

## **BILL ANALYSIS**

Senate Research Center  
81R25606 E

C.S.S.B. 992  
By: Duncan  
Jurisprudence  
4/18/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The objective of C.S.S.B. 992 is to simplify and increase efficiency in the civil justice system. Existing law is problematic to system participants in several respects. The trial court system in Texas contains four tiers of courts with overlapping jurisdiction that differs depending on the county. Various administrative provisions are inconsistently applied to specific district or statutory county courts to the exclusion of others. The adjudication of small claims is confusing. There are 25 different categorizations of subordinate judicial officers in various capacities and courts do not enjoy the ability to garner a variety of additional resources for cases that require special attention.

C.S.S.B. 992 amends current law relating to the jurisdiction and administration of, and procedures relating to, certain courts in this state, including procedures for appeals.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to district judges in SECTION 3.04 (Section 24.024, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 5.04 (Section 27.060, Government Code), SECTION 5.11, and SECTION 7.04 (Section 74.252, Government Code), of this bill.

Rulemaking authority previously granted to Texas Supreme Court is modified in SECTION 7.03 of this bill.

Rulemaking authority previously granted to Court of Criminal Appeals is modified in SECTION 6.04 (Section 22.110(b), Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1.01. Amends Section 22.002(b), Government Code, as follows:

(b) Authorizes the supreme court or, in vacation, a justice of the supreme court to issue a writ of mandamus to compel a statutory county court judge, a statutory probate court judge, or a district judge to proceed to trial and judgment in a case. Deletes text relating to the case being agreeable to the principles and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires.

SECTION 1.02. (a) Amends Section 24.007, Property Code, as follows:

Sec. 24.007. APPEAL. (a) Creates Subsection (a) from existing text. Deletes existing text prohibiting a final judgment of a county court in an eviction suit from being appealed on the issue of possession unless the premises in question are being used for residential purposes only. Prohibits, under any circumstances, a judgment of a county court in an eviction suit, rather than a judgment of a county court, from being stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court.

(b) Authorizes an appeal, notwithstanding any other law, to be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit.

(b) Makes application of this section prospective.

SECTION 1.03. Repealer: Section 22.007 (Application for Writ of Error), Government Code.

## ARTICLE 2. GENERAL PROVISIONS FOR DISTRICT COURTS

SECTION 2.01. Amends Section 24.002, Government Code, as follows:

Sec. 24.002. New heading: ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON RECUSAL. (a) Requires a district judge, if a district judge in a county with only one district court determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or should otherwise recuse himself or herself, to enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action was taken.

(b) Requires a district judge, if a district judge in a county with more than one district court determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, to enter a recusal order, request the local administrative district judge to transfer the case to another court, and take no further action in the case except for good cause stated in the order in which the action was taken. Deletes existing text requiring the judge to immediately certify his disqualification to the governor; requiring the governor to designate a district judge of another district to exchange benches with the disqualified judge to try the case and notify both judges of his designation; requiring the judges to exchange benches; authorizing the parties or their counsel, if the judges are prevented from exchanging benches, to agree on an attorney of the court for the trial of the case; requiring the district judge or special judge to certify to the governor the fact of a failure of the parties or their counsels to agree on an attorney; and requiring the governor to appoint a person legally qualified to act as judge in the trial of the case.

SECTION 2.02. Amends Sections 24.003 and 24.007, Government Code, as follows:

Sec. 24.003. New heading: TRANSFER OF CASES; EXCHANGE OF BENCHES. (a) Provides that this section applies only to counties, rather than civil cases in counties, with two, rather than five, or more district courts.

(b) Authorizes a district judge in the county, unless provided otherwise by the local rules of administration, to transfer any civil or criminal case or proceeding on the court's docket to the docket of another district court in the county, hear and determine any case or proceeding pending in another district court in the county without having the case transferred, sit for another district court in the county and hear and determine any case or proceeding pending in that court, temporarily exchange benches with the judge of another district court in the county, try different cases in the same court at the same time, and occupy the judge's own courtroom or the courtroom of another district court in the county. Makes a nonsubstantive change.

(c) Authorizes a district court judge in the county to hold court for another district judge in the county who is sick or otherwise absent.

(d) Authorizes a district judge in the county to hear and determine any part or question of any case or proceeding pending in any of the district courts and authorizes any other judge to complete the hearing and render judgment in the case or proceeding. Authorizes a district judge to hear and determine motions,

including motions for new trial, petitions for injunction, applications for the appointment of a receiver, interventions, pleas in abatement, dilatory pleas, and all preliminary matters, questions, and proceedings, and authorizes the district judge to enter judgment or order on them in the court in which the case or proceeding is pending without transferring the case or proceeding. Authorizes the district judge in whose court the matter is pending to proceed to hear, complete, and determine the matter, or all or any part of another matter, and render a final judgment. Authorizes a district judge to issue a restraining order or injunction that is returnable to any other district court.

(e) Requires that a judgment or order be entered in the minutes of the court in which the case is pending.

(f) Provides that this section does not limit the powers of the district judge when acting for another judge by exchange of benches or otherwise. Deletes existing Subsection (b) providing that if a district judge is disqualified in a case pending in his court and his disqualification is certified by the governor, the governor may require any other district judge in the county to exchange benches with the disqualified judge. Deletes existing Subsection (c), providing that if a district judge is absent, sick, or disqualified, any of the district judges in the county may hold court for him or may transfer a pending case to the court of any other district judge in the county.

Sec. 24.007. JURISDICTION. (a) Creates Subsection (a) from existing text.

(b) Provides that a district court has original jurisdiction of a civil matter in which the amount in controversy is more than \$10,000, exclusive of interest.

SECTION 2.03. Amends Section 24.012(a), Government Code, as follows:

(a) Provides that, notwithstanding any other law, each district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year, rather than each district court and criminal district court holds at least two terms of court each year in each county in the district. Provides that to the extent of a conflict between this subsection and a specific provision relating to a particular judicial district, this section controls.

SECTION 2.04. Amends Subchapter A, Chapter 24, Government Code, by adding Sections 24.023- 24.032, as follows:

Sec. 24.023. OBLIGATIONS; BONDS. (a) Provides that when a case is transferred from one court to another, all processes, writs, bonds, recognizances, and other obligations issued by the transferring court are returnable to the court to which the case is transferred as if originally issued by the court.

(b) Requires obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a district court from which a case is transferred, to appear before the court to which the case is transferred as if the bond, recognizance, or summons was taken in or for that court.

Sec. 24.024. FILING AND DOCKETING CASES. Authorizes district judges in a county with two or more district courts to adopt rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the courts as in their discretion they consider necessary or desirable for the orderly dispatch of the business of the courts.

Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Provides that, unless otherwise provided by this subchapter, all district judges in a county are entitled to equal amounts of supplemental compensation from the county.

(b) Provides that a district judge is entitled to an amount of supplemental compensation for serving on the juvenile board of a county that is equal to the amount other judges serving on the juvenile board receive.

Sec. 24.026. ASSIGNING PREFERENCES TO DISTRICT COURTS. (a) Authorizes the local board of district judges, in a county with two or more district courts, to designate a court as giving preference to certain kinds of cases.

(b) Provides that the designation of a court as giving preference to certain kinds of cases does not limit the jurisdiction of that court or of any other district court in the county.

Sec. 24.027. APPOINTMENT OF INITIAL JUDGE. Provides that on the creation of a new judicial district, the initial vacancy in the office of district judge is filled in accordance with Section 28 (Vacancy in Office of Supreme Court, Court of Criminal Appeals, Court of Appeals and District Courts to be Filled by Governor), Article V (Judicial Department), Texas Constitution.

Sec. 24.028. GRAND AND PETIT JURORS. Provides that all grand and petit jurors selected in a county before a new district court is created or the composition of an existing district court is modified by an amendment to this chapter are considered to be selected for the new or modified district court, as applicable.

Sec. 24.029. CASES TRANSFERRED. Provides that if by an amendment to this chapter a county is removed from the composition of an existing judicial district or new judicial district and added to another existing or new judicial district, all cases and proceedings from that county that are pending in the district court of the judicial district from which the county was removed are transferred to the district court of the judicial district to which the county was added. Requires the judge of each affected district court to sign the proper orders in connection with the transfer.

Sec. 24.030. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN VALID. (a) Provides that if by amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing judicial district or new judicial district, or if an amendment to this chapter changes the time or place at which the terms of court are held, all processes, writs, bonds, recognizances, and other obligations issued from and made returnable to that court before the effective date of the transfer or other change are returnable as provided by this subsection. Provides that an obligation issued from the affected court is returnable to another district court in the county on the date that court directs, but is prohibited from being made returnable on a date that is earlier than the date on which the obligation was originally returnable. Provides that the obligations are legal and valid as if the obligations had been made returnable to the issuing court.

(b) Requires the obligees in all appearance bonds and recognizances taken in and for a district court of a county before the effective date of an amendment to this chapter, and all witnesses summoned to appear before that district court under laws existing before the effective date of an amendment to this chapter, to appear at another district court in the county on the date that court directs but prohibits the obligees and witnesses from being required to appear on a date that is earlier than the date on which the obligees or witnesses were originally required to appear.

Sec. 24.031. LOCATION OF COURT. (a) Requires a district court to sit in the county seat for a jury trial in a civil case. Authorizes the commissioners court of the county to authorize a district court to sit in any municipality within the county to hear and determine nonjury trials in civil cases and to hear and determine motions, arguments, and other matters not heard before a jury in a civil case that is within the court's jurisdiction.

(b) Provides that the district clerk or the district clerk's deputy serves as clerk of the court when the court sits in a municipality other than the municipality that is

the county seat and is authorized to transfer all necessary books, minutes, records, and papers to that municipality while the court is in session there; and the books, minutes, records, and papers back to the clerk's office in the county seat at the end of each session.

(c) Requires the commissioners court to provide suitable facilities for the court in a municipality if the commissioners court authorizes a district court to sit in a municipality other than the municipality that is the county seat.

Sec. 24.032. COURT OFFICERS. Requires the prosecuting attorney, the sheriff, the district clerk, the bailiffs, and the other officers serving the other district courts of the county to serve in their respective capacities for the courts listed in this chapter.

SECTION 2.05. Amends Sections 24.115(c), (d), and (e), Government Code, as follows:

(c) Provides that, except for Subsection (b) which applies only to the 14th District Court, this section applies to the 14th, 44th, 68th, 95th, 101st, 116th, 134th, 160th, 162nd, 461st, 462nd, 463rd, 464th, 465th, 466th, and 467th district courts. Deletes existing text providing that this section is applicable to the Criminal Judicial District of Dallas County, and the Criminal Judicial Districts Nos. 2, 3, 4, 5, 6, and 7 of Dallas County. Makes a nonsubstantive change.

(d) Provides that the district courts, rather than the district courts and criminal district courts, having jurisdiction in Dallas County have concurrent jurisdiction.

(e) Makes a conforming change.

SECTION 2.06. Amends Section 24.205(a), Government Code, to delete existing text requiring the 103rd Judicial District Court of Cameron County to give preference to civil cases.

SECTION 2.07. Amends Section 24.207(a), Government Code, to delete existing text requiring the 105th Judicial District Court of Kenedy, Kleberg, and Nueces Counties to give preference to criminal cases.

SECTION 2.08. Amends Section 24.209(a), Government Code, to delete existing text requiring the 107th District Court of Cameron County to give preference to criminal cases.

SECTION 2.09. Amends Section 24.240(a), Government Code, to delete existing text requiring the 138th Judicial District Court of Cameron County to give preference to criminal cases.

SECTION 2.10. Amends Section 24.248(a), Government Code, to delete existing text requiring the 147th Judicial District Court of Travis County to give preference to criminal cases.

SECTION 2.11. Amends Section 24.366, Government Code, as follows:

Sec. 24.366. 187TH JUDICIAL DISTRICT (BEXAR COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 187th District Court to give preference to criminal cases.

SECTION 2.12. Amends Section 24.373, Government Code, as follows:

Sec. 24.373. 194TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 194th District Court to give preference to criminal cases.

SECTION 2.13. Amends Section 24.374, Government Code, as follows:

Sec. 24.374. 195TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 195th District Court to give preference to criminal cases.

SECTION 2.14. Amends Section 24.376, Government Code, as follows:

Sec. 24.376. 197TH JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 197th District Court to give preference to criminal cases.

SECTION 2.15. Amends Section 24.382, Government Code, as follows:

Sec. 24.382. 203RD JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 203rd District Court to give preference to criminal cases.

SECTION 2.16. Amends Section 24.383, Government Code, as follows:

Sec. 24.383. 204TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 204th District Court to give preference to criminal cases.

SECTION 2.17. Amends Section 24.386(b), Government Code, to delete all existing text requiring the 207th District Court to give preference to criminal cases in Caldwell, Comal, and Hays counties.

SECTION 2.18. Amends Section 24.394, Government Code, as follows:

Sec. 24.394. 215TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 215th District Court to give preference to civil matters.

SECTION 2.19. Amends Section 24.408, Government Code, as follows:

Sec 24.408. 231ST JUDICIAL DISTRICT (TARRANT COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 231st District Court to give preference to family law matters.

