

BILL ANALYSIS

C.S.S.B. 1329
By: Huffman
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that as the state's population grows in some areas while declining in others, the judicial needs of the various regions change. C.S.S.B. 1329 seeks to address this issue by revising the jurisdiction of certain courts and judges and by creating new courts in growing parts of the state.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.S.B. 1329 amends the Family Code to include certain suits for modification filed by the attorney general's office and any other action relating to the Title IV-D child support services that the attorney general's office is required or authorized to provide by state law as Title IV-D cases for purposes of statutory provisions relating to the parent-child relationship and a suit affecting the parent-child relationship.

C.S.S.B. 1329 authorizes an associate judge to render a final order in a suit affecting the parent-child relationship if the parties waive the right to a de novo hearing before the court that referred the suit to the associate judge and to specify that such a waiver is made in writing before the start of a hearing conducted by the associate judge. The bill establishes that such a rendered order that is signed by the associate judge constitutes an order of the referring court and makes the date that such an order is signed by an associate judge the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court. The bill establishes that such an order signed by an associate judge before May 1, 2017, is a final order rendered as of the date the order was signed and that the legislature ratifies such an order. The bill establishes that the following types of final orders rendered and signed by an associate judge, if a party does not request a de novo hearing before the referring court, become final after the expiration of the prescribed period for filing a request for such a hearing: a final order agreed to in writing as to both form and substance by all parties, a final default order, a temporary order, or a final order in a case in which a party properly files an unrevoked waiver that waives notice to the party of the final hearing or waives the party's appearance at the final hearing.

C.S.S.B. 1329 authorizes an associate judge to hear and render an order in a suit for the adoption of a child for whom the Department of Family and Protective Services has been named

managing conservator.

C.S.S.B. 1329 amends the Government Code to create on the specified effective date:

- the 453rd Judicial District, composed of Hays County, on September 1, 2018;
- the 458th Judicial District, composed of Fort Bend County, on September 1, 2017;
- the 459th Judicial District, composed of Travis County and required to give preference to civil matters, on October 1, 2017;
- the 460th Judicial District, composed of Travis County and required to give preference to criminal matters, on October 1, 2019;
- the 462nd Judicial District, composed of Denton County, on January 1, 2019;
- the 464th Judicial District, composed of Hidalgo County, on January 1, 2019;
- the County Court at Law No. 6 of Fort Bend County on January 1, 2018; and
- the County Court at Law No. 3 of Hays County on October 1, 2018.

C.S.S.B. 1329 gives the County Criminal Court No. 4 of Denton County jurisdiction over mental health matters.

C.S.S.B. 1329, effective October 1, 2017, creates the County Court at Law of Grimes County on that date as the one statutory county court in Grimes County. The bill gives that court concurrent jurisdiction with the district court in family law cases and proceedings, in addition to the jurisdiction established by law for a statutory county court and sets out provisions relating to salary and expenses for the judge of the court. The bill prohibits the judge from engaging in the private practice of law. The bill establishes that the district clerk serves as clerk of the court for family cases and proceedings and that the county clerk serves as clerk for all other cases. The bill authorizes the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court. The bill provides for the composition, selection, and compensation of a jury in court proceedings and for court reporter services. The court has the same terms of court as a district court in Grimes County.

C.S.S.B. 1329 removes the concurrent jurisdiction with the district court of a county court at law in Walker County in cases and proceedings involving justiciable controversies and differences between spouses, between parents, or between parent and child, or between any of these and third persons. The bill replaces the authorization for the judge of such a county court at law to contract for the services of a court reporter under guidelines established by the commissioners court instead of appointing an official court reporter with a requirement that the judge set the official court reporter's salary at an amount that does not exceed the salary of an official court reporter for a district court. The bill repeals a requirement that the judge of a county court at law in Walker County be paid an annual salary that is at least 83 percent of the annual salary of a district judge in the county, a requirement that such a statutory county court judge's salary be paid by the county treasurer by order of the commissioners court, and a provision entitling such a judge to travel expenses and necessary office expenses in the same manner as the county judge.

