearing the trial on the
2 merits or presiding at a jury trial has been made by any party.

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

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

11 Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff
12 shall attend a hearing conducted by an associate judge if directed
13 to attend by the referring court.

14 [~~Sec. 54.612. COURT REPORTER. (a) A court reporter may be~~
15 ~~provided during a hearing held by an associate judge appointed~~
16 ~~under this subchapter unless required by other law. A court~~
17 ~~reporter is required to be provided when the associate judge~~
18 ~~presides over a jury trial.~~

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

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

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

27 [~~(e) On a request for a de novo hearing, the referring court~~

1 ~~may consider testimony or other evidence in the record, if the~~
2 ~~record is taken by a court reporter, in addition to witnesses or~~
3 ~~other matters presented under Section 54.618.]~~

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

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

9 ~~[(1) fails]~~ to appear [~~before an associate judge]~~
10 after being summoned or whose refusal to answer questions has been
11 certified to the court [~~; or~~

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

14 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court
15 reporter may be provided during a hearing held by an associate judge
16 appointed under this subchapter. A court reporter is required to be
17 provided when the associate judge presides over a jury trial.

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

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

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

26 (e) On appeal of the associate judge's report or proposed
27 order, the referring court may consider testimony or other evidence

1 in the record if the record is taken by a court reporter.

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

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

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

9 (2) a proposed order.

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

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

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

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

18 (3) by facsimile transmission.

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

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

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

25 (f) [~~(e)~~] After a hearing conducted by an associate judge,
26 the associate judge shall send the associate judge's signed and
27 dated report, including any proposed order, and all other papers

1 relating to the case to the referring court.

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

6 (b) The notice may be given:

7 (1) by oral statement in open court;

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

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

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

14 Sec. 54A.214 [~~54.616~~]. ORDER OF COURT. (a) Pending a de
15 novo hearing before the referring court, the decisions and
16 recommendations of the associate judge or a proposed order or
17 judgment of the associate judge has the full force and effect, and
18 is enforceable as, an order or judgment of the referring court,
19 except for an order providing for the appointment of a receiver.

20 (b) Except as provided by Section 54A.209(c) [~~54.610(c)~~],
21 if a request for a de novo hearing before the referring court is not
22 timely filed or the right to a de novo hearing before the referring
23 court is waived, the decisions and recommendations of the associate
24 judge or the proposed order or judgment of the associate judge
25 becomes the order or judgment of the referring court at the time the
26 judge of the referring court signs the proposed order or judgment.

27 (c) An order by an associate judge for the temporary

1 detention or incarceration of a witness or party shall be presented
2 to the referring court on the day the witness or party is detained
3 or incarcerated. The referring court, without prejudice to the
4 right to a de novo hearing provided by Section 54A.216, may approve
5 the temporary detention or incarceration or may order the release
6 of the party or witness, with or without bond, pending a de novo
7 hearing. If the referring court is not immediately available, the
8 associate judge may order the release of the party or witness, with
9 or without bond, pending a de novo hearing or may continue the
10 person's detention or incarceration for not more than 72 hours.

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

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

17 (2) hear further evidence; or

18 (3) recommit the matter to the associate judge for
19 further proceedings.

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

24 Sec. 54A.216 [~~54.618~~]. DE NOVO HEARING BEFORE REFERRING
25 COURT. (a) A party may request a de novo hearing before the
26 referring court by filing with the clerk of the referring court a
27 written request not later than the seventh working day after the

1 date the party receives notice of the substance of the associate
2 judge's report as provided by Section 54.212 [~~54.614~~].

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

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

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

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

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

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

27 (h) The denial of relief to a party after a de novo hearing

1 under this section or a party's waiver of the right to a de novo
2 hearing before the referring court does not affect the right of a
3 party to file a motion for new trial, motion for judgment
4 notwithstanding the verdict, or other post-trial motion.

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

8 Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's
9 failure to request a de novo hearing before the referring court or a
10 party's waiver of the right to request a de novo hearing before the
11 referring court does not deprive the party of the right to appeal to
12 or request other relief from a court of appeals or the supreme
13 court.

14 (b) Except as provided by Subsection (c), the date the judge
15 of a referring court signs an order or judgment is the controlling
16 date for the purposes of appeal to or request for other relief from
17 a court of appeals or the supreme court.

