

By: Duncan

S.B. No. 1111

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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.

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

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

(b) The judge of the 444th District Court may select jury commissioners and impanel grand juries in each county. The judge of the 444th 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.

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

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

SECTION 4. 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, 444th, 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,

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.