

1-1 By: Lewis, et al. (Senate Sponsor - West) H.B. No. 3153  
1-2 (In the Senate - Received from the House May 9, 2013;  
1-3 May 9, 2013, read first time and referred to Committee on  
1-4 Jurisprudence; May 17, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 17, 2013, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	West	X			
1-10	Rodriguez	X			
1-11	Campbell	X			
1-12	Carona	X			
1-13	Garcia	X			
1-14	Hancock	X			
1-15	Paxton	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 3153 By: Paxton

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the operation and administration of, and practice in  
1-20 courts in, the judicial branch of state government and the  
1-21 composition of certain juvenile boards; imposing a fee.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 ARTICLE 1. DISTRICT COURTS, DISTRICT ATTORNEYS, AND CERTAIN  
1-24 JUVENILE BOARDS

1-25 SECTION 1.01. (a) Section 24.113, Government Code, is  
1-26 amended to read as follows:

1-27 Sec. 24.113. 12TH JUDICIAL DISTRICT (GRIMES, [~~LEON,~~  
1-28 MADISON, AND WALKER COUNTIES)]. [~~(a)~~] The 12th Judicial District is  
1-29 composed of Grimes, [~~Leon,~~] Madison, and Walker counties.

1-30 [~~(b) The terms of the 12th District Court in each county of  
1-31 the district begin on the first Mondays in January and July.~~]

1-32 (b) Section 24.514, Government Code, is amended to read as  
1-33 follows:

1-34 Sec. 24.514. 369TH JUDICIAL DISTRICT (ANDERSON, [~~AND~~  
1-35 CHEROKEE, AND LEON COUNTIES)]. The 369th Judicial District is  
1-36 composed of Anderson, [~~and~~] Cherokee, and Leon counties.

1-37 (c) Section 43.106, Government Code, is redesignated as  
1-38 Section 43.1815, Government Code, and amended to read as follows:

1-39 Sec. 43.1815 [~~43.106~~]. 369TH [~~12TH~~] JUDICIAL DISTRICT. (a)  
1-40 The voters of Leon County elect a district attorney for the 369th  
1-41 [~~12th~~] Judicial District who represents the state in that district  
1-42 court only in Leon County.

1-43 (b) The district attorney of the 369th [~~12th~~] Judicial  
1-44 District also represents the state in all criminal and civil  
1-45 actions in which the state is interested that arise in the 87th  
1-46 Judicial District in Leon County.

1-47 (c) The district attorney may, with the consent of the  
1-48 Commissioners Court of Leon County, appoint a deputy district  
1-49 attorney.

1-50 (d) The Commissioners Court of Leon County shall pay the  
1-51 salary and traveling expenses of the deputy district attorney from  
1-52 the officers' salary fund. The salary shall be paid in equal monthly  
1-53 installments and expense claims shall be paid at the end of each  
1-54 month. The salary is subject to participation fully in the Texas  
1-55 County and District Retirement System.

1-56 (d) Section 152.1511(a), Human Resources Code, as amended  
1-57 by Chapters 531 (H.B. 956), 1152 (H.B. 3045), and 1352 (S.B. 1189),  
1-58 Acts of the 79th Legislature, Regular Session, 2005, is reenacted  
1-59 to read as follows:

1-60 (a) The juvenile board of Leon County is composed of the

county judge and the district judges in Leon County.

(e) The local administrative district judge shall transfer all cases from Leon County that are pending in the 12th District Court on September 1, 2013, to the 369th District Court.

(f) When a case is transferred as provided by Subsection (e) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the 12th District Court are returnable to the 369th District Court as if originally issued by that court. The obligees on all bonds and recognizances taken in and for the 12th District Court and all witnesses summoned to appear in the 12th District Court are required to appear before the 369th District Court as if originally required to appear before that court.

(g) The person serving as district attorney for the 12th Judicial District on September 1, 2013, unless otherwise removed from office, continues to serve in that office as redesignated as the district attorney for the 369th Judicial District for the term to which elected or appointed.

SECTION 1.02. (a) Effective January 1, 2014, Section 24.254, Government Code, is amended to read as follows:

Sec. 24.254. 155TH JUDICIAL DISTRICT (AUSTIN ~~AND~~ ~~FAYETTE~~ ~~AND WALLER~~ COUNTIES). (a) The 155th Judicial District is composed of Austin ~~and~~ Fayette ~~and Waller~~ counties.

(b) ~~The terms of the 155th District Court begin:~~  
~~[(1) in Austin County on the first Mondays in April and November,~~

~~[(2) in Fayette County on the first Mondays in February and September, and~~

~~[(3) in Waller County on the first Mondays in January and June.~~

~~[(c)]~~ The sheriff of each county or the sheriff's deputy shall attend the court as required by law or by the judge.

(b) The local administrative district judge shall transfer to the 506th District Court all cases from Waller County that are pending in the 155th District Court on January 1, 2014.

