

1-1 By: Huffman, Zaffirini S.B. No. 1139
 1-2 (In the Senate - Filed March 10, 2015; March 17, 2015, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 16, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 16, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1139 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the operation and administration of and practice in
 1-22 courts in the judicial branch of state government and the
 1-23 composition of certain juvenile boards.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS

1-26 SECTION 1.01. Section 24.154(b), Government Code, is
 1-27 amended to read as follows:

1-28 (b) The terms of the 52nd District Court begin on the first
 1-29 Mondays in January and July ~~[June]~~.

1-30 SECTION 1.02. (a) Effective January 1, 2017, Section
 1-31 24.275, Government Code, is amended to read as follows:

1-32 Sec. 24.275. 216TH JUDICIAL DISTRICT (GILLESPIE [~~7~~
 1-33 ~~KENDALL~~], AND KERR COUNTIES). The 216th Judicial District is
 1-34 composed of Gillespie [~~7~~, ~~Kendall~~] and Kerr counties.

1-35 (b) Effective January 1, 2017, Subchapter C, Chapter 24,
 1-36 Government Code, is amended by adding Section 24.591 to read as
 1-37 follows:

1-38 Sec. 24.591. 451ST JUDICIAL DISTRICT (KENDALL COUNTY).

1-39 (a) The 451st Judicial District is composed of Kendall County.

1-40 (b) In addition to the other jurisdiction provided by law,
 1-41 the 451st District Court has concurrent jurisdiction with the
 1-42 County Court of Kendall County in all civil and criminal matters
 1-43 over which the county court would have original or appellate
 1-44 jurisdiction, including probate matters and proceedings under
 1-45 Subtitle C, Title 7, Health and Safety Code.

1-46 (c) All civil and criminal matters within the concurrent
 1-47 jurisdiction of the county and district courts must be filed with
 1-48 the county clerk in the county court. The county clerk serves as
 1-49 the clerk of the district court for those matters.

1-50 (c) Effective January 1, 2017, Section 44.001, Government
 1-51 Code, is amended to read as follows:

1-52 Sec. 44.001. ELECTION. The voters of each of the following
 1-53 counties elect a criminal district attorney: Anderson, Austin,
 1-54 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
 1-55 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
 1-56 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
 1-57 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro,
 1-58 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
 1-59 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
 1-60 Waller, Wichita, Wood, and Yoakum.

2-1 (d) Effective January 1, 2017, Subchapter B, Chapter 44,
2-2 Government Code, is amended by adding Section 44.230 to read as
2-3 follows:

2-4 Sec. 44.230. KENDALL COUNTY. (a) The criminal district
2-5 attorney of Kendall County must meet the following qualifications:

2-6 (1) be at least 30 years old;

2-7 (2) have been a practicing attorney in this state for
2-8 at least five years; and

2-9 (3) have been a resident of Kendall County for at least
2-10 one year before election or appointment.

2-11 (b) The criminal district attorney has all the powers,
2-12 duties, and privileges in Kendall County that are conferred by law
2-13 on county and district attorneys in the various counties and
2-14 districts.

2-15 (c) The criminal district attorney shall attend each term
2-16 and session of the district and inferior courts of Kendall County,
2-17 except municipal courts, held for the transaction of criminal
2-18 business and shall exclusively represent the state in all criminal
2-19 matters before those courts.

2-20 (d) The criminal district attorney shall represent Kendall
2-21 County in any court in which the county has pending business. This
2-22 subsection does not require the criminal district attorney to
2-23 represent the county in a delinquent tax suit or condemnation
2-24 proceeding and does not prevent the county from retaining other
2-25 legal counsel in a civil matter at any time it considers appropriate
2-26 to do so.

2-27 (e) The criminal district attorney shall collect the fees,
2-28 commissions, and perquisites that are provided by law for similar
2-29 services rendered by a district or county attorney.

2-30 (f) The criminal district attorney is entitled to receive in
2-31 equal monthly installments compensation from the state equal to the
2-32 amount paid by the state to district attorneys. The state
2-33 compensation shall be paid by the comptroller as appropriated by
2-34 the legislature. The Commissioners Court of Kendall County shall
2-35 pay the criminal district attorney an additional amount so that the
2-36 total compensation of the criminal district attorney equals at
2-37 least 90 percent of the total salary paid to the judge of the 451st
2-38 District Court in Kendall County. The compensation paid by the
2-39 county shall be paid in semiweekly or bimonthly installments, as
2-40 determined by the commissioners court.

2-41 (g) The criminal district attorney or the Commissioners
2-42 Court of Kendall County may accept gifts and grants from any
2-43 individual, partnership, corporation, trust, foundation,
2-44 association, or governmental entity for the purpose of financing or
2-45 assisting effective prosecution, crime prevention or suppression,
2-46 rehabilitation of offenders, substance abuse education, treatment
2-47 and prevention, or crime victim assistance programs in Kendall
2-48 County. The criminal district attorney shall account for and
2-49 report to the commissioners court all gifts or grants accepted
2-50 under this subsection.

2-51 (h) The criminal district attorney, for the purpose of
2-52 conducting affairs of the office, may appoint a staff composed of
2-53 assistant criminal district attorneys, investigators,
2-54 stenographers, clerks, and other personnel that the commissioners
2-55 court may authorize. The salary of a staff member is an amount
2-56 recommended by the criminal district attorney and approved by the
2-57 commissioners court. The commissioners court shall pay the
2-58 salaries of the staff in equal semiweekly or bimonthly installments
2-59 from county funds.

2-60 (i) The criminal district attorney shall, with the advice
2-61 and consent of the commissioners court, designate one or more
2-62 individuals to act as an assistant criminal district attorney with
2-63 exclusive responsibility for assisting the commissioners court. An
2-64 individual designated as an assistant criminal district attorney
2-65 under this subsection must have extensive experience in
2-66 representing public entities and knowledge of the laws affecting
2-67 counties, including the open meetings and open records laws under
2-68 Chapters 551 and 552.

2-69 (j) Kendall County is entitled to receive from the state an

3-1 amount equal to the amount provided in the General Appropriations
3-2 Act to district attorneys for the payment of staff salaries and
3-3 office expenses.

3-4 (k) The legislature may provide for additional staff
3-5 members to be paid from state funds if it considers supplementation
3-6 of the criminal district attorney's staff to be necessary.

3-7 (l) The criminal district attorney and assistant criminal
3-8 district attorney may not engage in the private practice of law or
3-9 receive a fee for the referral of a case.