18 (c) The date an order described by Section 54A.209(a)(16)
19 [~~54.610(a)(15)~~] is signed by an associate judge is the controlling
20 date for the purpose of an appeal to, or a request for other relief
21 relating to the order from, a court of appeals or the supreme court.

22 Sec. 54A.218 [~~54.620~~]. IMMUNITY. An associate judge
23 appointed under this subchapter has the judicial immunity of a
24 probate judge. All existing immunity granted an associate judge by
25 law, express or implied, continues in full force and effect.

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

1 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

2 Sec. 201.301. APPLICABILITY. This subchapter applies only
3 to an associate judge appointed under this subchapter and does not
4 apply to a juvenile court master appointed under Subchapter K,
5 Chapter 54, Government Code.

6 Sec. 201.302. APPOINTMENT. (a) A judge of a court that is
7 designated as a juvenile court may appoint a full-time or part-time
8 associate judge to perform the duties authorized by this chapter if
9 the commissioners court of a county in which the court has
10 jurisdiction has authorized creation of an associate judge
11 position.

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

15 (c) If more than one court in a county has been designated as
16 a juvenile court, the commissioners court may authorize the
17 appointment of an associate judge for each court or may authorize
18 one or more associate judges to share service with two or more
19 courts.

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

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

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

27 (2) have been licensed to practice law in this state

1 for at least four years;

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

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

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

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.

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

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

25 (c) The employment of an associate judge who serves two
26 courts may be terminated by either of the judges of the courts which
27 the associate judge serves.

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

4 (1) the associate judge's name and state bar
5 identification number;

6 (2) each court ordering termination; and

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

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

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

12 (2) in connection with Rule 308a, Texas Rules of Civil
13 Procedure.

14 (b) Unless a party files a written objection to the
15 associate judge hearing a trial on the merits, the judge may refer
16 the trial to the associate judge. A trial on the merits is any final
17 adjudication from which an appeal may be taken to a court of
18 appeals.

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

25 (d) The requirements of Subsections (b) and (c) apply when a
26 judge has authority to refer the trial of a suit under this title,
27 Title 1, or Title 4 to an associate judge, master, or other

1 assistant judge regardless of whether the assistant judge is
2 appointed under this subchapter.

3 Sec. 201.307. 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 power or duties of an
7 associate judge.

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

- 10 (1) conduct a hearing;
- 11 (2) hear evidence;
- 12 (3) compel production of relevant evidence;
- 13 (4) rule on the admissibility of evidence;
- 14 (5) issue a summons for:
 - 15 (A) the appearance of witnesses; and
 - 16 (B) the appearance of a parent who has failed to
17 appear before an agency authorized to conduct an investigation of
18 an allegation of abuse or neglect of a child after receiving proper
19 notice;
- 20 (6) examine a witness;
- 21 (7) swear a witness for a hearing;
- 22 (8) make findings of fact on evidence;
- 23 (9) formulate conclusions of law;
- 24 (10) recommend an order to be rendered in a case;
- 25 (11) regulate proceedings in a hearing;
- 26 (12) order the attachment of a witness or party who
27 fails to obey a subpoena;

1 (13) order the detention of a witness or party found
2 guilty of contempt, pending approval by the referring court; and

3 (14) take action as necessary and proper for the
4 efficient performance of the associate judge's duties.

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

9 Sec. 201.309. REFEREES. (a) An associate judge appointed
10 under this subchapter may serve as a referee as provided by Sections
11 51.04(g) and 54.10.

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

14 Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a
15 hearing by an associate judge if directed by the referring court.

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

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

20 (1) failed to appear before an associate judge after
21 being summoned; or

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

24 Sec. 201.312. COURT REPORTER; RECORD. (a) A court
25 reporter may be provided during a hearing held by an associate judge
26 appointed under this subchapter. A court reporter is required to be
27 provided when the associate judge presides over a jury trial or a

1 contested final termination hearing.

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

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

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

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

14 Sec. 201.313. REPORT. (a) The associate judge's report
15 may contain the associate judge's findings, conclusions, or
16 recommendations and may be in the form of a proposed order. The
17 associate judge's report must be in writing and in the form directed
18 by the referring court.

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

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

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

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

27 (3) by facsimile.

