

## **BILL ANALYSIS**

C.S.H.B. 3153  
By: Lewis  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The legislature reviews and, if justified, approves the creation of new district and statutory county courts for counties that demonstrate substantial judicial need. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. Interested parties indicate that several counties in Texas have a need for additional courts. C.S.H.B. 3153 seeks to fulfill that need.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3153 amends the Government Code to transfer Bandera County from the jurisdiction of the 216th Judicial District to the jurisdiction of the 198th Judicial District. The bill requires the local administrative district judge to transfer to the 198th District Court all cases from Bandera County that are pending in the 216th District Court on the bill's effective date and sets out procedural provisions relating to the transfer of such cases.

C.S.H.B. 3153 removes Edwards, Kimble, McCulloch, Mason, and Menard Counties from the 198th Judicial District and creates, on the bill's effective date, the 452nd Judicial District, which is composed of those counties. The bill authorizes the judge of the 452nd District Court to select jury commissioners and impanel grand juries in each county and to order grand and petit juries to be drawn for any term of the judge's court as the judge considers necessary, by an order entered in the minutes of the court. The bill provides for the election of a district attorney by the voters of the 452nd Judicial District and includes the district attorney for the 452nd Judicial District among the state prosecutors who are subject to statutory provisions governing professional prosecutors. The bill requires the local administrative district judge to transfer to the 452nd District Court all cases from Edwards, Kimble, McCulloch, Mason, and Menard Counties that are pending in the 198th District Court on the bill's effective date and sets out procedural provisions relating to the transfer of such cases.

C.S.H.B. 3153, effective January 1, 2015, creates the 442nd Judicial District, which is composed of Denton County. The bill, effective September 1, 2014, creates the 443rd Judicial District, which is composed of Ellis County. The bill, effective September 1, 2015, creates the 450th Judicial District, which is composed of Travis County, and requires the 450th District Court to give preference to criminal matters. The bill specifies that those judicial districts are created on the effective date of the applicable bill provisions.

C.S.H.B. 3153 creates the County Court at Law of Atascosa County as the sole statutory county court for that county on January 1, 2014, or on an earlier date determined by the Commissioners Court of Atascosa County by an order entered in its minutes. The bill establishes the jurisdiction of a county court at law in Atascosa County, sets out provisions relating to the qualifications and

salary of the judge of a county court at law in Atascosa County, and provides for the division of clerk duties in a county court at law in Atascosa County between the district clerk and the county clerk. The bill entitles the official court reporter of a county court at law in Atascosa County to receive a salary set by the judge of the county court at law with the approval of the commissioners court and authorizes the transfer of jurors summoned for a county court at law or a district court in the county to another court for service.

C.S.H.B. 3153, effective January 1, 2015, creates the Probate Court No. 1 of Cameron County as the sole statutory probate court for that county on January 1, 2015. The bill requires the initial vacancy in the office of judge of the Probate Court No. 1 of Cameron County to be filled by election and establishes that the office exists for purposes of the primary and general elections in 2014. The bill provides for the filling of a subsequent vacancy by appointment of the county commissioners court as is provided for the filling of a vacancy in the office of a statutory county court judge generally.

C.S.H.B. 3153, effective January 1, 2015, creates the County Court at Law of Jim Wells County as the sole statutory county court for that county on January 1, 2015. The bill establishes the jurisdiction of a county court at law in Jim Wells County; sets out provisions relating to the qualifications and salary of the judge of a county court at law in Jim Wells County; and provides for the division of clerk duties in a county court at law in Jim Wells County between the district clerk and the county clerk. The bill authorizes the transfer of jurors summoned for a county court at law in Jim Wells County or a district court in the county to another court for service. The bill sets out provisions governing the size of a jury in a county court at law in Jim Wells County and authorizes a judge of the county court at law to provide for the electronic recording of any criminal proceeding in the county court at law, subject to certain conditions. The bill requires the initial vacancy in the office of judge of the County Court at Law of Jim Wells County to be filled by election and establishes that the office exists for purposes of the primary and general elections in 2014. The bill provides for the filling of a subsequent vacancy by appointment of the county commissioners court as is provided for the filling of a vacancy in the office of a statutory county court judge generally.