3-10 (m) A vacancy in the office of criminal district attorney is
3-11 filled by appointment by the Commissioners Court of Kendall County.
3-12 The appointee holds office until the next general election.

3-13 (e) Effective January 1, 2017, Section 46.002, Government
3-14 Code, is amended to read as follows:

3-15 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
3-16 applies to the state prosecuting attorney, all county prosecutors,
3-17 and the following state prosecutors:

3-18 (1) the district attorneys for Kenedy and Kleberg
3-19 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, [25th,
3-20 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
3-21 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
3-22 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
3-23 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
3-24 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
3-25 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
3-26 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
3-27 452nd, and 506th judicial districts;

3-28 (2) the criminal district attorneys for the counties
3-29 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
3-30 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
3-31 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
3-32 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
3-33 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
3-34 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
3-35 Waller, Wichita, Wood, and Yoakum; and

3-36 (3) the county attorneys performing the duties of
3-37 district attorneys in the counties of Andrews, Aransas, Callahan,
3-38 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
3-39 Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee,
3-40 Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange,
3-41 Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and
3-42 Willacy.

3-43 (f) Effective January 1, 2017, the office of county attorney
3-44 of Kendall County is abolished.

3-45 (g) Sections 25.1321 and 25.1322, Government Code, are
3-46 repealed, and the County Court at Law of Kendall County is abolished
3-47 on the date the 451st District Court is created.

3-48 (h) On the date the 451st District Court is created, all
3-49 cases from Kendall County pending in the 216th District Court are
3-50 transferred to the 451st District Court. On the date the County
3-51 Court at Law of Kendall County is abolished, all cases pending in
3-52 the court are transferred to the 451st District Court. When a case
3-53 is transferred from one court to another as provided by this
3-54 section, all processes, writs, bonds, recognizances, or other
3-55 obligations issued from the transferring court are returnable to
3-56 the court to which the case is transferred as if originally issued
3-57 by that court. The obligees in all bonds and recognizances taken in
3-58 and for a court from which a case is transferred and all witnesses
3-59 summoned to appear in a court from which a case is transferred are
3-60 required to appear before the court to which a case is transferred
3-61 as if originally required to appear before the court to which the
3-62 transfer is made.

3-63 (i) The 451st Judicial District is created January 1, 2017.

3-64 SECTION 1.03. (a) Effective January 1, 2017, Subchapter C,
3-65 Chapter 24, Government Code, is amended by adding Section 24.584 to
3-66 read as follows:

3-67 Sec. 24.584. 440TH JUDICIAL DISTRICT (CORYELL COUNTY). The
3-68 440th Judicial District is composed of Coryell County.

3-69 (b) The 440th Judicial District is created January 1, 2017.

4-1 (c) Subchapter D, Chapter 74, Government Code, is amended by
4-2 adding Section 74.0971 to read as follows:

4-3 Sec. 74.0971. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR
4-4 CORYELL COUNTY. Notwithstanding Section 74.091(b), the local
4-5 administrative district judge for Coryell County is selected on the
4-6 basis of seniority from the district judges of the 52nd Judicial
4-7 District and the 440th Judicial District.

4-8 SECTION 1.04. (a) Subchapter C, Chapter 24, Government
4-9 Code, is amended by adding Section 24.590 to read as follows:

4-10 Sec. 24.590. 446TH JUDICIAL DISTRICT (ECTOR COUNTY). The
4-11 446th Judicial District is composed of Ector County.

4-12 (b) The 446th Judicial District is created September 1,
4-13 2015.

4-14 SECTION 1.05. (a) Effective January 1, 2017, Subchapter D,
4-15 Chapter 24, Government Code, is amended by adding Section 24.641 to
4-16 read as follows:

4-17 Sec. 24.641. 507TH JUDICIAL DISTRICT (HARRIS COUNTY). The
4-18 507th Judicial District is composed of Harris County.

4-19 (b) The 507th Judicial District is created January 1, 2017.

4-20 SECTION 1.06. (a) Subchapter D, Chapter 24, Government
4-21 Code, is amended by adding Sections 24.642 and 24.643 to read as
4-22 follows:

4-23 Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The
4-24 469th Judicial District is composed of Collin County.

4-25 Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The
4-26 470th Judicial District is composed of Collin County.

4-27 (b) The 469th and 470th Judicial Districts are created
4-28 September 1, 2015.

4-29 SECTION 1.07. (a) Subchapter D, Chapter 24, Government
4-30 Code, is amended by adding Section 24.644 to read as follows:

4-31 Sec. 24.644. 505TH JUDICIAL DISTRICT (FORT BEND COUNTY).
4-32 The 505th Judicial District is composed of Fort Bend County.

4-33 (b) The 505th Judicial District is created September 1,
4-34 2015.

4-35 SECTION 1.08. (a) Effective September 1, 2015, Section
4-36 46.002, Government Code, is amended to read as follows:

4-37 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
4-38 applies to the state prosecuting attorney, all county prosecutors,
4-39 and the following state prosecutors:

4-40 (1) the district attorneys for Kenedy and Kleberg
4-41 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 25th,
4-42 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
4-43 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
4-44 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
4-45 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
4-46 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
4-47 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
4-48 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
4-49 452nd, and 506th judicial districts;

4-50 (2) the criminal district attorneys for the counties
4-51 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
4-52 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
4-53 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
4-54 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
4-55 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
4-56 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
4-57 Waller, Wichita, Wood, and Yoakum; and

4-58 (3) the county attorneys performing the duties of
4-59 district attorneys in the counties of Andrews, Aransas, Callahan,
4-60 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
4-61 Gonzales, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion,
4-62 Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River,
4-63 Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

4-64 (b) Section 43.156(b), Government Code, is repealed.

4-65 ARTICLE 2. STATUTORY COUNTY COURTS, COUNTY ATTORNEYS, AND CERTAIN
4-66 COUNTY JUDGES

4-67 SECTION 2.01. (a) Section 25.0331(a), Government Code, is
4-68 amended to read as follows:

4-69 (a) Cameron County has the following statutory county

5-1 courts:

5-2 (1) County Court at Law No. 1 of Cameron County;

5-3 (2) County Court at Law No. 2 of Cameron County; ~~and~~

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

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

5-6 (5) County Court at Law No. 5 of Cameron County.