C.S.S.B. 1329 requires the official oath of office made and the signed statement executed as required by the Texas Constitution by an officer appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas, and by an associate judge appointed in a Title IV-D or child protection case, to be filed with the secretary of state. The bill raises the fee the clerk of the supreme court is required to collect for the issuance of an attorney's license or certificate affixed with a seal from \$10 to \$25.

C.S.S.B. 1329 requires the judges of the 244th, 358th, and 446th district courts, the judge of the

271st District Court, and the judges of the county courts at law in Wise County to each appoint a bailiff. The bill expands the eligibility requirements for a bailiff in the 70th or 161st district court to include being a citizen of the United States and requires a bailiff in the 244th or 358th district court to be a resident of the county in which the bailiff serves the court, at least 18 years of age, and a citizen of the United States. The bill requires a bailiff in the 271st District Court or a county court at law in Wise County to be at least 21 years of age and a citizen of the United States. The bill includes the 244th, 358th, and 446th district courts among the courts subject to certain requirements for deputizing bailiffs. The bill includes a bailiff appointed by the judge of the 244th, 358th, and 446th district court among the bailiffs considered to be a peace officer, unless the appointing judge provides otherwise. The bill includes the bailiffs of the 244th, 271st, 358th, and 446th district courts and the bailiffs of the county courts at law of Wise County among the bailiffs required to swear the prescribed oath in certain counties. The bill entitles each bailiff appointed by the judge of the 271st District Court or appointed by a county court at law judge in Wise County to receive a salary that does not exceed the salary of a lieutenant in the sheriff's department of the county. The salary is paid out of the general fund of the county.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1329 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES	ARTICLE 1. Same as engrossed version.
SECTION 1.01. Section 101.034, Family Code, as effective until September 1, 2018, is amended.	SECTION 1.01. Same as engrossed version.
SECTION 1.02. Section 101.034, Family Code, as effective on September 1, 2018, is amended.	SECTION 1.02. Same as engrossed version.
SECTION 1.03. (a) Section 201.007, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows: (a) Except as limited by an order of referral, an associate judge may: (1) conduct a hearing; (2) hear evidence; (3) compel production of relevant evidence; (4) rule on the admissibility of evidence; (5) issue a summons for: (A) the appearance of witnesses; and (B) the appearance of a parent who has	SECTION 1.03. (a) Section 201.007, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows: (a) Except as limited by an order of referral, an associate judge may: (1) conduct a hearing; (2) hear evidence; (3) compel production of relevant evidence; (4) rule on the admissibility of evidence; (5) issue a summons for: (A) the appearance of witnesses; and (B) the appearance of a parent who has

failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;

- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a subpoena;
- (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;
- (14) without prejudice to the right to a de novo hearing before the referring court [of appeal] under Section 201.015 and subject to Subsection (c), render and sign:

- (A) a final order agreed to in writing as to both form and substance by all parties;
- (B) a final default order;
- (C) a temporary order; or
- (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(15) take action as necessary and proper for the efficient performance of the associate judge's duties; and

(16) render and sign a final order if the parties waive [that includes a waiver of] the right to a de novo hearing before the referring court under [of appeal pursuant to] Section 201.015 in writing before the start of a hearing conducted by the associate judge.

(c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court.

(e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

(b) Section 201.013(b), Family Code, is

failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;

- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a subpoena;
- (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;
- (14) without prejudice to the right to a de novo hearing before the referring court [of appeal] under Section 201.015 and subject to Subsection (c), render and sign:

- (A) a final order agreed to in writing as to both form and substance by all parties;
- (B) a final default order;
- (C) a temporary order; or
- (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(15) take action as necessary and proper for the efficient performance of the associate judge's duties; and

(16) render and sign a final order if the parties waive [that includes a waiver of] the right to a de novo hearing before the referring court under [of appeal pursuant to] Section 201.015 in writing before the start of a hearing conducted by the associate judge.

(c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court.

(e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

(b) Section 201.013(b), Family Code, is

amended to read as follows:

(b) Except as provided by Section 201.007(c), if a request for a de novo hearing before the referring court is not timely filed [~~or the right to a de novo hearing before the referring court is waived~~], the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Section 201.014(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided in this subchapter, unless [~~Unless~~] a party files a written request for a de novo hearing before the referring court, the referring court may:

- (1) adopt, modify, or reject the associate judge's proposed order or judgment;
- (2) hear further evidence; or
- (3) recommit the matter to the associate judge for further proceedings.