C.S.H.B. 3153 expands the matters over which a county court at law in Lamar County has concurrent jurisdiction with the district court to include juvenile cases and civil cases in which the amount in controversy does not exceed \$200,000, excluding interest. The bill excludes probate matters and proceedings from the statutory provision specifying that the district clerk serves as clerk of a county court at law in Lamar County in matters of concurrent jurisdiction with the district court. The bill establishes that the fees assessed in a case in which a county court at law in Lamar County has concurrent civil jurisdiction with the district court are the same as the fees that would be assessed in the district court for that case. The bill authorizes a judge of a county court at law and a judge of a district court, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner judges of district courts transfer cases in counties with two or more district courts. The bill authorizes the judge of a county court at law and a judge of a district court in Lamar County to exchange benches and sit and act for each other in any matter pending before either court. The bill sets out provisions governing juries and jurors in a county court at law in Lamar County.

C.S.H.B. 3153, effective September 1, 2015, creates the County Court at Law Number 9 of Travis County on September 1, 2015, as a statutory county court for Travis County and requires that court to give preference to criminal cases.

C.S.H.B. 3153 creates the 1st Multicounty Court at Law, which is composed of Fisher, Mitchell, and Nolan Counties, on September 1, 2013, as a multicounty statutory county court. The bill establishes the jurisdiction of the 1st Multicounty Court at Law and prohibits the judge from engaging in the private practice of law. The bill entitles an official court reporter of the 1st Multicounty Court at Law to receive a salary set by the commissioners courts in the counties the reporter serves to be paid out of the county treasuries, either by salary or by contract as set by the

commissioners courts. The bill requires the clerk of the court to tax as costs, in each civil, criminal, and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. The bill requires the fee to be paid in the same manner as other costs in the case and specifies that the clerk collects the fee and pays it into the general funds of the counties. The bill establishes that the district clerk serves as clerk of the county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of the county court at law in all other cases. The bill exempts the county court at law from statutory provisions relating to the bond requirements and removal from office of a statutory county court judge, statutory provisions relating to the fees assessed by such a judge, and statutory provisions prohibiting an active statutory county court judge from being assigned to hear a matter pending in a district court outside the county of the judge's residence.

C.S.H.B. 3153 requires the state, from amounts deposited in the judicial fund from certain fees and costs collected by statutory county court clerks, to annually compensate Fisher, Mitchell, and Nolan Counties each in the amount required under statutory provisions governing the state's contribution to a county for certain statutory county court judges. The bill authorizes the judge of the 1st Multicounty Court at Law and the judges of the district courts in Fisher, Mitchell, and Nolan Counties, in matters of concurrent jurisdiction, to exchange benches and courtrooms and to transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases in counties with two or more district courts.

C.S.H.B. 3153 abolishes the County Court at Law of Nolan County on September 1, 2013, provides for the transfer of all cases pending in that court on the date of abolishment to the 1st Multicounty Court at Law, and sets out procedural provisions relating to the transfer of such cases.

C.S.H.B. 3153 authorizes the Commissioners Court of Guadalupe County to authorize the judges of the district and statutory county courts in Guadalupe County to appoint one or more part-time or full-time magistrates to perform the duties authorized under the bill's provisions. The bill authorizes judges of the district and statutory county courts in Guadalupe County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Guadalupe County. The bill requires an order appointing a magistrate to be signed by the local presiding judge of the district courts serving Guadalupe County and sets out the required content of such an order. The bill authorizes the elimination of an authorized magistrate's position on a majority vote of the commissioners court. The bill sets out eligibility requirements for appointment as a magistrate and requires an appointed magistrate to take the constitutional oath of office required of appointed officers of Texas. The bill sets out provisions relating to magistrate compensation and grants a magistrate the same judicial immunity as a district judge. The bill sets out provisions relating to the termination of a magistrate's employment; provisions relating to a magistrate's jurisdiction, responsibility, and powers; and provisions relating to the provision of personnel, equipment, and office space to a magistrate by the commissioners court.

C.S.H.B. 3153 repeals Sections 25.1791 and 25.1792, Government Code.

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3153 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

ARTICLE 1. DISTRICT COURTS AND  
DISTRICT ATTORNEYS

No equivalent provision.

