

By: Huffman  
(Smithee)

S.B. No. 1329

Substitute the following for S.B. No. 1329:

By: Smithee

C.S.S.B. No. 1329

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the operation and administration of and practice in  
3 courts in the judicial branch of state government; increasing a  
4 fee.

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

6 ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES

7 SECTION 1.01. Section 101.034, Family Code, as effective  
8 until September 1, 2018, is amended to read as follows:

9 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
10 action in which services are provided by the Title IV-D agency under  
11 Part D, Title IV, of the federal Social Security Act (42 U.S.C.  
12 Section 651 et seq.), relating to the location of an absent parent,  
13 determination of parentage, or establishment, modification, or  
14 enforcement of a child support or medical support obligation,  
15 including a suit for modification filed by the Title IV-D agency  
16 under Section 231.101(d) and any other action relating to the  
17 services that the Title IV-D agency is required or authorized to  
18 provide under Section 231.101.

19 SECTION 1.02. Section 101.034, Family Code, as effective on  
20 September 1, 2018, is amended to read as follows:

21 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
22 action in which services are provided by the Title IV-D agency under  
23 Part D, Title IV, of the federal Social Security Act (42 U.S.C.  
24 Section 651 et seq.), relating to the location of an absent parent,

1 determination of parentage, or establishment, modification, or  
2 enforcement of a child support, medical support, or dental support  
3 obligation, including a suit for modification filed by the Title  
4 IV-D agency under Section 231.101(d) and any other action relating  
5 to the services that the Title IV-D agency is required or authorized  
6 to provide under Section 231.101.

7 SECTION 1.03. (a) Section 201.007, Family Code, is amended  
8 by amending Subsections (a) and (c) and adding Subsection (e) to  
9 read as follows:

10 (a) Except as limited by an order of referral, an associate  
11 judge may:

- 12 (1) conduct a hearing;
- 13 (2) hear evidence;
- 14 (3) compel production of relevant evidence;
- 15 (4) rule on the admissibility of evidence;
- 16 (5) issue a summons for:
  - 17 (A) the appearance of witnesses; and
  - 18 (B) the appearance of a parent who has failed to
- 19 appear before an agency authorized to conduct an investigation of
- 20 an allegation of abuse or neglect of a child after receiving proper
- 21 notice;
- 22 (6) examine a witness;
- 23 (7) swear a witness for a hearing;
- 24 (8) make findings of fact on evidence;
- 25 (9) formulate conclusions of law;
- 26 (10) recommend an order to be rendered in a case;
- 27 (11) regulate all proceedings in a hearing before the

1 associate judge;

2 (12) order the attachment of a witness or party who  
3 fails to obey a subpoena;

4 (13) order the detention of a witness or party found  
5 guilty of contempt, pending approval by the referring court as  
6 provided by Section 201.013;

7 (14) without prejudice to the right to a de novo  
8 hearing before the referring court [~~of appeal~~] under Section  
9 201.015 and subject to Subsection (c), render and sign:

10 (A) a final order agreed to in writing as to both  
11 form and substance by all parties;

12 (B) a final default order;

13 (C) a temporary order; or

14 (D) a final order in a case in which a party files  
15 an unrevoked waiver made in accordance with Rule 119, Texas Rules of  
16 Civil Procedure, that waives notice to the party of the final  
17 hearing or waives the party's appearance at the final hearing;

18 (15) take action as necessary and proper for the  
19 efficient performance of the associate judge's duties; and

20 (16) render and sign a final order if the parties waive  
21 [that includes a waiver of] the right to a de novo hearing before  
22 the referring court under [~~of appeal pursuant to~~] Section 201.015  
23 in writing before the start of a hearing conducted by the associate  
24 judge.

25 (c) A final order described by Subsection (a)(14) becomes  
26 final after the expiration of the period described by Section  
27 201.015(a) if a party does not request a de novo hearing in

1 accordance with that section. An order described by Subsection  
2 (a)(14) or (16) that is rendered and signed by an associate judge  
3 constitutes an order of the referring court.

4 (e) An order signed before May 1, 2017, by an associate  
5 judge under Subsection (a)(16) is a final order rendered as of the  
6 date the order was signed.

7 (b) Section 201.013(b), Family Code, is amended to read as  
8 follows:

9 (b) Except as provided by Section 201.007(c), if a request  
10 for a de novo hearing before the referring court is not timely filed  
11 [~~or the right to a de novo hearing before the referring court is~~  
12 ~~waived~~], the proposed order or judgment of the associate judge  
13 becomes the order or judgment of the referring court only on the  
14 referring court's signing the proposed order or judgment.