(d) Section 201.016(c), Family Code, is amended to read as follows:

(c) The date an agreed order, ~~or~~ a default order, or a final order described by Section 201.007(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

(e) The change in law made by this section to Section 201.007(a), Family Code, applies only to a final order signed by an associate judge on or after the effective date of this Act.

(f) Section 201.007(e), Family Code, as added by this section, applies to an order signed by an associate judge before the effective date of this Act, as provided by that section.

SECTION 1.04. Section 201.204, Family Code, is amended.

ARTICLE 2. DISTRICT COURTS

No equivalent provision.

85R 30181

Substitute Document Number: 85R 29419

amended to read as follows:

(b) Except as provided by Section 201.007(c), if a request for a de novo hearing before the referring court is not timely filed [~~or the right to a de novo hearing before the referring court is waived~~], the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Section 201.014(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided in this subchapter, unless [~~Unless~~] a party files a written request for a de novo hearing before the referring court, the referring court may:

- (1) adopt, modify, or reject the associate judge's proposed order or judgment;
- (2) hear further evidence; or
- (3) recommit the matter to the associate judge for further proceedings.

(d) Section 201.016(c), Family Code, is amended to read as follows:

(c) The date an agreed order, ~~or~~ a default order, or a final order described by Section 201.007(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

(e) The change in law made by this section to Section 201.007(a), Family Code, applies only to a final order signed by an associate judge on or after the effective date of this Act.

(f) Notwithstanding Subsection (a) of this section, Section 201.007(e), Family Code, as added by this Act, applies to an order signed by an associate judge under Section 201.007(a)(16), Family Code, before May 1, 2017. The legislature ratifies such an order.

SECTION 1.04. Same as engrossed version.

ARTICLE 2. Same as engrossed version.

SECTION 2.01. (a) Effective September 1, 2018, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.597 to read as follows:

17.131.664

Sec. 24.597. 453RD JUDICIAL DISTRICT (HAYS COUNTY). The 453rd Judicial District is composed of Hays County.

(b) The 453rd Judicial District is created on September 1, 2018.

SECTION 2.01. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6002 to read as follows:

Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 458th Judicial District is composed of Fort Bend County.

(b) The 458th Judicial District is created on January 1, 2018.

SECTION 2.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6002 to read as follows:

Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 458th Judicial District is composed of Fort Bend County.

(b) The 458th Judicial District is created on September 1, 2017.

SECTION 2.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6003 to read as follows:

Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 459th Judicial District is composed of Travis County.

(b) The 459th District Court shall give preference to civil matters.

(b) The 459th Judicial District is created on October 1, 2017.

SECTION 2.03. (a) Effective October 1, 2017, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6003 to read as follows:

Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 459th Judicial District is composed of Travis County.

(b) The 459th District Court shall give preference to civil matters.

(b) The 459th Judicial District is created on October 1, 2017.

SECTION 2.03. (a) Effective October 1, 2019, Subchapter C, Chapter 24, Government Code, is amended.

SECTION 2.04. Same as engrossed version.

SECTION 2.04. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6006 to read as follows:

Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The 462nd Judicial District is composed of Denton County.

(b) The 462nd Judicial District is created on January 1, 2019.

SECTION 2.05. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6006 to read as follows:

Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The 462nd Judicial District is composed of Denton County.

(b) The 462nd Judicial District is created on January 1, 2019.

SECTION 2.05. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6008 to read as follows:

Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY). The

SECTION 2.06. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6008 to read as follows:

Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY). The

464th Judicial District is composed of Hidalgo County.

(b) The 464th Judicial District is created on January 1, 2019.

ARTICLE 3. STATUTORY COUNTY COURTS

SECTION 3.01. Effective January 1, 2019, Section 25.0634, Government Code, is amended.

SECTION 3.02. (a) Section 25.0811, Government Code, is amended to read as follows:

Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the following statutory county courts:

- (1) County Court at Law No. 1 of Fort Bend County;
- (2) County Court at Law No. 2 of Fort Bend County;
- (3) County Court at Law No. 3 of Fort Bend County;
- (4) County Court at Law No. 4 of Fort Bend County; [~~and~~]
- (5) County Court at Law No. 5 of Fort Bend County; and
- (6) County Court at Law No. 6 of Fort Bend County.