SECTION 2.20. Amends Section 24.410, Government Code, as follows:

Sec. 24.410. 233RD JUDICIAL DISTRICT (TARRANT COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 233rd District Court to give preference to family law matters.

SECTION 2.21. Amends Section 24.422, Government Code, as follows:

Sec. 24.422. 245TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 245th District Court to give preference to family law matters.

SECTION 2.22. Amends Section 24.423, Government Code, as follows:

Sec. 24.423. 246TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 246th District Court to give preference to family law matters.

SECTION 2.23. Amends Section 24.424, Government Code, as follows:

Sec. 24.424. 247TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 247th District Court to give preference to family law matters.

SECTION 2.24. Amends Section 24.431, Government Code, as follows:

Sec. 24.431. 254TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 254th District Court to give preference to family law matters.

SECTION 2.25. Amends Section 24.432, Government Code, as follows:

Sec. 24.432. 255TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 255th District Court to give preference to family law matters.

SECTION 2.26. Amends Section 24.433, Government Code, as follows:

Sec. 24.433. 256TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 256th District Court to give preference to family law matters.

SECTION 2.27. Amends Section 24.434, Government Code, as follows:

Sec. 24.434. 257TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 257th District Court to give preference to family law matters.

SECTION 2.28. Amends Section 24.442, Government Code, as follows:

Sec. 24.442. 265TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 265th District Court to give preference to criminal cases.

SECTION 2.29. Amends Section 24.456, Government Code, as follows:

Sec. 24.456. 279TH JUDICIAL DISTRICT (JEFFERSON COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 279th District Court to give preference to family law matters.

SECTION 2.30. Amends Section 24.459, Government Code, as follows:

Sec. 24.459. 282ND JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 282nd District Court to give preference to criminal cases.

SECTION 2.31. Amends Section 24.460, Government Code, as follows:

Sec. 24.460. 283RD JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 283rd District Court to give preference to criminal cases.

SECTION 2.32. Amends Section 24.468, Government Code, as follows:

Sec. 24.468. 291ST JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 291st District Court to give preference to criminal cases.

SECTION 2.33. Amends Section 24.469, Government Code, as follows:

Sec. 24.469. 292ND JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 292nd District Court to give preference to criminal cases.

SECTION 2.34. Amends Section 24.472, Government Code, as follows:

Sec. 24.472. 295TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 295th District Court to give preference to civil matters.

SECTION 2.35. Amends Section 24.475, Government Code, as follows:

Sec. 24.475. 298TH JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 298th District Court to give preference to civil matters.

SECTION 2.36. Amends Section 24.479, Government Code, as follows:

Sec. 24.479. 333RD JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 333rd District Court to give preference to civil matters.

SECTION 2.37. Amends Section 24.480, Government Code, as follows:

Sec. 24.480. 334TH JUDICIAL DISTRICT (HARRIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 334th District Court to give preference to civil matters.

SECTION 2.38. Amends Section 24.488, Government Code, as follows:

Sec. 24.488. 342ND JUDICIAL DISTRICT (TARRANT COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 342nd District Court to give preference to civil matters.

SECTION 2.39. Amends Section 24.491, Government Code, as follows:

Sec. 24.491. 345TH JUDICIAL DISTRICT (TRAVIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 345th District Court to give preference to civil matters.

SECTION 2.40. Amends Section 24.494, Government Code, as follows:

Sec. 24.494. 348TH JUDICIAL DISTRICT (TARRANT COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 348th District Court to give preference to civil matters.

SECTION 2.41. Amends Section 24.498, Government Code, as follows:

Sec. 24.498. 352ND JUDICIAL DISTRICT (TARRANT COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 352nd District Court to give preference to civil matters.

SECTION 2.42. Amends Section 24.508, Government Code, as follows:

Sec. 24.508. 363RD JUDICIAL DISTRICT (DALLAS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 363rd District Court to give preference to criminal cases.

SECTION 2.43. Amends Section 24.522, Government Code, as follows:

Sec. 24.522. 377TH JUDICIAL DISTRICT (VICTORIA COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 377th Judicial District to give preference to criminal cases.

SECTION 2.44. Amends Section 24.531, Government Code, as follows:

Sec. 24.531. 386TH JUDICIAL DISTRICT (BEXAR COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 386th District Court to give preference to juvenile matters.

SECTION 2.45. Amends Section 24.532, Government Code, as follows:

Sec. 24.532. 387TH JUDICIAL DISTRICT (FORT BEND COUNTY). Deletes Subsection (a). Deletes Subsection (b) and all existing text requiring the 387th District Court to give preference to family law matters.

SECTION 2.46. Amends Section 24.533, Government Code, as follows:

Sec. 24.533. 388TH JUDICIAL DISTRICT (EL PASO COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 388th District Court to give preference to family law matters.

SECTION 2.47. Amends Section 24.535, Government Code, as follows:

Sec. 24.535. 390TH JUDICIAL DISTRICT (TRAVIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 390th District Court to give preference to criminal matters.

SECTION 2.48. Amends Section 24.538, Government Code, as follows:

Sec. 24.538. 393RD JUDICIAL DISTRICT (DENTON COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 393rd District Court to give preference to family law matters.

SECTION 2.49. Amends Section 24.544, Government Code, as follows:

Sec. 24.544. 399TH JUDICIAL DISTRICT (BEXAR COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 399th District Court to give preference to criminal matters.

SECTION 2.50. Amends Section 24.548, Government Code, as follows:

Sec. 24.548. 403RD JUDICIAL DISTRICT (TRAVIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 403rd District Court to give preference to criminal matters.

SECTION 2.51. Amends Section 24.554, Government Code, as follows:

Sec. 24.554. 408TH JUDICIAL DISTRICT (BEXAR COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 408th District Court to give preference to civil matters.

SECTION 2.52. Amends Section 24.561, Government Code, as follows:

Sec. 24.561. 417TH JUDICIAL DISTRICT (COLLIN COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 417th District Court to give preference to juvenile matters.

SECTION 2.53. Amends Section 24.562, Government Code, as follows:

Sec. 24.562. 418TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 418th District Court to give preference to family law matters.

SECTION 2.54. Amends Section 24.571, Government Code, as follows:

Sec. 24.571. 427TH JUDICIAL DISTRICT (TRAVIS COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 427th Judicial District to give preference to criminal matters.

SECTION 2.55. Amends Section 24.589, Government Code, as follows:

Sec. 24.589. 445TH JUDICIAL DISTRICT (CAMERON COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 445th District Court to give preference to criminal law cases.

SECTION 2.56. Amends Section 24.593, Government Code, as follows:

Sec. 24.593. 449TH JUDICIAL DISTRICT (HIDALGO COUNTY). Deletes Subsection (a) designation. Deletes Subsection (b) and all existing text requiring the 449th District Court to give preference to juvenile matters.

SECTION 2.57. Amends Sections 24.608, 24.609, 24.610, 24.611, 24.612, 24.613, 24.614, 24.615, 24.616, 24.617, 24.618, 24.619, 24.620, 24.621, 24.622, 24.623, 24.624, 24.625, 24.626, 24.627, 24.628, 24.629, 24.630, 24.631, 24.632, 24.633, 24.634, 24.635, 24.636, 24.637, 24.638, 24.639, and 24.640, Government Code, by transferring them to Subchapter C, Chapter 24, Government Code, and redesignating them as Sections 24.60041, 24.60042, 24.60043, 24.60044, 24.60045, 24.60046, 24.60047, 24.60048, 24.60050, 24.60051, 24.60052, 24.60053, 24.60054, 24.60055, 24.60056, 24.60057, 24.60058, 24.60059, 24.60060, 24.60061, 24.60062, 24.60063, 24.60064, 24.60065, 24.60066, 24.60067, 24.60068, 24.60069, 24.60070, 24.60071, 24.60072, 24.60073 and 24.60074, respectively, as follows:

Sec. 24.60041. 300TH JUDICIAL DISTRICT (BRAZORIA COUNTY). Redesignates Section 24.608 as Section 24.60041. Makes no changes to this section.

Sec. 24.60042. 301ST JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.609 as Section 24.60042. Makes no changes to this section.

Sec. 24.60043. 302ND JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.610 as Section 24.60043. Makes no changes to this section.

Sec. 24.60044. 303RD JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.611 as Section 24.60044. Makes no changes to this section.

Sec. 24.60045. 304TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.612 as Section 24.60045. Makes no changes to this section.

Sec. 24.60046. 305TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.613 as Section 24.60046. Makes no changes to this section.

Sec. 24.60047. 306TH JUDICIAL DISTRICT (GALVESTON COUNTY). Redesignates Section 24.614 as Section 24.60047. Deletes existing Subsection (a) designation. Deletes existing Subsection (b) and all existing text requiring all juvenile matters and proceedings in Galveston County to be filed originally with the district clerk on the docket of the 306th District Court.

Sec. 24.60048. 307TH JUDICIAL DISTRICT (GREGG COUNTY). Redesignates Section 24.615 as Section 24.60048. Makes no changes to this section.

Sec. 24.60050. 308TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.616 as Section 24.60050. Makes no changes to this section.

Sec. 24.60051. 309TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.617 as Section 24.60051. Makes no changes to this section.

Sec. 24.60052. 310TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.618 as Section 24.60052. Makes no changes to this section.

- Sec. 24.60053. 311TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.619 as Section 24.60053. Makes no changes to this section.
- Sec. 24.60054. 312TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.620 as Section 24.60054. Makes no changes to this section.
- Sec. 24.60055. 313TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.621 as Section 24.60055. Makes no changes to this section.
- Sec. 24.60056. 314TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.622 as Section 24.60056. Makes no changes to this section.
- Sec. 24.60057. 315TH JUDICIAL DISTRICT (HARRIS COUNTY). Redesignates Section 24.623 as Section 24.60057. Makes no changes to this section.
- Sec. 24.60058. 316TH JUDICIAL DISTRICT (HUTCHINSON COUNTY). Redesignates Section 24.624 as Section 24.60058. Makes no changes to this section.
- Sec. 24.60059. 317TH JUDICIAL DISTRICT (JEFFERSON COUNTY). Redesignates Section 24.625 as Section 24.60059. Makes no changes to this section.
- Sec. 24.60060. 318TH JUDICIAL DISTRICT (MIDLAND COUNTY). Redesignates Section 24.626 as Section 24.60060. Makes no changes to this section.
- Sec. 24.60061. 319TH JUDICIAL DISTRICT (NUECES COUNTY). Redesignates Section 24.627 as Section 24.60061. (a) Makes no changes to this section.
- (b) Deletes existing text providing that the terms of the 319th District Court begin on the first Mondays in April and in October.
- (c) Redesignates Subsection (c) as Subsection (b).
- Sec. 24.60062. 320TH JUDICIAL DISTRICT (POTTER COUNTY). Redesignates Section 24.628 as Section 24.60062. Makes no changes to this section.
- Sec. 24.60063. 321ST JUDICIAL DISTRICT (SMITH COUNTY). Redesignates Section 24.629 as Section 24.60063. Makes no changes to this section.
- Sec. 24.60064. 322ND JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.630 as Section 24.60064. Makes no changes to this section.
- Sec. 24.60065. 323RD JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.631 as Section 24.60065. Makes no changes to this section.
- Sec. 24.60066. 324TH JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.632 as Section 24.60066. Makes no changes to this section.
- Sec. 24.60067. 325TH JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.633 as Section 24.60067. Makes no changes to this section.
- Sec. 24.60068. 326TH JUDICIAL DISTRICT (TAYLOR COUNTY). Redesignates Section 24.634 as Section 24.60068. Makes no changes to this section.
- Sec. 24.60069. 65TH JUDICIAL DISTRICT (EL PASO COUNTY). Redesignates Section 24.635 as Section 24.60069. Makes no changes to this section.
- Sec. 24.60070. 328TH JUDICIAL DISTRICT (FORT BEND COUNTY). Redesignates Section 24.636 as Section 24.60070. Makes no changes to this section.

Sec. 24.60071. 329TH JUDICIAL DISTRICT (WHARTON COUNTY). Redesignates Section 24.637 as Section 24.60071. (a) Makes no changes to this subsection.

(b) Provides that Section 24.124, relating to the 23rd District Court, contains provisions applicable to both that court and the 329th District Court, rather than the Family District Court for the 329th Judicial District.

Sec. 24.60072. 330TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.638 as Section 24.60072. Makes no changes to this section.

Sec. 24.60073. 360TH JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.639 as Section 24.60073. Makes no changes to this section.

Sec. 24.60074. 444TH JUDICIAL DISTRICT (CAMERON COUNTY). Redesignates Section 24.640 as Section 24.60074. Makes no changes to this section.

