

By: Huffman, Zaffirini

S.B. No. 1139

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 and the
4 composition of certain juvenile boards.

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

6 ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS

7 SECTION 1.01. Section 24.154(b), Government Code, is
8 amended to read as follows:

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

11 SECTION 1.02. (a) Effective January 1, 2017, Section
12 24.275, Government Code, is amended to read as follows:

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

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

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

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

21 (b) In addition to the other jurisdiction provided by law,
22 the 451st District Court has concurrent jurisdiction with the
23 County Court of Kendall County in all civil and criminal matters
24 over which the county court would have original or appellate

1 jurisdiction, including probate matters and proceedings under
2 Subtitle C, Title 7, Health and Safety Code.

3 (c) All civil and criminal matters within the concurrent
4 jurisdiction of the county and district courts must be filed with
5 the county clerk in the county court. The county clerk serves as
6 the clerk of the district court for those matters.

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

9 Sec. 44.001. ELECTION. The voters of each of the following
10 counties elect a criminal district attorney: Anderson, Austin,
11 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
12 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
13 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
14 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro,
15 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
16 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
17 Waller, Wichita, Wood, and Yoakum.

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

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

- 23 (1) be at least 30 years old;
24 (2) have been a practicing attorney in this state for
25 at least five years; and
26 (3) have been a resident of Kendall County for at least
27 one year before election or appointment.

1 (b) The criminal district attorney has all the powers,
2 duties, and privileges in Kendall County that are conferred by law
3 on county and district attorneys in the various counties and
4 districts.

5 (c) The criminal district attorney shall attend each term
6 and session of the district and inferior courts of Kendall County,
7 except municipal courts, held for the transaction of criminal
8 business and shall exclusively represent the state in all criminal
9 matters before those courts.

10 (d) The criminal district attorney shall represent Kendall
11 County in any court in which the county has pending business. This
12 subsection does not require the criminal district attorney to
13 represent the county in a delinquent tax suit or condemnation
14 proceeding and does not prevent the county from retaining other
15 legal counsel in a civil matter at any time it considers appropriate
16 to do so.

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

20 (f) The criminal district attorney is entitled to receive in
21 equal monthly installments compensation from the state equal to the
22 amount paid by the state to district attorneys. The state
23 compensation shall be paid by the comptroller as appropriated by
24 the legislature. The Commissioners Court of Kendall County shall
25 pay the criminal district attorney an additional amount so that the
26 total compensation of the criminal district attorney equals at
27 least 90 percent of the total salary paid to the judge of the 451st

1 District Court in Kendall County. The compensation paid by the
2 county shall be paid in semiweekly or bimonthly installments, as
3 determined by the commissioners court.

4 (g) The criminal district attorney or the Commissioners
5 Court of Kendall County may accept gifts and grants from any
6 individual, partnership, corporation, trust, foundation,
7 association, or governmental entity for the purpose of financing or
8 assisting effective prosecution, crime prevention or suppression,
9 rehabilitation of offenders, substance abuse education, treatment
10 and prevention, or crime victim assistance programs in Kendall
11 County. The criminal district attorney shall account for and
12 report to the commissioners court all gifts or grants accepted
13 under this subsection.

14 (h) The criminal district attorney, for the purpose of
15 conducting affairs of the office, may appoint a staff composed of
16 assistant criminal district attorneys, investigators,
17 stenographers, clerks, and other personnel that the commissioners
18 court may authorize. The salary of a staff member is an amount
19 recommended by the criminal district attorney and approved by the
20 commissioners court. The commissioners court shall pay the
21 salaries of the staff in equal semiweekly or bimonthly installments
22 from county funds.

23 (i) The criminal district attorney shall, with the advice
24 and consent of the commissioners court, designate one or more
25 individuals to act as an assistant criminal district attorney with
26 exclusive responsibility for assisting the commissioners court. An
27 individual designated as an assistant criminal district attorney

1 under this subsection must have extensive experience in
2 representing public entities and knowledge of the laws affecting
3 counties, including the open meetings and open records laws under
4 Chapters 551 and 552.