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

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

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

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

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

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

14 (b) The notice may be given:

15 (1) by oral statement in open court;

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

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

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

22 Sec. 201.315. ORDER OF COURT. (a) Pending a de novo
23 hearing before the referring court, a proposed order or judgment of
24 the associate judge is in full force and effect and is enforceable
25 as an order or judgment of the referring court, except for an order
26 providing for the appointment of a receiver.

27 (b) If a request for a de novo hearing before the referring

1 court is not timely filed or the right to a de novo hearing before
2 the referring court is waived, the proposed order or judgment of the
3 associate judge becomes the order or judgment of the referring
4 court only on the referring court's signing the proposed order or
5 judgment.

6 (c) An order by an associate judge for the temporary
7 detention or incarceration of a witness or party shall be presented
8 to the referring court on the day the witness or party is detained
9 or incarcerated. The referring court, without prejudice to the
10 right to a de novo hearing provided by Section 201.317, may approve
11 the temporary detention or incarceration or may order the release
12 of the party or witness, with or without bond, pending a de novo
13 hearing. If the referring court is not immediately available, the
14 associate judge may order the release of the party or witness, with
15 or without bond, pending a de novo hearing or may continue the
16 person's detention or incarceration for not more than 72 hours.

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

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

22 (2) hear additional evidence; or

23 (3) recommit the matter to the associate judge for
24 further proceedings.

25 Sec. 201.317. DE NOVO HEARING. (a) A party may request a
26 de novo hearing before the referring court by filing with the clerk
27 of the referring court a written request not later than the seventh

1 working day after the date the party receives notice of the
2 substance of the associate judge's report as provided by Section
3 201.313.

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

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

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

14 (e) The referring court, after notice to the parties, shall
15 hold a de novo hearing not later than the 30th day after the date the
16 initial request for a de novo hearing was filed with the clerk of
17 the referring court.

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

24 (g) The denial of relief to a party after a de novo hearing
25 under this section or a party's waiver of the right to a de novo
26 hearing before the referring court does not affect the right of a
27 party to file a motion for new trial, a motion for judgment

1 notwithstanding the verdict, or other posttrial motions.

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

5 Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to
6 request a de novo hearing before the referring court or a party's
7 waiver of the right to request a de novo hearing before the
8 referring court does not deprive the party of the right to appeal to
9 or request other relief from a court of appeals or the supreme
10 court.

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

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

19 Sec. 201.319. JUDICIAL IMMUNITY. An associate judge
20 appointed under this subchapter has the judicial immunity of a
21 district judge.

22 Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) If an
23 associate judge appointed under this subchapter is temporarily
24 unable to perform the judge's official duties because of absence or
25 illness, injury, or other disability, a judge of a court having
26 jurisdiction of a suit under this title or Title 1 or 4 may appoint a
27 visiting associate judge to perform the duties of the associate

1 judge during the period of the associate judge's absence or
2 disability if the commissioners court of a county in which the court
3 has jurisdiction authorizes the employment of a visiting associate
4 judge.

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

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

10 SECTION 5.04. Subsection (b), Section 22.110, Government
11 Code, is amended to read as follows:

12 (b) The court of criminal appeals shall adopt the rules
13 necessary to accomplish the purposes of this section. The rules
14 must require each district judge, judge of a statutory county
15 court, associate judge appointed under Chapter 54A [~~54~~] of this
16 code or Chapter 201, Family Code, master, referee, and magistrate
17 to complete at least 12 hours of the training within the judge's
18 first term of office or the judicial officer's first four years of
19 service and provide a method for certification of completion of
20 that training. At least four hours of the training must be
21 dedicated to issues related to child abuse and neglect and must
22 cover at least two of the topics described in Subsections
23 (d)(8)-(12). At least six hours of the training must be dedicated
24 to the training described by Subsections (d)(5), (6), and (7). The
25 rules must require each judge and judicial officer to complete an
26 additional five hours of training during each additional term in
27 office or four years of service. At least two hours of the

1 additional training must be dedicated to issues related to child
2 abuse and neglect. The rules must exempt from the training
3 requirement of this subsection each judge or judicial officer who
4 files an affidavit stating that the judge or judicial officer does
5 not hear any cases involving family violence, sexual assault, or
6 child abuse and neglect.

