

By: Lewis, Guillen, Pitts, Crownover

H.B. No. 3153

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of, and practice in
courts in, the judicial branch of state government; imposing a fee.

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

ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS

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.]~~

(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).

1 (a) The 198th Judicial District is composed of Bandera and
2 ~~[Edwards,]~~ Kerr Counties~~[, Kimble, McCulloch, Mason, and Menard~~
3 ~~counties]~~.

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

13 (c) In addition to the requirements under Article 59.06,
14 Code of Criminal Procedure, the district attorney for the 198th
15 Judicial District may use proceeds from the sale of forfeited
16 property, after the deduction of amounts described by Article
17 59.06(a), Code of Criminal Procedure, for the official purposes of
18 the office of the district attorney only on the approval of:

19 (1) the commissioners court of each county in the
20 judicial district; or

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

26 (c) Subchapter C, Chapter 24, Government Code, is amended by
27 adding Section 24.596 to read as follows:

1 Sec. 24.596. 452ND JUDICIAL DISTRICT (EDWARDS, KIMBLE,
2 MCCULLOCH, MASON, AND MENARD COUNTIES). (a) The 452nd Judicial
3 District is composed of Edwards, Kimble, McCulloch, Mason, and
4 Menard Counties.

5 (b) The judge of the 452nd District Court may select jury
6 commissioners and impanel grand juries in each county. The judge of
7 the 452nd District Court may order grand and petit juries to be
8 drawn for any term of the judge's court as in the judge's judgment is
9 necessary, by an order entered in the minutes of the court.

10 (d) Subchapter B, Chapter 43, Government Code, is amended by
11 adding Section 43.184 to read as follows:

12 Sec. 43.184. 452ND JUDICIAL DISTRICT. The voters of the
13 452nd Judicial District elect a district attorney who represents
14 the state in all matters before that district court.

15 (e) Section 46.002, Government Code, is amended to read as
16 follows:

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

20 (1) the district attorneys for Kenedy and Kleberg
21 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
22 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
23 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
24 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
25 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
26 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
27 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.

(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.

(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

1 in and for the 216th District Court and all witnesses summoned to
2 appear in the 216th District Court are required to appear before the
3 198th District Court as if originally required to appear before
4 that court.

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

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

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

15 (2) the obligees on all bonds and recognizances taken
16 in and for the 198th District Court and all witnesses summoned to
17 appear in the 198th District Court are required to appear before the
18 452nd District Court as if originally required to appear before
19 that court.

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

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

25 Sec. 24.586. 442ND JUDICIAL DISTRICT (DENTON COUNTY). The
26 442nd Judicial District is composed of Denton County.

27 (b) The 442nd Judicial District is created on January 1,

1 2015.

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

5 Sec. 24.587. 443RD JUDICIAL DISTRICT (ELLIS COUNTY). The
6 443rd Judicial District is composed of Ellis County.

7 (b) The 443rd Judicial District is created on September 1,
8 2014.

9 SECTION 1.04. (a) Effective September 1, 2015, Subchapter
10 C, Chapter 24, Government Code, is amended by adding Section 24.594
11 to read as follows:

12 Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)
13 The 450th Judicial District is composed of Travis County.

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

16 (b) The 450th Judicial District is created on September 1,
17 2015.

18 ARTICLE 2. STATUTORY COUNTY COURTS AND COURT COSTS AND FEES

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

22 Sec. 25.0091. ATASCOSA COUNTY. Atascosa County has one
23 statutory county court, the County Court at Law of Atascosa County.

24 Sec. 25.0092. ATASCOSA COUNTY COURT AT LAW PROVISIONS. (a)
25 In addition to the jurisdiction provided by Section 25.0003 and
26 other law, and except as limited by Subsection (b), a county court
27 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

1 law.

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

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

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

15 SECTION 2.02. (a) Effective January 1, 2015, Section
16 25.0331, Government Code, is amended by adding Subsection (c) to
17 read as follows:

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

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

26 (c) The Probate Court No. 1 of Cameron County is created on
27 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

1 not less than \$1,000 less than the total annual salary received by a
2 district judge in the county. A district judge's or statutory
3 county court judge's total annual salary does not include
4 contributions and supplements paid by a county.