5 (j) Kendall County is entitled to receive from the state an
6 amount equal to the amount provided in the General Appropriations
7 Act to district attorneys for the payment of staff salaries and
8 office expenses.

9 (k) The legislature may provide for additional staff
10 members to be paid from state funds if it considers supplementation
11 of the criminal district attorney's staff to be necessary.

12 (l) The criminal district attorney and assistant criminal
13 district attorney may not engage in the private practice of law or
14 receive a fee for the referral of a case.

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

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

20 (1) the district attorneys for Kenedy and Kleberg
21 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, ~~[25th,~~
22 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
23 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
24 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
25 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
26 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
27 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,

1 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
2 452nd, and 506th judicial districts;

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

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

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

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

23 (h) On the date the 451st District Court is created, all
24 cases from Kendall County pending in the 216th District Court are
25 transferred to the 451st District Court. On the date the County
26 Court at Law of Kendall County is abolished, all cases pending in
27 the court are transferred to the 451st District Court. When a case

1 is transferred from one court to another as provided by this
2 section, all processes, writs, bonds, recognizances, or other
3 obligations issued from the transferring court are returnable to
4 the court to which the case is transferred as if originally issued
5 by that court. The obligees in all bonds and recognizances taken in
6 and for a court from which a case is transferred and all witnesses
7 summoned to appear in a court from which a case is transferred are
8 required to appear before the court to which a case is transferred
9 as if originally required to appear before the court to which the
10 transfer is made.

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

12 SECTION 1.03. (a) Effective January 1, 2017, Subchapter C,
13 Chapter 24, Government Code, is amended by adding Section 24.584 to
14 read as follows:

15 Sec. 24.584. 440TH JUDICIAL DISTRICT (CORYELL COUNTY). The
16 440th Judicial District is composed of Coryell County.

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

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

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

25 SECTION 1.04. (a) Subchapter C, Chapter 24, Government
26 Code, is amended by adding Section 24.590 to read as follows:

27 Sec. 24.590. 446TH JUDICIAL DISTRICT (ECTOR COUNTY). The

1 446th Judicial District is composed of Ector County.

2 (b) The 446th Judicial District is created September 1,
3 2015.

4 SECTION 1.05. (a) Effective January 1, 2016, Subchapter D,
5 Chapter 24, Government Code, is amended by adding Section 24.641 to
6 read as follows:

7 Sec. 24.641. 507TH JUDICIAL DISTRICT (HARRIS COUNTY). The
8 507th Judicial District is composed of Harris County.

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

10 SECTION 1.06. (a) Subchapter D, Chapter 24, Government
11 Code, is amended by adding Sections 24.642 and 24.643 to read as
12 follows:

13 Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The
14 469th Judicial District is composed of Collin County.

15 Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The
16 470th Judicial District is composed of Collin County.

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

19 SECTION 1.07. (a) Subchapter D, Chapter 24, Government
20 Code, is amended by adding Section 24.644 to read as follows:

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

23 (b) The 505th Judicial District is created September 1,
24 2015.

25 SECTION 1.08. (a) Effective September 1, 2015, Section
26 [46.002](#), Government Code, is amended to read as follows:

27 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter

1 applies to the state prosecuting attorney, all county prosecutors,
2 and the following state prosecutors:

3 (1) the district attorneys for Kenedy and Kleberg
4 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 25th,
5 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
6 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
7 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
8 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
9 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
10 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
11 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
12 452nd, and 506th judicial districts;

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

21 (3) the county attorneys performing the duties of
22 district attorneys in the counties of Andrews, Aransas, Callahan,
23 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
24 Gonzales, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion,
25 Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River,
26 Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

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

1 ARTICLE 2. STATUTORY COUNTY COURTS, COUNTY ATTORNEYS, AND CERTAIN
2 COUNTY JUDGES

3 SECTION 2.01. (a) Section 25.0331(a), Government Code, is
4 amended to read as follows:

5 (a) Cameron County has the following statutory county
6 courts:

- 7 (1) County Court at Law No. 1 of Cameron County;
- 8 (2) County Court at Law No. 2 of Cameron County; ~~and~~
- 9 (3) County Court at Law No. 3 of Cameron County;
- 10 (4) County Court at Law No. 4 of Cameron County; and
- 11 (5) County Court at Law No. 5 of Cameron County.

