

AN ACT

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

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

ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES

SECTION 1.01. Section 101.034, Family Code, as effective until September 1, 2018, is amended to read as follows:

Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an action in which services are provided by the Title IV-D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support or medical support obligation, including a suit for modification filed by the Title IV-D agency under Section 231.101(d) and any other action relating to the services that the Title IV-D agency is required or authorized to provide under Section 231.101.

SECTION 1.02. Section 101.034, Family Code, as effective on September 1, 2018, is amended to read as follows:

Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an action in which services are provided by the Title IV-D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent,

1 determination of parentage, or establishment, modification, or
2 enforcement of a child support, medical support, or dental support
3 obligation, including a suit for modification filed by the Title
4 IV-D agency under Section 231.101(d) and any other action relating
5 to the services that the Title IV-D agency is required or authorized
6 to provide under Section 231.101.

7 SECTION 1.03. (a) Section 201.007, Family Code, is amended
8 by amending Subsections (a) and (c) and adding Subsection (e) to
9 read as follows:

10 (a) Except as limited by an order of referral, an associate
11 judge may:

- 12 (1) conduct a hearing;
- 13 (2) hear evidence;
- 14 (3) compel production of relevant evidence;
- 15 (4) rule on the admissibility of evidence;
- 16 (5) issue a summons for:
 - 17 (A) the appearance of witnesses; and
 - 18 (B) the appearance of a parent who has failed to
- 19 appear before an agency authorized to conduct an investigation of
- 20 an allegation of abuse or neglect of a child after receiving proper
- 21 notice;
- 22 (6) examine a witness;
- 23 (7) swear a witness for a hearing;
- 24 (8) make findings of fact on evidence;
- 25 (9) formulate conclusions of law;
- 26 (10) recommend an order to be rendered in a case;
- 27 (11) regulate all proceedings in a hearing before the

1 associate judge;

2 (12) order the attachment of a witness or party who
3 fails to obey a subpoena;

4 (13) order the detention of a witness or party found
5 guilty of contempt, pending approval by the referring court as
6 provided by Section 201.013;

7 (14) without prejudice to the right to a de novo
8 hearing before the referring court [~~of appeal~~] under Section
9 201.015 and subject to Subsection (c), render and sign:

10 (A) a final order agreed to in writing as to both
11 form and substance by all parties;

12 (B) a final default order;

13 (C) a temporary order; or

14 (D) a final order in a case in which a party files
15 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
16 Civil Procedure, that waives notice to the party of the final
17 hearing or waives the party's appearance at the final hearing;

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

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

25 (c) A final order described by Subsection (a)(14) becomes
26 final after the expiration of the period described by Section
27 201.015(a) if a party does not request a de novo hearing in

1 accordance with that section. An order described by Subsection
2 (a)(14) or (16) that is rendered and signed by an associate judge
3 constitutes an order of the referring court.

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

7 (b) Section 201.013(b), Family Code, is amended to read as
8 follows:

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

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

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

20 (1) adopt, modify, or reject the associate judge's
21 proposed order or judgment;

22 (2) hear further evidence; or

23 (3) recommit the matter to the associate judge for
24 further proceedings.

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

27 (c) The date an agreed order, [or] a default order, or a

1 final order described by Section 201.007(a)(16) is signed by an
2 associate judge is the controlling date for the purpose of an appeal
3 to, or a request for other relief relating to the order from, a
4 court of appeals or the supreme court.

5 (e) The change in law made by this section to Section
6 201.007(a), Family Code, applies only to a final order signed by an
7 associate judge on or after the effective date of this Act.

8 (f) Notwithstanding Subsection (a) of this section, Section
9 201.007(e), Family Code, as added by this Act, applies to an order
10 signed by an associate judge under Section 201.007(a)(16), Family
11 Code, before May 1, 2017. The legislature ratifies such an order.

