

By: Huffman, et al.
(Smithee)

S.B. No. 1139

Substitute the following for S.B. No. 1139:

By: Smithee

C.S.S.B. No. 1139

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation and administration of and practice in
3 courts in the judicial branch of state government, the composition
4 of certain juvenile boards, and the increase of certain filing
5 fees.

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

7 ARTICLE 1. ASSOCIATE JUDGES FOR CHILD SUPPORT AND CHILD PROTECTION
8 CASES

9 SECTION 1.01. Section 201.101, Family Code, is amended by
10 amending Subsections (b) and (d) and adding Subsection (b-1) to
11 read as follows:

12 (b) If the presiding judge of an administrative judicial
13 region determines under Subsection (a) that the courts in the
14 region require the appointment of an associate judge, the presiding
15 judge shall appoint an associate judge from a list of the qualified
16 applicants who have submitted an application to the office of court
17 administration. Before making the appointment, the presiding judge
18 must provide the list to the judges of the courts from which cases
19 will be referred to the associate judge. Each judge may recommend
20 to the presiding judge the names of one or more applicants for
21 appointment. An associate judge appointed under this subsection
22 serves for a term of four years from the date the associate judge is
23 appointed and qualifies for office. The appointment of an
24 associate judge for a term does not affect the at-will employment

1 status of the associate judge. The presiding judge [~~may limit the~~
2 ~~appointment to a specified time period and~~] may terminate an
3 appointment at any time.

4 (b-1) Before reappointing an associate judge appointed
5 under Subsection (b), the presiding judge must notify each judge of
6 the courts from which cases will be referred to the associate judge
7 of the presiding judge's intent to reappoint the associate judge to
8 another term. Each judge may submit to the presiding judge a
9 recommendation on whether the associate judge should be
10 reappointed.

11 (d) [~~If the presiding judge determines that a court requires~~
12 ~~an associate judge for Title IV-D cases, the presiding judge shall~~
13 ~~appoint an associate judge for that purpose.] Except as provided
14 under Subsection (e), if an associate judge is appointed for a court
15 under this subchapter, all Title IV-D cases shall be referred to the
16 associate judge by a general order for each county issued by the
17 judge of the court for which the associate judge is appointed, or,
18 in the absence of that order, by a general order issued by the
19 presiding judge who appointed the associate judge. Referral of
20 Title IV-D cases may not be made for individual cases or case by
21 case.~~

22 SECTION 1.02. Section 201.1066, Family Code, is amended to
23 read as follows:

24 Sec. 201.1066. SUPERVISION OF ASSOCIATE JUDGES. (a) The
25 office of court administration shall assist the presiding judges
26 in:

27 (1) monitoring the associate judges' compliance with

1 job performance standards and federal and state laws and policies;

2 (2) addressing the training needs and resource
3 requirements of the associate judges;

4 (3) conducting annual performance evaluations for the
5 associate judges and other personnel appointed under this
6 subchapter based on written personnel performance standards
7 adopted by the presiding judges and performance information
8 solicited from the referring courts and other relevant persons; and

9 (4) receiving, investigating, and resolving
10 complaints about particular associate judges or the associate judge
11 program under this subchapter based on a uniform process adopted by
12 the presiding judges.

13 (b) The office of court administration shall develop
14 procedures and a written evaluation form to be used by the presiding
15 judges in conducting the annual performance evaluations under
16 Subsection (a)(3).

17 (c) Each judge of a court that refers cases to an associate
18 judge under this subchapter may submit to the presiding judge or the
19 office of court administration information on the associate judge's
20 performance during the preceding year based on a uniform process
21 adopted by the presiding judges.

22 SECTION 1.03. Section 201.201, Family Code, is amended by
23 amending Subsections (a), (b), and (d) and adding Subsection (b-1)
24 to read as follows:

25 (a) The presiding judge of each administrative judicial
26 region, after conferring with the judges of courts in the region
27 having family law jurisdiction and a child protection caseload,

1 shall determine which courts require the appointment of a full-time
2 or part-time associate judge to complete cases under Subtitle E
3 within the times specified under that subtitle.

4 (b) If the presiding judge of an administrative judicial
5 region determines under Subsection (a) that the courts in the
6 region require the appointment of an associate judge, the presiding
7 judge shall appoint an associate judge from a list of the qualified
8 applicants who have submitted an application to the office of court
9 administration. Before making the appointment, the presiding judge
10 must provide the list to the judges of the courts from which cases
11 will be referred to the associate judge. Each judge may recommend
12 to the presiding judge the names of one or more applicants for
13 appointment. An associate judge appointed under this subsection
14 serves for a term of four years from the date the associate judge is
15 appointed and qualifies for office. The appointment of an
16 associate judge for a term does not affect the at-will employment
17 status of the associate judge. The presiding judge [~~may limit the~~
18 ~~appointment to a specified period and~~ may terminate an appointment
19 at any time.

20 (b-1) Before reappointing an associate judge appointed
21 under Subsection (b), the presiding judge must notify each judge of
22 the courts from which cases will be referred to the associate judge
23 of the presiding judge's intent to reappoint the associate judge to
24 another term. Each judge may submit to the presiding judge a
25 recommendation on whether the associate judge should be
26 reappointed.

27 (d) [~~If the presiding judge determines that a court requires~~

1 ~~an associate judge, the presiding judge shall appoint an associate~~
2 ~~judge.]~~ If an associate judge is appointed for a court, all child
3 protection cases shall be referred to the associate judge by a
4 general order for each county issued by the judge of the court for
5 which the associate judge is appointed or, in the absence of that
6 order, by a general order issued by the presiding judge who
7 appointed the associate judge.