5-7 (b) Section 25.0332, Government Code, is amended by adding

5-8 Subsection (b) to read as follows:

5-9 (b) The County Court at Law No. 4 of Cameron County shall

5-10 give preference to probate, guardianship, and mental health

5-11 matters.

5-12 (c) The County Court at Law No. 4 of Cameron County is

5-13 created January 1, 2016.

5-14 (d) The County Court at Law No. 5 of Cameron County is

5-15 created January 1, 2018.

5-16 SECTION 2.02. (a) Section 25.0451(a), Government Code, is

5-17 amended to read as follows:

5-18 (a) Collin County has the following statutory county

5-19 courts:

5-20 (1) County Court at Law No. 1 of Collin County;

5-21 (2) County Court at Law No. 2 of Collin County;

5-22 (3) County Court at Law No. 3 of Collin County;

5-23 (4) County Court at Law No. 4 of Collin County;

5-24 (5) County Court at Law No. 5 of Collin County; ~~and~~

5-25 (6) County Court at Law No. 6 of Collin County; and

5-26 (7) County Court at Law No. 7 of Collin County.

5-27 (b) The County Court at Law No. 7 of Collin County is created

5-28 on the effective date of this Act.

5-29 SECTION 2.03. (a) Section 25.0811, Government Code, is

5-30 amended to read as follows:

5-31 Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the

5-32 following statutory county courts:

5-33 (1) County Court at Law No. 1 of Fort Bend County;

5-34 (2) County Court at Law No. 2 of Fort Bend County;

5-35 (3) County Court at Law No. 3 of Fort Bend County;

5-36 ~~and~~

5-37 (4) County Court at Law No. 4 of Fort Bend County; and

5-38 (5) County Court at Law No. 5 of Fort Bend County.

5-39 (b) The County Court at Law No. 5 of Fort Bend County is

5-40 created January 1, 2016.

5-41 SECTION 2.04. (a) Effective January 1, 2017, Section

5-42 25.1031(b), Government Code, is amended to read as follows:

5-43 (b) Harris County has the following county criminal courts:

5-44 (1) County Criminal Court at Law No. 1 of Harris

5-45 County, Texas;

5-46 (2) County Criminal Court at Law No. 2 of Harris

5-47 County, Texas;

5-48 (3) County Criminal Court at Law No. 3 of Harris

5-49 County, Texas;

5-50 (4) County Criminal Court at Law No. 4 of Harris

5-51 County, Texas;

5-52 (5) County Criminal Court at Law No. 5 of Harris

5-53 County, Texas;

5-54 (6) County Criminal Court at Law No. 6 of Harris

5-55 County, Texas;

5-56 (7) County Criminal Court at Law No. 7 of Harris

5-57 County, Texas;

5-58 (8) County Criminal Court at Law No. 8 of Harris

5-59 County, Texas;

5-60 (9) County Criminal Court at Law No. 9 of Harris

5-61 County, Texas;

5-62 (10) County Criminal Court at Law No. 10 of Harris

5-63 County, Texas;

5-64 (11) County Criminal Court at Law No. 11 of Harris

5-65 County, Texas;

5-66 (12) County Criminal Court at Law No. 12 of Harris

5-67 County, Texas;

5-68 (13) County Criminal Court at Law No. 13 of Harris

5-69 County, Texas;

6-1 (14) County Criminal Court at Law No. 14 of Harris
6-2 County, Texas; ~~and~~

6-3 (15) County Criminal Court at Law No. 15 of Harris
6-4 County, Texas; and

6-5 (16) County Criminal Court at Law No. 16 of Harris
6-6 County, Texas.

6-7 (b) The County Criminal Court at Law No. 16 of Harris County
6-8 is created January 1, 2017.

6-9 SECTION 2.05. Section 25.1112(e), Government Code, is
6-10 amended to read as follows:

6-11 (e) The district clerk serves as the clerk of a county court
6-12 at law for all criminal and civil matters except that the county
6-13 clerk serves as the clerk of the county court at law in
6-14 ~~[uncontested]~~ probate and guardianship matters. ~~[The county clerk~~
6-15 ~~shall transfer to the district clerk any contested probate and~~
6-16 ~~guardianship matters filed with the county clerk.]~~

6-17 SECTION 2.06. Section 25.2222(a), Government Code, is
6-18 amended to read as follows:

6-19 (a) A county court at law in Tarrant County has jurisdiction
6-20 over all civil matters and causes, original and appellate,
6-21 prescribed by law for county courts. The County Court at Law No. 1
6-22 of Tarrant County also has jurisdiction over all criminal matters
6-23 and causes, original and appellate, prescribed by law for county
6-24 courts. The County Courts at Law Nos. 2 and 3 of Tarrant County do
6-25 not have criminal jurisdiction. Notwithstanding any other
6-26 provision, a county court at law in Tarrant County has jurisdiction
6-27 on any appeal from a municipal court of record in Tarrant County
6-28 that is not an appeal of a criminal law case or proceeding.

6-29 SECTION 2.07. (a) Subchapter D, Chapter 25, Government
6-30 Code, is amended by adding Section 25.2607 to read as follows:

6-31 Sec. 25.2607. DESIGNATION OF ADMINISTRATIVE COUNTY FOR
6-32 MULTICOUNTY STATUTORY COUNTY COURTS. (a) If a statute that
6-33 establishes a multicounty statutory county court does not designate
6-34 one of the counties that compose the multicounty statutory county
6-35 court as the administrative county for that court, the county with
6-36 the greatest population of the counties composing the court at the
6-37 time the court is established is the administrative county for that
6-38 court.

6-39 (b) The commissioners courts of the counties that compose a
6-40 multicounty statutory county court may enter into an agreement to
6-41 provide support for the court. The administrative county for the
6-42 court may receive contributions from the other counties composing
6-43 the court to pay the operating expenses of the court.

6-44 (c) Except for money provided by state appropriations or
6-45 under an agreement under Subsection (b), the administrative county
6-46 shall pay out of the county's general fund the salaries,
6-47 compensation, and expenses incurred in operating the multicounty
6-48 statutory county court.

6-49 (d) Notwithstanding Section 25.0015, the state shall
6-50 annually compensate the administrative county of a multicounty
6-51 statutory county court in an amount equal to 100 percent of the
6-52 state salary of a district court judge in the county for the salary
6-53 of the judge of the multicounty statutory county court.

6-54 (e) The court fees and costs collected by the clerk of a
6-55 multicounty statutory county court shall be deposited in the
6-56 appropriate county fund as provided by law.