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

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

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

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

21 SECTION 2.02. (a) Section 25.0451(a), Government Code, is
22 amended to read as follows:

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

- 25 (1) County Court at Law No. 1 of Collin County;
- 26 (2) County Court at Law No. 2 of Collin County;
- 27 (3) County Court at Law No. 3 of Collin County;

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

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

7 SECTION 2.03. (a) Section [25.0811](#), Government Code, is
8 amended to read as follows:

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

- 11 (1) County Court at Law No. 1 of Fort Bend County;
- 12 (2) County Court at Law No. 2 of Fort Bend County;
- 13 (3) County Court at Law No. 3 of Fort Bend County;
- 14 ~~and~~
- 15 (4) County Court at Law No. 4 of Fort Bend County; and
- 16 (5) County Court at Law No. 5 of Fort Bend County.

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

19 SECTION 2.04. (a) Effective January 1, 2016, Section
20 [25.1031](#)(b), Government Code, is amended to read as follows:

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

- 22 (1) County Criminal Court at Law No. 1 of Harris
23 County, Texas;
- 24 (2) County Criminal Court at Law No. 2 of Harris
25 County, Texas;
- 26 (3) County Criminal Court at Law No. 3 of Harris
27 County, Texas;

- 1 (4) County Criminal Court at Law No. 4 of Harris
2 County, Texas;
- 3 (5) County Criminal Court at Law No. 5 of Harris
4 County, Texas;
- 5 (6) County Criminal Court at Law No. 6 of Harris
6 County, Texas;
- 7 (7) County Criminal Court at Law No. 7 of Harris
8 County, Texas;
- 9 (8) County Criminal Court at Law No. 8 of Harris
10 County, Texas;
- 11 (9) County Criminal Court at Law No. 9 of Harris
12 County, Texas;
- 13 (10) County Criminal Court at Law No. 10 of Harris
14 County, Texas;
- 15 (11) County Criminal Court at Law No. 11 of Harris
16 County, Texas;
- 17 (12) County Criminal Court at Law No. 12 of Harris
18 County, Texas;
- 19 (13) County Criminal Court at Law No. 13 of Harris
20 County, Texas;
- 21 (14) County Criminal Court at Law No. 14 of Harris
22 County, Texas; ~~and~~
- 23 (15) County Criminal Court at Law No. 15 of Harris
24 County, Texas; and
- 25 (16) County Criminal Court at Law No. 16 of Harris
26 County, Texas.
- 27 (b) The County Criminal Court at Law No. 16 of Harris County

1 is created January 1, 2016.

2 SECTION 2.05. Section 25.1112(e), Government Code, is
3 amended to read as follows:

4 (e) The district clerk serves as the clerk of a county court
5 at law for all criminal and civil matters except that the county
6 clerk serves as the clerk of the county court at law in
7 ~~[uncontested]~~ probate and guardianship matters. ~~[The county clerk~~
8 ~~shall transfer to the district clerk any contested probate and~~
9 ~~guardianship matters filed with the county clerk.]~~

10 SECTION 2.06. Section 25.2222(a), Government Code, is
11 amended to read as follows:

12 (a) A county court at law in Tarrant County has jurisdiction
13 over all civil matters and causes, original and appellate,
14 prescribed by law for county courts. The County Court at Law No. 1
15 of Tarrant County also has jurisdiction over all criminal matters
16 and causes, original and appellate, prescribed by law for county
17 courts. The County Courts at Law Nos. 2 and 3 of Tarrant County do
18 not have criminal jurisdiction. Notwithstanding any other
19 provision, a county court at law in Tarrant County has jurisdiction
20 on any appeal from a municipal court of record in Tarrant County
21 that is not an appeal of a criminal law case or proceeding.

