

**SUBJECT:** Creating district courts and county courts at law; court administration

**COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended

**VOTE:** 8 ayes — Smithee, Farrar, Clardy, Laubenberg, Raymond, Schofield, Sheets, S. Thompson

0 nays

1 absent — Hernandez

**SENATE VOTE:** On final passage, April 27 — 30 - 0

**WITNESSES:** *(On House companion bill, HB 2768)*  
For — *(Registered, but did not testify: Mike Hull, Texans for Lawsuit Reform; Donna Warndorf, Harris County)*

Against — None

On — David Slayton, Office of Court Administration, Texas Judicial Council

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**DIGEST:** CSSB 1139 would create several trial courts and would make changes to others.

**Associate judges.** The bill would provide procedures for appointment, reappointment, evaluation, and supervision of associate judges appointed to complete child support and protection cases. The procedures would apply to appointments and reappointments of associate judges on or after the bill's effective date.

The bill would require presiding judges to either reappoint current associate judges or appoint new associate judges to replace current associate judges by October 1, 2015.

**District courts.** CSSB 1139 would create seven new district courts as

follows:

- the 446<sup>th</sup> District Court in Ector County on September 1, 2015;
- the 469<sup>th</sup> and 470<sup>th</sup> district courts in Collin County, which would hear family law matters, on September 1, 2015;
- the 505<sup>th</sup> District Court in Fort Bend County on September 1, 2015;
- the 507<sup>th</sup> District Court in Harris County on January 1, 2016;
- the 440<sup>th</sup> District Court in Coryell County on January 1, 2017; and
- the 451<sup>st</sup> District Court in Kendall County on January 1, 2017.

The bill would remove Kendall County from the existing 216<sup>th</sup> District Court on January 1, 2017. The bill would create a new district attorney for the 451<sup>st</sup> District Court and would add this prosecutor to the professional prosecutors act. The bill would abolish the office of county attorney of Kendall County, effective January 1, 2017.

The local administrative district judge for Coryell County would be selected on the basis of seniority from the district judges of the 52<sup>nd</sup> and 440<sup>th</sup> judicial districts.

The bill would move the beginning of the terms of the 52<sup>nd</sup> District Court from the first Mondays in January and June to the first Mondays in January and July.

**County courts.** The bill would create four statutory county courts at law as follows:

- a county court at law would be created in Cameron County on January 1, 2016. That court would give preference to probate, guardianship, and mental health matters;
- another county court at law would be created in Cameron County on January 1, 2018;
- a county court at law would be created in Collin County on September 1, 2015; and
- a county court at law would be created in Fort Bend County on

January 1, 2016;

A county criminal court at law also would be created in Harris County on January 1, 2016.

Under the bill, the clerk of the Hill County court at law would serve as the clerk for all probate and guardianship matters.

The bill would give county courts in Tarrant County jurisdiction on any non-criminal appeal from a municipal court of record in Tarrant County.

Under the bill, if a statute that establishes a multicounty statutory county court does not designate an administrative county, the county with the greatest population at the time the court is established would serve as the administrative county. The administrative county would coordinate with the state, commissioners courts, and the other counties in the court to provide support for the court. Under the bill, state compensation for salaries of the multicounty county court judges would be equal to the salaries of district court judges in the county.

The bill would remove Mitchell County from the 1<sup>st</sup> multicounty court at law on January 1, 2019, and would make Nolan County the administrative county on the effective date.

The bill would remove Aransas County from the 36<sup>th</sup> judicial district.

The county attorneys of Aransas and Guadalupe counties would have the duties and powers of district attorneys. The Aransas county attorney would have these powers and duties on the effective date of the bill. The Guadalupe county attorney would have them on January 1, 2017.

The bill would abolish the office of district attorney for the 25<sup>th</sup> judicial district, which includes Gonzales, Guadalupe, and Lavaca counties, on January 1, 2017.

**Filing fees.** CSSB 1139 would increase the filing fee for civil actions in

certain courts in the state from \$20 to \$30.