6-57 (b) Effective January 1, 2019, Section 25.2701, Government
6-58 Code, is amended to read as follows:

6-59 Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER[~~7~~
6-60 MITCHELL,] AND NOLAN COUNTIES). Fisher[~~7~~, Mitchell,] and Nolan
6-61 Counties have a multicounty statutory county court composed of
6-62 those counties, the 1st Multicounty Court at Law.

6-63 (c) Section 25.2702, Government Code, is amended by adding
6-64 Subsection (c-1) to read as follows:

6-65 (c-1) Nolan County is the administrative county for the 1st
6-66 Multicounty Court at Law.

6-67 (d) Section 25.2702(g), Government Code, is repealed.

6-68 SECTION 2.08. (a) Section 43.122, Government Code, is
6-69 amended to read as follows:

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

7-9 (b) Subchapter B, Chapter 45, Government Code, is amended by
7-10 adding Section 45.104 to read as follows:

7-11 Sec. 45.104. ARANSAS COUNTY. (a) In Aransas County, the
7-12 county attorney of Aransas County shall perform the duties imposed
7-13 on and have the powers conferred on district attorneys by general
7-14 law.

7-15 (b) The county attorney of Aransas County or the
7-16 Commissioners Court of Aransas County may accept gifts or grants
7-17 from any individual, partnership, corporation, trust, foundation,
7-18 association, or governmental entity for the purpose of financing or
7-19 assisting the operation of the office of county attorney in Aransas
7-20 County. The county attorney shall account for and report to the
7-21 commissioners court all gifts or grants accepted under this
7-22 subsection.

7-23 SECTION 2.09. (a) Effective January 1, 2017, Subchapter B,
7-24 Chapter 45, Government Code, is amended by adding Section 45.194 to
7-25 read as follows:

7-26 Sec. 45.194. GUADALUPE COUNTY. (a) In Guadalupe County
7-27 the county attorney of Guadalupe County shall perform the duties
7-28 imposed on and have the powers conferred on district attorneys by
7-29 general law and is entitled to be compensated by the state in the
7-30 manner and amount set by general law relating to the salary paid to
7-31 district attorneys by the state.

7-32 (b) The county attorney of Guadalupe County or the
7-33 Commissioners Court of Guadalupe County may accept gifts or grants
7-34 from any individual, partnership, corporation, trust, foundation,
7-35 association, or governmental entity for the purpose of financing or
7-36 assisting the operation of the office of county attorney in
7-37 Guadalupe County. The county attorney shall account for and report
7-38 to the commissioners court all gifts or grants accepted under this
7-39 subsection.

7-40 (b) Effective January 1, 2017, Section 43.112, Government
7-41 Code, as amended by Chapters 644 (H.B. 717) and 872 (H.B. 696), Acts
7-42 of the 83rd Legislature, Regular Session, 2013, is repealed.

7-43 (c) On January 1, 2017, the office of district attorney for
7-44 the 25th Judicial District is abolished.

7-45 ARTICLE 3. BAILIFFS

7-46 SECTION 3.01. Chapter 53, Government Code, is amended by
7-47 adding Subchapter G to read as follows:

7-48 SUBCHAPTER G. BAILIFFS FOR COUNTY COURTS AT LAW
7-49 IN TARRANT COUNTY

7-50 Sec. 53.101. ASSIGNMENT OF BAILIFF. At least one bailiff
7-51 shall be assigned regularly to each county court at law of Tarrant
7-52 County.

7-53 Sec. 53.102. OFFICE OF BAILIFF; APPOINTMENT. (a) The
7-54 judge of each county court at law of Tarrant County may appoint one
7-55 person to serve as bailiff of that court.

7-56 (b) The bailiff is an officer of the court and performs the
7-57 duties of the office under the direction and supervision of the
7-58 judge of the court.

7-59 Sec. 53.103. TERM OF OFFICE. The bailiff holds office at
7-60 the will of the judge of the court served by the bailiff.

7-61 Sec. 53.104. DUTIES. A bailiff shall perform the duties
7-62 imposed on bailiffs under the general laws of this state and the
7-63 other duties required by the judge of the court served.

7-64 Sec. 53.105. ASSIGNMENT OF BAILIFF BY SHERIFF. (a) If the
7-65 judge of a county court at law of Tarrant County does not appoint a
7-66 person to serve as bailiff under Section 53.102, the sheriff of
7-67 Tarrant County shall assign a bailiff for the court on written
7-68 request of the judge.

7-69 (b) A bailiff assigned by the sheriff serves at the pleasure

8-1 of the court to which the bailiff is assigned and shall perform the
8-2 duties required by the judge of the court.

8-3 (c) On request of the judge of a county court at law, the
8-4 sheriff shall immediately assign a bailiff to the court served by
8-5 the judge to fill a temporary absence of the appointed or assigned
8-6 bailiff.

8-7 Sec. 53.106. COMPENSATION. A bailiff appointed by the
8-8 judge of a county court at law of Tarrant County shall be
8-9 compensated out of the general fund of the county in an amount to be
8-10 set by the Commissioners Court of Tarrant County.

8-11 SECTION 3.02. Chapter 53, Government Code, is amended by
8-12 adding Subchapter H to read as follows:

8-13 SUBCHAPTER H. BAILIFFS FOR FAMILY DISTRICT COURTS IN TARRANT
8-14 COUNTY

8-15 Sec. 53.121. OFFICE OF BAILIFF. The judges of the 231st,
8-16 233rd, 322nd, 323rd, 324th, 325th, and 360th district courts may
8-17 appoint one person to serve as bailiff of that court and one person
8-18 to serve as bailiff for the district court served by an associate
8-19 judge of that district court. A bailiff is an officer of the court
8-20 and performs the duties of the office under the direction and
8-21 supervision of the judge of the court.

8-22 Sec. 53.122. APPOINTMENT. An order signed by the
8-23 appointing judge and entered on the minutes of the court is evidence
8-24 of appointment of a bailiff. The judge shall give written notice to
8-25 the commissioners court and each constable of Tarrant County of the
8-26 appointment and date employed.

8-27 Sec. 53.123. QUALIFICATIONS. A bailiff must be a citizen of
8-28 the United States and must be 18 years of age or older.

8-29 Sec. 53.124. BAILIFF AS DEPUTY. On written notice of the
8-30 appointment from the judge, a constable of the county may deputize
8-31 the bailiff in addition to other deputies authorized by law.