SECTION 1.01. (a) Section 24.275, Government Code, is amended to read as follows:

Sec. 24.275. 216TH JUDICIAL DISTRICT (~~BANDERA,~~ GILLESPIE, KENDALL, AND KERR COUNTIES). ~~[(a)]~~ The 216th Judicial District is composed of ~~[Bandera,~~ Gillespie, Kendall, and Kerr counties.

~~[(b) The terms of the 216th District Court begin:~~

~~[(1) in Bandera County on the first Mondays in February and September;~~

~~[(2) in Gillespie County on the second Mondays in April and November;~~

~~[(3) in Kendall County on the fourth Mondays in February and September; and~~

~~[(4) in Kerr County on the first Mondays in January and June.]~~

No equivalent provision.

(b) Section 24.377, Government Code, is amended to read as follows:

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

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

(c) In addition to the requirements under Article 59.06, Code of Criminal Procedure, the district attorney for the 198th Judicial District may use proceeds from the sale of forfeited property, after the deduction of amounts described by Article 59.06(a), Code of Criminal Procedure, for the official purposes of the office of the district attorney only on the approval of:

- (1) the commissioners court of each county in the judicial district; or
- (2) a regional review committee composed of three members who are a county judge, a county attorney, a county commissioner or a county sheriff, each appointed by the member of the house of representatives of this state who represents the [~~largest number of~~] counties in the judicial district.

No equivalent provision.

(c) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.596 to read as follows:  
Sec. 24.596. 452ND JUDICIAL DISTRICT (EDWARDS, KIMBLE, MCCULLOCH, MASON, AND MENARD COUNTIES).  
(a) The 452nd Judicial District is composed of Edwards, Kimble, McCulloch, Mason, and Menard Counties.  
(b) The judge of the 452nd District Court may select jury commissioners and impanel grand juries in each county. The judge of the 452nd District Court may order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court.

No equivalent provision.

(d) Subchapter B, Chapter 43, Government Code, is amended by adding Section 43.184 to read as follows:  
Sec. 43.184. 452ND JUDICIAL DISTRICT. The voters of the 452nd Judicial District elect a district attorney who represents the state in all matters before that district court.

No equivalent provision.

(e) Section 46.002, Government Code, is amended to read as follows:  
Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:  
(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 142nd,

143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 329th, 344th, 349th, 355th, 452nd, and 506th judicial districts;

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

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

No equivalent provision.

(f) The local administrative district judge shall transfer to the 198th District Court all cases from Bandera County that are pending in the 216th District Court on the effective date of this Act.

No equivalent provision.

(g) When a case is transferred as provided by Subsection (f) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 216th District Court are returnable to the 198th District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 216th District Court and all witnesses summoned to appear in the 216th District Court are required to appear before the 198th District Court as if originally required to appear before that court.

No equivalent provision.

(h) The local administrative district judge shall transfer to the 452nd District Court all cases from Edwards, Kimble, McCulloch, Mason, and Menard Counties that are pending in the 198th District Court on the effective date of this Act.

No equivalent provision.

(i) When a case is transferred as provided by Subsection (h) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 198th District Court are returnable to the 452nd District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 198th District Court and all witnesses summoned to appear in the 198th District Court are required to appear before the 452nd District Court as if originally required to appear before that court.

(j) The 452nd Judicial District is created on the effective date of this Act.

No equivalent provision.

SECTION 1. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.586 to read as follows:

Sec. 24.586. 442ND JUDICIAL DISTRICT (DENTON COUNTY). The 442nd Judicial District is composed of Denton County.

SECTION 1.02. (a) **Effective January 1, 2015,** Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.586 to read as follows:

Sec. 24.586. 442ND JUDICIAL DISTRICT (DENTON COUNTY). The 442nd Judicial District is composed of Denton County.

SECTION 2. The 442nd Judicial District is created on **the effective date of this Act.**

(b) The 442nd Judicial District is created on **January 1, 2015.**

SECTION 3. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.591 to read as follows:

Sec. 24.591. 447TH JUDICIAL DISTRICT (KENEDY AND KLEBERG COUNTIES). The 447th Judicial District is composed of Kenedy and Kleberg Counties.

No equivalent provision.

SECTION 4. The 447th Judicial District is created on the effective date of this Act.