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

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

- 12 (1) appellate judicial system filing fees for:
 - 13 (A) First or Fourteenth Court of Appeals District
14 (Sec. 22.2021, Government Code) . . . not more than \$5;
 - 15 (B) Second Court of Appeals District
16 (Sec. 22.2031, Government Code) . . . not more than \$5;
 - 17 (C) Third Court of Appeals District
18 (Sec. 22.2041, Government Code) . . . \$5;
 - 19 (D) Fourth Court of Appeals District
20 (Sec. 22.2051, Government Code) . . . not more than \$5;
 - 21 (E) Fifth Court of Appeals District
22 (Sec. 22.2061, Government Code) . . . not more than \$5;
 - 23 (E-1) Sixth Court of Appeals District (Sec.
24 22.2071, Government Code) . . . \$5;
 - 25 (E-2) Seventh Court of Appeals District (Sec.
26 22.2081, Government Code) . . . \$5;
 - 27 (F) Ninth Court of Appeals District

1 (Sec. 22.2101, Government Code) . . . \$5;

2 (G) Eleventh Court of Appeals District

3 (Sec. 22.2121, Government Code) . . . \$5;

4 (G-1) Twelfth Court of Appeals District (Sec.

5 22.2131, Government Code) . . . \$5; and

6 (H) Thirteenth Court of Appeals District

7 (Sec. 22.2141, Government Code) . . . not more than \$5;

8 (2) when administering a case for the Rockwall County

9 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and

10 court costs as if the case had been filed in district court;

11 (3) additional filing fees:

12 (A) for each suit filed for insurance contingency

13 fund, if authorized by the county commissioners court (Sec. 51.302,

14 Government Code) . . . not to exceed \$5;

15 (B) to fund the improvement of Dallas County

16 civil court facilities, if authorized by the county commissioners

17 court (Sec. 51.705, Government Code) . . . not more than \$15;

18 (B-1) to fund the improvement of Bexar County

19 court facilities, if authorized by the county commissioners court

20 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

21 (C) to fund the improvement of Hays County court

22 facilities, if authorized by the county commissioners court

23 (Sec. 51.707, Government Code) . . . not more than \$15; and

24 (D) to fund the preservation of court records

25 (Sec. 51.708, Government Code) . . . not more than \$10;

26 (4) for filing a suit, including an appeal from an

27 inferior court:

- 1 (A) for a suit with 10 or fewer plaintiffs
2 (Sec. 51.317, Government Code) . . . \$50;
- 3 (B) for a suit with at least 11 but not more than
4 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- 5 (C) for a suit with at least 26 but not more than
6 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 7 (D) for a suit with at least 101 but not more than
8 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 9 (E) for a suit with at least 501 but not more than
10 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 11 (F) for a suit with more than 1,000 plaintiffs
12 (Sec. 51.317, Government Code) . . . \$200;
- 13 (5) for filing a cross-action, counterclaim,
14 intervention, contempt action, motion for new trial, or third-party
15 petition (Sec. 51.317, Government Code) . . . \$15;
- 16 (6) for issuing a citation or other writ or process not
17 otherwise provided for, including one copy, when requested at the
18 time a suit or action is filed (Sec. 51.317, Government Code) . . .
19 \$8;
- 20 (7) for records management and preservation
21 (Sec. 51.317, Government Code) . . . \$10;
- 22 (7-a) for district court records archiving, if adopted
23 by the county commissioners court (Sec. 51.317(b)(5), Government
24 Code) . . . not more than \$5;
- 25 (8) for issuing a subpoena, including one copy
26 (Sec. 51.318, Government Code) . . . \$8;
- 27 (9) for issuing a citation, commission for deposition,

1 writ of execution, order of sale, writ of execution and order of
2 sale, writ of injunction, writ of garnishment, writ of attachment,
3 or writ of sequestration not provided for in Section 51.317, or any
4 other writ or process not otherwise provided for, including one
5 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

6 (10) for searching files or records to locate a cause
7 when the docket number is not provided (Sec. 51.318, Government
8 Code) . . . \$5;

9 (11) for searching files or records to ascertain the
10 existence of an instrument or record in the district clerk's office
11 (Sec. 51.318, Government Code) . . . \$5;

12 (12) for abstracting a judgment (Sec. 51.318,
13 Government Code) . . . \$8;

14 (13) for approving a bond (Sec. 51.318, Government
15 Code) . . . \$4;

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

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

22 (16) fee for performing a service:

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

26 (B) related to the matter of a minor
27 (Sec. 51.319, Government Code) . . . the same fee allowed the