12 SECTION 1.04. Section 201.204, Family Code, is amended by
13 adding Subsection (d) to read as follows:

14 (d) An associate judge may hear and render an order in a suit
15 for the adoption of a child for whom the Texas Department of Family
16 and Protective Services has been named managing conservator.

17 ARTICLE 2. DISTRICT COURTS

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

21 Sec. 24.597. 453RD JUDICIAL DISTRICT (HAYS COUNTY). The
22 453rd Judicial District is composed of Hays County.

23 (b) The 453rd Judicial District is created on September 1,
24 2018.

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

27 Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY).

1 The 458th Judicial District is composed of Fort Bend County.

2 (b) The 458th Judicial District is created on September 1,
3 2017.

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

7 Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY).

8 (a) The 459th Judicial District is composed of Travis County.

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

11 (b) The 459th Judicial District is created on October 1,
12 2017.

13 SECTION 2.04. (a) Effective October 1, 2019, Subchapter C,
14 Chapter 24, Government Code, is amended by adding Section 24.6004
15 to read as follows:

16 Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY).

17 (a) The 460th Judicial District is composed of Travis County.

18 (b) The 460th District Court shall give preference to
19 criminal matters.

20 (b) The 460th Judicial District is created on October 1,
21 2019.

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

25 Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The
26 462nd Judicial District is composed of Denton County.

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

1 2019.

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

5 Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY).
6 The 464th Judicial District is composed of Hidalgo County.

7 (b) The 464th Judicial District is created on January 1,
8 2019.

9 ARTICLE 3. STATUTORY COUNTY COURTS

10 SECTION 3.01. (a) Effective January 1, 2018, Section
11 25.0811, Government Code, is amended to read as follows:

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

- 14 (1) County Court at Law No. 1 of Fort Bend County;
- 15 (2) County Court at Law No. 2 of Fort Bend County;
- 16 (3) County Court at Law No. 3 of Fort Bend County;
- 17 (4) County Court at Law No. 4 of Fort Bend County;
- 18 [~~and~~]
- 19 (5) County Court at Law No. 5 of Fort Bend County; and
- 20 (6) County Court at Law No. 6 of Fort Bend County.

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

23 SECTION 3.02. (a) Effective October 1, 2017, Subchapter C,
24 Chapter 25, Government Code, is amended by adding Sections 25.0951
25 and 25.0952 to read as follows:

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

1 Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS.

2 (a) In addition to the jurisdiction provided by Section 25.0003
3 and other law, a county court at law in Grimes County has concurrent
4 jurisdiction with the district court in family law cases and
5 proceedings.

6 (b) The judge of the county court at law shall be paid an
7 annual salary set by the commissioners court in an amount that is at
8 least equal to the amount that is \$1,000 less than the total annual
9 salary, including contributions and supplements, received by a
10 district judge in the county. The salary shall be paid by the
11 county treasurer by order of the commissioners court.

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

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

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

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

27 (g) The judge of a county court at law may, instead of

1 appointing an official court reporter, contract for the services of
2 a court reporter under guidelines established by the commissioners
3 court.

4 (h) The laws governing the drawing, selection, service, and
5 pay of jurors for county courts apply to a county court at law.
6 Jurors regularly impaneled for a week by the district court may, on
7 a request of a judge of the county court at law, be made available
8 and shall serve for the week in a county court at law.

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

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

13 SECTION 3.03. (a) Effective October 1, 2018, Section
14 25.1071, Government Code, is amended to read as follows:

15 Sec. 25.1071. HAYS COUNTY. Hays County has the following
16 statutory county courts:

- 17 (1) the County Court at Law No. 1 of Hays County; ~~and~~
- 18 (2) the County Court at Law No. 2 of Hays County; and
- 19 (3) the County Court at Law No. 3 of Hays County.

20 (b) The County Court at Law No. 3 of Hays County is created
21 on October 1, 2018.