8 SECTION 1.04. Section 201.2061, Family Code, is amended to
9 read as follows:

10 Sec. 201.2061. SUPERVISION OF ASSOCIATE JUDGES. (a) The
11 office of court administration shall assist the presiding judges
12 in:

13 (1) monitoring the associate judges' compliance with
14 any applicable job performance standards, uniform practices
15 adopted by the presiding judges, and federal and state laws and
16 policies;

17 (2) addressing the training needs and resource
18 requirements of the associate judges;

19 (3) conducting annual performance evaluations for the
20 associate judges and other personnel appointed under this
21 subchapter based on written personnel performance standards
22 adopted by the presiding judges and performance information
23 solicited from the referring courts and other relevant persons; and

24 (4) receiving, investigating, and resolving
25 complaints about particular associate judges or the associate judge
26 program under this subchapter based on a uniform process adopted by
27 the presiding judges.

1 (b) The office of court administration shall develop
2 procedures and a written evaluation form to be used by the presiding
3 judges in conducting the annual performance evaluations under
4 Subsection (a)(3).

5 (c) Each judge of a court that refers cases to an associate
6 judge under this subchapter may submit to the presiding judge or the
7 office of court administration information on the associate judge's
8 performance during the preceding year based on a uniform process
9 adopted by the presiding judges.

10 SECTION 1.05. (a) The changes in law made by this article
11 apply to the appointment of an associate judge under Subchapters B
12 and C, Chapter 201, Family Code, on or after the effective date of
13 this Act.

14 (b) An associate judge serving under Subchapter B or C,
15 Chapter 201, Family Code, on the effective date of this Act is
16 subject to the changes in law made by this article on and after that
17 date. A presiding judge of an administrative judicial region who
18 appoints or reappoints associate judges under those subchapters is
19 subject to the changes in law made by this article on and after that
20 date.

21 (c) Not later than October 1, 2015, the presiding judge
22 shall either reappoint an associate judge serving under Subchapter
23 B or C, Chapter 201, Family Code, or appoint a new associate judge
24 to serve under those subchapters consistent with the changes in law
25 made by this article.

26 ARTICLE 2. DISTRICT COURTS AND DISTRICT ATTORNEYS

27 SECTION 2.01. Section [24.154\(b\)](#), Government Code, is

1 amended to read as follows:

2 (b) The terms of the 52nd District Court begin on the first
3 Mondays in January and July [~~June~~].

4 SECTION 2.02. (a) Effective January 1, 2017, Section
5 24.275, Government Code, is amended to read as follows:

6 Sec. 24.275. 216TH JUDICIAL DISTRICT (GILLESPIE[~~7~~
7 ~~KENDALL~~] AND KERR COUNTIES). The 216th Judicial District is
8 composed of Gillespie[~~7, Kendall~~] and Kerr counties.

9 (b) Effective January 1, 2017, Subchapter C, Chapter 24,
10 Government Code, is amended by adding Section 24.591 to read as
11 follows:

12 Sec. 24.591. 451ST JUDICIAL DISTRICT (KENDALL COUNTY).

13 (a) The 451st Judicial District is composed of Kendall County.

14 (b) In addition to the other jurisdiction provided by law,
15 the 451st District Court has concurrent jurisdiction with the
16 County Court of Kendall County in all civil and criminal matters
17 over which the county court would have original or appellate
18 jurisdiction, including probate matters and proceedings under
19 Subtitle C, Title 7, Health and Safety Code.

20 (c) All civil and criminal matters within the concurrent
21 jurisdiction of the county and district courts must be filed with
22 the county clerk in the county court. The county clerk serves as
23 the clerk of the district court for those matters.

24 (c) Effective January 1, 2017, Section 44.001, Government
25 Code, is amended to read as follows:

26 Sec. 44.001. ELECTION. The voters of each of the following
27 counties elect a criminal district attorney: Anderson, Austin,

1 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
2 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
3 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
4 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro,
5 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
6 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
7 Waller, Wichita, Wood, and Yoakum.

8 (d) Effective January 1, 2017, Subchapter B, Chapter 44,
9 Government Code, is amended by adding Section 44.230 to read as
10 follows:

11 Sec. 44.230. KENDALL COUNTY. (a) The criminal district
12 attorney of Kendall County must meet the following qualifications:

13 (1) be at least 30 years old;

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

16 (3) have been a resident of Kendall County for at least
17 one year before election or appointment.

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

22 (c) The criminal district attorney shall attend each term
23 and session of the district and inferior courts of Kendall County,
24 except municipal courts, held for the transaction of criminal
25 business and shall exclusively represent the state in all criminal
26 matters before those courts.

27 (d) The criminal district attorney shall represent Kendall

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

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

10 (f) The criminal district attorney is entitled to receive in
11 equal monthly installments compensation from the state equal to the
12 amount paid by the state to district attorneys. The state
13 compensation shall be paid by the comptroller as appropriated by
14 the legislature. The Commissioners Court of Kendall County shall
15 pay the criminal district attorney an additional amount so that the
16 total compensation of the criminal district attorney equals at
17 least 90 percent of the total salary paid to the judge of the 451st
18 District Court in Kendall County. The compensation paid by the
19 county shall be paid in semiweekly or bimonthly installments, as
20 determined by the commissioners court.

21 (g) The criminal district attorney or the Commissioners
22 Court of Kendall County may accept gifts and grants from any
23 individual, partnership, corporation, trust, foundation,
24 association, or governmental entity for the purpose of financing or
25 assisting effective prosecution, crime prevention or suppression,
26 rehabilitation of offenders, substance abuse education, treatment
27 and prevention, or crime victim assistance programs in Kendall

1 County. The criminal district attorney shall account for and
2 report to the commissioners court all gifts or grants accepted
3 under this subsection.

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

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

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

26 (k) The legislature may provide for additional staff
27 members to be paid from state funds if it considers supplementation

1 of the criminal district attorney's staff to be necessary.

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

5 (e) Effective January 1, 2017, Section 46.002, Government
6 Code, is amended to read as follows:

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

10 (1) the district attorneys for Kenedy and Kleberg
11 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, [~~25th,~~
12 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
13 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
14 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
15 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
16 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
17 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
18 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
19 452nd, and 506th judicial districts;

20 (2) the criminal district attorneys for the counties
21 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
22 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
23 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
24 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
25 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
26 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
27 Waller, Wichita, Wood, and Yoakum; and

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

8 (f) Effective January 1, 2017, the office of county attorney
9 of Kendall County is abolished.