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

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

16 (h) If a jury trial is requested in a case that is in a
17 county court at law's jurisdiction, the jury shall be composed of
18 six members unless the constitution requires a 12-member jury.
19 Failure to object before a six-member jury is seated and sworn
20 constitutes a waiver of a 12-member jury.

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

1 facts.

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

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

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

13 (a) In addition to the jurisdiction provided by Section
14 25.0003 and other law, a county court at law in Lamar County has:

15 (1) concurrent jurisdiction with the district court
16 in:

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

19 (B) family law cases and proceedings, including
20 juvenile cases; ~~and~~

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

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

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

27 (f) The district clerk serves as clerk of a county court at

1 law in matters of concurrent jurisdiction with the district court,
2 other than probate matters and proceedings. The [and the] county
3 clerk serves as clerk of the court in all other matters. Each clerk
4 shall establish a separate docket for a county court at law.

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

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

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

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

21 (p) Except as otherwise provided by this subsection, a jury
22 in a county court at law shall be composed of six members unless the
23 constitution requires a 12-member jury. Failure to object before a
24 six-member jury is seated and sworn constitutes a waiver of a
25 12-member jury. In matters in which the constitution does not
26 require a 12-member jury and the county court at law has concurrent
27 jurisdiction with the district court, the jury may be composed of 12

1 members if a party to the suit requests a 12-member jury and the
2 judge of the court consents. In a civil case tried in a county
3 court at law, the parties may, by mutual agreement and with the
4 consent of the judge, agree to try the case with any number of
5 jurors and have a verdict rendered and returned by the vote of any
6 number of those jurors that is less than the total number of jurors.

7 (b) Section 25.1412, Government Code, as amended by this
8 Act, applies only to an action filed in the county court at law in
9 Lamar County on or after the effective date of this Act. An action
10 filed in the county court at law in Lamar County before the
11 effective date of this Act is governed by the law in effect on the
12 date the action was filed, and the former law is continued in effect
13 for that purpose.

14 SECTION 2.05. Section 25.1772(a), Government Code, is
15 amended to read as follows:

16 (a) In addition to the jurisdiction provided by Section
17 25.0003 and other law, and except as limited by Subsection (b), a
18 county court at law in Navarro County has concurrent jurisdiction
19 with the district court in:

20 (1) felony cases to:

21 (A) conduct arraignments;

22 (B) conduct pretrial hearings;

23 (C) accept guilty pleas; and

24 (D) conduct jury trials on assignment of a
25 district judge presiding in Navarro County and acceptance of the
26 assignment by the judge of the county court at law;

27 (2) Class A and Class B misdemeanor cases;

1 (3) family law matters;

2 (4) juvenile matters;

3 (5) probate matters; ~~and~~

4 (6) disputes ancillary to probate, eminent domain,
5 condemnation, or landlord and tenant matters relating to the
6 adjudication and determination of land titles and trusts, whether
7 testamentary, inter vivos, constructive, resulting, or any other
8 class or type of trust, regardless of the amount in controversy or
9 the remedy sought; and

10 (7) appeals from the justice and municipal courts.

11 SECTION 2.06. (a) Effective September 1, 2015, Section
12 25.2291(a), Government Code, is amended to read as follows:

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

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

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

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

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

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

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

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

22 ~~and~~

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

24 and

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

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

1 follows:

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

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

6 SECTION 2.07. (a) Chapter 25, Government Code, is amended
7 by adding Subchapter F to read as follows:

8 SUBCHAPTER F. MULTICOUNTY STATUTORY COUNTY COURTS IN PARTICULAR
9 COUNTIES

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

14 Sec. 25.2702. 1ST MULTICOUNTY COURT AT LAW PROVISIONS. (a)
15 In addition to the jurisdiction provided by Section 25.0003 and
16 other law, the 1st Multicounty Court at Law has concurrent
17 jurisdiction with the district court in family law cases and
18 proceedings.

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

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

25 (d) An official court reporter of the county court at law is
26 entitled to receive a salary set by the commissioners courts in the
27 counties the reporter serves to be paid out of the county

1 treasuries, either by salary or by contract as set by the
2 commissioners courts. The clerk of the court shall tax as costs, in
3 each civil, criminal, and probate case in which a record of any part
4 of the evidence in the case is made by the reporter, a
5 stenographer's fee of \$25. The fee shall be paid in the same manner
6 as other costs in the case. The clerk collects the fee and pays it
7 into the general funds of the counties.