No equivalent provision.

No equivalent provision.

SECTION 1.03. (a) Effective September 1, 2014, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.587 to read as follows:

Sec. 24.587. 443RD JUDICIAL DISTRICT (ELLIS COUNTY). The 443rd Judicial District is composed of Ellis County.

(b) The 443rd Judicial District is created on September 1, 2014.

SECTION 5. SECTION 1. Subchapter C,

SECTION 1.04. (a) **Effective September 1,**

Chapter 24, Government Code, is amended by adding Section 24.594 to read as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY).

(a) The 450th Judicial District is composed of Travis County.

(b) The 450th District Court shall give preference to criminal matters.

SECTION 6. The 450th Judicial District is created on **the effective date of this Act.**

SECTION 7. Section 25.0701 and Section 25.0702 are amended to read as follows: Sec. 25.0701. ECTOR COUNTY. (a) Ector County has only the following statutory county courts:

(1) County Court at Law of Ector County; and

(2) County Court at Law No. 2 of Ector County.

(b) A county court at law sits in Odessa.

Sec. 25.0702. ECTOR COUNTY COURT AT LAW. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Ector County only has concurrent jurisdiction with the district court in family law cases and proceedings.

SECTION 8. Section 25.0041 and 25.0042 is amended to read as follows: Sec. 25.0041. ANDERSON COUNTY. (a) Anderson County has only one statutory county court, the County Court at Law of Anderson County.

(b) The County Court at Law of Anderson County sits in Palestine.

Sec. 25.0042. ANDERSON COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Anderson County has only:

(1) concurrent jurisdiction with the district court in:

(A) probate matters and proceedings, including will contests;

(B) family law cases and proceedings;

(C) criminal cases; and

(D) actions and proceedings under Subtitle B, Title 9, Property Code; and

(2) concurrent jurisdiction with the county and district courts over all suits arising

**2015,** Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.594 to read as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY).

(a) The 450th Judicial District is composed of Travis County.

(b) The 450th District Court shall give preference to criminal matters.

(b) The 450th Judicial District is created on **September 1, 2015.**

**No equivalent provision.**

**No equivalent provision.**



under the Family Code.

(a-1) A county court at law also has concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas.

(b) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(1), eff. January 1, 2012.

(c) Repealed by Acts 1991, 72nd Leg., ch. 746, Sec. 70, eff. Oct. 1, 1991.

(d) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(1), eff. January 1, 2012.

(e) The salary of the judge of a county court at law shall be paid out of the county treasury by the commissioners court. The judge is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance, in the same manner as the county judge.

(f) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(1), eff. January 1, 2012.

(g) The district clerk serves as clerk of a county court at law in all cases arising under the Family Code and Section 23.001 and shall establish a separate docket for a county court at law; the county clerk serves as clerk of the court in all other cases.

(h) The judge of a county court at law may appoint an official court reporter or the judge may contract for the services of a court reporter under guidelines established by the commissioners court.

(i) If a case under the Family Code or Section 23.001 is tried before a jury, the jury shall be composed of 12 members.

(j) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(1), eff. January 1, 2012.

(k) Appeals in all civil cases from judgments and orders of a county court at law are to the court of appeals as provided for appeals from district and county courts. Appeals in all criminal cases are to the court of appeals as provided for appeals from county courts. All cases appealed from the justice courts and other inferior courts in Anderson County must be made directly to a county court at law, unless otherwise provided by law.

## ARTICLE 2. STATUTORY COUNTY

COURTS AND COURT COSTS AND FEES

SECTION 9. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0091 and 25.0092 to read as follows:

Sec. 25.0091. ATASCOSA COUNTY.

Sec. 25.0092. ATASCOSA COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Atascosa County has concurrent jurisdiction with the district court in:

(1) Class A and Class B misdemeanor cases;

(2) family law matters;

(3) juvenile matters;

(4) probate matters; and

(5) appeals from the justice and municipal courts.

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

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

(2) misdemeanors involving official misconduct; or

(3) contested elections.

(c) The judge of a county court at law must have the same qualifications as those required by law for a district judge.

(d) The judge of a county court at law shall be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

(e) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

SECTION 2.01. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0091 and 25.0092 to read as follows:

Sec. 25.0091. ATASCOSA COUNTY.