SECTION 2.58. Amends Sections 24.901, 24.902, 24.903, 24.904, 24.905, 24.906, 24.907, 24.908, 24.910, 24.911, 24.912, 24.913, and 24.920, Government Code, by transferring them to Subchapter C, Chapter 24, Government Code, and redesignating them as Sections 24.6005, 24.6006, 24.6007, 24.6008, 24.6009, 24.60010, 24.60011, 24.60012, 24.60013, 24.60014, 24.60015, 24.60016, and 24.60017, respectively, as follows:

Sec. 24.6005. New heading: 461ST JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.901 as Section 24.6005. (a) Provides that the 461st Judicial District, rather than the Criminal Judicial District of Dallas County, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) to provide that the terms of the criminal district court begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that the 461st, 462nd, 463rd, 464th, 465th, 466th, and 467th district courts, rather than the criminal district courts in Dallas County, have concurrent original misdemeanor jurisdiction with the county courts in Dallas County that have criminal jurisdiction.

(c) Redesignates Subsection (d) as Subsection (c). Provides that Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 461st District Court, rather than the Criminal District Court of Dallas County.

Sec. 24.6006. New heading: 462ND JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.902 as Section 24.6006. (a) Provides that the 462nd Judicial District, rather than the Dallas County Criminal Judicial District No. 2, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) providing that the terms of the criminal district court No. 2 begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that Section 24.6005 (relating to the 461st District Court) rather than the Criminal District Court of Dallas County, contains provisions applicable to both that court and the 462nd District Court, rather than the Dallas County Criminal District Court No. 2.

(c) Redesignates Subsection (d) as Subsection (c) providing that Section 24.115 relating to the 14th District Court, contains provisions applicable to both that court and the 462nd District Court, rather than the Dallas County Criminal District Court No. 2.

Sec. 24.6007. New heading: 463RD JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.903 as Section 24.6007. (a) Provides that the 463rd Judicial District, rather than the Dallas County Criminal Judicial District No. 3, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) providing that the terms of the criminal district court No. 3 begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that Section 24.6005, relating to the 461st District Court, rather than the Criminal District Court of Dallas County, contains provisions applicable to both that court and the 463rd District Court, rather than the Dallas County Criminal District Court No. 3.

(c) Redesignates Subsection (d) as Subsection (c). Provides that Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 463rd District Court, rather than the Dallas County Criminal District Court No. 3.

Sec. 24.6008. New heading: 464TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.904 as Section 24.6008. (a) Provides that the 464th Judicial District, rather than the Dallas County Criminal Judicial District No. 4, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) providing that the terms of the Criminal District Court No. 4 begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that Section 24.6005, relating to the 461st District Court, rather than the Criminal District Court of Dallas County, contains provisions applicable to both that court and the 464th District Court, rather than the Dallas County Criminal District Court No. 4.

(c) Redesignates Subsection (d) as Subsection (c). Provides that Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 464th District Court, rather than the Dallas County Criminal District Court No. 4.

Sec. 24.6009. New heading: 465TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.905 as Section 24.6009. (a) Provides that the 465th Judicial District, rather than the Dallas County Criminal Judicial District No. 5, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) providing that the terms of the criminal district court No. 5 begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that Section 24.6005, relating to the 461st District Court, rather than the Criminal District Court of Dallas County, contains provisions applicable to both that court and the 465th District Court, rather than the Dallas County Criminal District Court No. 5.

(c) Redesignates Subsection (d) as Subsection (c). Provides that Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 465th District Court, rather than the Dallas County Criminal District Court No. 5.

Sec. 24.60010. New heading: 466TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.906 as Section 24.60010. (a) Provides that the 466th Judicial District, rather than the Dallas County Criminal Judicial District No. 6, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) providing that the terms of the Criminal District Court No. 6 begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that Section 24.6005, relating to the 461st District Court, rather than the Criminal District Court of Dallas County, contains provisions applicable to both that court and the 466th District Court, rather than the Dallas County Criminal District Court No. 6.

(c) Redesignates Subsection (d) as Subsection (c). Provides that Section 24.6005, relating to the 461st District Court, contains provisions applicable to both that

court and the 466th District Court, rather than the Dallas County Criminal District Court No. 6.

Sec. 24.60011. New heading: 467TH JUDICIAL DISTRICT (DALLAS COUNTY). Redesignates Section 24.907 as Section 24.60011. (a) Provides that the 467th Judicial District, rather than the Dallas County Criminal Judicial District No. 7, is composed of Dallas County.

(b) Deletes existing text of Subsection (b) providing that the terms of the criminal district court begin on the first Mondays in January, April, July, and October. Redesignates Subsection (c) as Subsection (b). Provides that Section 24.6005, relating to the 461st District Court, rather than the Criminal District Court of Dallas County, contains provisions applicable to both that court and the 467th District Court, rather than the Dallas County Criminal District Court No. 7.

(c) Redesignates Subsection (d) as Subsection (c). Provides that Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 467th District Court, rather than the Dallas County Criminal District Court No. 7.

Sec. 24.60012. New heading: 468TH JUDICIAL DISTRICT (EL PASO COUNTY). Redesignates Section 24.908 as Section 24.60012. Deletes Subsection (a) designation. Provides that the 468th Judicial District, rather than the El Paso County Criminal Judicial District No. 1, is composed of El Paso County. Deletes Subsections (b), (c), and (d) requiring, respectively, the El Paso County Criminal District Court No. 1 to give primary preference to felony drug cases and associated civil cases emanating from those felony drug cases, and to give secondary preference to other criminal cases; and associated civil cases emanating from those criminal cases; providing that the terms of the El Paso County Criminal District Court No. 1 begin on the third Mondays in April and September and the first Mondays in January, July, and November; and requiring the El Paso County Criminal District Court No. 1 to have a seal similar to the seal of a district court with "El Paso County Criminal District Court No. 1" engraved on the seal.

Sec. 24.60013. New heading: 469TH JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.910 as Section 24.60013. (a) Provides that the 469th Judicial District, rather than the Tarrant County Criminal Judicial District No. 1, is composed of Tarrant County.

(b) Deletes existing text of Subsection (b) providing that this section applies to the Tarrant County Criminal District Courts Nos. 1, 2, and 3. Redesignates Subsection (c) as Subsection (b). Provides that the 469th, 470th, and 471st district courts have concurrent original jurisdiction with the county criminal courts over misdemeanor cases. Deletes existing text providing that criminal district courts have jurisdiction of criminal cases within the jurisdiction of a district court and that the criminal district courts also have concurrent original jurisdiction with the county criminal courts over misdemeanor cases. Deletes existing text providing that criminal district courts do not have appellate misdemeanor jurisdiction. Deletes existing text of Subsections (d), (e), and (f) providing that the terms of the criminal district courts begin on the first Mondays in January, April, July, and October; authorizing the judge of each criminal district court or county criminal court to, on motion of the judge or the criminal district attorney, transfer misdemeanor cases between the courts by an order entered in the minutes of the transferring court; requiring the clerk of the transferring court to certify the style and number of the case to the clerk of the court to which it is transferred and include the papers of the case with the certification, requiring the receiving clerk to promptly docket the transferred case and requiring the receiving court to dispose of the case as if it had been originally instituted in that court and requiring the criminal district courts nos. 1 and 2 to have a seal similar to the seal of a district court with "Criminal District Court No. \_\_\_ of Tarrant County" engraved in the margin.

Sec. 24.60014. New heading: 470TH JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.911 as Section 24.60014. (a) Provides that the 470th Judicial District, rather than the Tarrant County Criminal Judicial District No. 2, is composed of Tarrant County.

(b) Provides that Section 24.0013, relating to the 469th District Court, rather than the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the 470th District Court, rather than the Tarrant County Criminal Court No. 2.

Sec. 24.60015. New heading: 471ST JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.912 as Section 24.60015. (a) Provides that the 471st Judicial District, rather than the Tarrant County Criminal Judicial District No. 3, is composed of Tarrant County.

(b) Provides that Section 24.0013, relating to the 469th District Court, rather than the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the 471st District Court, rather than the Tarrant County Criminal Court No. 3.

Sec. 24.60016. New heading: 472ND JUDICIAL DISTRICT (TARRANT COUNTY). Redesignates Section 24.913 as Section 24.60016. (a) Provides that the 472nd Judicial District, rather than the Criminal Judicial District No. 4 of Tarrant County, is composed of Tarrant County.

(b) Redesignates Subsection (e) as Subsection (b). Deletes existing text requiring the court to give preference to criminal cases. Deletes Subsections (c) and (d) providing, respectively, that the terms of court begin on the first Mondays in January, April, July, and October, and that Subchapter C applies to the Tarrant County Criminal District No. 4 of Tarrant County. Provides that in addition to the jurisdiction provided by this subchapter, rather than Subchapter C, and other law, the 472nd District Court, rather than the Tarrant County Criminal Court No. 4, has concurrent jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

Sec. 24.60017. New heading: 473RD JUDICIAL DISTRICT (JEFFERSON COUNTY). Redesignates Section 24.920 as Section 24.60017. (a) Deletes existing Subsection (a) designation. Provides that the 473rd Judicial District, rather than the Criminal Judicial District of Jefferson County, is composed of Jefferson County. Deletes existing Subsection (b) and existing text providing that the terms of the criminal district court begin on the first Mondays in January, April, July, and October. Deletes existing Subsections (c)-(e) providing, respectively, that the criminal district court has original jurisdiction of criminal cases within the jurisdiction of a district court, concurrent original jurisdiction of criminal cases within the jurisdiction of a district court, concurrent original and appellate jurisdiction with the county courts at law of misdemeanor cases normally within the exclusive jurisdiction of the county courts at law, and jurisdiction in certain civil cases; authorizing the judge of the criminal district court or of a county court at law, on motion of the judge or the criminal district attorney, transfer misdemeanor cases between the courts by an order entered in the minutes of the transferring court; requiring the clerk of the transferring court to certify the style and number of the case to the clerk of the receiving court and include the papers of the case with the certification; requiring the clerk of the receiving court to promptly docket the transferred case; requiring the receiving court to dispose of the case as if it originally instituted in that court; and requiring the court to have a seal similar to the seal of a district court with "Criminal District Court of Jefferson County" engraved on the seal. Deletes existing Subsection (f) authorizing the court to sit at the City of Port Arthur in addition to Beaumont to try, hear, and determine nonjury civil cases and to hear and determine motions, arguments, and the other nonjury civil matters that are within the court's jurisdiction; providing that the district clerk or the clerk's deputy serves as clerk of the court when it sits in Port Arthur and is authorized to transfer all necessary books, minutes, records, and papers to Port Arthur while the court is in session there, and transfer them from Port Arthur to

Beaumont at the end of each session in Port Arthur; authorizing the Commissioners Court of Jefferson County to provide suitable quarters for the court in the subcourthouse while it sits in Port Arthur; and requiring the Jefferson County sheriff or the sheriff's deputy to attend the court in Port Arthur and perform all required duties.

SECTION 2.59. Amends Section 25.0362(g), Government Code, to authorize a judge of a county court at law and a district court in Cass County, in matters of concurrent jurisdiction, to transfer cases between the courts in same manner that judges of district courts transfer cases under Section 24.003, rather than Section 24.303.

SECTION 2.60. Amends Section 25.0732(w), Government Code, to make a conforming change.

SECTION 2.61. Amends Section 25.1672(c), Government Code, to make a conforming change.

SECTION 2.62. Amends Section 25.1862(v), Government Code, to make a conforming change.

SECTION 2.63. Amends Section 25.1932(k), Government Code, to make a conforming change.

SECTION 2.64. Amends Sections 53.001(c) and (e), Government Code, as follows:

(c) Requires each district court in Tarrant County hearing criminal cases, rather than each criminal district court, to have at least three bailiffs assigned regularly to the court. Makes conforming and a nonsubstantive changes.

(e) Requires the county sheriff to appoint one bailiff for each district court in Tarrant county that gives preference to criminal cases in the same manner as authorized by law. Deletes text requiring that one bailiff be appointed for each criminal district court in Tarrant County.

SECTION 2.65. Amends Sections 53.002(c) and (g), Government Code, as follows:

(c) Deletes existing text authorizing the judges of the family district courts having jurisdiction in El Paso County to each appoint a person to serve the court as bailiff.

(g) Deletes existing text authorizing the district judges of the criminal district courts in Tarrant County to appoint one bailiff for each grand jury. Makes conforming changes.

SECTION 2.66. Amends Section 53.003(b), Government Code, to delete existing text requiring the judge of each criminal district court in Tarrant County to give each commissioners court in the judicial district written notification of the bailiff's or grand jury bailiff's appointment and the date of employment. Makes a conforming and nonsubstantive change.

SECTION 2.67. Amends Section 53.006(c), Government Code, to make a conforming and a nonsubstantive change.

SECTION 2.68. Amends Sections 53.007(a) and (c), Government Code, as follows:

(a) Provides that this section applies to the district courts, rather than criminal district courts, of Tarrant County designated by the county with a preference for criminal cases. Deletes existing text providing that this section applies to the district courts in Tarrant county that give preference to criminal cases. Makes a nonsubstantive change.

(c) Deletes existing text requiring that a request under this section by a judge of a criminal district court in Tarrant County be in writing.

SECTION 2.69. Amends Section 53.008, Government Code, to delete existing text requiring the bailiffs and grand jury bailiffs of the criminal district courts in Tarrant County to each swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

SECTION 2.70. Amends Section 53.009(f), Government Code, to delete existing text providing that the bailiffs and grand jury bailiffs appointed by the judges of the criminal district courts in Tarrant County are entitled to receive from the county general fund a salary set in writing by the judge that is in the same pay grade as the salary of certified and noncertified peace officers who are appointed as bailiffs by the sheriff.

