

1-1 By: Huffman S.B. No. 1329
1-2 (In the Senate - Filed March 6, 2017; March 14, 2017, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 3, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 3, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1329 By: Huffman

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the operation and administration of and practice in
1-22 courts in the judicial branch of state government.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES

1-25 SECTION 1.01. Section 101.034, Family Code, as effective
1-26 until September 1, 2018, is amended to read as follows:

1-27 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
1-28 action in which services are provided by the Title IV-D agency under
1-29 Part D, Title IV, of the federal Social Security Act (42 U.S.C.
1-30 Section 651 et seq.), relating to the location of an absent parent,
1-31 determination of parentage, or establishment, modification, or
1-32 enforcement of a child support or medical support obligation,
1-33 including a suit for modification filed by the Title IV-D agency
1-34 under Section 231.101(d) and any other action relating to the
1-35 services that the Title IV-D agency is required or authorized to
1-36 provide under Section 231.101.

1-37 SECTION 1.02. Section 101.034, Family Code, as effective on
1-38 September 1, 2018, is amended to read as follows:

1-39 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
1-40 action in which services are provided by the Title IV-D agency under
1-41 Part D, Title IV, of the federal Social Security Act (42 U.S.C.
1-42 Section 651 et seq.), relating to the location of an absent parent,
1-43 determination of parentage, or establishment, modification, or
1-44 enforcement of a child support, medical support, or dental support
1-45 obligation, including a suit for modification filed by the Title
1-46 IV-D agency under Section 231.101(d) and any other action relating
1-47 to the services that the Title IV-D agency is required or authorized
1-48 to provide under Section 231.101.

1-49 SECTION 1.03. (a) Section 201.007, Family Code, is amended
1-50 by amending Subsections (a) and (c) and adding Subsection (e) to
1-51 read as follows:

1-52 (a) Except as limited by an order of referral, an associate
1-53 judge may:

- 1-54 (1) conduct a hearing;
- 1-55 (2) hear evidence;
- 1-56 (3) compel production of relevant evidence;
- 1-57 (4) rule on the admissibility of evidence;
- 1-58 (5) issue a summons for:
 - 1-59 (A) the appearance of witnesses; and
 - 1-60 (B) the appearance of a parent who has failed to

2-1 appear before an agency authorized to conduct an investigation of
 2-2 an allegation of abuse or neglect of a child after receiving proper
 2-3 notice;

2-4 (6) examine a witness;
 2-5 (7) swear a witness for a hearing;
 2-6 (8) make findings of fact on evidence;
 2-7 (9) formulate conclusions of law;
 2-8 (10) recommend an order to be rendered in a case;
 2-9 (11) regulate all proceedings in a hearing before the
 2-10 associate judge;

2-11 (12) order the attachment of a witness or party who
 2-12 fails to obey a subpoena;

2-13 (13) order the detention of a witness or party found
 2-14 guilty of contempt, pending approval by the referring court as
 2-15 provided by Section 201.013;

2-16 (14) without prejudice to the right to a de novo
 2-17 hearing before the referring court ~~[of appeal]~~ under Section
 2-18 201.015 and subject to Subsection (c), render and sign:

2-19 (A) a final order agreed to in writing as to both
 2-20 form and substance by all parties;

2-21 (B) a final default order;

2-22 (C) a temporary order; or

2-23 (D) a final order in a case in which a party files
 2-24 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
 2-25 Civil Procedure, that waives notice to the party of the final
 2-26 hearing or waives the party's appearance at the final hearing;

2-27 (15) take action as necessary and proper for the
 2-28 efficient performance of the associate judge's duties; and

2-29 (16) render and sign a final order if the parties waive
 2-30 [that includes a waiver of] the right to a de novo hearing before
 2-31 the referring court under ~~[of appeal pursuant to]~~ Section 201.015
 2-32 in writing before the start of a hearing conducted by the associate
 2-33 judge.

2-34 (c) A final order described by Subsection (a)(14) becomes
 2-35 final after the expiration of the period described by Section
 2-36 201.015(a) if a party does not request a de novo hearing in
 2-37 accordance with that section. An order described by Subsection
 2-38 (a)(14) or (16) that is rendered and signed by an associate judge
 2-39 constitutes an order of the referring court.

2-40 (e) An order signed before May 1, 2017, by an associate
 2-41 judge under Subsection (a)(16) is a final order rendered as of the
 2-42 date the order was signed.

