

By: Murr

H.B. No. 1481

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the composition of the 38th Judicial District, the
3 creation of the 454th Judicial District composed of Medina County,
4 the creation of the office of criminal district attorney of Medina
5 County, and the abolishment of the office of county attorney for
6 Medina County.

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

8 SECTION 1. Section 24.140, Government Code, is amended to
9 read as follows:

10 Sec. 24.140. 38TH JUDICIAL DISTRICT (~~[MEDINA,]~~ REAL[~~7~~] AND
11 UVALDE COUNTIES). [~~(a)~~] The 38th Judicial District is composed of
12 [~~Medina,~~] Real[~~7~~] and Uvalde counties.

13 [~~(b) The terms of the 38th District Court begin:~~

14 [~~(1) in Medina County on the first Mondays in January~~
15 ~~and June,~~

16 [~~(2) in Real County on the first Mondays in April and~~
17 ~~November, and~~

18 [~~(3) in Uvalde County on the first Mondays in February~~
19 ~~and September.]~~

20 SECTION 2. Subchapter C, Chapter 24, Government Code, is
21 amended by adding Section 24.598 to read as follows:

22 Sec. 24.598. 454TH JUDICIAL DISTRICT (MEDINA COUNTY). The
23 454th Judicial District is composed of Medina County.

24 SECTION 3. Section 44.001, Government Code, is amended to

1 read as follows:

2 Sec. 44.001. ELECTION. The voters of each of the following
3 counties elect a criminal district attorney: Anderson, Austin,
4 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
5 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
6 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
7 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Medina,
8 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
9 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
10 Waller, Wichita, Wood, and Yoakum.

11 SECTION 4. Subchapter B, Chapter 44, Government Code, is
12 amended by adding Section 44.263 to read as follows:

13 Sec. 44.263. MEDINA COUNTY. (a) The criminal district
14 attorney of Medina County must meet the following qualifications:

15 (1) be at least 30 years old;

16 (2) have been a practicing attorney in this state for
17 at least five years; and

18 (3) have been a resident of Medina County for at least
19 one year before election or appointment.

20 (b) The criminal district attorney has all the powers,
21 duties, and privileges in Medina County that are conferred by law on
22 county and district attorneys in the various counties and
23 districts.

24 (c) The criminal district attorney shall attend each term
25 and session of the district and inferior courts of Medina County,
26 except municipal courts, held for the transaction of criminal
27 business and shall exclusively represent the state in all criminal

1 matters before those courts.

2 (d) The criminal district attorney shall represent Medina
3 County in any court in which the county has pending business. This
4 subsection does not require the criminal district attorney to
5 represent the county in a delinquent tax suit or condemnation
6 proceeding and does not prevent the county from retaining other
7 legal counsel in a civil matter at any time it considers
8 appropriate.

9 (e) The criminal district attorney shall collect the fees,
10 commissions, and perquisites that are provided by law for similar
11 services rendered by a district or county attorney.

12 (f) The criminal district attorney is entitled to receive in
13 equal monthly installments compensation from the state equal to the
14 amount paid by the state to district attorneys. The state
15 compensation shall be paid by the comptroller as appropriated by
16 the legislature. The Commissioners Court of Medina County shall
17 pay the criminal district attorney an additional amount so that the
18 total compensation of the criminal district attorney equals at
19 least 90 percent of the total salary paid to the judge of the 454th
20 District Court in Medina County. The compensation paid by the
21 county shall be paid in semiweekly or bimonthly installments, as
22 determined by the commissioners court.

23 (g) The criminal district attorney or the Commissioners
24 Court of Medina County may accept gifts and grants from any
25 individual, partnership, corporation, trust, foundation,
26 association, or governmental entity for the purpose of financing or
27 assisting effective prosecution, crime prevention or suppression,

1 rehabilitation of offenders, substance abuse education, treatment
2 and prevention, or crime victim assistance programs in Medina
3 County. The criminal district attorney shall account for and
4 report to the commissioners court all gifts or grants accepted
5 under this subsection.

6 (h) The criminal district attorney, for the purpose of
7 conducting affairs of the office, may appoint a staff composed of
8 assistant criminal district attorneys, investigators,
9 stenographers, clerks, and other personnel that the commissioners
10 court may authorize. The salary of a staff member is an amount
11 recommended by the criminal district attorney and approved by the
12 commissioners court. The commissioners court shall pay the
13 salaries of the staff in equal semiweekly or bimonthly installments
14 from county funds.

15 (i) The criminal district attorney shall, with the advice
16 and consent of the commissioners court, designate one or more
17 individuals to act as an assistant criminal district attorney with
18 exclusive responsibility for assisting the commissioners court. An
19 individual designated as an assistant criminal district attorney
20 under this subsection must have extensive experience in
21 representing public entities and knowledge of the laws affecting
22 counties, including the open meetings and open records laws under
23 Chapters 551 and 552.

24 (j) Medina County is entitled to receive from the state an
25 amount equal to the amount provided in the General Appropriations
26 Act to district attorneys for the payment of staff salaries and
27 office expenses.

1 (k) The legislature may provide for additional staff
2 members to be paid from state funds if it considers supplementation
3 of the criminal district attorney's staff to be necessary.

4 (l) The criminal district attorney and assistant criminal
5 district attorney may not engage in the private practice of law or
6 receive a fee for the referral of a case.

7 SECTION 5. Section 46.002, Government Code, is amended to
8 read as follows:

9 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
10 applies to the state prosecuting attorney, all county prosecutors,
11 and the following state prosecutors:

12 (1) the district attorneys for Kenedy and Kleberg
13 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 26th,
14 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd,
15 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th,
16 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th,
17 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd,
18 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
19 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
20 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and
21 506th judicial districts;

22 (2) the criminal district attorneys for the counties
23 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
24 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
25 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
26 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
27 Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San

1 Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt,
2 Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

3 (3) the county attorneys performing the duties of
4 district attorneys in the counties of Andrews, Aransas, Callahan,
5 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
6 Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee,
7 Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange,
8 Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and
9 Willacy.

10 SECTION 6. (a) The local administrative district judge
11 shall transfer to the 454th District Court all cases from Medina
12 County that are pending in the 38th District Court on the effective
13 date of this Act.

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

16 (1) all processes, writs, bonds, recognizances, or
17 other obligations issued from the 38th District Court are
18 returnable to the 454th District Court as if originally issued by
19 that court; and

20 (2) the obligees on all bonds and recognizances taken
21 in and for the 38th District Court and all witnesses summoned to
22 appear in the 38th District Court are required to appear before the
23 454th District Court as if originally required to appear before
24 that court.

25 (c) The 454th Judicial District is created on the effective
26 date of this Act.

27 (d) The office of county attorney of Medina County is

1 abolished on the effective date of this Act.

2 SECTION 7. This Act takes effect September 1, 2019.