22 SECTION 2.07. (a) Subchapter D, Chapter 25, Government
23 Code, is amended by adding Section 25.2607 to read as follows:

24 Sec. 25.2607. DESIGNATION OF ADMINISTRATIVE COUNTY FOR
25 MULTICOUNTY STATUTORY COUNTY COURTS. (a) If a statute that
26 establishes a multicounty statutory county court does not designate
27 one of the counties that compose the multicounty statutory county

1 court as the administrative county for that court, the county with
2 the greatest population of the counties composing the court at the
3 time the court is established is the administrative county for that
4 court.

5 (b) The commissioners courts of the counties that compose a
6 multicounty statutory county court may enter into an agreement to
7 provide support for the court. The administrative county for the
8 court may receive contributions from the other counties composing
9 the court to pay the operating expenses of the court.

10 (c) Except for money provided by state appropriations or
11 under an agreement under Subsection (b), the administrative county
12 shall pay out of the county's general fund the salaries,
13 compensation, and expenses incurred in operating the multicounty
14 statutory county court.

15 (d) Notwithstanding Section 25.0015, the state shall
16 annually compensate the administrative county of a multicounty
17 statutory county court in an amount equal to 100 percent of the
18 state salary of a district court judge in the county for the salary
19 of the judge of the multicounty statutory county court.

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

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

25 Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER[~~7~~
26 ~~MITCHELL~~] AND NOLAN COUNTIES). Fisher[~~7~~ ~~Mitchell~~] and Nolan
27 Counties have a multicounty statutory county court composed of

1 those counties, the 1st Multicounty Court at Law.

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

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

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

7 SECTION 2.08. (a) Section 43.122, Government Code, is
8 amended to read as follows:

9 Sec. 43.122. 36TH JUDICIAL DISTRICT. The voters of
10 [~~Aransas and~~] San Patricio County [~~counties~~] elect a district
11 attorney for the 36th Judicial District who represents the state in
12 that district court only in that county [~~those counties~~]. In
13 addition to exercising the duties and authority conferred on
14 district attorneys by general law, the district attorney represents
15 the state in all criminal cases in the district courts in that
16 county [~~those counties~~].

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

19 Sec. 45.104. ARANSAS COUNTY. (a) In Aransas County, the
20 county attorney of Aransas County shall perform the duties imposed
21 on and have the powers conferred on district attorneys by general
22 law.

23 (b) The county attorney of Aransas County or the
24 Commissioners Court of Aransas County may accept gifts or grants
25 from any individual, partnership, corporation, trust, foundation,
26 association, or governmental entity for the purpose of financing or
27 assisting the operation of the office of county attorney in Aransas

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

4 SECTION 2.09. (a) Effective January 1, 2017, Subchapter B,
5 Chapter 45, Government Code, is amended by adding Section 45.194 to
6 read as follows:

7 Sec. 45.194. GUADALUPE COUNTY. (a) In Guadalupe County
8 the county attorney of Guadalupe County shall perform the duties
9 imposed on and have the powers conferred on district attorneys by
10 general law and is entitled to be compensated by the state in the
11 manner and amount set by general law relating to the salary paid to
12 district attorneys by the state.

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

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

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

26 ARTICLE 3. BAILIFFS

27 SECTION 3.01. Chapter 53, Government Code, is amended by

1 adding Subchapter G to read as follows:

2 SUBCHAPTER G. BAILIFFS FOR COUNTY COURTS AT LAW

3 IN TARRANT COUNTY

4 Sec. 53.101. ASSIGNMENT OF BAILIFF. At least one bailiff
5 shall be assigned regularly to each county court at law of Tarrant
6 County.

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

10 (b) The bailiff is an officer of the court and performs the
11 duties of the office under the direction and supervision of the
12 judge of the court.

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

15 Sec. 53.104. DUTIES. A bailiff shall perform the duties
16 imposed on bailiffs under the general laws of this state and the
17 other duties required by the judge of the court served.

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

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

26 (c) On request of the judge of a county court at law, the
27 sheriff shall immediately assign a bailiff to the court served by

1 the judge to fill a temporary absence of the appointed or assigned
2 bailiff.

3 Sec. 53.106. COMPENSATION. A bailiff appointed by the
4 judge of a county court at law of Tarrant County shall be
5 compensated out of the general fund of the county in an amount to be
6 set by the Commissioners Court of Tarrant County.