SECTION 2.71. Amends the heading to Subchapter D, Chapter 53, Government Code, to read as follows:

SUBCHAPTER D. BAILIFFS FOR CERTAIN DISTRICT COURTS IN HARRIS COUNTY

SECTION 2.72. Amends Section 53.051, Government Code, as follows:

Sec. 53.051. OFFICE OF BAILIFF. Requires the judges of the 245th, 246th, 247th, 257th, 308th, 309th, 310th, 311th, and 312th district courts, rather than family district courts, to appoint a person to serve their respective courts as bailiff.

SECTION 2.73. Amends Section 62.201, Government Code, as follows:

Sec. 62.201. NUMBER OF JURORS. Authorizes the parties to agree to try a particular case with fewer than 12 jurors unless a jury of six or 12 is required by Section 13 (Number of Grand and Petit Jurors; Number Concurring), Article V, Texas Constitution.

SECTION 2.74. Amends Section 74.121(b)(2), Government Code, to make a conforming change.

SECTION 2.75. (a) Repealer: Section 24.013 (Judge's Powers in Vacation), Government Code.

Repealer: Section 24.139(d) (relating to certain district courts giving preference to criminal cases), Government Code.

Repealer: Section 24.175(c) (relating to the 73rd district court giving preference to civil cases), Government Code.

Repealer: Section 24.302 (Terms of Court), Government Code.

Repealer: Section 24.303 (Transfer of Cases; Exchange of Benches), Government Code.

Repealer: Section 24.304 (Filing and Docketing Cases), Government Code.

Repealer: Section 24.305 (Process; Bonds), Government Code.

Repealer: Section 24.307 (Supplemental Compensation), Government Code.

Repealer: Section 24.308 (Court Officers), Government Code.

Repealer: Section 24.309 (Jurisdiction), Government Code.

Repealer: Section 24.310 (Special District Courts), Government Code.

Repealer: Section 24.311 (Appointment of Initial Judge), Government Code.

Repealer: Section 24.312 (Grand and Petit Jurors), Government Code.

Repealer: Section 24.313 (Cases Transferred), Government Code.

Repealer: Section 24.314 (Process and Writs Remain Valid), Government Code.

Repealer: Section 24.353(b) (relating to the 148th District Court giving preference to family law matters), Government Code.

Repealer: Section 24.362(b) (relating to the 182nd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.363(b) (relating to the 183rd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.364(b) (relating to the 184th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.365(b) (relating to the 185th District Court giving preference to criminal cases), Government Code.'

Repealer: Section 24.381(b) (relating to the 202nd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.384(b) (relating to the 205th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.387(b) (relating to the 208th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.388(b) (relating to the 209th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.393(b) (relating to the 214th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.402(b) (relating to the 224th District Court giving preference to civil cases), Government Code.

Repealer: Section 24.403(b) (relating to the 225th District Court giving preference to civil cases and to cases and proceedings under Title 2 (Child in Relation to the Family) or 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code), Government Code.

Repealer: Section 24.404(b) (relating to the 226th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.405(b) (relating to the 227th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.406(b) (relating to the 228th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.407(b) (relating to the 230th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.409(b) (relating to the 232nd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.425(b) (relating to the 248th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.429(b) (relating to the 252nd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.439(b) (relating to the 262nd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.440(b) (relating to the 263rd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.462(b) (relating to the 285th District Court giving preference to civil cases), Government Code.

Repealer: Section 24.465(b) (relating to the 288th District Court giving preference to civil cases), Government Code.

Repealer: Section 24.466(b) (relating to the 289th District Court giving primary preference to cases and proceedings under Title 2, 3 (Juvenile Justice Code), or 5, Family Code, and secondary preference to criminal cases), Government Code.

Repealer: Section 24.467(b) (relating to the 290th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.474(b) (relating to the 297th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.483(b) (relating to the 337th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.484(b) (relating to the 338th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.485(b) (relating to the 339th District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.497(b) (relating to the 351st District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.516(b) (relating to the 371st District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.517(b) (relating to the 372nd District Court giving preference to criminal cases), Government Code.

Repealer: Section 24.528(c) (relating to the secretary of state being required to submit changes to this section made by H.B. 3235), Government Code.

Repealer: Section 24.529(c) (relating to the secretary of state being required to submit changes to this section made by H.B. 3235), Government Code.

Repealer: Section 24.541(b) (relating to the 396th District Court giving preference to criminal matters), Government Code.

Repealer: Section 24.551(b) (relating to the 406th District Court giving preference to family violence, Family Code, and Health and Safety Code cases), Government Code.

Repealer: Section 24.574(b) (relating to the 430th District Court giving preference to family violence and criminal matters), Government Code.

Repealer: Section 24.579(b) (relating to the 435th District Court giving preference to certain cases), Government Code.

Repealer: Section 24.601 (Jurisdiction), Government Code.

Repealer: Section 24.602 (Terms), Government Code.

Repealer: Section 24.603 (Judge), Government Code.

Repealer: Section 24.604 (Appointment of Retired Judge to Sit for Regular Judge), Government Code.

Repealer: Section 24.605 (Court Officials, Personnel, and Facilities), Government Code.

Repealer: Section 24.606 (County Juvenile Board), Government Code.

Repealer: Section 24.607 (Court Style), Government Code.

(b) Repealer: heading to Subchapter D (Family District Court), Chapter 24, (District Courts), Government Code.

(c) Repealer: heading to Subchapter E (Criminal District Court), Chapter 24, Government Code.

SECTION 2.76. (1) Redesignates, on the effective date of this Act, the 65th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311th, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 328th, 329th, 330th, 360th, and 444th Family District Courts as district courts governed by Subchapter C (Judicial Districts Act of 1969), Chapter 24 , Government Code.

(2) Provides that the judges of the 65th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311th, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 328th, 329th, 330th, 360th, and 444th Family District Courts continue to serve as the judges of the courts as redesignated by Subdivision (1) of this section for the remainder of the term to which elected, unless otherwise removed as provided by law.

(3) Provides that a matter pending on that date in the 65th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311th, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 328th, 329th, 330th, 360th, and 444th Family District Court remains in that court as redesignated by Subdivision (1) of this section unless otherwise transferred to a different court as provided by law.

SECTION 2.77. (1) Redesignates, on the effective date of this Act, the Criminal Judicial District of Dallas County, Dallas County Criminal Judicial District No. 2, Dallas County Criminal Judicial District No. 3, Dallas County Criminal Judicial District No. 4, Dallas County Criminal Judicial District No. 5, Dallas County Criminal Judicial District No. 6, Dallas County Criminal Judicial District No. 7, El Paso County Criminal Judicial District No. 1, Tarrant County Criminal Judicial District No. 1, Tarrant County Criminal Judicial District No. 2, Tarrant County Criminal Judicial District No. 3, Criminal Judicial District No. 4 of Tarrant County, and Criminal Judicial District of Jefferson County as the 461st Judicial District, 462nd Judicial District, 463rd Judicial District, 464th Judicial District, 465th Judicial District, 466th Judicial District, 467th Judicial District, 468th Judicial District, 469th Judicial District, 470th Judicial District, 471st Judicial District, 472nd Judicial District, and 473rd Judicial District, respectively, and provides that these districts are governed by Subchapter C, Chapter 24, Government Code;

(2) Provides that the judges of the Criminal Judicial District of Dallas County, Dallas County Criminal Judicial District No. 2, Dallas County Criminal Judicial District No. 3, Dallas County Criminal Judicial District No. 4, Dallas County Criminal Judicial District No. 5, Dallas County Criminal Judicial District No. 6, Dallas County Criminal Judicial District No. 7, El Paso County Criminal Judicial District No. 1, Tarrant County Criminal Judicial District No. 1, Tarrant County Criminal Judicial District No. 2, Tarrant County Criminal Judicial District No. 3, Criminal Judicial District No. 4 of Tarrant County, and Criminal Judicial District of Jefferson County continue to serve as the judges of the courts as redesignated by Subdivision (1) of this section for the remainder of the term to which elected, unless otherwise removed as provided by law;

(3) Provides that a matter pending on that date in the Criminal Judicial District of Dallas County, Dallas County Criminal Judicial District No. 2, Dallas County Criminal Judicial District No. 3, Dallas County Criminal Judicial District No. 4, Dallas County Criminal Judicial District No. 5, Dallas County Criminal Judicial District No. 6, Dallas County Criminal Judicial District No. 7, El Paso County Criminal Judicial District No. 1, Tarrant County Criminal Judicial District No. 1, Tarrant County Criminal Judicial District No. 2, Tarrant County Criminal Judicial District No. 3, Criminal Judicial District No. 4 of Tarrant County, and Criminal Judicial District of Jefferson County remains in that court as redesignated by Subdivision (1) of this section unless otherwise transferred to a different court as provided by law; and

(4) Provides that a district court that is assigned a preference for a certain type of case immediately before the effective date of this Act continues giving a preference to those types of cases until the preference is removed or a new preference is designated by the local board of district judges as allowed by Section 24.026, Government Code, as added by this Act.

### ARTICLE 3. STATUTORY COUNTY COURTS

SECTION 3.01. (a) Amends Section 25.0001(a), Government Code, to provide that if a provision of this subchapter, other than Section 25.003, conflicts with a specific provision for a particular court or county, the specific provision controls.

(b) Makes no changes to this subsection.

SECTION 3.02. Amends Section 25.0002, Government Code, as follows:

Sec. 25.0002. New heading: DEFINITIONS. Defines "criminal law cases and proceedings," "family law cases and proceedings," "juvenile law cases and proceedings," and "mental health cases and proceedings."

SECTION 3.03. (a) Amends Section 25.0003(c), Government Code, to provide that in addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, rather than \$100,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition.

(b) Makes no changes to this subsection.

SECTION 3.04. Amends Subchapter A, Chapter 25, Government Code, by adding Section 25.00031, as follows:

Sec. 25.00031. REVIEW OF JURISDICTIONAL LIMIT. Requires the Office of Court Administration of the Texas Judicial System (OCA), not later than January 1, 2017, and every 10th year after that date, to review the civil jurisdictional limit of statutory county courts as provided by Section 25.0003. Requires OCA to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and the house of representatives with primary jurisdiction over the judicial system on the effectiveness of the jurisdictional limit in operating an efficient court system. Authorizes the report to include recommendations on raising the civil jurisdictional limit.

SECTION 3.05. Amends Section 25.0004, Government Code by adding Subsection (f), to provide that the judge of a statutory county court does not have general supervisory control or appellate review of the commissioners court.

SECTION 3.06. Amends Section 25.0007, Government Code, as follows:

Sec. 25.007. JURIES; PRACTICE AND PROCEDURE. (a) Creates this subsection from existing text.

(b) Creates Subsection (b) from existing text. Provides that practice in a statutory county court is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of the court of trials and hearings in the statutory county courts, other than the number of jurors, that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to district courts.

SECTION 3.07. Amends Section 25.0010, Government Code, by amending Subsection (b) and adding Subsections (c)-(f), as follows:

(b) Requires the county attorney, assistant county attorney, criminal district attorney, or assistant district attorney, rather than the county attorney, criminal district attorney, and sheriff, to attend and serve each statutory county court as required by the judge of the court.

(c) Requires county sheriff in person or by deputy to attend a statutory county court as required by the court.

(d) Creates Subsection (d) from existing text.

(e) Authorizes the judge of a statutory county court to appoint the personnel necessary for the operation of the court, including a court coordinator or administrative assistant, if the commissioners court has approved the creation of the position.

(f) Authorizes the commissioners court to employ as many additional assistant county attorneys, deputy sheriffs, and clerks as are necessary for a statutory county court.

SECTION 3.08. (a) Amends Section 25.0014, Government Code, as follows:

Sec. 25.0014. QUALIFICATIONS OF JUDGE. Requires the judge of a statutory county court to be a United States citizen, in addition to meeting other requirements.

(b) Provides that the change in law made by this Act to Section 25.0014, Government Code, does not apply to a person serving as a statutory county court judge immediately before the effective date of this Act who met the qualifications of Section 25.0014, Government Code, as it existed on that date, and the former law is continued in effect for determining that person's qualifications to serve as a statutory county court judge.

SECTION 3.09. Amends Subchapter A, Chapter 25, Government Code, by adding Sections 25.0016, 25.00161, and 25.00162, as follows:

Sec. 25.0016. TERMS OF COURT. Requires the commissioners court, by order, to set at least two terms a year for the statutory county court.

Sec. 25.00161. PRIVATE PRACTICE OF LAW. Requires the regular judge of a statutory county court to diligently discharge the duties of the office on a full-time basis and prohibits such judge from engaging in the private practice of law.

Sec. 25.00162. SPECIAL JUDGE. Authorizes a special judge of a statutory county court to be appointed in the manner provided by law for the appointment of a special county judge. Provides that if the judge of a statutory county court is disqualified to try a case pending in the judge's court, the parties or their attorney's are authorized to agree on the selection of a special judge. Requires a special judge to have the same qualifications as the regular judge and provides that a special judge is entitled to the same rate of compensation as the regular judge. Requires the commissioners court to pay a special judge out of the county's general fund.