8-32 Sec. 53.125. OATH. The following oath must be administered
8-33 by the appointing judge to the bailiff appointed under this
8-34 subchapter: "I solemnly swear that I will perform faithfully and
8-35 impartially all duties required of me and required by law so help me
8-36 God."

8-37 Sec. 53.126. TERM OF OFFICE. The bailiff holds office at
8-38 the will of the judge of the court served by the bailiff.

8-39 Sec. 53.127. DUTIES. A bailiff shall perform the duties
8-40 imposed on bailiffs under the general laws of this state and the
8-41 other duties required by the judge of the court served.

8-42 Sec. 53.128. COMPENSATION. The bailiff shall be
8-43 compensated out of the general fund of the county in an amount to be
8-44 set by the Commissioners Court of Tarrant County.

8-45 ARTICLE 4. CERTAIN CRIMINAL LAW MAGISTRATE COURTS, CERTAIN
8-46 CRIMINAL LAW HEARING OFFICERS, AND A JUVENILE BOARD

8-47 SECTION 4.01. (a) Article 2.09, Code of Criminal
8-48 Procedure, is amended to read as follows:

8-49 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
8-50 officers is a magistrate within the meaning of this Code: The
8-51 justices of the Supreme Court, the judges of the Court of Criminal
8-52 Appeals, the justices of the Courts of Appeals, the judges of the
8-53 District Court, the magistrates appointed by the judges of the
8-54 district courts of Bexar County, Dallas County, or Tarrant County
8-55 that give preference to criminal cases, the criminal law hearing
8-56 officers for Harris County appointed under Subchapter L, Chapter
8-57 54, Government Code, the criminal law hearing officers for Cameron
8-58 County appointed under Subchapter BB, Chapter 54, Government Code,
8-59 the magistrates or associate judges appointed by the judges of the
8-60 district courts of Lubbock County, Nolan County, or Webb County,
8-61 the magistrates appointed by the judges of the criminal district
8-62 courts of Dallas County or Tarrant County, the associate judges
8-63 appointed by the judges of the district courts and the county courts
8-64 at law that give preference to criminal cases in Jefferson County,
8-65 the associate judges appointed by the judges of the district courts
8-66 and the statutory county courts of Brazos County, Hidalgo County,
8-67 Nueces County, or Williamson County, the magistrates appointed by
8-68 the judges of the district courts and statutory county courts that
8-69 give preference to criminal cases in Travis County, the criminal

9-1 magistrates appointed by the Brazoria County Commissioners Court,
9-2 the criminal magistrates appointed by the Burnet County
9-3 Commissioners Court, the county judges, the judges of the county
9-4 courts at law, judges of the county criminal courts, the judges of
9-5 statutory probate courts, the associate judges appointed by the
9-6 judges of the statutory probate courts under Chapter 54A,
9-7 Government Code, the associate judges appointed by the judge of a
9-8 district court under Chapter 54A, Government Code, the magistrates
9-9 appointed under Subchapter JJ, Chapter 54, Government Code, as
9-10 added by H.B. No. 2132, Acts of the 82nd Legislature, Regular
9-11 Session, 2011, the justices of the peace, and the mayors and
9-12 recorders and the judges of the municipal courts of incorporated
9-13 cities or towns.

9-14 (b) Chapter 54, Government Code, is amended by adding
9-15 Subchapter MM to read as follows:

9-16 SUBCHAPTER MM. CRIMINAL LAW MAGISTRATES IN HIDALGO COUNTY

9-17 Sec. 54.2101. APPLICATION. This subchapter applies to the
9-18 district courts and the county courts at law in Hidalgo County.

9-19 Sec. 54.2102. APPOINTMENT; COMPENSATION. (a) The
9-20 Commissioners Court of Hidalgo County shall set the number of
9-21 magistrates needed to perform the duties authorized by this
9-22 subchapter.

9-23 (b) A magistrate shall be paid a salary determined by the
9-24 Commissioners Court of Hidalgo County.

9-25 (c) The judges of the district courts who wish to use the
9-26 services of a magistrate may jointly appoint the magistrates that
9-27 will assist their courts. The judges of the county courts at law
9-28 who wish to use the services of a magistrate may jointly appoint the
9-29 magistrates that will assist their courts. A judge who uses the
9-30 services of a magistrate may determine the extent to which those
9-31 services are used in the judge's court.

9-32 (d) On agreement between the judges of the district courts
9-33 and the judges of the county courts at law who wish to use the
9-34 services of a magistrate, a magistrate may serve in both those
9-35 district courts and those county courts at law. A magistrate
9-36 serving in both the district courts and the county courts at law
9-37 shall spend half the magistrate's time in the district courts and
9-38 half in the county courts at law.

9-39 (e) If the number of magistrates is less than the number of
9-40 the judges who wish to use the services of a magistrate, each
9-41 magistrate shall serve equally in the courts of those judges.

9-42 (f) A magistrate serves a one-year term, unless the
9-43 magistrate is terminated under Section 54.2109.

9-44 (g) A magistrate may be employed on a full-time or part-time
9-45 basis. A court served by the magistrate shall determine the
9-46 magistrate's work schedule.

9-47 Sec. 54.2103. ELIGIBILITY FOR APPOINTMENT. In determining
9-48 whom to appoint as a magistrate under this subchapter, the judges of
9-49 the district courts or the judges of the county courts at law, as
9-50 applicable, shall give priority to a retired or former judge, as
9-51 those terms are defined by Section 74.041. If no retired or former
9-52 judge desires to be appointed, the appointing judges shall consider
9-53 for appointment persons who:

- 9-54 (1) are licensed to practice law in this state;
- 9-55 (2) reside in Hidalgo County;
- 9-56 (3) have at least 10 years of active experience in
9-57 criminal law practice; and
- 9-58 (4) exhibit judicial temperaments.

9-59 Sec. 54.2104. JUDICIAL IMMUNITY. A magistrate has the same
9-60 judicial immunity as a district judge or judge of a county court at
9-61 law, as applicable.

9-62 Sec. 54.2105. STAFF FOR MAGISTRATE. (a) The clerk of a
9-63 court a magistrate serves shall provide a clerk for the magistrate.

9-64 (b) A sheriff's deputy shall attend a proceeding conducted
9-65 by a magistrate and act as a bailiff.