15 (c) Section 201.014(a), Family Code, is amended to read as  
16 follows:

17 (a) Except as otherwise provided in this subchapter, unless  
18 [~~Unless~~] a party files a written request for a de novo hearing  
19 before the referring court, the referring court may:

20 (1) adopt, modify, or reject the associate judge's  
21 proposed order or judgment;

22 (2) hear further evidence; or

23 (3) recommit the matter to the associate judge for  
24 further proceedings.

25 (d) Section 201.016(c), Family Code, is amended to read as  
26 follows:

27 (c) The date an agreed order, or [~~or~~] a default order, or a

1 final order described by Section 201.007(a)(16) is signed by an  
2 associate judge is the controlling date for the purpose of an appeal  
3 to, or a request for other relief relating to the order from, a  
4 court of appeals or the supreme court.

5 (e) The change in law made by this section to Section  
6 201.007(a), Family Code, applies only to a final order signed by an  
7 associate judge on or after the effective date of this Act.

8 (f) Notwithstanding Subsection (a) of this section, Section  
9 201.007(e), Family Code, as added by this Act, applies to an order  
10 signed by an associate judge under Section 201.007(a)(16), Family  
11 Code, before May 1, 2017. The legislature ratifies such an order.

12 SECTION 1.04. Section 201.204, Family Code, is amended by  
13 adding Subsection (d) to read as follows:

14 (d) An associate judge may hear and render an order in a suit  
15 for the adoption of a child for whom the Texas Department of Family  
16 and Protective Services has been named managing conservator.

17 ARTICLE 2. DISTRICT COURTS

18 SECTION 2.01. (a) Effective September 1, 2018, Subchapter  
19 C, Chapter 24, Government Code, is amended by adding Section 24.597  
20 to read as follows:

21 Sec. 24.597. 453RD JUDICIAL DISTRICT (HAYS COUNTY). The  
22 453rd Judicial District is composed of Hays County.

23 (b) The 453rd Judicial District is created on September 1,  
24 2018.

25 SECTION 2.02. (a) Subchapter C, Chapter 24, Government  
26 Code, is amended by adding Section 24.6002 to read as follows:

27 Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY).

1 The 458th Judicial District is composed of Fort Bend County.

2 (b) The 458th Judicial District is created on September 1,  
3 2017.

4 SECTION 2.03. (a) Effective October 1, 2017, Subchapter C,  
5 Chapter 24, Government Code, is amended by adding Section 24.6003  
6 to read as follows:

7 Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)  
8 The 459th Judicial District is composed of Travis County.

9 (b) The 459th District Court shall give preference to civil  
10 matters.

11 (b) The 459th Judicial District is created on October 1,  
12 2017.

13 SECTION 2.04. (a) Effective October 1, 2019, Subchapter C,  
14 Chapter 24, Government Code, is amended by adding Section 24.6004  
15 to read as follows:

16 Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)  
17 The 460th Judicial District is composed of Travis County.

18 (b) The 460th District Court shall give preference to  
19 criminal matters.

20 (b) The 460th Judicial District is created on October 1,  
21 2019.

22 SECTION 2.05. (a) Effective January 1, 2019, Subchapter C,  
23 Chapter 24, Government Code, is amended by adding Section 24.6006  
24 to read as follows:

25 Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The  
26 462nd Judicial District is composed of Denton County.

27 (b) The 462nd Judicial District is created on January 1,

1 2019.

2 SECTION 2.06. (a) Effective January 1, 2019, Subchapter C,  
3 Chapter 24, Government Code, is amended by adding Section 24.6008  
4 to read as follows:

5 Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY).

6 The 464th Judicial District is composed of Hidalgo County.

7 (b) The 464th Judicial District is created on January 1,  
8 2019.

9 ARTICLE 3. STATUTORY COUNTY COURTS

10 SECTION 3.01. Effective January 1, 2019, Section 25.0634,  
11 Government Code, is amended by amending Subsection (b) and adding  
12 Subsection (c) to read as follows:

13 (b) Except as provided by Subsection (c), a [A] county  
14 criminal court has no jurisdiction over civil, civil appellate,  
15 probate, or mental health matters.

16 (c) The County Criminal Court No. 4 of Denton County has  
17 jurisdiction over mental health matters.

18 SECTION 3.02. (a) Effective January 1, 2018, Section  
19 25.0811, Government Code, is amended to read as follows:

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

- 22 (1) County Court at Law No. 1 of Fort Bend County;
- 23 (2) County Court at Law No. 2 of Fort Bend County;
- 24 (3) County Court at Law No. 3 of Fort Bend County;
- 25 (4) County Court at Law No. 4 of Fort Bend County;

26 [~~and~~]

- 27 (5) County Court at Law No. 5 of Fort Bend County; and

1           (6) County Court at Law No. 6 of Fort Bend County.