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

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

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

18 (h) Notwithstanding Section 74.121(b)(1), in matters of
19 concurrent jurisdiction, the judge of the 1st Multicounty Court at
20 Law and the judges of the district courts in Fisher, Mitchell, and
21 Nolan Counties may exchange benches and courtrooms and may transfer
22 cases between their dockets in the same manner that judges of
23 district courts exchange benches and transfer cases under Section
24 24.003.

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

27 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:

1 GOVERNMENT CODE. The clerk of the 1st Multicounty Court at Law
2 shall collect a stenographer's fee of \$25 under Section 25.2702,
3 Government Code, in each civil or probate case in which a record of
4 any part of the evidence is made by the official court reporter of
5 the court.

6 (c) Subchapter D, Chapter 102, Government Code, is amended
7 by adding Section 102.0619 to read as follows:

8 Sec. 102.0619. ADDITIONAL COURT COSTS ON CONVICTION IN
9 CERTAIN STATUTORY COUNTY COURTS: GOVERNMENT CODE. The clerk of the
10 1st Multicounty Court at Law shall collect a stenographer's fee of
11 \$25 under Section 25.2702, Government Code, in each criminal case
12 in which a record of any part of the evidence is made by the official
13 court reporter of the court.

14 (d) The 1st Multicounty Court at Law is created September 1,
15 2013.

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

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

1 from which a case is transferred are required to appear before the
2 court to which a case is transferred as if originally required to
3 appear before the court to which the transfer is made.

4 ARTICLE 3. MAGISTRATES

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

7 SUBCHAPTER KK. MAGISTRATES IN GUADALUPE COUNTY

8 Sec. 54.2001. AUTHORIZATION; APPOINTMENT; ELIMINATION.

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

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

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

19 (1) the magistrate's name; and

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

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

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

25 (1) be a citizen of the United States;

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

1 (3) be at least 30 years of age.

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

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

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

11 (c) A part-time magistrate's salary is equal to the per-hour
12 salary of a justice of the peace. The per-hour salary is determined
13 by dividing the annual salary by a 2,000 work-hour year. The local
14 administrative judge of the district courts serving Guadalupe
15 County shall approve the number of hours for which a part-time
16 magistrate is to be paid.

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

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

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

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

1 (1) the magistrate's name; and

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

3 Sec. 54.2006. JURISDICTION; RESPONSIBILITY; POWERS. (a)

4 The judges of the district or statutory county courts shall
5 establish standing orders to be followed by a magistrate or parties
6 appearing before a magistrate, as applicable.

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

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

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

16 (e) A magistrate is authorized to:

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

19 (2) conduct examining trials;

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

22 (4) issue search and arrest warrants;

23 (5) issue emergency protective orders;

24 (6) order emergency mental commitments; and

25 (7) conduct initial juvenile detention hearings if
26 approved by the Guadalupe County Juvenile Board.

27 (f) With the express authorization of a justice of the

1 peace, a magistrate may exercise concurrent criminal jurisdiction
2 with the justice of the peace to dispose as provided by law of cases
3 filed in the precinct of the authorizing justice of the peace,
4 except for a trial on the merits following a plea of not guilty.

5 (g) A magistrate may:

6 (1) issue notices of the setting of a case for a
7 hearing;

8 (2) conduct hearings;

9 (3) compel production of evidence;

10 (4) hear evidence;

11 (5) issue summons for the appearance of witnesses;

12 (6) swear witnesses for hearings;

13 (7) regulate proceedings in a hearing; and

14 (8) perform any act and take any measure necessary and
15 proper for the efficient performance of the duties required by the
16 magistrate's jurisdiction and authority.

17 Sec. 54.2007. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The
18 Commissioners Court of Guadalupe County shall provide:

19 (1) personnel for the legal or clerical functions
20 necessary to perform the magistrate's duties authorized by this
21 chapter; and

22 (2) sufficient equipment and office space for the
23 magistrate and personnel to perform the magistrate's essential
24 functions.

25 ARTICLE 4. EFFECTIVE DATE

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