9-66 Sec. 54.2106. PROCEEDINGS THAT MAY BE REFERRED. A judge who
9-67 appoints a magistrate under Section 54.2102 may refer to the
9-68 magistrate any criminal case for proceedings involving:

- 9-69 (1) arraignment of defendants;

10-1 (2) a negotiated plea of guilty or no contest;
10-2 (3) sentencing for a negotiated plea of guilty or no
10-3 contest;
10-4 (4) ordering of community service;
10-5 (5) a pretrial motion;
10-6 (6) an examining trial;
10-7 (7) a bond forfeiture suit;
10-8 (8) issuance of capias;
10-9 (9) issuance of arrest and search warrants;
10-10 (10) setting of bonds;
10-11 (11) a motion to increase or decrease a bond;
10-12 (12) a hearing on a protective order;
10-13 (13) a motion to grant, modify, revoke, or extend
10-14 community supervision or to proceed to an adjudication;
10-15 (14) a pretrial diversion;
10-16 (15) civil commitment matters under Subtitle C, Title
10-17 7, Health and Safety Code;
10-18 (16) an agreed recommendation for a presentence
10-19 investigation report for determination of a sentence; and
10-20 (17) any other matter the judge considers necessary
10-21 and proper.
10-22 Sec. 54.2107. POWERS. Except as limited by an order of
10-23 referral, a magistrate to whom a case is referred may:
10-24 (1) conduct hearings;
10-25 (2) hear evidence;
10-26 (3) compel production of relevant evidence;
10-27 (4) rule on admissibility of evidence;
10-28 (5) issue summons for the appearance of witnesses;
10-29 (6) examine witnesses;
10-30 (7) swear witnesses for hearings;
10-31 (8) make findings of fact on evidence;
10-32 (9) formulate conclusions of law;
10-33 (10) rule on pretrial motions;
10-34 (11) recommend the rulings, orders, or judgment to be
10-35 made in a case;
10-36 (12) regulate proceedings in a hearing;
10-37 (13) in any case referred under Section 54.2106:
10-38 (A) accept a negotiated plea of guilty;
10-39 (B) enter a finding of guilt and impose or
10-40 suspend sentence; or
10-41 (C) defer adjudication of guilt; and
10-42 (14) do any act and take any measure necessary and
10-43 proper for the efficient performance of the duties required by the
10-44 order of referral.
10-45 Sec. 54.2108. DISMISSAL. A magistrate appointed under this
10-46 subchapter may not dismiss a case.
10-47 Sec. 54.2109. TERMINATION OF SERVICES. Regardless of
10-48 whether a magistrate serves in both the district courts and the
10-49 county courts at law or whether the magistrate serves in only one of
10-50 those types of courts, the magistrate's service with respect to a
10-51 particular type of court may be terminated only on a majority vote
10-52 of the judges of that type of court who appointed the magistrate
10-53 under Section 54.2102, or their successors.
10-54 Sec. 54.2110. ABSENCE OF MAGISTRATE. (a) If a magistrate
10-55 appointed under this subchapter is absent or unable to serve, the
10-56 local administrative judge of the type of court with respect to
10-57 which the magistrate served may appoint a temporary magistrate to
10-58 serve for the absent magistrate.
10-59 (b) A temporary magistrate serving for another magistrate
10-60 under this section has the powers and shall perform the duties of
10-61 the magistrate for whom the temporary magistrate is serving.
10-62 Sec. 54.2111. RECORD OF PROCEEDINGS. A criminal proceeding
10-63 in a magistrate court shall be recorded by a good quality electronic
10-64 audio or videotape recording device, unless the defendant requests
10-65 that a court reporter be present. The record shall be retained by
10-66 the clerk of the court as required by law.
10-67 Sec. 54.2112. PAPERS TRANSMITTED TO JUDGE. At the
10-68 conclusion of the proceedings, a magistrate shall transmit to the
10-69 referring court as soon as possible any papers relating to the case,

11-1 including the magistrate's findings, conclusions, orders,
 11-2 recommendations, or other action taken.

11-3 Sec. 54.2113. JUDICIAL ACTION. (a) The judge of the court
 11-4 in which the case is pending may modify, correct, reject, reverse,
 11-5 or recommit for further information any action taken by the
 11-6 magistrate.

11-7 (b) If the supervising judge or judges do not modify,
 11-8 correct, reject, reverse, or recommit an action of the magistrate
 11-9 within the time required by law, the action becomes the order,
 11-10 judgment, or decree of the court.

11-11 Sec. 54.2114. PRETRIAL DIVERSION. As a condition for a
 11-12 defendant to enter any pretrial diversion program or the functional
 11-13 equivalent that may be operated in Hidalgo County, a defendant must
 11-14 file in the court in which the charges are pending a sworn waiver of
 11-15 the defendant's right to a speedy trial under the United States
 11-16 Constitution and other law and a motion requesting the court to
 11-17 approve the waiver without a hearing. If the court approves the
 11-18 waiver, the defendant is eligible for consideration for acceptance
 11-19 into a pretrial diversion or equivalent program.

11-20 SECTION 4.02. (a) Section 54.732, Government Code, is
 11-21 amended to read as follows:

11-22 Sec. 54.732. CREATION. The El Paso Criminal Law Magistrate
 11-23 Court is a court having the jurisdiction provided by this
 11-24 subchapter over offenses allegedly committed in El Paso County
 11-25 [~~except for that portion of the county in the corporate limits of~~
 11-26 Vinton, Texas].

11-27 (b) Section 54.733, Government Code, is amended by adding
 11-28 Subsection (j) to read as follows:

11-29 (j) The criminal law magistrate court has concurrent
 11-30 criminal jurisdiction with the justice courts located in El Paso
 11-31 County.

11-32 (c) Section 54.735, Government Code, is amended to read as
 11-33 follows:

11-34 Sec. 54.735. POWERS AND DUTIES. (a) The criminal law
 11-35 magistrate court or a judge of the criminal law magistrate court may
 11-36 issue writs of injunction and all other writs necessary for the
 11-37 enforcement of the jurisdiction of the court and may issue
 11-38 misdemeanor writs of habeas corpus in cases in which the offense
 11-39 charged is within the jurisdiction of the court or of any other
 11-40 court of inferior jurisdiction in the county. The court and the
 11-41 judge may punish for contempt as provided by law for district
 11-42 courts. A judge of the criminal law magistrate court has all other
 11-43 powers, duties, immunities, and privileges provided by law for:

11-44 (1) justices of the peace when acting in a Class C
 11-45 misdemeanor case;

11-46 (2) county court judges when acting in a Class A or
 11-47 Class B misdemeanor case; and

11-48 (3) [~~for~~] district court judges when acting in a
 11-49 felony case.