2           (b) The County Court at Law No. 6 of Fort Bend County is  
3 created on January 1, 2018.

4           SECTION 3.03. (a) Effective October 1, 2017, Subchapter C,  
5 Chapter 25, Government Code, is amended by adding Sections 25.0951  
6 and 25.0952 to read as follows:

7           Sec. 25.0951. GRIMES COUNTY. Grimes County has one  
8 statutory county court, the County Court at Law of Grimes County.

9           Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS. (a)  
10 In addition to the jurisdiction provided by Section 25.0003 and  
11 other law, a county court at law in Grimes County has concurrent  
12 jurisdiction with the district court in family law cases and  
13 proceedings.

14           (b) The judge of the county court at law shall be paid an  
15 annual salary set by the commissioners court in an amount that is at  
16 least equal to the amount that is \$1,000 less than the total annual  
17 salary, including contributions and supplements, received by a  
18 district judge in the county. The salary shall be paid by the  
19 county treasurer by order of the commissioners court.

20           (c) The judge of the county court at law is entitled to  
21 travel expenses and necessary office expenses, including  
22 administrative and clerical assistance, in the same manner as the  
23 district judge.

24           (d) The judge of a county court at law may not engage in the  
25 private practice of law.

26           (e) The district clerk serves as clerk of a county court at  
27 law for family cases and proceedings, and the county clerk serves as



1 clerk for all other cases. The commissioners court may employ as  
2 many deputy sheriffs and bailiffs as are necessary to serve the  
3 court.

4 (f) If a case or proceeding in which a county court at law  
5 has concurrent jurisdiction with a district court is tried before a  
6 jury, the jury shall be composed of 12 members. In all other cases,  
7 the jury shall be composed of six members.

8 (g) The judge of a county court at law may, instead of  
9 appointing an official court reporter, contract for the services of  
10 a court reporter under guidelines established by the commissioners  
11 court.

12 (h) The laws governing the drawing, selection, service, and  
13 pay of jurors for county courts apply to a county court at law.  
14 Jurors regularly impaneled for a week by the district court may, on  
15 a request of a judge of the county court at law, be made available  
16 and shall serve for the week in a county court at law.

17 (i) A county court at law has the same terms of court as a  
18 district court in Grimes County.

19 (b) The County Court at Law of Grimes County is created on  
20 October 1, 2017.

21 SECTION 3.04. (a) Effective October 1, 2018, Section  
22 [25.1071](#), Government Code, is amended to read as follows:

23 Sec. 25.1071. HAYS COUNTY. Hays County has the following  
24 statutory county courts:

- 25 (1) the County Court at Law No. 1 of Hays County; ~~and~~  
26 (2) the County Court at Law No. 2 of Hays County; and  
27 (3) the County Court at Law No. 3 of Hays County.

1 (b) The County Court at Law No. 3 of Hays County is created  
2 on October 1, 2018.

3 SECTION 3.05. Sections 25.2382(a), (g), (h), and (k),  
4 Government Code, are amended to read as follows:

5 (a) In addition to the jurisdiction provided by Section  
6 25.0003 and other law, a county court at law in Walker County has  
7 concurrent jurisdiction with the district court in[+

8 [~~(1)~~] family law cases and proceedings[~~+~~ and

9 [~~(2)~~ cases and proceedings involving justiciable  
10 controversies and differences between spouses, between parents, or  
11 between parent and child, or between any of these and third  
12 persons].

13 (g) The district clerk serves as clerk of a county court at  
14 law in family law cases and proceedings [~~the cases enumerated in~~  
15 ~~Subsections (a)(2)(B) and (C)~~], and the county clerk serves as  
16 clerk of the court in all other matters. The commissioners court  
17 may employ as many deputy sheriffs and bailiffs as are necessary to  
18 serve a county court at law.

19 (h) The judge of a county court at law shall set the [~~may,~~  
20 ~~instead of appointing an~~] official court reporter's salary at an  
21 amount that does not exceed the salary of an official court reporter  
22 for a district court [~~reporter, contract for the services of a court~~  
23 ~~reporter under guidelines established by the commissioners court~~].

24 (k) All cases appealed from the justice courts and other  
25 courts of inferior jurisdiction in the county shall be made  
26 directly [~~direct~~] to a county court at law, unless otherwise  
27 provided by law.

1 SECTION 3.06. Section 25.2382(e), Government Code, is  
2 repealed.

3 ARTICLE 4. JUDICIAL OATHS

4 SECTION 4.01. Chapter 602, Government Code, is amended by  
5 adding Section 602.007 to read as follows:

6 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL  
7 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed  
8 statement executed as required by Section 1, Article XVI, Texas  
9 Constitution, by any of the following judicial officers and  
10 judicial appointees shall be filed with the secretary of state:

11 (1) an officer appointed by the supreme court, the  
12 court of criminal appeals, or the State Bar of Texas; and

13 (2) an associate judge appointed under Subchapter B or  
14 C, Chapter 201, Family Code.