2-43 (b) Section 201.013(b), Family Code, is amended to read as
 2-44 follows:

2-45 (b) Except as provided by Section 201.007(c), if a request
 2-46 for a de novo hearing before the referring court is not timely filed
 2-47 ~~[or the right to a de novo hearing before the referring court is~~
 2-48 ~~waived]~~, the proposed order or judgment of the associate judge
 2-49 becomes the order or judgment of the referring court only on the
 2-50 referring court's signing the proposed order or judgment.

2-51 (c) Section 201.014(a), Family Code, is amended to read as
 2-52 follows:

2-53 (a) Except as otherwise provided in this subchapter, unless
 2-54 [Unless] a party files a written request for a de novo hearing
 2-55 before the referring court, the referring court may:

2-56 (1) adopt, modify, or reject the associate judge's
 2-57 proposed order or judgment;

2-58 (2) hear further evidence; or

2-59 (3) recommit the matter to the associate judge for
 2-60 further proceedings.

2-61 (d) Section 201.016(c), Family Code, is amended to read as
 2-62 follows:

2-63 (c) The date an agreed order, ~~[or]~~ a default order, or a
 2-64 final order described by Section 201.007(a)(16) is signed by an
 2-65 associate judge is the controlling date for the purpose of an appeal
 2-66 to, or a request for other relief relating to the order from, a
 2-67 court of appeals or the supreme court.

2-68 (e) The change in law made by this section to Section
 2-69 201.007(a), Family Code, applies only to a final order signed by an

3-1 associate judge on or after the effective date of this Act.
3-2 (f) Section 201.007(e), Family Code, as added by this
3-3 section, applies to an order signed by an associate judge before the
3-4 effective date of this Act, as provided by that section.

3-5 SECTION 1.04. Section 201.204, Family Code, is amended by
3-6 adding Subsection (d) to read as follows:

3-7 (d) An associate judge may hear and render an order in a suit
3-8 for the adoption of a child for whom the Texas Department of Family
3-9 and Protective Services has been named managing conservator.

3-10 ARTICLE 2. DISTRICT COURTS

3-11 SECTION 2.01. (a) Subchapter C, Chapter 24, Government
3-12 Code, is amended by adding Section 24.6002 to read as follows:

3-13 Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY).
3-14 The 458th Judicial District is composed of Fort Bend County.

3-15 (b) The 458th Judicial District is created on January 1,
3-16 2018.

3-17 SECTION 2.02. (a) Subchapter C, Chapter 24, Government
3-18 Code, is amended by adding Section 24.6003 to read as follows:

3-19 Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY).
3-20 (a) The 459th Judicial District is composed of Travis County.

3-21 (b) The 459th District Court shall give preference to civil
3-22 matters.

3-23 (b) The 459th Judicial District is created on October 1,
3-24 2017.

3-25 SECTION 2.03. (a) Effective October 1, 2019, Subchapter C,
3-26 Chapter 24, Government Code, is amended by adding Section 24.6004
3-27 to read as follows:

3-28 Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY).
3-29 (a) The 460th Judicial District is composed of Travis County.

3-30 (b) The 460th District Court shall give preference to
3-31 criminal matters.

3-32 (b) The 460th Judicial District is created on October 1,
3-33 2019.

3-34 SECTION 2.04. (a) Subchapter C, Chapter 24, Government
3-35 Code, is amended by adding Section 24.6006 to read as follows:

3-36 Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The
3-37 462nd Judicial District is composed of Denton County.

3-38 (b) The 462nd Judicial District is created on January 1,
3-39 2019.

3-40 SECTION 2.05. (a) Subchapter C, Chapter 24, Government
3-41 Code, is amended by adding Section 24.6008 to read as follows:

3-42 Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY).
3-43 The 464th Judicial District is composed of Hidalgo County.

3-44 (b) The 464th Judicial District is created on January 1,
3-45 2019.

3-46 ARTICLE 3. STATUTORY COUNTY COURTS

3-47 SECTION 3.01. Effective January 1, 2019, Section 25.0634,
3-48 Government Code, is amended by amending Subsection (b) and adding
3-49 Subsection (c) to read as follows:

3-50 (b) Except as provided by Subsection (c), a [A] county
3-51 criminal court has no jurisdiction over civil, civil appellate,
3-52 probate, or mental health matters.

3-53 (c) The County Criminal Court No. 4 of Denton County has
3-54 jurisdiction over mental health matters.