1 county clerk for the service;

2 (C) of serving process by certified or registered
3 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
4 constable is authorized to charge for the service under Section
5 118.131, Local Government Code; and

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

9 (17) jury fee (Sec. 51.604, Government Code) . . .
10 \$30; and

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

14 [~~(19) at a hearing held by an associate judge in Dallas~~
15 ~~County, a court cost to preserve the record, in the absence of a~~
16 ~~court reporter, by other means (Sec. 54.509, Government Code) . . .~~
17 ~~as assessed by the referring court or associate judge; and~~

18 [~~(20) at a hearing held by an associate judge in Duval~~
19 ~~County, a court cost to preserve the record (Sec. 54.1151,~~
20 ~~Government Code) . . . as imposed by the referring court or~~
21 ~~associate judge].~~

22 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,
23 101.06116, and 101.06117, Government Code, are repealed.

24 SECTION 5.06. Section 602.002, Government Code, is amended
25 to read as follows:

26 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
27 state may be administered and a certificate of the fact given by:

1 (1) a judge, retired judge, or clerk of a municipal
2 court;

3 (2) a judge, retired judge, senior judge, clerk, or
4 commissioner of a court of record;

5 (3) a justice of the peace or a clerk of a justice
6 court;

7 (4) an associate judge, magistrate, master, referee,
8 or criminal law hearing officer;

9 (5) a notary public;

10 (6) [~~(5)~~] a member of a board or commission created by
11 a law of this state, in a matter pertaining to a duty of the board or
12 commission;

13 (7) [~~(6)~~] a person employed by the Texas Ethics
14 Commission who has a duty related to a report required by Title 15,
15 Election Code, in a matter pertaining to that duty;

16 (8) [~~(7)~~] a county tax assessor-collector or an
17 employee of the county tax assessor-collector if the oath relates
18 to a document that is required or authorized to be filed in the
19 office of the county tax assessor-collector;

20 (9) [~~(8)~~] the secretary of state or a former secretary
21 of state;

22 (10) [~~(9)~~] an employee of a personal bond office, or
23 an employee of a county, who is employed to obtain information
24 required to be obtained under oath if the oath is required or
25 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
26 Criminal Procedure;

27 (11) [~~(10)~~] the lieutenant governor or a former

1 lieutenant governor;

2 (12) [~~(11)~~] the speaker of the house of
3 representatives or a former speaker of the house of
4 representatives;

5 (13) [~~(12)~~] the governor or a former governor;

6 (14) [~~(13)~~] a legislator or retired legislator;

7 (15) [~~(14)~~] the attorney general or a former attorney
8 general;

9 (16) [~~(15)~~] the secretary or clerk of a municipality
10 in a matter pertaining to the official business of the
11 municipality; or

12 (17) [~~(16)~~] a peace officer described by Article 2.12,
13 Code of Criminal Procedure, if:

14 (A) the oath is administered when the officer is
15 engaged in the performance of the officer's duties; and

16 (B) the administration of the oath relates to the
17 officer's duties.

18 SECTION 5.07. Article 2.09, Code of Criminal Procedure, is
19 amended to read as follows:

20 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
21 officers is a magistrate within the meaning of this Code: The
22 justices of the Supreme Court, the judges of the Court of Criminal
23 Appeals, the justices of the Courts of Appeals, the judges of the
24 District Court, the magistrates appointed by the judges of the
25 district courts of Bexar County, Dallas County, or Tarrant County
26 that give preference to criminal cases, the criminal law hearing
27 officers for Harris County appointed under Subchapter L, Chapter

1 54, Government Code, the criminal law hearing officers for Cameron
 2 County appointed under Subchapter BB, Chapter 54, Government Code,
 3 the magistrates or associate judges appointed by the judges of the
 4 district courts of Lubbock County, Nolan County, or Webb County,
 5 the magistrates appointed by the judges of the criminal district
 6 courts of Dallas County or Tarrant County, the associate judges
 7 [~~masters~~] appointed by the judges of the district courts and the
 8 county courts at law that give preference to criminal cases in
 9 Jefferson County, the associate judges [~~magistrates~~] appointed by
 10 the judges of the district courts and the statutory county courts of
 11 Brazos County, Nueces County, or Williamson County, the magistrates
 12 appointed by the judges of the district courts and statutory county
 13 courts that give preference to criminal cases in Travis County, the
 14 criminal magistrates appointed by the Brazoria County
 15 Commissioners Court, the county judges, the judges of the county
 16 courts at law, judges of the county criminal courts, the judges of
 17 statutory probate courts, the associate judges appointed by the
 18 judges of the statutory probate courts under [~~Subchapter G,~~
 19 Chapter 54A [~~54~~], Government Code, the associate judges appointed
 20 by the judge of a district court under Chapter 54A [~~Subchapter II,~~
 21 ~~Chapter 54~~], Government Code, the justices of the peace, and the
 22 mayors and recorders and the judges of the municipal courts of
 23 incorporated cities or towns.