15 ARTICLE 5. JUDICIAL PERSONNEL AND OFFICIALS

16 SECTION 5.01. Section 51.006, Government Code, is amended  
17 to read as follows:

18 Sec. 51.006. FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE.  
19 The clerk shall collect a fee of \$25 [~~\$10~~] for the issuance of an  
20 attorney's license or certificate affixed with a seal. The fee  
21 shall be held by the clerk and expended by the supreme court or  
22 under the direction of the court for the preparation and issuance,  
23 including mailing, of the license or certificate.

24 ARTICLE 6. BAILIFFS

25 SECTION 6.01. Section 53.001, Government Code, is amended  
26 by adding Subsections (k) and (l) to read as follows:

27 (k) The judges of the 244th, 358th, and 446th district

1 courts shall each appoint a bailiff.

2 (1) The judge of the 271st District Court and the judges of  
3 the county courts at law in Wise County shall each appoint a  
4 bailiff.

5 SECTION 6.02. Section 53.004, Government Code, is amended  
6 by amending Subsection (a) and adding Subsections (h) and (i) to  
7 read as follows:

8 (a) A bailiff in the 34th or [~~70th,~~] 71st[~~, or 161st~~]  
9 district court must be a resident of the county in which the bailiff  
10 serves the court and must be at least 18 years old.

11 (h) A bailiff in the 70th, 161st, 244th, or 358th district  
12 court must be:

13 (1) a resident of the county in which the bailiff  
14 serves the court;

15 (2) at least 18 years of age; and

16 (3) a citizen of the United States.

17 (i) A bailiff in the 271st District Court or a county court  
18 at law in Wise County must be:

19 (1) at least 21 years of age; and

20 (2) a citizen of the United States.

21 SECTION 6.03. Section 53.007(a), Government Code, is  
22 amended to read as follows:

23 (a) This section applies to:

24 (1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd,  
25 161st, 238th, 244th, 318th, 341st, 355th, 358th, [~~and~~] 385th, and  
26 446th district courts;

27 (2) the County Court of Harrison County;

- 1 (3) the criminal district courts of Tarrant County;
- 2 (4) the district courts in Taylor County;
- 3 (5) the courts described in Section 53.002(c), (d),  
4 (e), or (f);
- 5 (6) the county courts at law of Taylor County;
- 6 (7) the district courts in Tarrant County that give  
7 preference to criminal cases; and
- 8 (8) the 115th District Court in Upshur County.

9 SECTION 6.04. Section 53.0071, Government Code, is amended  
10 to read as follows:

11 Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the  
12 appointing judge provides otherwise in the order of appointment, a  
13 bailiff appointed under Section 53.001(b), ~~(g)~~, or (k) or  
14 53.002(c), (e), or (f) is a "peace officer" for purposes of Article  
15 2.12, Code of Criminal Procedure.

16 SECTION 6.05. Section 53.008, Government Code, is amended  
17 to read as follows:

18 Sec. 53.008. OATH. The bailiffs of the 34th, 70th, 86th,  
19 97th, 130th, 142nd, 161st, 238th, 244th, 271st, 318th, 341st,  
20 355th, 358th, ~~and~~ 385th, and 446th district courts, the bailiffs  
21 of the courts described in Section 53.002(c), (d), (e), or (f), the  
22 bailiffs and the grand jury bailiffs of the district courts in  
23 Tarrant County that give preference to criminal cases, the bailiffs  
24 and grand jury bailiffs of the criminal district courts in Tarrant  
25 County, the bailiffs of the district courts in Taylor County, ~~and~~  
26 the bailiffs of the county courts at law of Taylor County, and the  
27 bailiffs of the county courts at law of Wise County shall each swear

1 to the following oath, to be administered by the judge: "I solemnly  
2 swear that I will faithfully and impartially perform all duties as  
3 may be required of me by law, so help me God."

4 SECTION 6.06. Section 53.009, Government Code, is amended  
5 by adding Subsection (o) to read as follows:

6 (o) Each bailiff appointed by the judge of the 271st  
7 District Court or appointed by a county court at law judge in Wise  
8 County is entitled to receive a salary that does not exceed the  
9 salary of a lieutenant in the sheriff's department of the county.  
10 The salary is paid out of the general fund of the county.

11 ARTICLE 7. EFFECTIVE DATE

12 SECTION 7.01. Except as otherwise provided by this Act,  
13 this Act takes effect September 1, 2017.