

By: Gutierrez

S.B. No. 1940

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the operation and administration of and practice and  
3 procedure related to proceedings in the judicial branch of state  
4 government.

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

6 SECTION 1. Section 25.1572, Government Code, is amended by  
7 amending Subsections (a), (d), and (i) and adding Subsections (b)  
8 and (e) to read as follows:

9 (a) In addition to the jurisdiction provided by Section  
10 25.0003 and other law, and except as limited by Subsection (b), a  
11 county court at law in McLennan County has concurrent jurisdiction  
12 with the district court in:

13 (1) [~~third degree~~] felony cases [~~and jurisdiction~~] to:  
14 (A) conduct arraignments;  
15 (B) [~~7~~] conduct pretrial hearings;  
16 (C) [~~7~~] accept guilty pleas; [~~7~~] and  
17 (D) conduct jury trials on assignment of a  
18 district judge presiding in McLennan County and acceptance of the  
19 assignment by the judge of the county court at law;

20 (2) Class A and Class B misdemeanor cases;

21 (3) probate matters;

22 (4) disputes ancillary to probate, eminent domain,  
23 condemnation, or landlord and tenant matters relating to the  
24 adjudication and determination of land titles and trusts, whether

1 testamentary, inter vivos, constructive, resulting, or any other  
2 class or type of trust, regardless of the amount in controversy or  
3 the remedy sought; and

4 (5) appeals from the justice and municipal courts  
5 [probation revocation hearings in felony cases].

6 (b) A county court at law does not have jurisdiction in:

7 (1) suits on behalf of the state to recover penalties  
8 or escheated property;

9 (2) felony cases involving capital murder;

10 (3) misdemeanors involving official misconduct; or

11 (4) contested elections.

12 (d) A judge of a county court at law shall be paid a total  
13 [an] annual salary set by the commissioners court in an amount that  
14 is not less than \$1,000 less than the annual base salary received by  
15 a district judge with equivalent years of service as a judge [of not  
16 more than \$20,000]. A county court at law judge's salary and a  
17 district judge's annual base salary do not include contributions  
18 and supplements paid by the county [Each judge receives the same  
19 amount as salary. The salary shall be paid out of the county  
20 treasury by the commissioners court].

21 (e) The district clerk serves as clerk of a county court at  
22 law in matters of concurrent jurisdiction with the district court,  
23 and the county clerk serves as clerk of a county court at law in all  
24 other matters. Each clerk shall establish a separate docket for a  
25 county court at law.

26 (i) The official court reporter of a county court at law is  
27 entitled to receive a salary set by the judge of the county court at

1 law with the approval of the commissioners court [~~the same~~  
2 ~~compensation and to be paid in the same manner as the court~~  
3 ~~reporters of the district courts in McLennan County~~].

4 SECTION 2. Sections 25.1972(a) and (b), Government Code,  
5 are amended to read as follows:

6 (a) In addition to the jurisdiction provided by Section  
7 25.0003 and other law, and except as limited by general law and  
8 Subsection (b), a county court at law in Reeves County has:

9 (1) concurrent jurisdiction with the district court in  
10 all civil matters including:

11 (A) in disputes ancillary to probate, eminent  
12 domain, condemnation, or landlord and tenant matters relating to  
13 the adjudication and determination of land titles and trusts,  
14 whether testamentary, inter vivos, constructive, resulting, or any  
15 other class or type of trust, regardless of the amount in  
16 controversy or the remedy sought;

17 (B) over civil forfeitures, including surety  
18 bond forfeitures without minimum or maximum limitation as to the  
19 amount in controversy or remedy sought;

20 (C) in all actions by or against a personal  
21 representative, in all actions involving an inter vivos trust, in  
22 all actions involving a charitable trust, and in all actions  
23 involving a testamentary trust, whether the matter is appertaining  
24 to or incident to an estate;

25 (D) in proceedings under Title 3, Family Code;  
26 and

27 (E) in family law cases and proceedings [~~any~~

1 ~~proceeding involving an order relating to a child in the possession~~  
2 ~~or custody of the Department of Family and Protective Services or~~  
3 ~~for whom the court has appointed a temporary or permanent managing~~  
4 ~~conservator];~~

5 (2) jurisdiction in mental health matters, original or  
6 appellate, provided by law for constitutional county courts,  
7 statutory county courts, or district courts with mental health  
8 jurisdiction, including proceedings under:

9 (A) Chapter 462, Health and Safety Code; and

10 (B) Subtitles C and D, Title 7, Health and Safety  
11 Code;

12 (3) jurisdiction over the collection and management of  
13 estates of minors, persons with a mental illness or intellectual  
14 disability, and deceased persons; and

15 (4) jurisdiction in all cases assigned, transferred,  
16 or heard under Sections 74.054, 74.059, and 74.094.

17 (b) A county court at law does not have jurisdiction of:

18 (1) felony cases, except as otherwise provided by law;

19 (2) misdemeanors involving official misconduct unless  
20 assigned under Sections 74.054 and 74.059; or

21 (3) contested elections[~~, or~~

22 [~~(4) except as provided by Subsections (a)(1)(D) and~~  
23 ~~(E), family law cases].~~

24 SECTION 3. Subchapter B, Chapter 45, Code of Criminal  
25 Procedure, is amended by adding Article 45.0241 to read as follows:

26 Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or  
27 judge may not accept a plea of guilty or plea of nolo contendere

1 unless it appears to the justice or judge that the defendant is  
2 mentally competent and the plea is free and voluntary.

3         SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2021.