10 (g) Sections [25.1321](#) and [25.1322](#), Government Code, are
11 repealed, and the County Court at Law of Kendall County is abolished
12 on the date the 451st District Court is created.

13 (h) On the date the 451st District Court is created, all
14 cases from Kendall County pending in the 216th District Court are
15 transferred to the 451st District Court. On the date the County
16 Court at Law of Kendall County is abolished, all cases pending in
17 the court are transferred to the 451st District Court. When a case
18 is transferred from one court to another as provided by this
19 section, all processes, writs, bonds, recognizances, or other
20 obligations issued from the transferring court are returnable to
21 the court to which the case is transferred as if originally issued
22 by that court. The obligees in all bonds and recognizances taken in
23 and for a court from which a case is transferred and all witnesses
24 summoned to appear in a court from which a case is transferred are
25 required to appear before the court to which a case is transferred
26 as if originally required to appear before the court to which the
27 transfer is made.

1 (i) The 451st Judicial District is created January 1, 2017.

2 SECTION 2.03. (a) Effective January 1, 2017, Subchapter C,
3 Chapter 24, Government Code, is amended by adding Section 24.584 to
4 read as follows:

5 Sec. 24.584. 440TH JUDICIAL DISTRICT (CORYELL COUNTY). The
6 440th Judicial District is composed of Coryell County.

7 (b) The 440th Judicial District is created January 1, 2017.

8 (c) Subchapter D, Chapter 74, Government Code, is amended by
9 adding Section 74.0971 to read as follows:

10 Sec. 74.0971. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR
11 CORYELL COUNTY. Notwithstanding Section 74.091(b), the local
12 administrative district judge for Coryell County is selected on the
13 basis of seniority from the district judges of the 52nd Judicial
14 District and the 440th Judicial District.

15 SECTION 2.04. (a) Subchapter C, Chapter 24, Government
16 Code, is amended by adding Section 24.590 to read as follows:

17 Sec. 24.590. 446TH JUDICIAL DISTRICT (ECTOR COUNTY). The
18 446th Judicial District is composed of Ector County.

19 (b) The 446th Judicial District is created September 1,
20 2015.

21 SECTION 2.05. (a) Effective January 1, 2016, Subchapter D,
22 Chapter 24, Government Code, is amended by adding Section 24.641 to
23 read as follows:

24 Sec. 24.641. 507TH JUDICIAL DISTRICT (HARRIS COUNTY). The
25 507th Judicial District is composed of Harris County.

26 (b) The 507th Judicial District is created January 1, 2016.

27 SECTION 2.06. (a) Subchapter D, Chapter 24, Government

1 Code, is amended by adding Sections 24.642 and 24.643 to read as
2 follows:

3 Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The
4 469th Judicial District is composed of Collin County. The 469th
5 District Court shall hear family law matters.

6 Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The
7 470th Judicial District is composed of Collin County. The 470th
8 District Court shall hear family law matters.

9 (b) The 469th and 470th Judicial Districts are created
10 September 1, 2015.

11 SECTION 2.07. (a) Subchapter D, Chapter 24, Government
12 Code, is amended by adding Section 24.644 to read as follows:

13 Sec. 24.644. 505TH JUDICIAL DISTRICT (FORT BEND COUNTY).
14 The 505th Judicial District is composed of Fort Bend County.

15 (b) The 505th Judicial District is created September 1,
16 2015.

17 SECTION 2.08. (a) Effective September 1, 2015, Section
18 [46.002](#), Government Code, is amended to read as follows:

19 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
20 applies to the state prosecuting attorney, all county prosecutors,
21 and the following state prosecutors:

22 (1) the district attorneys for Kenedy and Kleberg
23 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 25th,
24 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
25 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
26 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
27 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,

1 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
2 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
3 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
4 452nd, and 506th judicial districts;

5 (2) the criminal district attorneys for the counties
6 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
7 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
8 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
9 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
10 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
11 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
12 Waller, Wichita, Wood, and Yoakum; and

13 (3) the county attorneys performing the duties of
14 district attorneys in the counties of Andrews, Aransas, Callahan,
15 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
16 Gonzales, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion,
17 Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River,
18 Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

19 (b) Section 43.156(b), Government Code, is repealed.

20 ARTICLE 3. STATUTORY COUNTY COURTS, COUNTY ATTORNEYS, AND CERTAIN
21 COUNTY JUDGES

22 SECTION 3.01. (a) Section 25.0331(a), Government Code, is
23 amended to read as follows:

24 (a) Cameron County has the following statutory county
25 courts:

26 (1) County Court at Law No. 1 of Cameron County;

27 (2) County Court at Law No. 2 of Cameron County; ~~and~~

- (3) County Court at Law No. 3 of Cameron County;
- (4) County Court at Law No. 4 of Cameron County; and
- (5) County Court at Law No. 5 of Cameron County.

(b) Section 25.0332, Government Code, is amended by adding Subsection (b) to read as follows:

(b) The County Court at Law No. 4 of Cameron County shall give preference to probate, guardianship, and mental health matters.

(c) The County Court at Law No. 4 of Cameron County is created January 1, 2016.

(d) The County Court at Law No. 5 of Cameron County is created January 1, 2018.

SECTION 3.02. (a) Section 25.0451(a), Government Code, is amended to read as follows:

(a) Collin County has the following statutory county courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County;
- (5) County Court at Law No. 5 of Collin County; ~~and~~
- (6) County Court at Law No. 6 of Collin County; and
- (7) County Court at Law No. 7 of Collin County.

(b) The County Court at Law No. 7 of Collin County is created on the effective date of this Act.

