88R10302 CJD-F

By:  Cook, Goldman, Capriglione, Schatzline H.B. No. 3386

A BILL TO BE ENTITLED

AN ACT

relating to the criminal district courts, statutory county courts, and criminal law magistrates in Tarrant County.

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

SECTION 1.  Section 24.392, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b)  The 213th District Court shall give preference to criminal cases.

(c)  The terms of the 213th District Court begin on the first Mondays in January, April, July, and October.

(d) [~~(c)~~]  In addition to other jurisdiction provided by law, the 213th District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 2.  Section 24.516, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  The terms of the 371st District Court begin on the first Mondays in January, April, July, and October.

(d)  In addition to other jurisdiction provided by law, the 371st District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 3.  Section 24.517, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  The terms of the 372nd District Court begin on the first Mondays in January, April, July, and October.

(d)  In addition to other jurisdiction provided by law, the 372nd District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 4.  Section 24.541, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  The terms of the 396th District Court begin on the first Mondays in January, April, July, and October.

(d)  In addition to other jurisdiction provided by law, the 396th District Court has concurrent original jurisdiction with the county criminal courts and the justice courts in Tarrant County over misdemeanor cases.

SECTION 5.  Section 24.576, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c)  The terms of the 432nd District Court begin on the first Mondays in January, April, July, and October.

(d)  In addition to other jurisdiction provided by law, the 432nd District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 6.  Section 24.60030, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c)  The terms of the 485th District Court begin on the first Mondays in January, April, July, and October.

(d)  In addition to other jurisdiction provided by law, the 485th District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 7.  Section 24.910, Government Code, is amended by adding Subsection (a-1) and amending Subsections (b), (c), and (e) to read as follows:

(a-1)  Subchapter C applies to the Tarrant County Criminal District Court No. 1.

(b)  This section applies to the Tarrant County Criminal District Courts Nos. 1, 2, [~~and~~] 3, and 4.

(c)  The criminal district courts have jurisdiction of criminal cases within the jurisdiction of a district court.  The criminal district courts also have concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.  The criminal district courts do not have appellate misdemeanor jurisdiction.

(e)  The judge of each criminal district court or county criminal court may, on motion of the judge or the criminal district attorney, transfer misdemeanor cases between the courts by an order entered in the minutes of the transferor [~~transferring~~] court.  The clerk of the transferor [~~transferring~~] court shall certify the style and number of the case to the clerk of the transferee court [~~to which it is transferred~~] and include the papers of the case with the certification.  The [~~receiving~~] clerk of the transferee court shall promptly docket the transferred case.  The transferee [~~receiving~~] court shall dispose of the case as if it had been originally instituted in that court.

SECTION 8.  Section 24.911, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  Subchapter C applies to the Tarrant County Criminal District Court No. 2.

SECTION 9.  Section 24.912, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  Subchapter C applies to the Tarrant County Criminal District Court No. 3.

SECTION 10.  The heading to Section 24.913, Government Code, is amended to read as follows:

Sec. 24.913.  TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 4 [~~OF TARRANT COUNTY~~].

SECTION 11.  Section 24.913, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (d-1) to read as follows:

(a)  The Tarrant County Criminal Judicial District No. 4 [~~of Tarrant County~~] is composed of Tarrant County.

(d)  Subchapter C applies to the Tarrant County Criminal District Court No. 4 [~~of Tarrant County~~].

(d-1)  Section 24.910, relating to the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the Tarrant County Criminal District Court No. 4.