Sec. 25.0092. ATASCOSA COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Atascosa County has concurrent jurisdiction with the district court in:

(1) Class A and Class B misdemeanor cases;

(2) family law matters;

(3) juvenile matters;

(4) probate matters; and

(5) appeals from the justice and municipal courts.

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

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

(2) misdemeanors involving official misconduct; or

(3) contested elections.

(c) The judge of a county court at law must have the same qualifications as those required by law for a district judge.

(d) The judge of a county court at law shall be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

(e) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, except that the county clerk serves as clerk of the court in Class A and Class B misdemeanor cases and probate matters. The county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(f) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

(g) Jurors summoned for a county court at law or a district court in the county may by order of the judge of the court to which they are summoned be transferred to another court for service and may be used as if summoned for the court to which they are transferred.

SECTION 10. Notwithstanding Section 25.0091, Government Code, as added by this Act, the County Court at Law of Atascosa County is created January 1, 2014, or on an earlier date determined by the Commissioners Court of Atascosa County by an order entered in its minutes.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

(f) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

(g) Jurors summoned for a county court at law or a district court in the county may by order of the judge of the court to which they are summoned be transferred to another court for service and may be used as if summoned for the court to which they are transferred.

(b) Notwithstanding Section 25.0091, Government Code, as added by this Act, the County Court at Law of Atascosa County is created January 1, 2014, or on an earlier date determined by the Commissioners Court of Atascosa County by an order entered in its minutes.

SECTION 2.02. (a) Effective January 1, 2015, Section 25.0331, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Cameron County has one statutory probate court, the Probate Court No. 1 of Cameron County.

(b) Notwithstanding Section 25.0009, Government Code, the initial vacancy in the office of judge of the Probate Court No. 1 of Cameron County shall be filled by election. The office exists for purposes of the primary and general elections in 2014. A vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

(c) The Probate Court No. 1 of Cameron County is created on January 1, 2015.

SECTION 2.03. (a) Effective January 1, 2015, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1271 and 25.1272 to read as follows:

Sec. 25.1271. JIM WELLS COUNTY. Jim Wells County has one statutory county court, the County Court at Law of Jim Wells County.

Sec. 25.1272. JIM WELLS COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by

Section 25.0003 and other law, a county court at law in Jim Wells County has the jurisdiction provided by this section.

(b) A county court at law in Jim Wells County has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest;

(2) family law cases and proceedings;

(3) Class A and Class B misdemeanors;

(4) juvenile cases; and

(5) appeals from justice and municipal courts.

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

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

(2) felony cases;

(3) misdemeanors involving official misconduct; or

(4) contested elections.

(d) The judge of a county court at law must have the same qualifications as those required by law for a district judge.

(e) The judge of a county court at law shall be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

(f) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, except that the county clerk serves as clerk of the court in Class A and Class B misdemeanor cases. The county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(g) Jurors summoned for a county court at law or a district court in the county may by order of the judge of the court to which they are summoned be transferred to another court for service and may be used as if summoned for the court to which they are transferred.

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of six members unless the constitution requires a 12-member jury. Failure to object before a six-

member jury is seated and sworn constitutes a waiver of a 12-member jury.

(i) A judge of a county court at law may provide that any criminal proceeding in the county court at law be recorded by a good quality electronic recording device instead of by a court reporter, unless the defendant requests that a court reporter be present on written motion filed with the court not later than 10 days before trial. If a recording device is used, the court reporter is not required to be present at the proceeding to certify the statement of facts.

No equivalent provision.

(b) Notwithstanding Section 25.0009, Government Code, the initial vacancy in the office of judge of the County Court at Law of Jim Wells County shall be filled by election. The office exists for purposes of the primary and general elections in 2014. A vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

No equivalent provision.

(c) The County Court at Law of Jim Wells County is created on January 1, 2015.+

No equivalent provision.

SECTION 2.04. (a) Section 25.1412, Government Code, is amended by amending Subsections (a) and (f) and adding Subsections (l), (m), (n), (o), and (p) to read as follows:

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

(1) concurrent jurisdiction with the district court in:

(A) probate matters and proceedings, including will contests;

(B) family law cases and proceedings, including juvenile cases; [and]

(C) felony cases to conduct arraignments and pretrial hearings and to accept guilty pleas; and

(D) civil cases in which the amount in controversy does not exceed \$200,000, excluding interest; and

(2) concurrent jurisdiction with the county and district courts over all suits arising under the Family Code.