24 SECTION 5.08. Subsection (d), Article 102.017, Code of
 25 Criminal Procedure, is amended to read as follows:

26 (d) Except as provided by Subsection (d-2), the clerks of
 27 the respective courts shall collect the costs and pay them to the

1 county or municipal treasurer, as appropriate, or to any other
2 official who discharges the duties commonly delegated to the county
3 or municipal treasurer, as appropriate, for deposit in a fund to be
4 known as the courthouse security fund or a fund to be known as the
5 municipal court building security fund, as appropriate. Money
6 deposited in a courthouse security fund may be used only for
7 security personnel, services, and items related to buildings that
8 house the operations of district, county, or justice courts, and
9 money deposited in a municipal court building security fund may be
10 used only for security personnel, services, and items related to
11 buildings that house the operations of municipal courts. For
12 purposes of this subsection, operations of a district, county, or
13 justice court include the activities of associate judges, masters,
14 magistrates, referees, hearing officers, criminal law magistrate
15 court judges, and masters in chancery appointed under:

- 16 (1) Section 61.311, Alcoholic Beverage Code;
- 17 (2) Section 51.04(g) or Chapter 201, Family Code;
- 18 (3) Section 574.0085, Health and Safety Code;
- 19 (4) Section 33.71, Tax Code;
- 20 (5) Chapter 54A [~~Chapter 54~~], Government Code; or
- 21 (6) Rule 171, Texas Rules of Civil Procedure.

22 SECTION 5.09. Subsection (a), Section 54.10, Family Code,
23 is amended to read as follows:

24 (a) Except as provided by Subsection (e), a hearing under
25 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
26 under Chapter 55, including a jury trial, or a hearing under the
27 Interstate Compact for Juveniles (Chapter 60) may be held by a

1 referee appointed in accordance with Section 51.04(g) or an
2 associate judge [~~a master~~] appointed under Chapter 54A [54],
3 Government Code, provided:

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

7 (2) after each party is given an opportunity to
8 object, no party objects to holding the hearing before the referee
9 or master.

10 SECTION 5.10. A magistrate, master, referee, associate
11 judge, or hearing officer appointed as provided by Chapter 54,
12 Government Code, before the effective date of this Act, continues
13 to serve as an associate judge under Chapter 54A, Government Code,
14 as added by this article, with the powers and duties provided by
15 that chapter, provided the court for which the magistrate, master,
16 referee, associate judge, or hearing officer serves has authority
17 to appoint an associate judge under Chapter 54A, Government Code.

18 SECTION 5.11. The changes in law made by this article apply
19 to a matter referred to an associate judge on or after the effective
20 date of this article. A matter referred to an associate judge
21 before the effective date of this article is governed by the law in
22 effect on the date the matter was referred to the associate judge,
23 and the former law is continued in effect for that purpose.

24 SECTION 5.12. The following subchapters of Chapter 54,
25 Government Code, are repealed:

26 (1) Subchapter A;

27 (2) Subchapter B;

- 1 (3) Subchapter C;
- 2 (4) Subchapter E;
- 3 (5) Subchapter F;
- 4 (6) Subchapter I;
- 5 (7) Subchapter O;
- 6 (8) Subchapter P;
- 7 (9) Subchapter S;
- 8 (10) Subchapter T;
- 9 (11) Subchapter U;
- 10 (12) Subchapter V;
- 11 (13) Subchapter W;
- 12 (14) Subchapter X;
- 13 (15) Subchapter CC;
- 14 (16) Subchapter FF; and
- 15 (17) Subchapter II.