SECTION 3.10. Amends Section 25.0042(g), Government Code, to delete existing text authorizing the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

SECTION 3.11. Amends Section 25.0102(h), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of the court of trials and hearings in the county court at law involving family law cases and to require proceedings to be governed by this section and the laws and rules pertaining to district courts.

SECTION 3.12. Amends Sections 25.0132(e) and (f), Government Code, to make conforming changes.

SECTION 3.13. Amends Section 25.0212(b), Government Code, to delete existing text providing that a county court at law does not have general supervisory control or appellate review of the commissioners court.

SECTION 3.14. Amends Section 25.0222(k), Government Code, to make a conforming change.

SECTION 3.15. Amends Section 25.0312(b), Government Code, to make a conforming change.

SECTION 3.16. Amends Section 25.0362(b), Government Code, to make a conforming change.

SECTION 3.17. Amends Section 25.0632(g), Government Code, as follows:

(g) Deletes existing text requiring that jurors regularly impaneled for the week by the district courts of Denton County include sufficient numbers to serve in the statutory county courts and statutory probate courts as well as the district courts and requiring that the jurors be made available by the district judge as necessary.

SECTION 3.18. Amends Section 25.0633(f), Government Code, to delete existing text providing that the County Court at Law No. 2 of Denton County does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business that is within the jurisdiction of the court of each county. Makes a nonsubstantive change.

SECTION 3.19. Amends Section 25.0732(r), Government Code, to provide that Section 25.0006(b), rather than Sections 25.0006 and 25.0007, does not apply to County Court at law No. 2, 3, 4, 5, 6, or 7 of El Paso County, Texas.

SECTION 3.20. Amends Section 25.0733(a), Government Code, as follows:

(a) Provides that Sections 25.0732(q) and (r), rather than Sections 25.0732(d), (h), (i), (j), (m), (n), (o), (p), (q), (r), and (v) (relating to county courts at law in El Paso County), apply to a statutory probate court in El Paso County.

SECTION 3.21. Amends Sections 25.0862(i) and (l), Government Code, as follows:

(i) Deletes existing text requiring the clerk of the statutory county courts and statutory probate court to keep a separate docket for each court and providing that the district clerk serves as clerk of the county courts in a cause of action arising under the Family Code and an appeal of a final ruling or decision of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, and the county clerk serves as clerk of the court in all other cases.

(l) Deletes existing text providing that practice, appeals, and writs of error in a statutory county court are as prescribed by law for county courts and county courts at law.

SECTION 3.22. Amends Section 25.0962(f), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except

that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of the court of trials and hearings in the county court at law involving cases in the court's concurrent jurisdiction with the district court and requiring proceedings be governed by this section and the laws and rules pertaining to district courts as well as county courts.

SECTION 3.23. Amends Section 25.1033(a), Government Code, to provide that a county criminal court at law in Harris County has concurrent jurisdiction with civil statutory county courts for Harris County to hear appeals of the suspension of a driver's license and original proceedings regarding occupational driver's licenses.

SECTION 3.24. Amends Section 25.1034(i), Government Code, to make conforming changes.

SECTION 3.25. Amends Section 25.1042(g), Government Code, to delete existing text providing that the commissioners court is authorized to employ as many additional deputy sheriffs and clerks as are necessary to serve a county court at law.

SECTION 3.26. Amends Sections 25.1072(e) and (f), Government Code, as follows:

(e) Deletes existing text providing that the commissioners court is authorized to employ as many assistant district attorneys, deputy sheriffs, and bailiffs as are necessary to serve a county court.

(f) Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts as well as county courts.

SECTION 3.27. Amends Section 25.1142(b), Government Code, to delete existing text providing that a county court at law does not have general supervisory control or appellate review of the commissioners court.

SECTION 3.28. Amends Section 25.1312(b), Government Code, to delete existing text providing that a county court in Kaufman County does not have general supervisory control or appellate review of the commissioners court.

SECTION 3.29. Amends Section 25.1542(m), Government Code, as follows:

(m) Deletes existing text providing that practice and procedure and rules of evidence governing trials in and appeals from a county court apply to a county at law, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings are required to be governed by this section and the laws and rules pertaining to district courts as well as county courts.

SECTION 3.30. Amends Section 25.1652(g), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law matters and proceedings are governed by this section and the laws and rules pertaining to district courts.

SECTION 3.31. Amends Section 25.1762(i), Government Code, to delete existing text providing that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law, authorizing jurors regularly impaneled for a week by a district court, at the request of the judge of a county court at law, to be made available by the district judge in the numbers requested and requiring the jurors to serve for the week in the county court at law.

SECTION 3.32. Amends Section 25.1892(e), Government Code, to delete text providing that the county attorney or district attorney serves a county court at law as required by the judge, and authorizing the commissioners court to employ as many additional assistant county attorneys, deputy sheriffs, and clerks as are necessary to serve a county court at law.

SECTION 3.33. Amends Section 25.1932(i), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court are governed by this section and the laws and rules pertaining to district courts.

SECTION 3.34. Amends Section 25.2012(b), Government Code, to delete existing text providing that a county court at law does not have general supervisory control or appellate review of the court.

SECTION 3.35. Amends Section 25.2142(n), Government Code, to delete existing text providing that a special judge of a county court at law is entitled to receive for services actually performed the same amount of compensation as the regular judge.

SECTION 3.36. Amends Section 25.2293(j), Government Code, as follows:

(j) Authorizes the judge of a statutory probate court to appoint an auditor, rather than an administrative assistant and an auditor, to aid the judge in the performance of his duties. Provides that the judge sets the salary of the auditor, rather than the salary of the administrative assistant and the salary of the auditor, by an order entered in the minutes of the court. Authorizes the appointment, rather than appointments, and the salary, rather than salaries, to be changed only by the order of the judge. Requires that the salary be paid monthly out of the county's general fund or any other fund available for that purpose. Makes conforming changes.

SECTION 3.37. Amends Section 25.2352(i), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family cases and proceedings are governed by this section and the laws and rules pertaining to district courts.

SECTION 3.38. Amends Section 25.2382(i), Government Code, to delete existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving matters enumerated in Subsection (a)(2)(B) or (C) are governed by this section and the laws and rules pertaining to district courts. Provides that if a family law case, rather than a case in Subsection (a)(2)(B) or (C), is tried before a jury, the jury is required to be composed of 12 members.

SECTION 3.39. Amends Sections 25.2422(g) and (h), Government Code, as follows:

(g) Deletes existing text authorizing the court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(h) Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving matters enumerated in Subsection (a)(2)(B) or (C) are governed by this section and the laws and rules pertaining to district courts as well as county courts. Provides that if a family law case, rather than a case enumerated in Subsection (a)(2)(B) or (C), is tried before a jury, the jury is required to be composed of 12 members.

SECTION 3.40. Amends Section 25.2452(k), Government Code, to delete existing text providing that the laws governing the drawing, selection, service, and pay of jurors for the county courts apply to a county court at law; authorizing jurors regularly impaneled for a week by a district court, at the request of the judge of a county court at law, to be made available by the district judge in the numbers requested; and requiring the jurors to serve for the week in the county court at law.

SECTION 3.41. Amends Section 25.2462(h), Government Code, to delete existing text requiring the county attorney and the county sheriff to attend a county court at law as required by the judge.

SECTION 3.42. Amends Section 25.2482(i), Government Code, to delete existing text requiring the county attorney and the county sheriff to attend a county court at law as required by the judge.

SECTION 3.43. Repealer: Sections 25.0042(b) (relating to number of terms and start dates for county court at law), (d) (relating to prohibiting private practice of law for judges), (f) (relating to the appointment of special judges), (i) (relating to practice in a county court at law), and (j) (relating to a county court at law having four terms), Government Code.

Repealer: Sections 25.0052(b) (relating to the number of terms of court per year), (f) (relating to appointments of special judges), (g) (relating to hiring of certain court employees), and (h) (relating to practice in a county court at law), Government Code.

Repealer: Sections 25.0102(b) (relating to start dates for county courts at law), (d) (relating to prohibiting private practice of law for judges), (f) (relating to the appointment of special judges), and (i) (relating to the jurisdiction and authority of a county court), Government Code.

Repealer: Sections 25.0132(d) (relating to the appointment of special judges), (g) (relating to the drawing, selection, service, and pay of jurors), and (h) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.0152(c) (relating to the appointment of certain court officers) and (e) (relating to the required attendance of a county court at law by certain court officers), Government Code.

Repealer: Sections 25.0162(b) (relating to the number of terms of court per year), (f) (relating to prohibiting the judge from appearing or pleading in a court of record), (g) (relating to the appointment of special judges), (h) (relating to practice in a county court at law), and (i) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.0172(d) (relating to the terms of County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12), (k) (relating to the manner of appointment or election of special judges for County Courts at Law Nos. 2, 3, or 5), (l) (relating to the absence, disability, or disqualification of judges of certain County Courts at Law) (m) (relating to the requirements of the county sheriff), (n) (relating to certain requirements of the criminal district attorney), (o) (relating to the appointment of a court coordinator or administrative assistant for certain county courts at law), (q) (relating to the appointment of a deputy sheriff for each county court at law), (s) (relating to practice in a county court at law is that prescribed by law for county courts), and (t) (relating to jurisdiction and authority for the service and selection of jurors prescribed by law for a county court applies to the County Court at Law No. 2), Government Code.

Repealer: Sections 25.0173(d) (relating to the requirements of the judge of a statutory probate court), (h) (relating to the appointment of a deputy sheriff for each statutory probate court), (i) (relating to practice and procedure in a statutory probate court), and (k) (relating to appointing an administrative assistant and an auditor to a statutory probate court), Government Code.

Repealer: Sections 25.0212(c) (relating to the qualifications of a county court judge), (e) (relating to prohibiting private practice of law for judges), and (g) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.0222(d) (relating to the number of terms of court per year), (e) (relating to the qualifications of a county court judge), (i) (relating to prohibiting private practice of law for judges), (j) (relating to the appointment of special judges), and (n) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.0232(b) (relating to the terms of court), (d) (relating to prohibiting private practice of law for judges), (f) (relating to prohibiting private practice of law for judges), (h) (relating to the qualifications of special judges), and (i) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0272(b) (relating to the number of terms of court per year), (c) (relating to prohibiting private practice of law for judges), and (e) (relating to the appointment of special judges), Government Code.

Repealer: Sections 25.0292(b) (relating to the terms of court), (c) (relating to appointments of special judges), (h) (relating to practice in a county court at law), and (i) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0302(b) (relating to the terms of court), (d) (relating to appointments of special judges), (f) (relating to practice in a county court at law), and (g) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0312(c) (relating to the start of the term of court), (e) (relating to prohibiting private practice of law for judge), and (j) (relating to jurors summoned for the county court), Government Code.

Repealer: Sections 25.0332(e) (relating to number of terms and start dates for county court at law), (g) (relating to prohibiting private practice of law for judges), (i) (relating to the appointment of special judges), (k) (relating to requirements of the county sheriff), (l) (relating to the drawing, selection, service, and pay of jurors), and (m) (relating to jurors regularly impaneled for the week), Government Code.

Repealer: Section 25.0362(c) (relating to prohibiting private practice of law for judges), Government Code.

Repealer: Sections 25.0392(b) (relating to the term start dates for county court at law), (d) (relating to prohibiting private practice of law for judges), (f) (relating to the qualifications of special judges), (i) (relating to practice in a county court at law), (j) (relating to the drawing, selection, service, and pay of jurors), and (k) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.0452(b) (relating to the requirements of a county court judge), (c) (relating to practice in a county court at law), and (d) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0453(a) (relating to the requirements of a statutory probate court judge), (c) (relating to the judge's discharge of duties), (d) (relating to practice in a county court at law), and (e) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0482(b) (relating to the terms of court), (d) (relating to prohibiting private practice of law for judges), (e) (relating to the appointment of special judges), (g) (relating to practice in a county court at law), and (h) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0512(a) (relating to the qualifications of a county court judge), (b) (relating to prohibiting private practice of law for judges), (d) (relating to the hiring of

certain officers of the court), (g) (relating to the drawing, selection, service, and pay of jurors), and (h) (relating to eminent domain cases), Government Code.

Repealer: Sections 25.0522(b) (relating to the number of terms of court), (d) (relating to a judge's private practice of law), (f) (relating to the appointment of special judges), and (g) (relating to practice in a county court at law), Government Code.

Repealer: Sections 25.0592(b) (relating to the term start dates for county court at law), (h) (relating to prohibiting private practice of law for judges), (i) (relating to the appointment of special judges), (j) (relating to the selection and service of jurors), and (k) (relating to the requirements of a county sheriff), Government Code.

Repealer: Sections 25.0593(d) (relating to prohibiting private practice of law for judges), (f) (relating to the number of terms for county courts at law), (g) (relating to practice in a county court at law), (h) (relating to the appointment of special judges), (i) (relating to the hiring of certain officers of the court), and (j) (relating to requirements of a county sheriff), Government Code.