7 SECTION 3.02. Chapter 53, Government Code, is amended by
8 adding Subchapter H to read as follows:

9 SUBCHAPTER H. BAILIFFS FOR FAMILY DISTRICT COURTS IN TARRANT
10 COUNTY

11 Sec. 53.121. OFFICE OF BAILIFF. The judges of the 231st,
12 233rd, 322nd, 323rd, 324th, 325th, and 360th district courts may
13 appoint one person to serve as bailiff of that court and one person
14 to serve as bailiff for the district court served by an associate
15 judge of that district court. A bailiff is an officer of the court
16 and performs the duties of the office under the direction and
17 supervision of the judge of the court.

18 Sec. 53.122. APPOINTMENT. An order signed by the
19 appointing judge and entered on the minutes of the court is evidence
20 of appointment of a bailiff. The judge shall give written notice to
21 the commissioners court and each constable of Tarrant County of the
22 appointment and date employed.

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

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

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

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

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

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

14 ARTICLE 4. CERTAIN CRIMINAL LAW MAGISTRATE COURTS, CERTAIN
15 CRIMINAL LAW HEARING OFFICERS, AND A JUVENILE BOARD

16 SECTION 4.01. (a) Section 54.732, Government Code, is
17 amended to read as follows:

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

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

25 (j) The criminal law magistrate court has concurrent
26 criminal jurisdiction with the justice courts located in El Paso
27 County.

1 (c) Section 54.735, Government Code, is amended to read as
2 follows:

3 Sec. 54.735. POWERS AND DUTIES. (a) The criminal law
4 magistrate court or a judge of the criminal law magistrate court may
5 issue writs of injunction and all other writs necessary for the
6 enforcement of the jurisdiction of the court and may issue
7 misdemeanor writs of habeas corpus in cases in which the offense
8 charged is within the jurisdiction of the court or of any other
9 court of inferior jurisdiction in the county. The court and the
10 judge may punish for contempt as provided by law for district
11 courts. A judge of the criminal law magistrate court has all other
12 powers, duties, immunities, and privileges provided by law for:

13 (1) justices of the peace when acting in a Class C
14 misdemeanor case;

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

17 (3) [for] district court judges when acting in a
18 felony case.

19 (b) A judge of the criminal law magistrate court may hold an
20 indigency hearing and a capias pro fine hearing. When acting as the
21 judge who issued the capias pro fine, a judge of the criminal law
22 magistrate court may make all findings of fact and conclusions of
23 law required of the judge who issued the capias pro fine. In
24 conducting a hearing under this subsection, the judge of the
25 criminal law magistrate court is empowered to make all findings of
26 fact and conclusions of law and to issue all orders necessary to
27 properly dispose of the capias pro fine or indigency hearing in

1 accordance with the provisions of the Code of Criminal Procedure
2 applicable to a misdemeanor or felony case of the same type and
3 level.

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

6 (b) The council of judges shall ensure that the criminal law
7 magistrate court gives preference to magistrate duties, as those
8 duties apply to the county jail inmate population first and then to
9 newly detained individuals, until the commissioners court provides
10 funds for more than one judge to sit on the criminal law magistrate
11 court.

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

14 (c) The rules must provide that [+

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

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

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

23 (a) Except as provided by Subsection (b) or local
24 administrative rules, the local administrative judge or a judge of
25 the criminal law magistrate court may transfer between courts a
26 case that is pending in the court of any magistrate in the criminal
27 law magistrate court's jurisdiction if the case is:

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

2 (2) a[~~r~~] 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 (c) Except as provided by Subsection (d) or local

8 administrative rules, the local administrative judge may assign a

9 judge on the council of judges, a judge of the criminal law

10 magistrate court, a retired judge, or any other magistrate to act as

11 presiding judge in a case that is pending in the court of any

12 magistrate in the criminal law magistrate court's jurisdiction if

13 the case is:

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

15 (2) a[~~r~~] Class A [~~misdemeanor case,~~] or Class B

16 misdemeanor case if an information has not been filed; or

17 (3) a Class C misdemeanor [and if the] case [is pending

18 in the court of any magistrate in the criminal law magistrate

19 court's jurisdiction].