SECTION 3.03. (a) Section 25.0811, Government Code, is amended to read as follows:

1 Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the
2 following statutory county courts:

- 3 (1) County Court at Law No. 1 of Fort Bend County;
- 4 (2) County Court at Law No. 2 of Fort Bend County;
- 5 (3) County Court at Law No. 3 of Fort Bend County;
- 6 ~~[and]~~
- 7 (4) County Court at Law No. 4 of Fort Bend County; and
- 8 (5) County Court at Law No. 5 of Fort Bend County.

9 (b) The County Court at Law No. 5 of Fort Bend County is
10 created January 1, 2016.

11 SECTION 3.04. (a) Effective January 1, 2016, Section
12 [25.1031\(b\)](#), Government Code, is amended to read as follows:

13 (b) Harris County has the following county criminal courts:

- 14 (1) County Criminal Court at Law No. 1 of Harris
15 County, Texas;
- 16 (2) County Criminal Court at Law No. 2 of Harris
17 County, Texas;
- 18 (3) County Criminal Court at Law No. 3 of Harris
19 County, Texas;
- 20 (4) County Criminal Court at Law No. 4 of Harris
21 County, Texas;
- 22 (5) County Criminal Court at Law No. 5 of Harris
23 County, Texas;
- 24 (6) County Criminal Court at Law No. 6 of Harris
25 County, Texas;
- 26 (7) County Criminal Court at Law No. 7 of Harris
27 County, Texas;

1 (8) County Criminal Court at Law No. 8 of Harris
2 County, Texas;

3 (9) County Criminal Court at Law No. 9 of Harris
4 County, Texas;

5 (10) County Criminal Court at Law No. 10 of Harris
6 County, Texas;

7 (11) County Criminal Court at Law No. 11 of Harris
8 County, Texas;

9 (12) County Criminal Court at Law No. 12 of Harris
10 County, Texas;

11 (13) County Criminal Court at Law No. 13 of Harris
12 County, Texas;

13 (14) County Criminal Court at Law No. 14 of Harris
14 County, Texas; ~~and~~

15 (15) County Criminal Court at Law No. 15 of Harris
16 County, Texas; and

17 (16) County Criminal Court at Law No. 16 of Harris
18 County, Texas.

19 (b) The County Criminal Court at Law No. 16 of Harris County
20 is created January 1, 2016.

21 SECTION 3.05. Section 25.1112(e), Government Code, is
22 amended to read as follows:

23 (e) The district clerk serves as the clerk of a county court
24 at law for all criminal and civil matters except that the county
25 clerk serves as the clerk of the county court at law in
26 [~~uncontested~~] probate and guardianship matters. [~~The county clerk~~
27 ~~shall transfer to the district clerk any contested probate and~~

1 ~~guardianship matters filed with the county clerk.]~~

2 SECTION 3.06. Section 25.2222(a), Government Code, is
3 amended to read as follows:

4 (a) A county court at law in Tarrant County has jurisdiction
5 over all civil matters and causes, original and appellate,
6 prescribed by law for county courts. The County Court at Law No. 1
7 of Tarrant County also has jurisdiction over all criminal matters
8 and causes, original and appellate, prescribed by law for county
9 courts. The County Courts at Law Nos. 2 and 3 of Tarrant County do
10 not have criminal jurisdiction. Notwithstanding any other
11 provision, a county court at law in Tarrant County has jurisdiction
12 on any appeal from a municipal court of record in Tarrant County
13 that is not an appeal of a criminal law case or proceeding.

14 SECTION 3.07. (a) Subchapter D, Chapter 25, Government
15 Code, is amended by adding Section 25.2607 to read as follows:

16 Sec. 25.2607. DESIGNATION OF ADMINISTRATIVE COUNTY FOR
17 MULTICOUNTY STATUTORY COUNTY COURTS. (a) If a statute that
18 establishes a multicounty statutory county court does not designate
19 one of the counties that compose the multicounty statutory county
20 court as the administrative county for that court, the county with
21 the greatest population of the counties composing the court at the
22 time the court is established is the administrative county for that
23 court.

24 (b) The commissioners courts of the counties that compose a
25 multicounty statutory county court may enter into an agreement to
26 provide support for the court. The administrative county for the
27 court may receive contributions from the other counties composing

1 the court to pay the operating expenses of the court.

2 (c) Except for money provided by state appropriations or
3 under an agreement under Subsection (b), the administrative county
4 shall pay out of the county's general fund the salaries,
5 compensation, and expenses incurred in operating the multicounty
6 statutory county court.

7 (d) Notwithstanding Section 25.0015, the state shall
8 annually compensate the administrative county of a multicounty
9 statutory county court in an amount equal to 100 percent of the
10 state salary of a district court judge in the county for the salary
11 of the judge of the multicounty statutory county court.

12 (e) The court fees and costs collected by the clerk of a
13 multicounty statutory county court shall be deposited in the
14 appropriate county fund as provided by law.

15 (b) Effective January 1, 2019, Section 25.2701, Government
16 Code, is amended to read as follows:

17 Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER[~~7~~
18 ~~MITCHELL~~] AND NOLAN COUNTIES). Fisher[~~7~~ ~~Mitchell~~] and Nolan
19 Counties have a multicounty statutory county court composed of
20 those counties, the 1st Multicounty Court at Law.

21 (c) Section 25.2702, Government Code, is amended by adding
22 Subsection (c-1) to read as follows:

23 (c-1) Nolan County is the administrative county for the 1st
24 Multicounty Court at Law.

25 (d) Section 25.2702(g), Government Code, is repealed.

26 SECTION 3.08. (a) Section 43.122, Government Code, is
27 amended to read as follows:

1 Sec. 43.122. 36TH JUDICIAL DISTRICT. The voters of
2 [~~Aransas and~~] San Patricio County [~~counties~~] elect a district
3 attorney for the 36th Judicial District who represents the state in
4 that district court only in that county [~~those counties~~]. In
5 addition to exercising the duties and authority conferred on
6 district attorneys by general law, the district attorney represents
7 the state in all criminal cases in the district courts in that
8 county [~~those counties~~].