(f) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, other than probate matters and proceedings. The [and the] county clerk serves as clerk of the court

in all other matters. Each clerk shall establish a separate docket for a county court at law.

(l) The fees assessed in a case in which a county court at law has concurrent civil jurisdiction with the district court are the same as the fees that would be assessed in the district court for that case.

(m) In matters of concurrent jurisdiction, a judge of the county court at law and a judge of a district court may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003.

(n) The judge of a county court at law and a judge of a district court may exchange benches and may sit and act for each other in any matter pending before either court.

(o) The laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Jurors regularly impaneled for a week by the district court may, on request of the judge of a county court at law, be made available and shall serve for the week in a county court at law.

(p) Except as otherwise provided by this subsection, a jury in a county court at law shall be composed of six members unless the constitution requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. In matters in which the constitution does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, the jury may be composed of 12 members if a party to the suit requests a 12-member jury and the judge of the court consents. In a civil case tried in a county court at law, the parties may, by mutual agreement and with the consent of the judge, agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

No equivalent provision.

(b) Section 25.1412, Government Code, as amended by this Act, applies only to an action filed in the county court at law in Lamar County on or after the effective date of this Act. An action filed in the county court at law in Lamar County before the effective date of this Act is governed by the

law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 2.05. (a) Effective September 1, 2015, Section 25.2291(a), Government Code, is amended to read as follows:

(a) Travis County has the following statutory county courts:

(1) County Court at Law No. 1 of Travis County, Texas;

(2) County Court at Law No. 2 of Travis County, Texas;

(3) County Court at Law No. 3 of Travis County, Texas;

(4) County Court at Law Number 4 of Travis County;

(5) County Court at Law Number 5 of Travis County;

(6) The County Court at Law Number 6 of Travis County;

(7) The County Court at Law Number 7 of Travis County; ~~and~~

(8) The County Court at Law Number 8 of Travis County; and

(9) The County Court at Law Number 9 of Travis County.

(b) Effective September 1, 2015, Section 25.2292, Government Code, is amended by adding Subsection (b) to read as follows:

(b) The County Court at Law Number 9 of Travis County shall give preference to criminal cases.

(c) The County Court at Law Number 9 of Travis County is created September 1, 2015.

No equivalent provision.

SECTION 2.06. (a) Chapter 25, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. MULTICOUNTY STATUTORY COUNTY COURTS IN PARTICULAR COUNTIES

No equivalent provision.

Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER, MITCHELL, AND NOLAN COUNTIES). Fisher, Mitchell, and Nolan Counties have a multicounty statutory county court composed of those counties, the 1st Multicounty Court at Law.

No equivalent provision.

Sec. 25.2702. 1ST MULTICOUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by

Section 25.0003 and other law, the 1st Multicounty Court at Law has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) The county court at law has concurrent jurisdiction with the justice court in criminal matters prescribed by law for justice courts. This section does not affect the right of appeal to a county court at law from a justice court where the right of appeal to the county court exists by law.

(c) The judge may not engage in the private practice of law.

(d) An official court reporter of the county court at law is entitled to receive a salary set by the commissioners courts in the counties the reporter serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts. The clerk of the court shall tax as costs, in each civil, criminal, and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. The fee shall be paid in the same manner as other costs in the case. The clerk collects the fee and pays it into the general funds of the counties.

(e) The district clerk serves as clerk of the county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of the county court at law in all other cases.

(f) Sections 25.0006, 25.0008, and 74.054(b) do not apply to the county court at law.

(g) From amounts deposited in the judicial fund under Section 51.702, the state shall annually compensate Fisher, Mitchell, and Nolan Counties each in the amount required under Section 25.0015.

(h) Notwithstanding Section 74.121(b)(1), in matters of concurrent jurisdiction, the judge of the 1st Multicounty Court at Law and the judges of the district courts in Fisher, Mitchell, and Nolan Counties may exchange benches and courtrooms and may transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003.