16 ARTICLE 6. COURT ADMINISTRATION

17 SECTION 6.01. Section 74.005, Government Code, is amended
18 to read as follows:

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

23 (b) On the death, resignation, removal, or expiration of the
24 term of office of a presiding judge, the governor immediately shall
25 appoint or reappoint a presiding judge.

26 SECTION 6.02. Section 74.050, Government Code, is amended
27 to read as follows:

1 Sec. 74.050. SUPPORT STAFF [~~ADMINISTRATIVE ASSISTANT~~].

2 (a) The presiding judge may employ, directly or through a contract
3 with another governmental entity, a full-time or part-time
4 administrative assistant and a full-time or part-time staff
5 attorney.

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

8 [~~(c) An administrative assistant~~] shall aid the presiding
9 judge in carrying out the judge's duties under this chapter. The
10 administrative assistant shall:

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

13 (2) conduct correspondence for the presiding judge;

14 (3) under the direction of the presiding judge, make
15 an annual report of the activities of the administrative region and
16 special reports as provided by the rules of administration to the
17 supreme court, which shall be made in the manner directed by the
18 supreme court; and

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

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

25 (d) [~~(e)~~] An administrative assistant or staff attorney is
26 entitled to receive the compensation from the state provided by the
27 General Appropriations Act, from county funds, or from any public

1 or private grant.

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

5 (f) The office of court administration shall assist the
6 presiding judges in:

7 (1) monitoring the compliance of staff attorneys with
8 any job performance standards, uniform practices adopted by the
9 presiding judges, and federal and state laws and policies;

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

12 (3) conducting annual performance evaluations for the
13 staff attorneys based on written personnel performance standards
14 adopted by the presiding judges; and

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

18 (g) Adequate quarters for a staff attorney hired as provided
19 by this section shall be provided in a courthouse of the
20 administrative judicial region, with the consent of the
21 commissioners court of the county in which the courthouse is
22 located.

23 SECTION 6.03. Subsection (c), Section 74.093, Government
24 Code, is amended to read as follows:

25 (c) The rules may provide for:

26 (1) the selection and authority of a presiding judge
27 of the courts giving preference to a specified class of cases, such

1 as civil, criminal, juvenile, or family law cases;

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

4 (3) [~~2~~] a coordinated response for the transaction
5 of essential judicial functions in the event of a disaster; and

6 (4) [~~3~~] any other matter necessary to carry out this
7 chapter or to improve the administration and management of the
8 court system and its auxiliary services.

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

11 SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

12 Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter
13 does not apply to:

14 (1) a criminal matter;

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

17 (3) a case that has been transferred by the judicial
18 panel on multidistrict litigation to a district court for
19 consolidated or coordinated pretrial proceedings under Subchapter
20 H.

21 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE
22 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt
23 rules under which courts, presiding judges of the administrative
24 judicial regions, and the judicial committee for additional
25 resources may determine whether a case requires additional
26 resources to ensure efficient judicial management of the case.

27 (b) In developing the rules, the supreme court shall include

1 considerations regarding whether a case involves or is likely to
2 involve:

3 (1) a large number of parties who are separately
4 represented by counsel;

5 (2) coordination with related actions pending in one
6 or more courts in other counties of this state or in one or more
7 United States district courts;

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

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

12 (5) substantial postjudgment supervision;

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

14 (7) a substantial additional burden on the trial
15 court's docket and the resources available to the trial court to
16 hear the case.

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

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

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

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

7 (c) If the presiding judge of the administrative judicial
8 region agrees that, in accordance with the rules adopted by the
9 supreme court under Section 74.252, the case will require
10 additional resources to ensure efficient judicial management, the
11 presiding judge shall:

12 (1) use resources previously allotted to the presiding
13 judge; or

14 (2) submit a request for specific additional resources
15 to the judicial committee for additional resources.

16 Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

17 (a) The judicial committee for additional resources is composed
18 of:

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

20 (2) the nine presiding judges of the administrative
21 judicial regions.

22 (b) The chief justice of the supreme court serves as
23 presiding officer. The office of court administration shall
24 provide staff support to the committee.

25 (c) On receipt of a request for additional resources from a
26 presiding judge of an administrative judicial region under Section
27 74.253, the committee shall determine whether the case that is the

1 subject of the request requires additional resources in accordance
2 with the rules adopted under Section 74.252. If the committee
3 determines that the case does require additional resources, the
4 committee shall make available the resources requested by the trial
5 judge to the extent funds are available for those resources under
6 the General Appropriations Act and to the extent the committee
7 determines the requested resources are appropriate to the
8 circumstances of the case.