11-50 (b) A judge of the criminal law magistrate court may hold an
 11-51 indigency hearing and a capias pro fine hearing. When acting as the
 11-52 judge who issued the capias pro fine, a judge of the criminal law
 11-53 magistrate court may make all findings of fact and conclusions of
 11-54 law required of the judge who issued the capias pro fine. In
 11-55 conducting a hearing under this subsection, the judge of the
 11-56 criminal law magistrate court is empowered to make all findings of
 11-57 fact and conclusions of law and to issue all orders necessary to
 11-58 properly dispose of the capias pro fine or indigency hearing in
 11-59 accordance with the provisions of the Code of Criminal Procedure
 11-60 applicable to a misdemeanor or felony case of the same type and
 11-61 level.

11-62 (d) Section 54.736(b), Government Code, is amended to read
 11-63 as follows:

11-64 (b) The council of judges shall ensure that the criminal law
 11-65 magistrate court gives preference to magistrate duties, as those
 11-66 duties apply to the county jail inmate population first and then to
 11-67 newly detained individuals, until the commissioners court provides
 11-68 funds for more than one judge to sit on the criminal law magistrate
 11-69 court.

12-1 (e) Section 54.737(c), Government Code, is amended to read
 12-2 as follows:

12-3 (c) The rules must provide that [+
 12-4 [~~(1) a criminal law magistrate judge may not, on a~~
 12-5 ~~regular basis, hold court or perform magistrate duties after 7 p.m.~~
 12-6 ~~or before 7 a.m., and~~

12-7 [~~(2)~~] a criminal law magistrate judge may only release
 12-8 a defendant under Article 17.031, Code of Criminal Procedure, under
 12-9 guidelines established by the council of judges.

12-10 (f) Sections 54.738(a) and (c), Government Code, are
 12-11 amended to read as follows:

12-12 (a) Except as provided by Subsection (b) or local
 12-13 administrative rules, the local administrative judge or a judge of
 12-14 the criminal law magistrate court may transfer between courts a
 12-15 case that is pending in the court of any magistrate in the criminal
 12-16 law magistrate court's jurisdiction if the case is:

12-17 (1) an [any] unindicted felony case;

12-18 (2) a[~~r~~] Class A [~~misdemeanor case,~~] or Class B
 12-19 misdemeanor case if an information has not been filed; or

12-20 (3) a Class C misdemeanor [~~and if the~~] case [~~is pending~~
 12-21 in the court of any magistrate in the criminal law magistrate
 12-22 court's jurisdiction].

12-23 (c) Except as provided by Subsection (d) or local
 12-24 administrative rules, the local administrative judge may assign a
 12-25 judge on the council of judges, a judge of the criminal law
 12-26 magistrate court, a retired judge, or any other magistrate to act as
 12-27 presiding judge in a case that is pending in the court of any
 12-28 magistrate in the criminal law magistrate court's jurisdiction if
 12-29 the case is:

12-30 (1) an [any] unindicted felony case;

12-31 (2) a[~~r~~] Class A [~~misdemeanor case,~~] or Class B
 12-32 misdemeanor case if an information has not been filed; or

12-33 (3) a Class C misdemeanor [~~and if the~~] case [~~is pending~~
 12-34 in the court of any magistrate in the criminal law magistrate
 12-35 court's jurisdiction].

12-36 (g) Section 54.739(d), Government Code, is amended to read
 12-37 as follows:

12-38 (d) A case assigned under this subchapter to the criminal
 12-39 law magistrate court from a district court, [~~or~~] a county court at
 12-40 law, or a justice court remains on the docket of the assigning court
 12-41 and in the assigning court's jurisdiction.

12-42 (h) Section 54.741, Government Code, is amended to read as
 12-43 follows:

12-44 Sec. 54.741. FORFEITURES. Bail bonds and personal bonds
 12-45 may be forfeited by the criminal law magistrate court in the manner
 12-46 provided by Chapter 22, Code of Criminal Procedure, and those
 12-47 forfeitures shall be filed with:

12-48 (1) the district clerk if associated with a felony
 12-49 case;

12-50 (2) [~~, except in cases in which~~] the county clerk if
 12-51 associated with a Class A or Class B misdemeanor case; or

12-52 (3) the same justice court clerk associated with the
 12-53 Class C misdemeanor case in which the bond was originally filed [~~is~~
 12-54 the clerk under this subchapter].

12-55 (i) Section 54.742, Government Code, is amended by adding
 12-56 Subsection (c) to read as follows:

12-57 (c) When a justice clerk is the clerk under this subchapter,
 12-58 the justice clerk shall charge the same court costs for cases filed
 12-59 in, transferred to, or assigned to the criminal law magistrate
 12-60 court that are charged in the justice courts.

12-61 (j) Section 54.744, Government Code, is amended to read as
 12-62 follows:

12-63 Sec. 54.744. JUDGES ON EL PASO COUNCIL OF JUDGES. Unless
 12-64 the local rules of administration provide otherwise, the judges on
 12-65 the El Paso Council of Judges and the judges on the criminal law
 12-66 magistrate court may sit and act for any magistrate in El Paso
 12-67 County on any unindicted felony or Class A or B misdemeanor case if
 12-68 an information has not been filed or any Class C misdemeanor case
 12-69 filed in a justice court.

13-1 (k) Section 54.745(a), Government Code, is amended to read
 13-2 as follows:

13-3 (a) As a condition for a defendant to enter any pretrial
 13-4 diversion program, including a behavioral modification program, a
 13-5 health care program, a specialty court program, or the functional
 13-6 equivalent that may be operated in El Paso County by El Paso County,
 13-7 Emergence Health Network, the City of El Paso, the West Texas
 13-8 Regional Adult Probation Department, a community partner approved
 13-9 by the council of judges, or a county or district attorney of El
 13-10 Paso County, a defendant must file in the court in which the charges
 13-11 are pending a sworn waiver of speedy trial motion requesting the
 13-12 court to approve without a hearing defendant's waiver of his speedy
 13-13 trial rights under the constitution and other law. If the court
 13-14 approves the waiver, the defendant is eligible for consideration
 13-15 for acceptance into a pretrial diversion program or equivalent
 13-16 program.