Repealer: Sections 25.0594(d) (relating to the discharge of a judge's duties), (e) (relating to prohibiting private practice of law for judges), (g) (relating to the number of terms for county courts at law), (h) (relating to practice in a county court at law), (i) (relating to the appointment of special judges), (j) (relating to the hiring of certain officers of the court), and (k) (relating to requirements of a county sheriff), Government Code.

Repealer: Sections 25.0595(c) (relating to laws and rules), (d) (relating to the requirements of a statutory probate judge), (f) (relating to the hiring of certain officers of the court), and (g) (relating to the requirements of a county sheriff), Government Code.

Repealer: Section 25.0596 (Special Statutory Probate Judge), Government Code.

Repealer: Sections 25.0632(a) (relating to qualifications for statutory county judges), (b) (relating to prohibiting private practice of law for judges), and (d) (relating to the hiring of certain officers of the court), Government Code.

Repealer: Sections 25.0702(b) (relating to the number of terms and start dates for county court at law), (g) (relating to appointment of special judges), (h) (relating to the appointment of special judges), (j) (relating to the requirements of a county sheriff), (k) (relating to the drawing, selection, service, and pay of jurors), and (l) (relating to jurors summoned by the county court), Government Code.

Repealer: Sections 25.0722(b) (relating to the start dates for county court at law terms), (d) (relating to prohibiting private practice of law for judges), (f) (relating to the appointment of special judges), (j) (relating to the jurisdiction and authority of a county court), and (k) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.0732(d) (relating to general supervisory control over commissioners court), (g) (relating to the composition of a jury for a jury trial), (h) (relating to jurors regularly impaneled for a week), (i) (relating to practice in a county court at law no. 1), (j) (relating to summoning jurors for service), (m) (relating to the appointment of special judges), (n) (relating to filling vacancy of office of judge), (p) (relating to the requirements of a county sheriff), (s) (relating to qualifications of a district judge), and (v) (relating to judicial immunity), Government Code.

Repealer: Sections 25.0733(c) (relating to the appointment of certain staff to a statutory probate court), (d) (relating to requirements of a statutory probate court judge), and (f) (relating to the county clerk serving as the clerk for a statutory probate court), Government Code.

Repealer: Section 25.0742(b) (relating to prohibiting the private practice of law for judges), Government Code.

Repealer: Sections 25.0812(d) (relating to the number of terms for county court), (f) (relating to prohibiting private practice of law for judges), (h) (relating to the appointment of special judges), (j) (relating to the hiring of certain officers of the court), and (l) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Section 25.0862(f) (relating to the requirements of an elected probate court judge), Government Code.

Repealer: Sections 25.0932(e) (relating to application of laws to county courts at law), (f) (relating to term start dates for county courts), and (i) (relating to prohibiting private practice of law for judges), Government Code.

Repealer: Sections 25.0942(c) (relating to prohibiting private practice of law for judges), (f) (relating to qualifications of special judges), (g) (relating to the hiring of certain officers of the court), (j) (relating to practice in a county court at law), and (k) (relating to the drawing, selection, service, and pay of jurors), Government Code.

Repealer: Sections 25.0962(d) (relating to disqualification of a county court judge), (e) (relating to the hiring of certain officers of the court), and (g) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.1032(d) (relating to the number of terms and start dates for county civil court), (e) (relating to qualifications of county civil court judges), (g) (relating to the appointment of special judges), (h) (relating to the requirements of a county sheriff), and (k) (relating to practice in a county civil court), Government Code.

Repealer: Sections 25.1033(d) (relating to the term start dates for county criminal court), (e) (relating to the qualifications of a county criminal court judge), (f) (relating to prohibiting the private practice of law by judges), (m) (relating to the requirements of a county sheriff), and (o) (relating to practice, procedure, appeals and writs of error from a county criminal court), Government Code.

Repealer: Sections 25.1034(c) (relating to the requirements of a statutory probate court judge), (h) (relating to the absence, disqualification, or incapacity of a statutory probate judge), (k) (relating to the county sheriff attending statutory probate court) and (l) (relating to practice and procedure in a statutory probate court), Government Code.

Repealer: Sections 25.1042(b) (relating to the terms of county court), (d) (relating to prohibiting a judge from pleading or appearing as an attorney in county court), (f) (relating to the disqualification of a county court judge), (h) (relating to practice in a county court), and (i) (relating to the jurisdiction and authority of a county court), Government Code.

Repealer: Sections 25.1072(b) (relating to the terms of court), (d) (relating to appointment of special judges), (g) (relating to the drawing, selection, and service of jurors), and (h) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.1092(e) (relating to prohibiting the private practice of law by judges), (f) (relating to the absence of the regular county court judge), (l) (relating to the appointment of certain officers of the court) and (o) (relating to requirements of the commissioners court), Government Code.

Repealer: Sections 25.1102(d) (relating to the appointment of a special judge), (e) (relating to requiring the county sheriff to attend county court), (h) (relating to practice, appeals, and writs of error in a county court), (i) (relating to the jurisdiction and authority of the county court), (j) (relating to jurors regularly impaneled for a week), and (l) (relating to prohibiting the private practice of law by judges), Government Code.

Repealer: Section 25.1103 (Hidalgo County Probate Court Provisions), Government Code.

Repealer: Sections 25.1112(b) (relating to the terms of court), (c) (relating to prohibiting the private practice of law by judges), (f) (relating to the hiring of certain officers of the court), and (k) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.1132(f) (relating to the terms of the county court), (g) (relating to the requirements of the county court judge), (h) (relating to prohibiting the private practice of law by judges), (j) (relating to the absence, disability, or disqualification of a regular judge), (l) (relating to the appointment of personnel), (m) (relating to the employment of certain officers of the court), and (p) (relating to the jurisdiction and authority of a county court), Government Code.

Repealer: Sections 25.1142(c) (relating to the requirements of a county court judge), (e) (relating to prohibiting the private practice of law by judges), and (g) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.1152(b) (relating to the start dates for terms of county court), (e) (relating to the discharge of duties by judge), (f) (relating to the appointment of a special judge), (h) (relating to practice in a county court), and (i) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1182(b) (relating to the terms of county court), (e) (relating to the discharge of duties by judge), (f) (relating to the appointment of a special judge), (g) (relating to the county sheriff attending county court), and (h) (relating to practice in a county court), Government Code.

Repealer: Sections 25.1252(c) (relating to the start dates for terms of the court), (g) (relating to the appointment of a special judge), and (i) (relating to the county sheriff attending county court), Government Code.

Repealer: Sections 25.1282(b) (relating to the terms of county court), (d) (relating to prohibiting the private practice of law by judges), (f) (relating to the appointment of a special judge), (h) (relating to practice in a county court), and (i) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1312(d) (relating to jurors regularly impaneled for a week), (e) (relating to a statutory county court summoning jurors), (i) (relating to the hiring of staff), (k) (relating to a requirement of a statutory county court judge), (l) (relating to discharge of judge's duties), and (n) (relating to judicial immunity), Government Code.

Repealer: Sections 25.1322(d) (relating to the terms of county court), (e) (relating to prohibiting the private practice of law by judges), (f) (relating to the appointment of a special judge), (i) (relating to the county sheriff attending county court), and (j) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.1352(d) (relating to the terms of county court) and (h) (relating to prohibiting the private practice of law by judges), Government Code.

Repealer: Sections 25.1392(e) (relating to the appointment of a special judge), (g) (relating to the hiring of certain officers of the court), and (i) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1412(b) (relating to the qualifications for county court judges), (c) (relating to requirements of and prohibitions of a county court judge), (e) (relating to the qualifications for a special judge), (h) (relating to practice in a county court at law), (i) (relating to the drawing, selection, and service of jurors), and (k) (relating to judicial immunity), Government Code.

Repealer: Sections 25.1482(d) (relating to prohibiting the private practice of law by judges), (g) (relating to the appointment of certain officers of the court), (h) (relating to the providing of certain officers of the court), (l) (relating to compensation for special

judges), and (m) (relating to certain officers of the court required to attend county court), Government Code.

Repealer: Sections 25.1542(f) (relating to the terms of the court), (i) (relating to the appointment of a special judge), (k) (relating to requiring the county sheriff to attend county court), and (n) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1572(e) (relating to the appointment of a special judge), (f) (relating to practice and procedure in a county court), and (g) (relating to requiring the county sheriff to attend county court), Government Code.

Repealer: Sections 25.1652(d) (relating to the qualifications for a special judge), (f) (relating to employment of certain officers of the court), and (h) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1672(b) (relating to the terms of county court) and (f) (relating to the qualifications of a special judge), Government Code.

Repealer: Sections 25.1722(b) (relating to the number of terms for a county court), (c) (relating to prohibiting the private practice of law by judges), and (g) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1732(d) (relating to prohibiting the private practice of law by judges), (e) (relating to the absence, disability, or disqualification of a regular judge), (f) (relating to the qualifications for a special judge), (h) (relating to compensation for special judges), and (i) (relating to the appointment of certain officers of the court), Government Code.

Repealer: Sections 25.1762(b) (relating to the start dates for terms of the court), (e) (relating to the discharge of the judge's duties), (f) (relating to qualifications for a special judge), and (h) (relating to practice in a county court), Government Code.

Repealer: Sections 25.1792(e) (relating to prohibiting a judge from certain actions), (f) (relating to the absence, disability, or disqualification of a regular judge), (h) (relating to compensation for special judges), (i) (relating to requiring certain court officers to attend county court), and (j) (relating to the appointment of certain officers of the court), Government Code.

Repealer: Sections 25.1802(c) (relating to the terms and start dates of the county court), (h) (relating to the county sheriff attending county court), (i) (relating to the employment of certain officers of the court), (j) (relating to practice in a county court), (k) (relating to the drawing, selection, and service of jurors), (l) (relating to general supervisory control of the commissioners court), and (q) (relating to judicial immunity), Government Code.

Repealer: Sections 25.1832(b) (relating to the terms of county court), (d) (relating to prohibiting the appearance, pleading or practicing of law by judges), and (j) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.1852(e) (relating to prohibiting a judge from certain actions), (f) (relating to the appointment of certain court officers) and (i) (relating to absence or disqualification of a regular judge), Government Code.

Repealer: Sections 25.1862(c) (relating to general supervisory control), (f) (relating to the appointment of a special judge), (h) (relating to the compensation for a special judge), (i) (relating to certain officers of the court required to attend county court), (j) (relating to the supplying of officers of the court), (m) (relating to jurors regularly impaneled for a week), (n) (relating to summoning jurors for service), (p) (relating to an office of judge vacancy), (q) (relating to dividing each term of court), and (u) (relating to judicial immunity), Government Code

Repealer: Section 25.1892(d) (relating to prohibiting the private practice of law by a judge), Government Code.

Repealer: Sections 25.1902(e) (relating to terms of a county court), (g) (relating to prohibiting the private practice of law by a judge), (i) (relating to the appointment of a special judge), (j) (relating to the county sheriff attending county court), and (k) (relating to the jurisdiction and authority of the county court), Government Code.

Repealer: Sections 25.1932(b) (relating to terms of a county court), (c) (relating to prohibiting the private practice of law by a judge), (f) (relating to the qualifications of a special judge), (h) (relating to the employment of certain officers of the court), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.1972(b) (relating to terms of a county court), (d) (relating to prohibiting the private practice of law by a judge), (f) (relating to the appointment of a special judge), (h) (relating to the county sheriff to attend county court), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2012(d) (relating to jurors regularly impaneled for a week), (e) (relating to a county court summoning jurors), (i) (relating to the hiring of staff), (k) (relating to a requirement of a statutory county court judge), (l) (relating to discharge of judge's duties), and (n) (relating to judicial immunity), Government Code.

Repealer: Sections 25.2032(c) (relating to prohibiting the private practice of law by a judge), (e) (relating to qualifications of a special judge), and (h) (relating to practice of county court), Government Code.

Repealer: Sections 25.2072(c) (relating to prohibiting the private practice of law by a judge), (e) (relating to terms of a county court), (f) (relating to the qualifications of a special judge), (h) (relating to practice in a county court), and (i) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2142(c) (relating to terms of a county court), (e) (relating to prohibiting the private practice of law by a judge), (i) (relating to the qualifications of a special judge), (r) (relating to the county sheriff attending county court), (t) (relating to the appointment of certain officers of the court), and (u) (relating to the drawing of jurors), Government Code.

Repealer: Sections 25.2162(d) (relating to allowing the private practice of law by a judge), (f) (relating to the absence, disability, or disqualification of a regular judge), (h) (relating to compensation for a special judge), (j) (relating to supplying certain officers of the court), and (k) (relating to the appointment of certain officers of the court), Government Code.

Repealer: Sections 25.2222(c) (relating to terms of a county court), (g) (relating to an office of judge vacancy), (h) (relating to prohibiting the private practice of law by a judge), (i) (relating to the appointment of a special judge), (k) (relating to the county sheriff attending county court), and (n) (relating to the jurisdiction and authority of the county court), Government Code.

Repealer: Sections 25.2223(c) (relating to terms of a county court), (e) (relating to duties of the office of judge), (g) (relating to the appointment of a special judge), (h) (relating to the county sheriff attending county court), and (j) (relating to the assignment of bailiffs to the county courts), Government Code.