SECTION 12.  Sections 25.2223(a), (i), (j), (j-2), and (l), Government Code, are amended to read as follows:

(a)  A county criminal court in Tarrant County has jurisdiction over all criminal matters and causes, original and appellate, prescribed by law for county courts, but does not have civil jurisdiction. In addition to the jurisdiction provided by Section 25.0003 and other law, a county criminal court in Tarrant County has concurrent original jurisdiction of criminal cases with a district court other than felony cases involving capital murder.  The County Criminal Courts Nos. 9 [~~5~~] and 10 of Tarrant County also have concurrent jurisdiction within the county of all appeals from criminal convictions under the laws of this state and the municipal ordinances of the municipalities located in Tarrant County that are appealed from the justice courts and municipal courts in the county. [~~The County Criminal Courts Nos. 5, 7, 8, 9, and 10 of Tarrant County also have concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas.~~]

(i)  The official court reporter of a county criminal court is entitled to the same fees and salary as a district court reporter and shall perform the same duties and take the oath of office as provided by law for district court reporters.  [~~The official court reporter for the County Criminal Court No. 1 or 3 of Tarrant County is not required to take testimony in cases in which neither a party nor the judge demands it.~~]

(j)  At least two bailiffs shall be assigned regularly to each county criminal court in [~~the County Criminal Court No. 1 of Tarrant County and the County Criminal Court No. 2 of~~] Tarrant County.  Except as provided by Subsection (j-2), each judge [~~the judges~~] of a county criminal court [~~the County Criminal Courts Nos. 1 and 2 of Tarrant County~~] shall [~~each~~] appoint one officer to act as bailiff of the judge's court, and the sheriff of Tarrant County shall appoint a bailiff for each court as prescribed by law.  The bailiffs serve at the pleasure of the court and shall perform the duties required by the judge of the court to which the bailiffs are assigned.

(j-2)  The judge of a county criminal court [~~listed in Subsection (j) or (j-1)~~] may authorize the sheriff to appoint all bailiffs in the judge's court.  If the sheriff is authorized by a judge to make the judge's appointment under this subsection, the sheriff shall appoint at least two officers to act as bailiffs for the judge's court.  A bailiff appointed under this subsection serves at the pleasure of the court and shall perform the duties required by the judge of the court to which the bailiff is assigned.

(l)  The County Criminal Courts Nos. [~~Court No.~~] 5 and 6 of Tarrant County [~~and the County Criminal Court No. 6 of Tarrant County~~] shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.07(a)(2) [~~42.072~~], Penal Code.

SECTION 13.  Section 54.651, Government Code, is amended by adding Subsection (d) to read as follows:

(d)  A magistrate appointed under this subchapter may not engage in the private practice of law, as defined by Section 81.101, in Tarrant County.

SECTION 14.  Section 54.656(a), Government Code, is amended to read as follows:

(a)  A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1)  a negotiated plea of guilty or nolo contendere [~~no contest~~] and sentencing before the court;

(2)  a bond forfeiture, remittitur, and related proceedings;

(3)  a pretrial motion;

(4)  a writ of habeas corpus;

(5)  an examining trial;

(6)  an occupational driver's license;

(7)  a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8)  an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9)  a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10)  a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11)  setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12)  specialty court proceedings;

(13)  a waiver of extradition; and

(14)  any other matter the referring judge considers necessary and proper.

SECTION 15.  Section 152.2264, Human Resources Code, is amended to read as follows:

Sec. 152.2264.  TARRANT COUNTY CRIMINAL COURT ADMINISTRATOR. (a) Subject to the approval of the commissioners court, the judges of the district courts that give preference to criminal cases, the judges of the criminal district courts, and the judges of the county criminal courts of Tarrant County [~~and county courts in Tarrant County that give preference to criminal matters~~] may use the services of a criminal courts administrator.

(b)  A judge may not be subjected to a suit for, and is immune from liability for damages arising from, an act or omission committed while performing a duty under this section unless the act or omission is:

(1)  committed intentionally, wilfully, or wantonly; or

(2)  committed with:

(A)  gross negligence; [~~or~~]

(B)  conscious indifference [~~or reckless disregard~~] for the safety of others; or

(C)  reckless disregard for the safety of others.

SECTION 16.  The following provisions of the Government Code are repealed:

(1)  Section 24.910(f);

(2)  Sections 24.913(b), (c), and (e); and

(3)  Sections 25.2223(b) and (j-1).

SECTION 17.  This Act takes effect September 1, 2023.