13-17 (l) Sections 54.746(d) and (e), Government Code, are
 13-18 amended to read as follows:

13-19 (d) A judge of a county court at law in El Paso County shall
 13-20 exercise jurisdiction granted by Subsection (a) over felony
 13-21 indictments and felony informations and justice court cases
 13-22 [information] only as a judge presiding for the court in which the
 13-23 felony or Class C misdemeanor is pending and only if the El Paso
 13-24 Council of Judges has so provided in the local administrative rules
 13-25 by a unanimous vote. The exercise of this jurisdiction outside El
 13-26 Paso County is as provided by Chapter 74 and other law.

13-27 (e) A judge of a district court in El Paso County shall
 13-28 exercise jurisdiction granted by Subsection (a) over misdemeanor
 13-29 information and justice court cases only as a judge presiding for
 13-30 the court in which the misdemeanor is pending and only if the
 13-31 council of judges has so provided in the local administrative rules
 13-32 by a unanimous vote. The exercise of this jurisdiction outside El
 13-33 Paso County is as provided by the Court Administration Act (Chapter
 13-34 74) and other law.

13-35 (m) Section 54.750, Government Code, is amended by adding
 13-36 Subsection (d) to read as follows:

13-37 (d) When conducting a *capias pro fine* hearing for any court,
 13-38 the criminal law magistrate court acts in the same capacity and with
 13-39 the same authority as the judge who issued the *capias pro fine*.

13-40 (n) Sections 54.753(a) and (b), Government Code, are
 13-41 amended to read as follows:

13-42 (a) The district clerk serves as clerk of the criminal law
 13-43 magistrate court, except that:

13-44 (1) after a Class A or Class B misdemeanor information
 13-45 is filed in the county court at law and assigned to the criminal law
 13-46 magistrate court, the county clerk serves as clerk for that
 13-47 misdemeanor case; and

13-48 (2) after a Class C misdemeanor is filed in a justice
 13-49 court and assigned to the criminal law magistrate court, the
 13-50 originating justice court clerk serves as clerk for that
 13-51 misdemeanor case.

13-52 (b) The district clerk shall establish a docket and keep the
 13-53 minutes for the cases filed in or transferred to the criminal law
 13-54 magistrate court. The district clerk shall perform any other
 13-55 duties that local administrative rules require in connection with
 13-56 the implementation of this subchapter. The local administrative
 13-57 judge shall ensure that the duties required under this subsection
 13-58 are performed. To facilitate the duties associated with serving as
 13-59 the clerk of the criminal law magistrate court, the district clerk
 13-60 and the deputies of the district clerk may serve as deputy justice
 13-61 clerks and deputy county clerks at the discretion of the district
 13-62 clerk.

13-63 (o) Section 54.759, Government Code, is amended to read as
 13-64 follows:

13-65 Sec. 54.759. LOCATION OF COURT. (a) The criminal law
 13-66 magistrate court may be held at one or more locations [~~the location~~
 13-67 ~~that is~~] provided by the local administrative rules or ordered by
 13-68 the local administrative judge.

13-69 (b) A defendant may be brought before the court in person or

14-1 by means of an electronic broadcast system through which an image of
14-2 the defendant is presented to the court. For purposes of this
14-3 subsection, "electronic broadcast system" means a two-way
14-4 electronic communication of image and sound between the defendant
14-5 and the court and includes secure Internet videoconferencing.

14-6 SECTION 4.03. (a) Section 54.1356(a), Government Code, is
14-7 amended to read as follows:

14-8 (a) A criminal law hearing officer appointed under this
14-9 subchapter has limited concurrent jurisdiction over criminal cases
14-10 filed in the district courts, statutory county courts, and justice
14-11 courts of the county. The jurisdiction of the criminal law hearing
14-12 officer is limited to:

14-13 (1) determining probable cause for further detention
14-14 of any person detained on a criminal complaint, information, or
14-15 indictment filed in the district courts, statutory county courts,
14-16 or justice courts of the county;

14-17 (2) committing the defendant to jail, discharging the
14-18 defendant from custody, or admitting the defendant to bail, as the
14-19 law and facts of the case require;

14-20 (3) issuing search warrants and arrest warrants as
14-21 provided by law for magistrates;

14-22 (4) as to criminal cases filed in justice courts,
14-23 disposing of cases as provided by law, other than by trial, and
14-24 collecting fines and enforcing judgments and orders of the justice
14-25 courts in criminal cases;

14-26 (5) hearing, considering, and ruling on writs of
14-27 habeas corpus filed under Article 17.151, Code of Criminal
14-28 Procedure; ~~and~~

14-29 (6) on motion of the district attorney:

14-30 (A) dismissing a criminal case when the arresting
14-31 agency has not timely filed the offense report with the district
14-32 attorney; and

14-33 (B) reducing the amount of bond on prisoners held
14-34 at the county jail whose cases have not been filed in a district
14-35 court or a statutory county court; and

14-36 (7) presiding over an extradition proceeding under
14-37 Article 51.13, Code of Criminal Procedure.

14-38 (b) Section 54.1358, Government Code, is amended by adding
14-39 Subsections (f) and (g) to read as follows:

14-40 (f) In accordance with Article 26.13, Code of Criminal
14-41 Procedure, a criminal law hearing officer may accept a plea of
14-42 guilty or nolo contendere.

14-43 (g) A criminal law hearing officer may determine whether a
14-44 defendant is indigent and appoint counsel for an indigent
14-45 defendant.

14-46 (c) Subchapter BB, Chapter 54, Government Code, is amended
14-47 by adding Section 54.1362 to read as follows:

14-48 Sec. 54.1362. PROCEEDINGS THAT MAY BE REFERRED. A district
14-49 judge or a county court at law judge may refer to a criminal law
14-50 hearing officer any criminal case for proceedings involving:

14-51 (1) a bond forfeiture;

14-52 (2) the arraignment of defendants;

14-53 (3) the determination of whether a defendant is
14-54 indigent and the appointment of counsel for an indigent defendant;
14-55 and

14-56 (4) a negotiated plea of guilty or nolo contendere
14-57 before the court, in accordance with Article 26.13, Code of
14-58 Criminal Procedure.

14-59 SECTION 4.04. Section 152.0131(a), Human Resources Code, is
14-60 amended to read as follows:

14-61 (a) The juvenile board of Atascosa County is composed of the
14-62 county judge, ~~and~~ the district judges in Atascosa County, and the
14-63 judge of the County Court at Law of Atascosa County.

14-64 ARTICLE 5. EFFECTIVE DATE

14-65 SECTION 5.01. Except as otherwise provided by this Act,
14-66 this Act takes effect September 1, 2015.

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