9 (b) Subchapter B, Chapter 45, Government Code, is amended by
10 adding Section 45.104 to read as follows:

11 Sec. 45.104. ARANSAS COUNTY. (a) In Aransas County, the
12 county attorney of Aransas County shall perform the duties imposed
13 on and have the powers conferred on district attorneys by general
14 law.

15 (b) The county attorney of Aransas County or the
16 Commissioners Court of Aransas County may accept gifts or grants
17 from any individual, partnership, corporation, trust, foundation,
18 association, or governmental entity for the purpose of financing or
19 assisting the operation of the office of county attorney in Aransas
20 County. The county attorney shall account for and report to the
21 commissioners court all gifts or grants accepted under this
22 subsection.

23 SECTION 3.09. (a) Effective January 1, 2017, Subchapter B,
24 Chapter 45, Government Code, is amended by adding Section 45.194 to
25 read as follows:

26 Sec. 45.194. GUADALUPE COUNTY. (a) In Guadalupe County
27 the county attorney of Guadalupe County shall perform the duties

1 imposed on and have the powers conferred on district attorneys by
2 general law and is entitled to be compensated by the state in the
3 manner and amount set by general law relating to the salary paid to
4 district attorneys by the state.

5 (b) The county attorney of Guadalupe County or the
6 Commissioners Court of Guadalupe County may accept gifts or grants
7 from any individual, partnership, corporation, trust, foundation,
8 association, or governmental entity for the purpose of financing or
9 assisting the operation of the office of county attorney in
10 Guadalupe County. The county attorney shall account for and report
11 to the commissioners court all gifts or grants accepted under this
12 subsection.

13 (b) Effective January 1, 2017, Section 43.112, Government
14 Code, as amended by Chapters 644 (H.B. 717) and 872 (H.B. 696), Acts
15 of the 83rd Legislature, Regular Session, 2013, is repealed.

16 (c) On January 1, 2017, the office of district attorney for
17 the 25th Judicial District is abolished.

18 ARTICLE 4. ELECTRONIC FILING

19 SECTION 4.01. Section 51.851(b), Government Code, is
20 amended to read as follows:

21 (b) In addition to other fees authorized or required by law,
22 the clerk of the supreme court, a court of appeals, a district
23 court, a county court, a statutory county court, or a statutory
24 probate court shall collect a \$30 [~~\$20~~] fee on the filing of any
25 civil action or proceeding requiring a filing fee, including an
26 appeal, and on the filing of any counterclaim, cross-action,
27 intervention, interpleader, or third-party action requiring a

1 filing fee to be used as provided by Section 51.852.

2 SECTION 4.02. Section 51.607, Government Code, does not
3 apply to the imposition of a fee assessed under Section 51.851(b),
4 Government Code, as amended by this article.

5 SECTION 4.03. The change in law made by amending Section
6 51.851(b), Government Code, applies only to a fee that becomes
7 payable on or after September 1, 2015. A fee that becomes payable
8 before that date is governed by the law in effect when the fee
9 became payable, and the former law is continued in effect for that
10 purpose.

11 ARTICLE 5. BAILIFFS

12 SECTION 5.01. Chapter 53, Government Code, is amended by
13 adding Subchapter G to read as follows:

14 SUBCHAPTER G. BAILIFFS FOR COUNTY COURTS AT LAW

15 IN TARRANT COUNTY

16 Sec. 53.101. ASSIGNMENT OF BAILIFF. At least one bailiff
17 shall be assigned regularly to each county court at law of Tarrant
18 County.

19 Sec. 53.102. OFFICE OF BAILIFF; APPOINTMENT. (a) The
20 judge of each county court at law of Tarrant County may appoint one
21 person to serve as bailiff of that court.

22 (b) The bailiff is an officer of the court and performs the
23 duties of the office under the direction and supervision of the
24 judge of the court.

25 Sec. 53.103. TERM OF OFFICE. The bailiff holds office at
26 the will of the judge of the court served by the bailiff.

27 Sec. 53.104. DUTIES. A bailiff shall perform the duties

1 imposed on bailiffs under the general laws of this state and the
2 other duties required by the judge of the court served.

3 Sec. 53.105. ASSIGNMENT OF BAILIFF BY SHERIFF. (a) If the
4 judge of a county court at law of Tarrant County does not appoint a
5 person to serve as bailiff under Section 53.102, the sheriff of
6 Tarrant County shall assign a bailiff for the court on written
7 request of the judge.

8 (b) A bailiff assigned by the sheriff serves at the pleasure
9 of the court to which the bailiff is assigned and shall perform the
10 duties required by the judge of the court.

11 (c) On request of the judge of a county court at law, the
12 sheriff shall immediately assign a bailiff to the court served by
13 the judge to fill a temporary absence of the appointed or assigned
14 bailiff.

15 Sec. 53.106. COMPENSATION. A bailiff appointed by the
16 judge of a county court at law of Tarrant County shall be
17 compensated out of the general fund of the county in an amount to be
18 set by the Commissioners Court of Tarrant County.

19 SECTION 5.02. Chapter 53, Government Code, is amended by
20 adding Subchapter H to read as follows:

21 SUBCHAPTER H. BAILIFFS FOR FAMILY DISTRICT COURTS IN TARRANT
22 COUNTY

23 Sec. 53.121. OFFICE OF BAILIFF. The judges of the 231st,
24 233rd, 322nd, 323rd, 324th, 325th, and 360th district courts may
25 appoint one person to serve as bailiff of that court and one person
26 to serve as bailiff for the district court served by an associate
27 judge of that district court. A bailiff is an officer of the court

1 and performs the duties of the office under the direction and
2 supervision of the judge of the court.

3 Sec. 53.122. APPOINTMENT. An order signed by the
4 appointing judge and entered on the minutes of the court is evidence
5 of appointment of a bailiff. The judge shall give written notice to
6 the commissioners court and each constable of Tarrant County of the
7 appointment and date employed.