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

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 155th District Court are returnable to the 506th District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 155th District Court and all witnesses summoned to appear in the 155th District Court are required to appear before the 506th District Court as if originally required to appear before that court.

SECTION 1.03. (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 ~~AND 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.

(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.

(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.

(e) Sections 74.042(g) and (h), Government Code, are amended to read as follows:

(g) The Sixth Administrative Judicial Region is composed of the counties of Bandera, Brewster, Crockett, Culberson, Edwards, El Paso, Gillespie, Hudspeth, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Mason, McCulloch, Medina, Menard, Pecos, Presidio, Reagan, Real, Sutton, Terrell, Upton, Uvalde, and Val Verde.

(h) The Seventh Administrative Judicial Region is composed of the counties of Andrews, Borden, Brown, Callahan, Coke, Coleman, Concho, Crane, Dawson, Ector, Fisher, Gaines, Garza, Glasscock, Haskell, Howard, Irion, Jones, Kent, Loving, Lynn, Martin, ~~[McCulloch, Menard]~~ Midland, Mills, Mitchell, Nolan, Reeves, Runnels, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Taylor, Throckmorton, Tom Green, Ward, and Winkler.

(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 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.

(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.

(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.

SECTION 1.04. (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.

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

SECTION 1.05. (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 1.06. (a) Effective September 1, 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.

SECTION 1.07. 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, 369th, 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.

ARTICLE 2. STATUTORY COUNTY COURTS AND COURT COSTS AND FEES

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. Atascosa County has one statutory county court, the County Court at Law of 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.

(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, 2017, 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 2016. 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, 2017.

SECTION 2.03. (a) Effective January 1, 2015, Section 25.1042, Government Code, is amended by adding Subsections (a), (b), (c), (d), and (f) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in family law cases and proceedings.

(b) Assignment and transfer of cases under Subsection (a) is at the discretion of the judge of the district court making the assignment. Assignment or transfer from a county court at law to a district court is governed by Section 74.121(b)(1).

(c) The district clerk serves as clerk of a county court at law in cases assigned under Subsection (a), and the county clerk serves as clerk of the court in all other cases.

(d) A party to a case assigned under Subsection (a) may request a jury of 12 persons if the party makes the request not later than the 30th day before the trial date. A party who does not make a timely request under this subsection waives the right to request a 12-person jury and the case will proceed with a six-person jury.

(f) In matters of concurrent jurisdiction, a district judge presiding in Harrison County may transfer cases from the district court to a county court at law in Harrison County in the same manner judges of district courts transfer cases under Section 24.003.

(b) The changes in law made by this section apply to an action filed on or after the effective date of this Act or pending on the effective date of this Act.

SECTION 2.04. (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.

(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.

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

SECTION 2.05. (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.

(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.

SECTION 2.06. Section 25.1772(a), Government Code, is amended to read as follows:

(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 Navarro County has concurrent jurisdiction

with the district court in:

- (1) felony cases to:
  - (A) conduct arraignments;
  - (B) conduct pretrial hearings;
  - (C) accept guilty pleas; and
  - (D) conduct jury trials on assignment of a district judge presiding in Navarro County and acceptance of the assignment by the judge of the county court at law;
- (2) Class A and Class B misdemeanor cases;
- (3) family law matters;
- (4) juvenile matters;
- (5) probate matters; ~~and~~
- (6) disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought; and
- (7) appeals from the justice and municipal courts.

SECTION 2.07. (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.

SECTION 2.08. (a) Chapter 25, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. MULTICOUNTY STATUTORY COUNTY COURTS IN PARTICULAR COUNTIES

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.

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.

(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.

(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.

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

(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.

(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

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

##### SUBCHAPTER KK. MAGISTRATES IN GUADALUPE COUNTY

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.

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.

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.

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

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.

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;

11-1                   (4) hear evidence;  
11-2                   (5) issue summons for the appearance of witnesses;  
11-3                   (6) swear witnesses for hearings;  
11-4                   (7) regulate proceedings in a hearing; and  
11-5                   (8) perform any act and take any measure necessary and  
11-6 proper for the efficient performance of the duties required by the  
11-7 magistrate's jurisdiction and authority.

11-8                   Sec. 54.2007. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The  
11-9 Commissioners Court of Guadalupe County shall provide:

11-10                   (1) personnel for the legal or clerical functions  
11-11 necessary to perform the magistrate's duties authorized by this  
11-12 chapter; and

11-13                   (2) sufficient equipment and office space for the  
11-14 magistrate and personnel to perform the magistrate's essential  
11-15 functions.

11-16                   ARTICLE 4. EFFECTIVE DATE

11-17                   SECTION 4.01. Except as otherwise provided by this Act,  
11-18 this Act takes effect September 1, 2013.

11-19                   \* \* \* \* \*