22 SECTION 3.04. Sections 25.2382(a), (g), (h), and (k),
23 Government Code, are amended to read as follows:

24 (a) In addition to the jurisdiction provided by Section
25 25.0003 and other law, a county court at law in Walker County has
26 concurrent jurisdiction with the district court in[+]

27 [~~1~~] family law cases and proceedings[~~, and~~

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

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

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

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

20 SECTION 3.05. Section 25.2382(e), Government Code, is
 21 repealed.

22 ARTICLE 4. JUDICIAL OATHS

23 SECTION 4.01. Chapter 602, Government Code, is amended by
 24 adding Section 602.007 to read as follows:

25 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL
 26 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed
 27 statement executed as required by Section 1, Article XVI, Texas

1 Constitution, by any of the following judicial officers and
2 judicial appointees shall be filed with the secretary of state:

3 (1) an officer appointed by the supreme court, the
4 court of criminal appeals, or the State Bar of Texas; and

5 (2) an associate judge appointed under Subchapter B or
6 C, Chapter 201, Family Code.

7 ARTICLE 5. JUDICIAL PERSONNEL AND OFFICIALS

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

10 Sec. 51.006. FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE.
11 The clerk shall collect a fee of \$25 [~~\$10~~] for the issuance of an
12 attorney's license or certificate affixed with a seal. The fee
13 shall be held by the clerk and expended by the supreme court or
14 under the direction of the court for the preparation and issuance,
15 including mailing, of the license or certificate.

16 ARTICLE 6. BAILIFFS

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

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

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

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

27 (a) A bailiff in the 34th or [~~7-70th~~] 71st [~~7- or 161st~~]

1 district court must be a resident of the county in which the bailiff
2 serves the court and must be at least 18 years old.

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

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

7 (2) at least 18 years of age; and

8 (3) a citizen of the United States.

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

11 (1) at least 21 years of age; and

12 (2) a citizen of the United States.

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

15 (a) This section applies to:

16 (1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd,
17 161st, 238th, 244th, 318th, 341st, 355th, 358th, [~~and~~] 385th, and
18 446th district courts;

19 (2) the County Court of Harrison County;

20 (3) the criminal district courts of Tarrant County;

21 (4) the district courts in Taylor County;

22 (5) the courts described in Section 53.002(c), (d),
23 (e), or (f);

24 (6) the county courts at law of Taylor County;

25 (7) the district courts in Tarrant County that give
26 preference to criminal cases; and

27 (8) the 115th District Court in Upshur County.

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

3 Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the
4 appointing judge provides otherwise in the order of appointment, a
5 bailiff appointed under Section 53.001(b), ~~[or]~~ (g), or (k) or
6 53.002(c), (e), or (f) is a "peace officer" for purposes of Article
7 2.12, Code of Criminal Procedure.

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

10 Sec. 53.008. OATH. The bailiffs of the 34th, 70th, 86th,
11 97th, 130th, 142nd, 161st, 238th, 244th, 271st, 318th, 341st,
12 355th, 358th, ~~[and]~~ 385th, and 446th district courts, the bailiffs
13 of the courts described in Section 53.002(c), (d), (e), or (f), the
14 bailiffs and the grand jury bailiffs of the district courts in
15 Tarrant County that give preference to criminal cases, the bailiffs
16 and grand jury bailiffs of the criminal district courts in Tarrant
17 County, the bailiffs of the district courts in Taylor County, ~~[and]~~
18 the bailiffs of the county courts at law of Taylor County, and the
19 bailiffs of the county courts at law of Wise County shall each swear
20 to the following oath, to be administered by the judge: "I solemnly
21 swear that I will faithfully and impartially perform all duties as
22 may be required of me by law, so help me God."

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

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

1 salary of a lieutenant in the sheriff's department of the county.

2 The salary is paid out of the general fund of the county.

3 ARTICLE 7. EFFECTIVE DATE

4 SECTION 7.01. Except as otherwise provided by this Act,
5 this Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1329 passed the Senate on April 6, 2017, by the following vote: Yeas 31, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1329 passed the House, with amendments, on May 19, 2017, by the following vote: Yeas 144, Nays 0, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor