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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.

1 (d) In addition to other jurisdiction provided by law, the
2 485th District Court has concurrent original jurisdiction with the
3 county criminal courts in Tarrant County over misdemeanor cases.

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

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

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

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

17 (e) The judge of each criminal district court or county
18 criminal court may, on motion of the judge or the criminal district
19 attorney, transfer misdemeanor cases between the courts by an order
20 entered in the minutes of the transferor ~~[transferring]~~ court. The
21 clerk of the transferor ~~[transferring]~~ court shall certify the
22 style and number of the case to the clerk of the transferee court
23 ~~[to which it is transferred]~~ and include the papers of the case with
24 the certification. The ~~[receiving]~~ clerk of the transferee court
25 shall promptly docket the transferred case. The transferee
26 ~~[receiving]~~ court shall dispose of the case as if it had been
27 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

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

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

22 (j) At least two bailiffs shall be assigned regularly to
 23 each county criminal court in [~~the County Criminal Court No. 1 of~~
 24 ~~Tarrant County and the County Criminal Court No. 2 of]~~ Tarrant
 25 County. Except as provided by Subsection (j-2), each judge [~~the~~
 26 ~~judges]~~ of a county criminal court [~~the County Criminal Courts Nos.~~
 27 ~~1 and 2 of Tarrant County]~~ shall [~~each~~] appoint one officer to act

1 as bailiff of the judge's court, and the sheriff of Tarrant County
2 shall appoint a bailiff for each court as prescribed by law. The
3 bailiffs serve at the pleasure of the court and shall perform the
4 duties required by the judge of the court to which the bailiffs are
5 assigned.

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

14 (1) The County Criminal Courts Nos. [~~Court No.~~] 5 and 6 of
15 Tarrant County [~~and the County Criminal Court No. 6 of Tarrant~~
16 ~~County~~] shall give preference to cases brought under Title 5, Penal
17 Code, involving family violence as defined by Section 71.004,
18 Family Code, and cases brought under Sections 25.07, 25.072, and
19 42.07(a)(2) [~~42.072~~], Penal Code.

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

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

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

27 (a) A judge may refer to a magistrate any criminal case or

1 matter relating to a criminal case for proceedings involving:

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

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

6 (3) a pretrial motion;

7 (4) a writ of habeas corpus;

8 (5) an examining trial;

9 (6) an occupational driver's license;

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

12 (8) an asset forfeiture hearing as provided by Chapter
13 59, Code of Criminal Procedure;

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

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

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

22 (12) specialty court proceedings;

23 (13) a waiver of extradition; and

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

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

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

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

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

14 (2) committed with:

15 (A) gross negligence; [~~or~~]

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

18 (C) reckless disregard for the safety of others.

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

21 (1) Section 24.910(f);

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

23 (3) Sections 25.2223(b) and (j-1).

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