8 Sec. 53.123. QUALIFICATIONS. A bailiff must be a citizen of
9 the United States and must be 18 years of age or older.

10 Sec. 53.124. BAILIFF AS DEPUTY. On written notice of the
11 appointment from the judge, a constable of the county may deputize
12 the bailiff in addition to other deputies authorized by law.

13 Sec. 53.125. OATH. The following oath must be administered
14 by the appointing judge to the bailiff appointed under this
15 subchapter: "I solemnly swear that I will perform faithfully and
16 impartially all duties required of me and required by law so help me
17 God."

18 Sec. 53.126. TERM OF OFFICE. The bailiff holds office at
19 the will of the judge of the court served by the bailiff.

20 Sec. 53.127. DUTIES. A bailiff shall perform the duties
21 imposed on bailiffs under the general laws of this state and the
22 other duties required by the judge of the court served.

23 Sec. 53.128. COMPENSATION. The bailiff shall be
24 compensated out of the general fund of the county in an amount to be
25 set by the Commissioners Court of Tarrant County.

1 ARTICLE 6. CERTAIN CRIMINAL LAW MAGISTRATE COURTS, CERTAIN

2 CRIMINAL LAW HEARING OFFICERS, AND A JUVENILE BOARD

3 SECTION 6.01. (a) Section 54.732, Government Code, is
4 amended to read as follows:

5 Sec. 54.732. CREATION. The El Paso Criminal Law Magistrate
6 Court is a court having the jurisdiction provided by this
7 subchapter over offenses allegedly committed in El Paso County
8 [~~except for that portion of the county in the corporate limits of~~
9 ~~Vinton, Texas~~].

10 (b) Section 54.733, Government Code, is amended by adding
11 Subsection (j) to read as follows:

12 (j) The criminal law magistrate court has concurrent
13 criminal jurisdiction with the justice courts located in El Paso
14 County.

15 (c) Section 54.735, Government Code, is amended to read as
16 follows:

17 Sec. 54.735. POWERS AND DUTIES. (a) The criminal law
18 magistrate court or a judge of the criminal law magistrate court may
19 issue writs of injunction and all other writs necessary for the
20 enforcement of the jurisdiction of the court and may issue
21 misdemeanor writs of habeas corpus in cases in which the offense
22 charged is within the jurisdiction of the court or of any other
23 court of inferior jurisdiction in the county. The court and the
24 judge may punish for contempt as provided by law for district
25 courts. A judge of the criminal law magistrate court has all other
26 powers, duties, immunities, and privileges provided by law for:

27 (1) justices of the peace when acting in a Class C

1 misdemeanor case;

2 (2) county court judges when acting in a Class A or
3 Class B misdemeanor case; and

4 (3) [~~for~~] district court judges when acting in a
5 felony case.

6 **(b)** A judge of the criminal law magistrate court may hold an
7 indigency hearing and a capias pro fine hearing. When acting as the
8 judge who issued the capias pro fine, a judge of the criminal law
9 magistrate court may make all findings of fact and conclusions of
10 law required of the judge who issued the capias pro fine. In
11 conducting a hearing under this subsection, the judge of the
12 criminal law magistrate court is empowered to make all findings of
13 fact and conclusions of law and to issue all orders necessary to
14 properly dispose of the capias pro fine or indigency hearing in
15 accordance with the provisions of the Code of Criminal Procedure
16 applicable to a misdemeanor or felony case of the same type and
17 level.

18 (d) Section 54.736(b), Government Code, is amended to read
19 as follows:

20 (b) The council of judges shall ensure that the criminal law
21 magistrate court gives preference to magistrate duties, as those
22 duties apply to the county jail inmate population first and then to
23 newly detained individuals, until the commissioners court provides
24 funds for more than one judge to sit on the criminal law magistrate
25 court.

26 (e) Section 54.737(c), Government Code, is amended to read
27 as follows:

1 (c) The rules must provide that~~+~~

2 [~~(1) a criminal law magistrate judge may not, on a~~
3 ~~regular basis, hold court or perform magistrate duties after 7 p.m.~~
4 ~~or before 7 a.m.; and~~

5 [~~(2)~~] a criminal law magistrate judge may only release
6 a defendant under Article 17.031, Code of Criminal Procedure, under
7 guidelines established by the council of judges.

8 (f) Sections 54.738(a) and (c), Government Code, are
9 amended to read as follows:

10 (a) Except as provided by Subsection (b) or local
11 administrative rules, the local administrative judge or a judge of
12 the criminal law magistrate court may transfer between courts a
13 case that is pending in the court of any magistrate in the criminal
14 law magistrate court's jurisdiction if the case is:

15 (1) an [any] unindicted felony case;

16 (2) a[7] Class A [~~misdemeanor case,~~] or Class B
17 misdemeanor case if an information has not been filed; or

18 (3) a Class C misdemeanor [and if the] case [is pending
19 in the court of any magistrate in the criminal law magistrate
20 court's jurisdiction].

21 (c) Except as provided by Subsection (d) or local
22 administrative rules, the local administrative judge may assign a
23 judge on the council of judges, a judge of the criminal law
24 magistrate court, a retired judge, or any other magistrate to act as
25 presiding judge in a case that is pending in the court of any
26 magistrate in the criminal law magistrate court's jurisdiction if
27 the case is:

- 1 (1) an [any] unindicted felony case;
2 (2) a[,] Class A [misdemeanor case,] or Class B
3 misdemeanor case if an information has not been filed; or
4 (3) a Class C misdemeanor [and if the] case [is pending
5 in the court of any magistrate in the criminal law magistrate
6 court's jurisdiction].

7 (g) Section 54.739(d), Government Code, is amended to read
8 as follows:

9 (d) A case assigned under this subchapter to the criminal
10 law magistrate court from a district court, [or] a county court at
11 law, or a justice court remains on the docket of the assigning court
12 and in the assigning court's jurisdiction.