Repealer: Sections 25.2224(b) (relating to qualifications for county court judge), (c) (relating to qualifications for probate court judge), (f) (relating to the appointment of a special judge), (g) (relating to the county sheriff attending county court), (i) (relating to practice and procedure in a statutory probate court), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2232(b) (relating to the terms of court), (e) (relating to the appointments of special judges), (f) (relating to the county sheriff attending county court), and (g) (relating to practice, procedure, writs of error, and appeals), Government Code.

Repealer: Sections 25.2282(b) (relating to terms of court), (d) (relating to the duties of the office of judge), (f) (relating to the appointment of a special judge), (g) (relating to the employment of certain officers of the court), (i) (relating to practice in a county court), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2292(b), (relating to terms of a county court), (e) (relating to prohibiting the private practice of law by a judge), (i) (relating to the county sheriff attending county court), (k) (relating to the drawing, selection, and service of jurors), and (l) (relating to practice in the courts at law), Government Code.

Repealer: Sections 25.2293(e) (relating to terms of a statutory probate court), (f) (relating to the qualifications for a statutory probate court judge), (g) (relating to prohibiting the private practice of law by a judge), (k) (relating to the drawing, selection, and service of jurors), and (l) (relating to practice in statutory probate court), Government Code.

Repealer: Sections 25.2352(b) (relating to terms of a county court), (d) (relating to prohibiting the private practice of law by a judge), (f) (relating to the appointment for a statutory probate court judge), (g) (relating to the county sheriff attending county court), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2372(c) (relating to terms of a county court), (f) (relating to the qualifications for a county court judge), (g) (relating to practice in a county court at law), (h) (relating to the drawing, selection, and service of jurors), and (i) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.2382(b) (relating to the terms of court), (d) (relating to prohibiting the private practice of law by a judge), (f) (relating to the qualifications for a county court judge), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2392(b) (relating to the terms of court), (d) (relating to prohibiting the private practice of law by a judge), (f) (relating to the qualifications for a county court judge), and (j) (relating to the drawing, selection, and service of jurors), Government Code.

Repealer: Sections 25.2412(b) (relating to terms of a county court), (d) (relating to prohibiting the private practice of law by a judge), (f) (relating to the qualifications for a county court judge), (i) (relating to the drawing, selection, and service of jurors), and (k) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.2422(b) (relating to terms of a county court), (d) (relating to prohibiting the private practice of law by a judge), (f) (relating to the qualifications for a county court judge), (i) (relating to the drawing, selection, and service of jurors), and (j) (relating to jurors regularly impaneled for a week), Government Code.

Repealer: Sections 25.2452(f) (relating to prohibiting the private practice of law by a judge), (h) (relating to the appointment or election of a special judge), and (j) (relating to the employment of certain officers of the court), Government Code.

Repealer: Sections 25.2462(c) (relating to prohibiting the private practice of law by a judge), (d) (relating to the absence, disability, or disqualification of a regular judge), (e) (relating to the qualifications of a special judge), (g) (relating to the compensation for special judges), (i) (relating to the appointment of certain officers of the court), and (j) (relating to the supplying of certain officers of the court), Government Code.

Repealer: Sections 25.2482(d) (relating to prohibiting the private practice of law by a judge), (e) (relating to the absence, disability, or disqualification of a regular judge), (f) (relating to the qualifications of a special judge), (h) (relating to the compensation for special judges), (j) (relating to the appointment of certain officers of the court), and (k) (relating to the supplying of certain officers of the court), Government Code.

Repealer: Sections 25.2512(b) (relating to the terms of court), (e) (relating to the qualifications for a county court judge), (h) (relating to practice in a county court at law), and (i) (relating to the drawing, selection, and service of jurors), Government Code.

#### ARTICLE 4. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

SECTION 4.01. Amends Section 22.220(a), Government Code, to provide that each court of appeals has appellate jurisdiction of all civil cases within its district of which the district courts or county courts have jurisdiction when the amount in controversy or the judgment rendered exceeds \$250, rather than \$100, exclusive of interests and costs.

SECTION 4.02. Amends Section 26.042(c), Government Code, to make a conforming change.

SECTION 4.03. Amends Section 27.004(b), Government Code, to authorize a person, if the person refuses to deliver them, on a motion supported by an affidavit, to be attached and imprisoned by the order of the district court, rather than county judge, until the person makes delivery. Deletes existing text authorizing the county judge to issue the order in termtime or vacation.

SECTION 4.04. (a) Amends Section 27.005(a), Government Code, to provide that "incompetency," in the case of a justice of the peace includes failure of the justice to successfully complete a 20-hour course in the performance of the justice's duties and a 15-hour course regarding substantive, procedural, and evidentiary law in civil matters. Makes nonsubstantive changes.

(b) Makes application of Section 27.005(a), subject to Subsection (c) of this section, prospective to a justice of the peace serving on or after the effective date of this Act, regardless of the date elected.

(c) Requires a justice of the peace serving on the effective date of this article to complete the justice's initial 15-hour course in substantive, procedural, and evidentiary law required by Section 27.005(a)(2)(B), Government Code, as added by this section, not later than August 31, 2010.

SECTION 4.05. Amends Subchapter C, Chapter 27, Government Code, by adding Section 27.060, as follows:

Sec. 27.060. **SMALL CLAIMS.** (a) Requires a justice court to conduct proceedings in a small claims case, as that term is defined by the Texas Supreme Court (supreme court), in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditious, and inexpensive resolution of small claims cases.

(b) Requires rules of the supreme court to provide that if both parties appear, the judge is required to proceed to hear the case; formal pleadings other than the statement are not required; the judge is required to hear testimony of the parties and the witnesses that the parties produce and is required to consider the other evidence offered; the hearing is informal, with the sole objective being to dispense speedy justice between the parties; discovery is limited to that considered appropriate and permitted by the judge; and the judge is required to develop the facts of the case, and for that purpose is authorized to question a witness or party and to summon any party to appear as a witness as the judge considers necessary to a correct judgment and speedy disposition of the case.

SECTION 4.06. Amends Subchapter C, Chapter 27, Government Code, by adding Section 27.061, as follows:

Sec. 27.061. RULES OF ADMINISTRATION. Requires the justices of the peace in each county to, by majority vote, adopt local rules of administration.

SECTION 4.07. Amends Section 28.052(b), Government Code, to provide that, except to the extent of any conflict with this subchapter, appeal is in the manner provided by law for appeals from justice courts, rather than from justice court to county court. Makes nonsubstantive changes.

SECTION 4.08. Amends the heading to Section 28.053, Government Code, to read as follows:

Sec. 28.053. DE NOVO TRIAL ON APPEAL.

SECTION 4.09. Amends Sections 28.053(b) and (d), Government Code, as follows:

(b) Provides that trial on appeal to the county court or county court at law is de novo. Provides that no further pleadings are required. Deletes existing text providing that the procedure is the same as in small claims court.

(d) Authorizes a person to appeal the final judgment of the county court or county court at law on the appeal to the court of appeals, rather than providing that judgment of the county court at law on the appeal is final.

SECTION 4.10. (a) Amends Section 28.053(d), Government Code, to authorize that judgment of the county court or county court at law on the appeal be appealed to the appropriate court of appeals, rather than is final.

(b) Provides that Section 28.053(d), Government Code, as amended by this section, takes effect September 1, 2009.

SECTION 4.11. Amends Subchapter E, Chapter 15, Civil Practice and Remedies Code, by adding Section 15.0821, as follows:

Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. Requires the justices of the peace in each county, by majority vote, to adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

SECTION 4.12. Amends Section 51.012, Civil Practice and Remedies Code, to authorize a person, in a civil case in which the judgment or amount in controversy exceeds \$250, rather than \$100, exclusive of interests and costs, to take an appeal or writ of error to the court of appeals from a final judgment of the district or county court.

SECTION 4.13. Amends Article 4.12, Code of Criminal Procedure, by adding Subsection (e), to require the justices of the peace in each county to, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.

SECTION 4.14. (a) Repealer: Chapter 28 (Small Claims Court), Government Code.

(b) Abolishes each small claims courts under Chapter 28, Government Code, on the effective date of this section.

SECTION 4.15. Requires the Texas Supreme Court, not later than January 1, 2011, to promulgate rules to define cases that constitute small claims cases, rules of civil procedure applicable to small claims cases as required by Section 27.060, Government Code, as added by this article, and rules for eviction proceedings.

SECTION 4.16. Makes application of Sections 22.220, 26.042, 28.052, and 28.053, Government Code, and Section 51.012, Civil Practice and Remedies Code, as amended by this article, prospective.

SECTION 4.17. (a) Requires the justice of the peace, immediately before the date the small claims court in a county is abolished in accordance with this article, sitting as judge of that court to transfer all cases pending in the court to a justice court in the county.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Requires the obligees on all bonds and recognizances taken in and for the transferring court are to appear before the court to which the case is transferred as if originally required to appear before that court.

SECTION 4.18. Effective date, Sections 4.05 and 4.14 of this article: January 1, 2011.

## ARTICLE 5. ASSOCIATE JUDGES

SECTION 5.01. Amends Subtitle D, Title 2, Government Code, by adding Chapter 54A, as follows:

### CHAPTER 54A. ASSOCIATE JUDGES

#### SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

Sec. 54A.001. **APPLICABILITY.** Provides that this subchapter applies to a district court or a statutory county court that gives preference to criminal cases.

Sec. 54A.002. **APPOINTMENT.** (a) Authorizes a judge of a court subject to this subchapter to appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) Authorizes an associate judge, if a court has jurisdiction in more than one county, appointed by that court to serve only in a county in which the commissioners court has authorized the appointment.

(c) Authorizes the commissioners court, if more than one court in a county is subject to this subchapter, to authorize the appointment of an associate judge for each court or to authorize one or more associate judges to share service with two or more courts.

(d) Requires that an associate judge's appointment be made by a vote of two-thirds of the judges under whom the associate judge serves, if an associate judge serves more than one court.

Sec. 54A.003. **QUALIFICATIONS.** Requires that a person, to qualify for appointment as an associate judge, be a resident of this state and one of the counties the person will serve; have been licensed to practice law in this state for at least four years; not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct (SCJC), or by the legislature's abolition of the judge's court; and not have resigned from office after having received notice that formal proceedings by the SCJC had been instituted as provided by Section 33.022 (Investigations and Formal Proceedings), Government Code, and before final disposition of the proceedings.

Sec. 54A.004. **COMPENSATION.** (a) Requires that an associate judge be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) Requires that, if an associate judge serves in more than one county, the associate judge be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.005. TERMINATION. (a) Provides that an associate judge who serves a single court serves at the will of the judge of that court.

(b) Provides that the employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) Authorizes the termination of the employment of an associate judge who serves two courts by either of the judges of the courts the associate judge serves.

(d) Requires the appropriate judges, to terminate an associate judge's employment, to sign a written order of termination. Requires that the order state the associate judge's name and state bar identification number, each court ordering termination, and the date the associate judge's employment ends.

Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) Authorizes a judge to refer to an associate judge any matter arising out of a criminal case involving a negotiated plea, a bond forfeiture, a pretrial motion, a post-conviction writ of habeas corpus, an examining trial, an occupational driver's license, an appeal of an administrative driver's license revocation hearing, and any other matter the judge considers necessary and proper; and setting, adjusting, or revoking bond before the filing of an information or the return of an indictment.

(b) Authorizes an associate judge to accept an agreed plea of guilty from a defendant charged with a misdemeanor, felony, or both misdemeanor and felony offenses.

(c) Provides that an associate judge has all the powers of a magistrate under the laws of this state and is authorized to administer an oath for any purpose.

(d) Authorizes an associate judge to select a jury. Prohibits an associate judge from presiding over a trial on the merits, whether or not the trial is before a jury.

Sec. 54A.007. ORDER OF REFERRAL. (a) Requires a judge, to refer one or more cases to an associate judge, to issue a written order of referral that specifies the associate judge's duties.

(b) Authorizes an order of referral to limit the powers of the associate judge and direct the associate judge to report only on specific issues, do particular acts, or receive and report on evidence only; set the time and place for the hearing; prescribe the closing date for the hearing; provide a date for filing the associate judge's findings; designate proceedings for more than one case over which the associate judge is required to preside; direct the associate judge to call the court's docket; and set forth general powers and limitations or authority of the associate judge applicable to any case referred.

Sec. 54A.008. POWERS. (a) Authorizes an associate judge to whom a case is referred, except as limited by an order of referral, to take certain actions.

(b) Prohibits an associate judge from entering a ruling on any issue of law or fact if that ruling could result in dismissal of a pending criminal prosecution, but authorizes the associate judge to make findings, conclusions, and recommendations on those issues.

(c) Authorizes an associate judge, except as limited by an order of referral, who is appointed by a district or statutory county court judge and to whom a case is referred to accept a plea of guilty or nolo contendere in a misdemeanor case for a

county criminal court. Requires the associate judge to forward any fee or fine collected for the misdemeanor offense to the county clerk.

(d) Authorizes an associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.009. ATTENDANCE OF BAILIFF. Requires a bailiff to attend a hearing by an associate judge if directed by the referring court.