**Bailiffs.** The bill would require that at least one bailiff be assigned regularly to each county court at law and certain family district courts in Tarrant County. The bill would provide for the bailiff's term of office, duties, assignment by the sheriff and compensation.

**Criminal law magistrate courts; criminal law hearing officers; juvenile board.** The bill would expand the jurisdiction, duties, and authority of the El Paso Criminal Law Magistrate Court in several ways including:

- giving the court concurrent jurisdiction with certain other courts in the county in certain cases;
- giving the court jurisdiction over offenses allegedly committed in Vinton, Texas;
- allowing the court to hold indigency and *capias pro fine* hearings;
- allowing transfer of certain cases to and from the court;
- expanding options for pretrial diversion programs;
- allowing the court to be held at more than one location; and
- allowing defendants to be brought before the court via videoconference in certain cases.

The bill also would expand the authority of a criminal law hearing officer in Cameron County in various ways, including:

- giving the hearing officer jurisdiction over extradition proceedings under the Uniform Criminal Extradition Act;
- allowing the hearing officer to accept pleas of guilty or *nolo contendere*;
- allowing the hearing officer to appoint counsel for a defendant that the officer found was indigent; and
- allowing certain proceedings to be referred to the hearing officer by district and county court judges in Cameron County.

The bill would add a judge of the county court at law of Atascosa County to the juvenile board of Atascosa County.

**Temporary justices.** The bill would authorize the county judges of certain counties to appoint a qualified person to serve as a temporary justice of the peace for precincts within certain municipalities.

**Telephone interpreter services in criminal proceeding.** Under certain conditions, qualified telephone interpreters could be sworn in to interpret for a person in any criminal proceeding before a judge or magistrate.

**Courts authorized to hear matters related to *capias pro fine*.** Under the bill, if a court that issued a *capias pro fine* was unavailable, an arresting officer could take the defendant to another court in the same county with concurrent jurisdiction, or in certain circumstances to a justice of the peace or county criminal law magistrate in the same county, in lieu of jail. The bill would allow certain justices, magistrates and municipal court judges to conduct certain hearings when defendants failed to pay misdemeanor fines and the court that issued the *capias pro fine* was not available.

**Effective date.** Except as otherwise provided, CSSB 1139 would take effect September 1, 2015.

SUPPORTERS  
SAY:

CSSB 1139 would ensure that the state had adequate judicial resources available to provide for the proper administration of the judiciary.

Each new court in the bill is justified based on need and supported by objective workload data provided by the Office of Court Administration (OCA). The OCA considered many factors when recommending additional district courts, including the estimated FTEs needed based on a weighted caseload study, the extent to which the courts employed associate judges to assist with the workload, the increase or decrease in total case filings in recent years, the date the last court was created, and other measures.

The OCA also considered a number of factors when recommending additional county courts, including the average number of cases added during the past two years, the increase or decrease in total case filings during recent years, and the rate of dispositions versus filings during recent years.

OPPONENTS  
SAY:

The state should be careful when creating long-term funding obligations that may only have a local impact. According to the fiscal note, SB 1139 would cost more than \$3 million during fiscal 2016-17 in salaries, salary supplements, and other support costs.

NOTES:

CSSB 1139 differs from SB 1139 as engrossed by the Senate in various ways, including that the committee substitute would:

- add provisions related to associate judges for child support and child protection cases;
- require the 469<sup>th</sup> and 470<sup>th</sup> district courts in Collin County to hear family law matters;
- increase the filing fee for certain civil cases;
- add provisions related to temporary justices; and
- amend the provision related to procedures for *capias pro fine* hearings.

According to the Legislative Budget Board's fiscal note, the bill would result in a negative impact to general revenue related funds of about \$3.1 million during fiscal 2016-17.

The House companion bill, HB 2768 by Smithee, was considered in a public hearing of the Judiciary and Civil Jurisprudence Committee on April 7 and left pending.