13 (h) Section 54.741, Government Code, is amended to read as
14 follows:

15 Sec. 54.741. FORFEITURES. Bail bonds and personal bonds
16 may be forfeited by the criminal law magistrate court in the manner
17 provided by Chapter 22, Code of Criminal Procedure, and those
18 forfeitures shall be filed with:

19 (1) the district clerk if associated with a felony
20 case;

21 (2) [, except in cases in which] the county clerk if
22 associated with a Class A or Class B misdemeanor case; or

23 (3) the same justice court clerk associated with the
24 Class C misdemeanor case in which the bond was originally filed [is
25 the clerk under this subchapter].

26 (i) Section 54.742, Government Code, is amended by adding
27 Subsection (c) to read as follows:

1 (c) When a justice clerk is the clerk under this subchapter,
2 the justice clerk shall charge the same court costs for cases filed
3 in, transferred to, or assigned to the criminal law magistrate
4 court that are charged in the justice courts.

5 (j) Section 54.744, Government Code, is amended to read as
6 follows:

7 Sec. 54.744. JUDGES ON EL PASO COUNCIL OF JUDGES. Unless
8 the local rules of administration provide otherwise, the judges on
9 the El Paso Council of Judges and the judges on the criminal law
10 magistrate court may sit and act for any magistrate in El Paso
11 County on any unindicted felony or Class A or B misdemeanor case if
12 an information has not been filed or any Class C misdemeanor case
13 filed in a justice court.

14 (k) Section 54.745(a), Government Code, is amended to read
15 as follows:

16 (a) As a condition for a defendant to enter any pretrial
17 diversion program, including a behavioral modification program, a
18 health care program, a specialty court program, or the functional
19 equivalent that may be operated in El Paso County by El Paso County,
20 Emergence Health Network, the City of El Paso, the West Texas
21 Regional Adult Probation Department, a community partner approved
22 by the council of judges, or a county or district attorney of El
23 Paso County, a defendant must file in the court in which the charges
24 are pending a sworn waiver of speedy trial motion requesting the
25 court to approve without a hearing defendant's waiver of his speedy
26 trial rights under the constitution and other law. If the court
27 approves the waiver, the defendant is eligible for consideration

1 for acceptance into a pretrial diversion program or equivalent
2 program.

3 (1) Sections 54.746(d) and (e), Government Code, are
4 amended to read as follows:

5 (d) A judge of a county court at law in El Paso County shall
6 exercise jurisdiction granted by Subsection (a) over felony
7 indictments and felony informations and justice court cases
8 [~~information~~] only as a judge presiding for the court in which the
9 felony or Class C misdemeanor is pending and only if the El Paso
10 Council of Judges has so provided in the local administrative rules
11 by a unanimous vote. The exercise of this jurisdiction outside El
12 Paso County is as provided by Chapter 74 and other law.

13 (e) A judge of a district court in El Paso County shall
14 exercise jurisdiction granted by Subsection (a) over misdemeanor
15 information and justice court cases only as a judge presiding for
16 the court in which the misdemeanor is pending and only if the
17 council of judges has so provided in the local administrative rules
18 by a unanimous vote. The exercise of this jurisdiction outside El
19 Paso County is as provided by the Court Administration Act (Chapter
20 74) and other law.

21 (m) Section 54.750, Government Code, is amended by adding
22 Subsection (d) to read as follows:

23 (d) When conducting a capias pro fine hearing for any court,
24 the criminal law magistrate court acts in the same capacity and with
25 the same authority as the judge who issued the capias pro fine.

26 (n) Sections 54.753(a) and (b), Government Code, are
27 amended to read as follows:

1 (a) The district clerk serves as clerk of the criminal law
2 magistrate court, except that:

3 (1) after a Class A or Class B misdemeanor information
4 is filed in the county court at law and assigned to the criminal law
5 magistrate court, the county clerk serves as clerk for that
6 misdemeanor case; and

7 (2) after a Class C misdemeanor is filed in a justice
8 court and assigned to the criminal law magistrate court, the
9 originating justice court clerk serves as clerk for that
10 misdemeanor case.

11 (b) The district clerk shall establish a docket and keep the
12 minutes for the cases filed in or transferred to the criminal law
13 magistrate court. The district clerk shall perform any other
14 duties that local administrative rules require in connection with
15 the implementation of this subchapter. The local administrative
16 judge shall ensure that the duties required under this subsection
17 are performed. To facilitate the duties associated with serving as
18 the clerk of the criminal law magistrate court, the district clerk
19 and the deputies of the district clerk may serve as deputy justice
20 clerks and deputy county clerks at the discretion of the district
21 clerk.

22 (o) Section 54.759, Government Code, is amended to read as
23 follows:

24 Sec. 54.759. LOCATION OF COURT. (a) The criminal law
25 magistrate court may be held at one or more locations [~~the location~~
26 ~~that is~~] provided by the local administrative rules or ordered by
27 the local administrative judge.

1 (b) A defendant may be brought before the court in person or
2 by means of an electronic broadcast system through which an image of
3 the defendant is presented to the court. For purposes of this
4 subsection, "electronic broadcast system" means a two-way
5 electronic communication of image and sound between the defendant
6 and the court.

7 SECTION 6.02. (a) Section 54.1356(a), Government Code, is
8 amended to read as follows:

9 (a) A criminal law hearing officer appointed under this
10 subchapter has limited concurrent jurisdiction over criminal cases
11 filed in the district courts, statutory county courts, and justice
12 courts of the county. The jurisdiction of the criminal law hearing
13 officer is limited to:

14 (1) determining probable cause for further detention
15 of any person detained on a criminal complaint, information, or
16 indictment filed in the district courts, statutory county courts,
17 or justice courts of the county;

18 (2) committing the defendant to jail, discharging the
19 defendant from custody, or admitting the defendant to bail, as the
20 law and facts of the case require;

21 (3) issuing search warrants and arrest warrants as
22 provided by law for magistrates;

23 (4) as to criminal cases filed in justice courts,
24 disposing of cases as provided by law, other than by trial, and
25 collecting fines and enforcing judgments and orders of the justice
26 courts in criminal cases;

27 (5) hearing, considering, and ruling on writs of

1 habeas corpus filed under Article 17.151, Code of Criminal
2 Procedure; ~~and~~

3 (6) on motion of the district attorney:

4 (A) dismissing a criminal case when the arresting
5 agency has not timely filed the offense report with the district
6 attorney; and

7 (B) reducing the amount of bond on prisoners held
8 at the county jail whose cases have not been filed in a district
9 court or a statutory county court; and

10 (7) presiding over an extradition proceeding under
11 Article 51.13, Code of Criminal Procedure.