20 (g) Section 54.739(d), Government Code, is amended to read

21 as follows:

22 (d) A case assigned under this subchapter to the criminal

23 law magistrate court from a district court, [or] a county court at

24 law, or a justice court remains on the docket of the assigning court

25 and in the assigning court's jurisdiction.

26 (h) Section 54.741, Government Code, is amended to read as

27 follows:

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

5 (1) the district clerk if associated with a felony
6 case;

7 (2) [~~except in cases in which~~] the county clerk if
8 associated with a Class A or Class B misdemeanor case; or

9 (3) the same justice court clerk associated with the
10 Class C misdemeanor case in which the bond was originally filed [~~is~~
11 ~~the clerk under this subchapter~~].

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

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

18 (j) Section 54.744, Government Code, is amended to read as
19 follows:

20 Sec. 54.744. JUDGES ON EL PASO COUNCIL OF JUDGES. Unless
21 the local rules of administration provide otherwise, the judges on
22 the El Paso Council of Judges and the judges on the criminal law
23 magistrate court may sit and act for any magistrate in El Paso
24 County on any unindicted felony or Class A or B misdemeanor case if
25 an information has not been filed or any Class C misdemeanor case
26 filed in a justice court.

27 (k) Section 54.745(a), Government Code, is amended to read

1 as follows:

2 (a) As a condition for a defendant to enter any pretrial
3 diversion program, including a behavioral modification program, a
4 health care program, a specialty court program, or the functional
5 equivalent that may be operated in El Paso County by El Paso County,
6 Emergence Health Network, the City of El Paso, the West Texas
7 Regional Adult Probation Department, a community partner approved
8 by the council of judges, or a county or district attorney of El
9 Paso County, a defendant must file in the court in which the charges
10 are pending a sworn waiver of speedy trial motion requesting the
11 court to approve without a hearing defendant's waiver of his speedy
12 trial rights under the constitution and other law. If the court
13 approves the waiver, the defendant is eligible for consideration
14 for acceptance into a pretrial diversion program or equivalent
15 program.

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

18 (d) A judge of a county court at law in El Paso County shall
19 exercise jurisdiction granted by Subsection (a) over felony
20 indictments and felony informations and justice court cases
21 ~~[information]~~ only as a judge presiding for the court in which the
22 felony or Class C misdemeanor is pending and only if the El Paso
23 Council of Judges has so provided in the local administrative rules
24 by a unanimous vote. The exercise of this jurisdiction outside El
25 Paso County is as provided by Chapter 74 and other law.

26 (e) A judge of a district court in El Paso County shall
27 exercise jurisdiction granted by Subsection (a) over misdemeanor

1 information and justice court cases only as a judge presiding for
2 the court in which the misdemeanor is pending and only if the
3 council of judges has so provided in the local administrative rules
4 by a unanimous vote. The exercise of this jurisdiction outside El
5 Paso County is as provided by the Court Administration Act (Chapter
6 74) and other law.

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

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

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

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

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

20 (2) after a Class C misdemeanor is filed in a justice
21 court and assigned to the criminal law magistrate court, the
22 originating justice court clerk serves as clerk for that
23 misdemeanor case.

24 (b) The district clerk shall establish a docket and keep the
25 minutes for the cases filed in or transferred to the criminal law
26 magistrate court. The district clerk shall perform any other
27 duties that local administrative rules require in connection with

1 the implementation of this subchapter. The local administrative
2 judge shall ensure that the duties required under this subsection
3 are performed. To facilitate the duties associated with serving as
4 the clerk of the criminal law magistrate court, the district clerk
5 and the deputies of the district clerk may serve as deputy justice
6 clerks and deputy county clerks at the discretion of the district
7 clerk.

8 (o) Section 54.759, Government Code, is amended to read as
9 follows:

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

14 (b) A defendant may be brought before the court in person or
15 by means of an electronic broadcast system through which an image of
16 the defendant is presented to the court. For purposes of this
17 subsection, "electronic broadcast system" means a two-way
18 electronic communication of image and sound between the defendant
19 and the court.