No equivalent provision.

(b) Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08117 to read as follows:



Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of the 1st Multicounty Court at Law shall collect a stenographer's fee of \$25 under Section 25.2702, Government Code, in each civil or probate case in which a record of any part of the evidence is made by the official court reporter of the court.

No equivalent provision.

(c) Subchapter D, Chapter 102, Government Code, is amended by adding Section 102.0619 to read as follows:  
Sec. 102.0619. ADDITIONAL COURT COSTS ON CONVICTION IN CERTAIN STATUTORY COUNTY COURTS: GOVERNMENT CODE. The clerk of the 1st Multicounty Court at Law shall collect a stenographer's fee of \$25 under Section 25.2702, Government Code, in each criminal case in which a record of any part of the evidence is made by the official court reporter of the court.

No equivalent provision.

(d) The 1st Multicounty Court at Law is created September 1, 2013.

No equivalent provision.

(e) Sections 25.1791 and 25.1792, Government Code, are repealed and the County Court at Law of Nolan County is abolished September 1, 2013.

No equivalent provision.

(f) On the date the County Court at Law of Nolan County is abolished, all cases pending in the court are transferred to the 1st Multicounty Court at Law. When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred and all witnesses summoned to appear in a court from which a case is transferred are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

ARTICLE 3. MAGISTRATES

No equivalent provision.

SECTION 3.01. Chapter 54, Government Code, is amended by adding Subchapter KK to read as follows:

SUBCHAPTER KK. MAGISTRATES IN GUADALUPE COUNTY

No equivalent provision.

Sec. 54.2001. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Guadalupe County may authorize the judges of the district and statutory county courts in Guadalupe County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Guadalupe County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Guadalupe County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Guadalupe County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Guadalupe County.

No equivalent provision.

Sec. 54.2002. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

(2) have resided in Guadalupe County for at least the two years preceding the person's appointment; and

(3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.2001 must take the constitutional oath of office required of appointed officers of this state.

No equivalent provision.

Sec. 54.2003. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Guadalupe County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Guadalupe County as established by the annual budget of Guadalupe County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. The per-hour salary is determined by

dividing the annual salary by a 2,000 work-hour year. The local administrative judge of the district courts serving Guadalupe County shall approve the number of hours for which a part-time magistrate is to be paid.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

No equivalent provision.

Sec. 54.2004. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

No equivalent provision.

Sec. 54.2005. TERMINATION OF EMPLOYMENT. (a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Guadalupe County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Guadalupe County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

(2) the final date of the magistrate's employment.

No equivalent provision.

Sec. 54.2006. JURISDICTION; RESPONSIBILITY; POWERS. (a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;  
(5) issue emergency protective orders;  
(6) order emergency mental commitments;  
and  
(7) conduct initial juvenile detention  
hearings if approved by the Guadalupe  
County Juvenile Board.  
(f) With the express authorization of a  
justice of the peace, a magistrate may  
exercise concurrent criminal jurisdiction  
with the justice of the peace to dispose as  
provided by law of cases filed in the  
precinct of the authorizing justice of the  
peace, except for a trial on the merits  
following a plea of not guilty.  
(g) A magistrate may:  
(1) issue notices of the setting of a case for  
a hearing;  
(2) conduct hearings;  
(3) compel production of evidence;  
(4) hear evidence;  
(5) issue summons for the appearance of  
witnesses;  
(6) swear witnesses for hearings;  
(7) regulate proceedings in a hearing; and  
(8) perform any act and take any measure  
necessary and proper for the efficient  
performance of the duties required by the  
magistrate's jurisdiction and authority.

No equivalent provision.

Sec. 54.2007. PERSONNEL,  
EQUIPMENT, AND OFFICE SPACE. The  
Commissioners Court of Guadalupe County  
shall provide:  
(1) personnel for the legal or clerical  
functions necessary to perform the  
magistrate's duties authorized by this  
chapter; and  
(2) sufficient equipment and office space  
for the magistrate and personnel to perform  
the magistrate's essential functions.

#### ARTICLE 4. EFFECTIVE DATE

SECTION 11. This Act takes effect September 1, 2013.

SECTION 4.01. Except as otherwise  
 provided by this Act, this Act takes effect  
 September 1, 2013.