12 (b) Section 54.1358, Government Code, is amended by adding
13 Subsections (f) and (g) to read as follows:

14 (f) In accordance with Article 26.13, Code of Criminal
15 Procedure, a criminal law hearing officer may accept a plea of
16 guilty or nolo contendere.

17 (g) A criminal law hearing officer may determine whether a
18 defendant is indigent and appoint counsel for an indigent
19 defendant.

20 (c) Subchapter BB, Chapter 54, Government Code, is amended
21 by adding Section 54.1362 to read as follows:

22 Sec. 54.1362. PROCEEDINGS THAT MAY BE REFERRED. A district
23 judge or a county court at law judge may refer to a criminal law
24 hearing officer any criminal case for proceedings involving:

25 (1) a bond forfeiture;

26 (2) the arraignment of defendants;

27 (3) the determination of whether a defendant is

1 indigent and the appointment of counsel for an indigent defendant;
2 and

3 (4) a negotiated plea of guilty or nolo contendere
4 before the court, in accordance with Article 26.13, Code of
5 Criminal Procedure.

6 SECTION 6.03. Section 152.0131(a), Human Resources Code, is
7 amended to read as follows:

8 (a) The juvenile board of Atascosa County is composed of the
9 county judge, ~~and~~ the district judges in Atascosa County, and the
10 judge of the County Court at Law of Atascosa County.

11 ARTICLE 7. TEMPORARY JUSTICES IN CERTAIN JUSTICE PRECINCTS

12 SECTION 7.01. Section 27.055, Government Code, is amended
13 by adding Subsection (g) to read as follows:

14 (g) This subsection applies to a county with a population
15 of at least 120,000 but not more than 130,000, with territory less
16 than 940 square miles that includes a state park, and with not more
17 than two justice precincts provided that at least one of the
18 precincts contains all or part of a municipality with a population
19 of at least 190,000 but not more than 200,000. The county judge of a
20 county to which this subsection applies may appoint a qualified
21 person to serve as a temporary justice of the peace for the precinct
22 within which a municipality or part of a municipality is located to
23 hold court and perform the duties of the justice when necessary to
24 dispose of accumulated business in the precinct.

25 ARTICLE 8. TELEPHONE INTERPRETER SERVICES IN CRIMINAL PROCEEDING

26 SECTION 8.01. Article 38.30(a-1), Code of Criminal
27 Procedure, is amended to read as follows:

1 (a-1) A qualified telephone interpreter may be sworn to
2 interpret for the person in any criminal [~~the trial of a Class C~~
3 ~~misdemeanor or a~~] proceeding before a judge or magistrate if an
4 interpreter is not available to appear in person at the proceeding
5 [~~before the court~~] or if the only available interpreter is not
6 considered to possess adequate interpreting skills for the
7 particular situation or is unfamiliar with the use of slang. In
8 this subsection, "qualified telephone interpreter" means a
9 telephone service that employs:

10 (1) licensed court interpreters as defined by Section
11 [157.001](#), Government Code; or

12 (2) federally certified court interpreters.

13 ARTICLE 9. COURTS AUTHORIZED TO HEAR MATTERS RELATED TO CAPIAS PRO

14 FINE

15 SECTION 9.01. Article [43.05](#), Code of Criminal Procedure, is
16 amended by adding Subsection (c) to read as follows:

17 (c) If the court that issued the capias pro fine is
18 unavailable, the arresting officer may take the defendant to one of
19 the following locations in lieu of placing the defendant in jail:

20 (1) if the court that issued the capias pro fine was a
21 county court or a statutory county court with Class A and Class B
22 misdemeanor jurisdiction, to another court in the same county with
23 concurrent jurisdiction over Class A and Class B misdemeanors or to
24 a county criminal law magistrate in the same county; or

25 (2) if the court that issued the capias pro fine was a
26 district court with felony jurisdiction, to another court in the
27 same county with concurrent jurisdiction over felony cases or to a

1 county criminal law magistrate in the same county.

2 SECTION 9.02. Article 45.045, Code of Criminal Procedure,
3 is amended by adding Subsection (a-1) to read as follows:

4 (a-1) If the court that issued the capias pro fine is
5 unavailable, the arresting officer may take the defendant to one of
6 the following locations in lieu of placing the defendant in jail:

7 (1) if the court that issued the capias pro fine was a
8 justice of the peace, to a justice of the peace or county criminal
9 law magistrate court with jurisdiction over Class C misdemeanors
10 that is located within the same county; or

11 (2) if the court that issued the capias pro fine was a
12 municipal court, to a municipal court judge that is located within
13 the same city.

14 SECTION 9.03. Article 45.046, Code of Criminal Procedure,
15 is amended by adding Subsection (d) to read as follows:

16 (d) For purposes of a hearing described by Subsection (a),
17 if the court that issued the capias pro fine is unavailable, the
18 following judicial officers may conduct the hearing:

19 (1) if the court that issued the capias pro fine was a
20 justice of the peace, a justice of the peace or a county criminal
21 law magistrate with jurisdiction over Class C misdemeanors that is
22 located within the same county as the issuing court; or

23 (2) if the court that issued the capias pro fine was a
24 municipal court, a municipal court judge that is located within the
25 same city as the issuing municipal court.

26 ARTICLE 10. EFFECTIVE DATE

27 SECTION 10.01. Except as otherwise provided by this Act,

C.S.S.B. No. 1139

1 this Act takes effect September 1, 2015.