9 (d) Subject to Subsections (c) and (f), additional
10 resources the committee may make available under this section
11 include:

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

15 (2) additional legal, administrative, or clerical
16 personnel;

17 (3) information and communication technology,
18 including case management software, video teleconferencing, and
19 specially designed courtroom presentation hardware or software to
20 facilitate presentation of the evidence to the trier of fact;

21 (4) specialized continuing legal education;

22 (5) an associate judge;

23 (6) special accommodations or furnishings for the
24 parties;

25 (7) other services or items determined necessary to
26 try the case; and

27 (8) any other resources the committee considers

1 appropriate.

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

5 (f) The judicial committee for additional resources may not
6 provide additional resources under this subchapter in an amount
7 that is more than the amount appropriated for this purpose.

8 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of
9 additional resources provided for a case under this subchapter
10 shall be paid by the state and may not be taxed against any party in
11 the case for which the resources are provided or against the county
12 in which the case is pending.

13 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.
14 The filing of a motion under Section 74.253 in a case is not grounds
15 for a stay or continuance of the proceedings in the case in the
16 court in which the case is pending during the period the motion or
17 request is being considered by:

- 18 (1) the judge of that court;
19 (2) the presiding judge of the administrative judicial
20 region; or
21 (3) the judicial committee for additional resources.

22 Sec. 74.257. APPELLATE REVIEW. A determination made by a
23 trial court judge, the presiding judge of an administrative
24 judicial region, or the judicial committee for additional resources
25 under this subchapter is not appealable or subject to review by
26 mandamus.

27 SECTION 6.05. (a) The Texas Supreme Court shall request

1 the president of the State Bar of Texas to appoint a task force to
2 consider and make recommendations regarding the rules for
3 determining whether civil cases pending in trial courts require
4 additional resources for efficient judicial management required by
5 Section 74.252, Government Code, as added by this Act. The
6 president of the State Bar of Texas shall ensure that the task force
7 has diverse representation and includes judges of trial courts and
8 attorneys licensed to practice law in this state who regularly
9 appear in civil cases before courts in this state. The task force
10 shall provide recommendations on the rules to the Texas Supreme
11 Court not later than March 1, 2012.

12 (b) The Texas Supreme Court shall:

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

15 (2) adopt the rules required by Section 74.252,
16 Government Code, as added by this Act, not later than May 1, 2012.

17 SECTION 6.06. The changes in law made by this article apply
18 to cases pending on or after May 1, 2012.

19 ARTICLE 7. GRANT PROGRAMS

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

22 Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS.

23 (a) The office shall develop and administer, except as provided by
24 Subsection (c), a program to provide grants from available funds to
25 counties for initiatives that will enhance their court systems or
26 otherwise carry out the purposes of this chapter.

27 (b) To be eligible for a grant under this section, a county

1 must:

2 (1) use the grant money to implement initiatives that
3 will enhance the county's court system, including grants to develop
4 programs to more efficiently manage cases that require special
5 judicial attention, or otherwise carry out the purposes of this
6 chapter; and

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

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

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

15 (1) direct the comptroller to distribute the grant
16 money to the county; and

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

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

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

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

27 (c) To be eligible for a grant under this section, a

1 prospective recipient must:

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

5 (2) apply for the grant in accordance with procedures
6 developed by the commission and comply with any other requirements
7 of the supreme court.

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

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

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

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

13 JUDICIAL SYSTEM

14 SECTION 8.01. In this article, "office of court
15 administration" means the Office of Court Administration of the
16 Texas Judicial System.

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

25 (b) Not later than January 1, 2013, the office of court
26 administration shall submit a report regarding the determinations
27 made by the office relating to statutory county courts to the

1 governor, the lieutenant governor, the speaker of the house of
2 representatives, the chairs of the standing committees of the
3 senate and house of representatives with primary jurisdiction over
4 the judicial system, and the commissioners court of any county with
5 a statutory county court with jurisdiction in civil cases in which
6 the amount in controversy is more than \$200,000.

7 ARTICLE 9. NO APPROPRIATION; EFFECTIVE DATE

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

14 SECTION 9.02. This Act takes effect January 1, 2012.