(b) The County Court at Law No. 6 of Fort Bend County is created on January 1, 2018.

SECTION 3.03. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0951 and 25.0952 to read as follows:

Sec. 25.0951. GRIMES COUNTY. Grimes County has one statutory county court, the County Court at Law of Grimes County.

Sec. 25.0952. GRIMES 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 Grimes County has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) The judge of the county court at law shall be paid an annual salary set by the commissioners court in an amount that is at

464th Judicial District is composed of Hidalgo County.

(b) The 464th Judicial District is created on January 1, 2019.

ARTICLE 3. Same as engrossed version.

SECTION 3.01. Same as engrossed version.

SECTION 3.02. (a) Effective January 1, 2018, Section 25.0811, Government Code, is amended to read as follows:

Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the following statutory county courts:

- (1) County Court at Law No. 1 of Fort Bend County;
- (2) County Court at Law No. 2 of Fort Bend County;
- (3) County Court at Law No. 3 of Fort Bend County;
- (4) County Court at Law No. 4 of Fort Bend County; [~~and~~]
- (5) County Court at Law No. 5 of Fort Bend County; and
- (6) County Court at Law No. 6 of Fort Bend County.

(b) The County Court at Law No. 6 of Fort Bend County is created on January 1, 2018.

SECTION 3.03. (a) Effective October 1, 2017, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0951 and 25.0952 to read as follows:

Sec. 25.0951. GRIMES COUNTY. Grimes County has one statutory county court, the County Court at Law of Grimes County.

Sec. 25.0952. GRIMES 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 Grimes County has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) The judge of the county court at law shall be paid an annual salary set by the commissioners court in an amount that is at

least equal to the amount that is \$1,000 less than the total annual salary, including contributions and supplements, received by a district judge in the county. The salary shall be paid by the county treasurer by order of the commissioners court.

(c) The judge of the county court at law is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance, in the same manner as the district judge.

(d) The judge of a county court at law may not engage in the private practice of law.

(e) The district clerk serves as clerk of a county court at law for family cases and proceedings, and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(f) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of 6 members.

(g) The judge of a county court at law may, instead of appointing an official court reporter, contract for the services of a court reporter under guidelines established by the commissioners court.

(h) 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 a request of a judge of the county court at law, be made available and shall serve for the week in a county court at law.

(i) A county court at law has the same terms of court as a district court in Grimes County.

(b) The County Court at Law of Grimes County is created on October 1, 2017.

SECTION 3.04. (a) Effective October 1, 2018, Section 25.1071, Government Code, is amended.

No equivalent provision.

least equal to the amount that is \$1,000 less than the total annual salary, including contributions and supplements, received by a district judge in the county. The salary shall be paid by the county treasurer by order of the commissioners court.

(c) The judge of the county court at law is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance, in the same manner as the district judge.

(d) The judge of a county court at law may not engage in the private practice of law.

(e) The district clerk serves as clerk of a county court at law for family cases and proceedings, and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(f) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.

(g) The judge of a county court at law may, instead of appointing an official court reporter, contract for the services of a court reporter under guidelines established by the commissioners court.

(h) 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 a request of a judge of the county court at law, be made available and shall serve for the week in a county court at law.

(i) A county court at law has the same terms of court as a district court in Grimes County.

(b) The County Court at Law of Grimes County is created on October 1, 2017.

SECTION 3.04. Same as engrossed version.

SECTION 3.05. Sections 25.2382(a), (g), (h), and (k), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county

court at law in Walker County has concurrent jurisdiction with the district court in[;

~~[(1)] family law cases and proceedings[; and~~

~~[(2) cases and proceedings involving justiciable controversies and differences between spouses, between parents, or between parent and child, or between any of these and third persons].~~

(g) The district clerk serves as clerk of a county court at law in family law cases and proceedings ~~[the cases enumerated in Subsections (a)(2)(B) and (C)]~~, and the county clerk serves as clerk of the court in all other matters. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law.