3-55 SECTION 3.02. (a) Section 25.0811, Government Code, is
3-56 amended to read as follows:

3-57 Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the
3-58 following statutory county courts:

- 3-59 (1) County Court at Law No. 1 of Fort Bend County;
- 3-60 (2) County Court at Law No. 2 of Fort Bend County;
- 3-61 (3) County Court at Law No. 3 of Fort Bend County;
- 3-62 (4) County Court at Law No. 4 of Fort Bend County;
- 3-63 [~~and~~]
- 3-64 (5) County Court at Law No. 5 of Fort Bend County; and
- 3-65 (6) County Court at Law No. 6 of Fort Bend County.

3-66 (b) The County Court at Law No. 6 of Fort Bend County is
3-67 created on January 1, 2018.

3-68 SECTION 3.03. (a) Subchapter C, Chapter 25, Government
3-69 Code, is amended by adding Sections 25.0951 and 25.0952 to read as

4-1 follows:

4-2 Sec. 25.0951. GRIMES COUNTY. Grimes County has one
4-3 statutory county court, the County Court at Law of Grimes County.

4-4 Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS.

4-5 (a) In addition to the jurisdiction provided by Section 25.0003
4-6 and other law, a county court at law in Grimes County has concurrent
4-7 jurisdiction with the district court in family law cases and
4-8 proceedings.

4-9 (b) The judge of the county court at law shall be paid an
4-10 annual salary set by the commissioners court in an amount that is at
4-11 least equal to the amount that is \$1,000 less than the total annual
4-12 salary, including contributions and supplements, received by a
4-13 district judge in the county. The salary shall be paid by the
4-14 county treasurer by order of the commissioners court.

4-15 (c) The judge of the county court at law is entitled to
4-16 travel expenses and necessary office expenses, including
4-17 administrative and clerical assistance, in the same manner as the
4-18 district judge.

4-19 (d) The judge of a county court at law may not engage in the
4-20 private practice of law.

4-21 (e) The district clerk serves as clerk of a county court at
4-22 law for family cases and proceedings, and the county clerk serves as
4-23 clerk for all other cases. The commissioners court may employ as
4-24 many deputy sheriffs and bailiffs as are necessary to serve the
4-25 court.

4-26 (f) If a case or proceeding in which a county court at law
4-27 has concurrent jurisdiction with a district court is tried before a
4-28 jury, the jury shall be composed of 12 members. In all other cases,
4-29 the jury shall be composed of 6 members.

4-30 (g) The judge of a county court at law may, instead of
4-31 appointing an official court reporter, contract for the services of
4-32 a court reporter under guidelines established by the commissioners
4-33 court.

4-34 (h) The laws governing the drawing, selection, service, and
4-35 pay of jurors for county courts apply to a county court at law.
4-36 Jurors regularly impaneled for a week by the district court may, on
4-37 a request of a judge of the county court at law, be made available
4-38 and shall serve for the week in a county court at law.

4-39 (i) A county court at law has the same terms of court as a
4-40 district court in Grimes County.

4-41 (b) The County Court at Law of Grimes County is created on
4-42 October 1, 2017.

4-43 SECTION 3.04. (a) Effective October 1, 2018, Section
4-44 25.1071, Government Code, is amended to read as follows:

4-45 Sec. 25.1071. HAYS COUNTY. Hays County has the following
4-46 statutory county courts:

- 4-47 (1) the County Court at Law No. 1 of Hays County; ~~and~~
- 4-48 (2) the County Court at Law No. 2 of Hays County; and
- 4-49 (3) the County Court at Law No. 3 of Hays County.

4-50 (b) The County Court at Law No. 3 of Hays County is created
4-51 on October 1, 2018.

4-52 ARTICLE 4. JUDICIAL OATHS

4-53 SECTION 4.01. Chapter 602, Government Code, is amended by
4-54 adding Section 602.007 to read as follows:

4-55 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL
4-56 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed
4-57 statement executed as required by Section 1, Article XVI, Texas
4-58 Constitution, by any of the following judicial officers and
4-59 judicial appointees shall be filed with the secretary of state:

- 4-60 (1) an officer appointed by the supreme court, the
4-61 court of criminal appeals, or the State Bar of Texas; and
- 4-62 (2) an associate judge appointed under Subchapter B or
4-63 C, Chapter 201, Family Code.

4-64 ARTICLE 5. EFFECTIVE DATE

4-65 SECTION 5.01. Except as otherwise provided by this Act,
4-66 this Act takes effect September 1, 2017.

4-67 * * * * *