20 SECTION 4.02. (a) Section 54.1356(a), Government Code, is
21 amended to read as follows:

22 (a) A criminal law hearing officer appointed under this
23 subchapter has limited concurrent jurisdiction over criminal cases
24 filed in the district courts, statutory county courts, and justice
25 courts of the county. The jurisdiction of the criminal law hearing
26 officer is limited to:

27 (1) determining probable cause for further detention

1 of any person detained on a criminal complaint, information, or
2 indictment filed in the district courts, statutory county courts,
3 or justice courts of the county;

4 (2) committing the defendant to jail, discharging the
5 defendant from custody, or admitting the defendant to bail, as the
6 law and facts of the case require;

7 (3) issuing search warrants and arrest warrants as
8 provided by law for magistrates;

9 (4) as to criminal cases filed in justice courts,
10 disposing of cases as provided by law, other than by trial, and
11 collecting fines and enforcing judgments and orders of the justice
12 courts in criminal cases;

13 (5) hearing, considering, and ruling on writs of
14 habeas corpus filed under Article 17.151, Code of Criminal
15 Procedure; ~~and~~

16 (6) on motion of the district attorney:

17 (A) dismissing a criminal case when the arresting
18 agency has not timely filed the offense report with the district
19 attorney; and

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

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

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

27 (f) In accordance with Article 26.13, Code of Criminal

1 Procedure, a criminal law hearing officer may accept a plea of
2 guilty or nolo contendere.

3 (g) A criminal law hearing officer may determine whether a
4 defendant is indigent and appoint counsel for an indigent
5 defendant.

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

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

- 11 (1) a bond forfeiture;
12 (2) the arraignment of defendants;
13 (3) the determination of whether a defendant is
14 indigent and the appointment of counsel for an indigent defendant;
15 and

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

19 SECTION 4.03. Section 152.0131(a), Human Resources Code, is
20 amended to read as follows:

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

24 ARTICLE 5. TELEPHONE INTERPRETER SERVICES IN CRIMINAL PROCEEDING

25 SECTION 5.01. Article 38.30(a-1), Code of Criminal
26 Procedure, is amended to read as follows:

27 (a-1) A qualified telephone interpreter may be sworn to

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

- 9 (1) licensed court interpreters as defined by Section
10 [157.001](#), Government Code; or
11 (2) federally certified court interpreters.

12 ARTICLE 6. COURTS AUTHORIZED TO HEAR MATTERS RELATED TO CAPIAS PRO
13 FINE

14 SECTION 6.01. Article [43.05](#)(b), Code of Criminal Procedure,
15 is amended to read as follows:

16 (b) A capias pro fine authorizes a peace officer to place
17 the defendant in jail until the business day following the date of
18 the defendant's arrest if the defendant cannot be brought before
19 the court immediately. Instead of placing the defendant in jail as
20 authorized by this subsection, the peace officer may bring the
21 defendant before another court that is in the same territorial
22 jurisdiction as, and that has concurrent jurisdiction with, the
23 court that issued the capias pro fine.

24 SECTION 6.02. Article [45.045](#), Code of Criminal Procedure,
25 is amended by adding Subsection (a-1) to read as follows:

26 (a-1) Instead of placing the defendant in jail as authorized
27 by Subsection (a), the peace officer may bring the defendant before

1 another court that is in the same county as, and that has concurrent
2 jurisdiction with, the court that issued the capias pro fine.

3 SECTION 6.03. Article 45.046, Code of Criminal Procedure,
4 is amended by adding Subsection (d) to read as follows:

5 (d) For purposes of a hearing described by Subsection (a),
6 if the defendant cannot be immediately brought before the court
7 that entered the judgment and sentence against the defendant,
8 another court that is in the same county as, and that has concurrent
9 jurisdiction with, the court that entered the judgment and sentence
10 may conduct the hearing.

11 ARTICLE 7. EFFECTIVE DATE

12 SECTION 7.01. Except as otherwise provided by this Act,
13 this Act takes effect September 1, 2015.