

By: Hilderbran

H.B. No. 3381

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the composition of the 198th Judicial District, the  
3 creation of a judicial district composed of Edwards, Kimble,  
4 McCulloch, Mason, and Menard Counties, and the creation of the  
5 office of district attorney for the 444th Judicial District.

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

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

9 Sec. 24.377. 198TH JUDICIAL DISTRICT (BANDERA AND  
10 ~~[EDWARDS,] KERR [ , KIMBLE, MCCULLOCH, MASON, AND MENARD ]~~ COUNTIES).

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

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

23 (c) In addition to the requirements under Article 59.06,  
24 Code of Criminal Procedure, the district attorney for the 198th

1 Judicial District may use proceeds from the sale of forfeited  
2 property, after the deduction of amounts described by Article  
3 59.06(a), Code of Criminal Procedure, for the official purposes of  
4 the office of the district attorney only on the approval of:

5 (1) the commissioners court of each county in the  
6 judicial district; or

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

12 SECTION 2. Subchapter C, Chapter 24, Government Code, is  
13 amended by adding Section 24.588 to read as follows:

14 Sec. 24.588. 444TH JUDICIAL DISTRICT (EDWARDS, KIMBLE,  
15 MCCULLOCH, MASON, AND MENARD COUNTIES). (a) The 444th Judicial  
16 District is composed of Edwards, Kimble, McCulloch, Mason, and  
17 Menard Counties.

18 (b) The judge of the 444th District Court may select jury  
19 commissioners and impanel grand juries in each county. The judge of  
20 the 444th District Court may order grand and petit juries to be  
21 drawn for any term of the judge's court as in the judge's judgment is  
22 necessary, by an order entered in the minutes of the court.

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

25 Sec. 43.184. 444TH JUDICIAL DISTRICT. The voters of the  
26 444th Judicial District elect a district attorney who represents  
27 the state in all matters before that district court.

1 SECTION 4. Section 46.002, Government Code, is amended to  
2 read as follows:

3 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
4 applies to the state prosecuting attorney, all county prosecutors,  
5 and the following state prosecutors:

6 (1) the district attorneys for Kenedy and Kleberg  
7 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,  
8 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,  
9 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,  
10 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,  
11 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,  
12 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,  
13 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,  
14 271st, 286th, 329th, 344th, 349th, 355th, 444th, and 506th judicial  
15 districts;

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

24 (3) the county attorneys performing the duties of  
25 district attorneys in the counties of Andrews, Callahan, Cameron,  
26 Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb,  
27 Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,

1 Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb,  
2 and Willacy.

3 SECTION 5. (a) The local administrative district judge  
4 shall transfer to the 444th District Court all cases from Edwards,  
5 Kimble, McCulloch, Mason, and Menard Counties that are pending in  
6 the 198th District Court on the effective date of this Act.

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

9 (1) all processes, writs, bonds, recognizances, or  
10 other obligations issued from the 198th District Court are  
11 returnable to the 444th District Court as if originally issued by  
12 that court; and

13 (2) the obligees on all bonds and recognizances taken  
14 in and for the 198th District Court and all witnesses summoned to  
15 appear in the 198th District Court are required to appear before the  
16 444th District Court as if originally required to appear before  
17 that court.

18 (c) The 444th Judicial District is created on the effective  
19 date of this Act.

20 SECTION 6. This Act takes effect September 1, 2013.