(h) The judge of a county court at law shall set the ~~[may, instead of appointing an]~~ official court reporter's salary at an amount that does not exceed the salary of an official court reporter for a district court ~~[reporter, contract for the services of a court reporter under guidelines established by the commissioners court]~~.

(k) All cases appealed from the justice courts and other courts of inferior jurisdiction in the county shall be made directly ~~[direct]~~ to a county court at law, unless otherwise provided by law.

No equivalent provision.

SECTION 3.06. Section 25.2382(e), Government Code, is repealed.

ARTICLE 4. JUDICIAL OATHS

ARTICLE 4. Same as engrossed version.

SECTION 4.01. Chapter 602, Government Code, is amended.

SECTION 4.01. Same as engrossed version.

No equivalent provision.

ARTICLE 5. JUDICIAL PERSONNEL AND OFFICIALS

No equivalent provision.

SECTION 5.01. Section 51.006, Government Code, is amended to read as follows:

Sec. 51.006. FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE. The clerk shall collect a fee of \$25 ~~[\$40]~~ for the

issuance of an attorney's license or certificate affixed with a seal. The fee shall be held by the clerk and expended by the supreme court or under the direction of the court for the preparation and issuance, including mailing, of the license or certificate.

No equivalent provision.

ARTICLE 6. BAILIFFS

No equivalent provision.

SECTION 6.01. Section 53.001, Government Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) The judges of the 244th, 358th, and 446th district courts shall each appoint a bailiff.

(l) The judge of the 271st District Court and the judges of the county courts at law in Wise County shall each appoint a bailiff.

No equivalent provision.

SECTION 6.02. Section 53.004, Government Code, is amended by amending Subsection (a) and adding Subsections (h) and (i) to read as follows:

(a) A bailiff in the 34th or [~~70th,~~] 71st [~~or~~ ~~161st~~] district court must be a resident of the county in which the bailiff serves the court and must be at least 18 years old.

(h) A bailiff in the 70th, 161st, 244th, or 358th district court must be:

(1) a resident of the county in which the bailiff serves the court;

(2) at least 18 years of age; and

(3) a citizen of the United States.

(i) A bailiff in the 271st District Court or a county court at law in Wise County must be:

(1) at least 21 years of age; and

(2) a citizen of the United States.

No equivalent provision.

SECTION 6.03. Section 53.007(a), Government Code, is amended to read as follows:

(a) This section applies to:

(1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 318th, 341st, 355th, 358th, [~~and~~] 385th, and 446th district courts;

(2) the County Court of Harrison County;

(3) the criminal district courts of Tarrant County;

(4) the district courts in Taylor County;

- (5) the courts described in Section 53.002(c), (d), (e), or (f);
- (6) the county courts at law of Taylor County;
- (7) the district courts in Tarrant County that give preference to criminal cases; and
- (8) the 115th District Court in Upshur County.

No equivalent provision.

SECTION 6.04. Section 53.0071, Government Code, is amended to read as follows:

Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b), ~~(g)~~, or (k) or 53.002(c), (e), or (f) is a "peace officer" for purposes of Article 2.12, Code of Criminal Procedure.

No equivalent provision.

SECTION 6.05. Section 53.008, Government Code, is amended to read as follows:

Sec. 53.008. OATH. The bailiffs of the 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 271st, 318th, 341st, 355th, 358th, ~~and~~ 385th, and 446th district courts, the bailiffs of the courts described in Section 53.002(c), (d), (e), or (f), the bailiffs and the grand jury bailiffs of the district courts in Tarrant County that give preference to criminal cases, the bailiffs and grand jury bailiffs of the criminal district courts in Tarrant County, the bailiffs of the district courts in Taylor County, ~~and~~ the bailiffs of the county courts at law of Taylor County, and the bailiffs of the county courts at law of Wise County shall each swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

No equivalent provision.

SECTION 6.06. Section 53.009, Government Code, is amended by adding Subsection (o) to read as follows:

(o) Each bailiff appointed by the judge of the 271st District Court or appointed by a county court at law judge in Wise County is entitled to receive a salary that does not

exceed the salary of a lieutenant in the sheriff's department of the county. The salary is paid out of the general fund of the county.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

ARTICLE 7. Same as engrossed version.

SECTION 7.01. Same as engrossed version.