Sec. 54A.010. COURT REPORTER. Requires the court, at the request of a party, to provide a court reporter to record the proceedings before the associate judge.

Sec. 54A.011. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) Authorizes a referring court to issue attachment against and to fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. Requires an associate judge, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the associate judge's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54A.013. JUDICIAL ACTION. (a) Authorizes a referring court, not later than the 30th day after the date an action is taken by an associate judge, to modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) Provides that if the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.014. JUDICIAL IMMUNITY. Provides that an associate judge has the same judicial immunity as a district judge.

[Reserves Sections 54A.015-54A.100 for expansion.]

#### SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

Sec. 54A.101. APPLICABILITY. Provides that this subchapter applies to a district court or a statutory county court that is assigned civil cases.

Sec. 54A.102. APPOINTMENT. (a) Authorizes a judge of a court subject to this subchapter, to appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) Authorizes an associate judge, if a district court has jurisdiction in more than one county, appointed by that court to serve only in a county in which the commissioners court has authorized the appointment.

(c) Authorizes the commissioners court, if more than one court in a county is subject to this subchapter, to authorize the appointment of an associate judge for each court or to authorize one or more associate judges to share service with two or more courts.

(d) Requires that the appointment of an associate judge, if an associate judge serves more than one court, be made by a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 54A.103. QUALIFICATIONS. Requires a person, in order to qualify for appointment as an associate judge under this subchapter, to be a resident of this state and one of the counties the person will serve; have been licensed to practice law in this state for at least four years; not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of SCJC, or by the legislature's abolition of the judge's court; and not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022 (Investigations and Formal Proceedings), and before final disposition of the proceedings.

Sec. 54A.104. COMPENSATION. (a) Requires an associate judge to be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) Requires that if an associate judge serves in more than one county, the associate judge be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.105. TERMINATION. (a) Provides that an associate judge who serves a single court serves at the will of the judge of that court.

(b) Authorizes the termination of employment for an associate judge who serves more than two courts only by a majority vote of all the judges of the courts the associate judge serves.

(c) Authorizes the termination of an associate judge who serves two courts by either of the judges of the courts the associate judge serves.

(d) Requires that, to terminate an associate judge's employment, the appropriate judges sign a written order of termination. Requires the order to state the associate judge's name and state bar identification number, each court ordering termination, and the date the associate judge's employment ends.

Sec. 54A. 106. CASES THAT MAY BE REFERRED. (a) Authorizes a judge of a court, except as provided by this section, to refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Authorizes the judge, unless a party files a written objection to the associate judge hearing a trial on the merits, to refer the trial to the associate judge. Provides that a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) Requires a party to file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. Requires the referring court, if an objection is filed, to hear the trial on the merits or preside at a jury trial.

Sec. 54A.107. METHODS OF REFERRAL. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) Authorizes the order of referral to limit the powers or duties of an associate judge.

Sec. 54A.108. POWERS. (a) Authorizes an associate judge, except as limited by an order of referral, to perform certain judicial obligations.

(b) Authorizes an associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge

hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.109. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by this law.

(b) Authorizes a referring court to fine or imprison a witness who failed to appear before an associate judge after being summoned or improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 54A.110. COURT REPORTER; RECORD. (a) Authorizes a court reporter to be provided during a hearing held by an associate judge appointed under this subsection. Requires a court reporter to be provided when the associate judge presides over a jury trial.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes the record, except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, to be preserved by any means approved by the associate judge.

(d) Authorizes the referring court or associate judge to assess the expense of preserving the record under Subsection (c) as costs.

(e) Authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) Requires an associate judge, after hearing a matter, to notify each attorney participating in the hearing of the associate judge's decision. Provides that an associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) Requires a party, to appeal an associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, to file an appeal in the referring court not later than the seventh day after the date the party receives notice of the decision under Subsection (a).

(c) Provides that a temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or referring judge.

(d) Provides that a temporary injunction issued by an associate judge is effective immediately and continues during the pendency of a trial unless, after a hearing, the order is modified by a referring judge.

(e) Requires that a matter appealed to the referring court be tried de novo and is limited to only those matters specified in the appeal. Prohibits a party, except on leave of court, from submitting on appeal any additional evidence or pleadings.

Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER. (a) Requires that notice of the right to a de novo hearing before the referring court be given to all parties.

(b) Authorizes the notice to be given by oral statement in open court, by posting inside or outside the courtroom of the referring court or as otherwise directed by the referring court.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right to a de novo hearing before the referring court, in writing or on the record.

Sec. 54A.113. ORDER OF COURT. (a) Provides that pending a de novo hearing before the referring court, a proposed order of judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Provides that if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order of judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 54A.115, to approve the temporary detention or incarceration or order the release of the party or witness, with or without bond, pending a de novo hearing, or continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Authorizes the referring court, unless a party files a written request for a de novo hearing before the referring court, to adopt, modify, or reject the associate judge's proposed order or judgment; hear additional evidence; or recommit the matter to the associate judge for further proceedings.

Sec. 54A.115. DE NOVO HEARING. (a) Authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision as provided by Section 54A.111.

(b) Requires that a request for a de novo hearing under this section specify the issues that will be presented to the referring court. Provides that the de novo hearing is limited to the specified issues.

(c) Requires that notice of a request for a de novo hearing before the referring court be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) Authorizes any other party, if a request for a de novo hearing before the referring court is filed by a party, to file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) Requires the referring court, after notice to the parties, to hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) Authorizes the parties in the de novo hearing before the referring court to present witnesses on the issues specified in the request for hearing. Authorizes the referring court to also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(g) Provides that the denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, to file a motion for judgment notwithstanding the verdict, or other post-trial motions.

(h) Prohibits a party from demanding a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 54A.116. APPELLATE REVIEW. (a) Provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Provides that, except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) Provides that the date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 54A.117. JUDICIAL ACTION. (a) Authorizes a referring court, not later than the 30th day after the date an action is taken by an associate judge, to modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) Provides that if the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.118. JUDICIAL IMMUNITY. Provides that an associate judge appointed under this subchapter has the judicial immunity of a district judge.

SECTION 5.02. Transfers Subchapter G, Chapter 54, Government Code, to Chapter 54A, Government Code, as added by this Act, redesignates it as Subchapter C, Chapter 54A, Government Code, and amends it as follows:

#### SUBCHAPTER C. STATUTORY PROBATE COURT ASSOCIATE JUDGES

Sec. 54A.201. DEFINITION. Redesignates Section 54.601 as Section 54A.201.

Sec. 54A.202. APPLICABILITY. Provides that this subchapter applies to a statutory probate court.

Sec. 54A.203. APPOINTMENT. Redesignates Section 54.603 as Section 54A.203. (a) Authorizes the judge of a statutory probate court by order, after obtaining the approval of the commissioners court to create an associate judge position, to appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter, rather than appoint a person to act as associate judge for the statutory probate court.

(b) Authorizes an associate judge appointed by that court, if a statutory probate court has jurisdiction in more than one county, to serve only in a county in which the court has authorized the appointment.

(c) Creates this subsection from existing text. Makes no changes to this subsection.

(d) Deletes existing text of Subsection (d) requiring an associate judge to meet the qualifications to serve as a judge of the court to which the associate judge is appointed. Redesignates Subsection (c) as Subsection (d)

(e) Makes no changes to this subsection.

Sec. 54A.204. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to be a resident of this state and one of the counties

the person will serve; have been licensed to practice law in this state for at least four years; not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of SCJC, or by the legislature's abolition of the judge's court; and not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022 (Investigations and Formal Proceedings), Government Code, and before final disposition of the proceedings.

Sec. 54A.205. COMPENSATION. (a) Redesignates Section 54.605 as Section 54A.205. (a) Requires an associate judge to be paid a salary determined by the commissioners court of the county in which the associate judge serves, rather than an associate judge being entitled to the compensation set by the appointing judge and approval by the court. Deletes existing text prohibiting the salary of the associate judge from exceeding the salary of the appointing judge.

(b) Requires the associate judge, if an associate judge serves in more than one county, to be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries. Deletes existing text requiring that the compensation of the associate judge, except as provided by Subsection (c), be paid by the county from the county general fund and requiring that the compensation be paid in the same manner that the appointing judge's salary be paid. Deletes Subsection (c) and all existing text authorizing the county, on the recommendation of the statutory probate court judges in the county and subject to the approval of the county commissioners court, to pay all or part of the compensation of the associate judge from the excess contributions remitted to the county under Section 25.00212 and deposited in the contributions fund created under Section 25.00213.

Sec. 54A.206. TERMINATION OF ASSOCIATE JUDGE. Redesignates Section 54.604 as Section 54A.206.

Sec. 54A.207. CASES THAT MAY BE REFERRED. Redesignates Section 54.608 as Section 54A.207.

Sec. 54.606. OATH. Deletes Section 54.606 and all existing text.

Sec. 54.607. MAGISTRATE. Deletes Section 54.607 and all existing text.

Sec. 54A.208. New heading: METHODS OF REFERRAL. Redesignates Section 54.609 as Section 54A.208. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order specifying the class and type of cases to be referred. Deletes existing text requiring the judge of the referring court, in referring a case to an associate judge, to render an individual order of referral or a general order of referral specifying the class and type of cases to be heard by the associate judge.

(b) Makes no changes to this subsection.

Sec. 54A.209. POWERS OF ASSOCIATE JUDGE. Redesignates Section 54.610 as Section 54A.209. (a) Creates Subsection (a) from existing text. Authorizes an associate judge, except as limited by an order of referral, to perform certain judicial tasks, including to rule on pre-trial motions; recommend the rulings, orders, or judgment to be made in a case, rather than recommend an order to be rendered in a case; order the attachment of a witness or party who fails to obey a subpoena; to without prejudice to the right to a de novo hearing under Section 54A.216, render and sign an order specifying that the court clerk is required to issue letters testamentary or of administration or letters of guardianship, or an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services; sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54.618; and take action as necessary and

proper for the efficient performance of the duties, rather than the associate judge's duties, required by the order of referral. Makes conforming changes.

(b) Authorizes an associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54.611. ATTENDANCE OF BAILIFF. Deletes Section 54.611 and all existing text.

Sec. 54.612. COURT REPORTER. Deletes Section 54.612 and all existing text.

Sec. 54A.210. WITNESS. Redesignates Section 54.613 as Section 54A.210. (a) Makes no changes to this subsection.

(b) Authorizes a referring court to issue attachment against and fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court, rather than authorizes the court to fine or imprison a witness to appear before an associate judge after being summoned or improperly refuses to answer a question if the refusal has been certified to the court by the associate judge.

Sec. 54A.211. COURT REPORTER; RECORD. (a) Authorizes a court reporter to be provided during a hearing held by an associate judge appointed under this subchapter. Provides that a court reporter is required to be provided when the associate judge presides over a jury trial.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes the record, except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, to be preserved by any means approved by the associate judge.

(d) Authorizes the referring court or associate judge to access (*sic*) the expense of preserving the record as court costs.

(e) Authorizes the referring court, on appeal of the associate judge's report or proposed order, to consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.212. REPORT. Redesignates Section 54.614 as Section 54A.212. (a) Authorizes the associate judge's report to contain the associate judge's findings, conclusion, or recommendations and to be in the form of a proposed order.

(b) Creates Subsection (b) from existing text. Requires the associate judge prepare a report, rather than a written report, in the form directed by the referring court. Authorizes the form to be a notation on the referring courts docket sheet or in the court's jacket.

(c) Redesignates Subsection (b) as Subsection (c). Requires the associate judge, after a hearing, to provide the parties participating in the hearing notice of the substance of the associated judge's report, including any proposed order.

(d) Redesignates Subsection (c) as Subsection (d). Authorizes notice to be given to the parties in open court, by oral statement, or by providing a copy of the associate judge's written report, including any proposed order, by certified mail, return receipt requested or by facsimile. Makes nonsubstantive changes.

(e) Redesignates Subsection (d) as Subsection (e). Makes no changes to this subsection.

(f) Redesignates Subsection (e) as Subsection (f). Requires the associate judge, after a hearing conducted by an associate judge, to send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 54A.213. New heading: NOTICE OF RIGHT TO DE NOVO HEARING. Redesignates 54.615 as Section 54A.213. (a) Requires an associate judge to give all parties notice of the right to a de novo hearing before the referring court, rather than of appeal to the judge of the referring court.

(b) Makes no changes to this subsection.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right to a de novo hearing before the referring court in writing or on the record.

Sec. 54A.214. ORDER OF COURT. Redesignates Section 54.616 as Section 54A.214. (a) Provides that pending a de novo hearing before the referring court, the decisions and recommendations of the associate judge or a proposed order or judgment of the associate judge has the full force and effect, and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver rather providing that pending appeal of the associate judge's report to the referring court, the decisions and recommendations of the associate judge's report have the force and effect, and are enforceable as, an order of the referring court, except for orders providing for incarceration or for the appointment of a receiver.

(b) Provides that if a request for a de novo hearing before the referring court, rather than an appeal to the referring court, is not timely filed or the right to a de novo hearing before the referring court is waived, the findings and recommendations of the associate judge become the order of the referring court only on the referring court's signing of, rather than at the time the judge of the referring court signs, an order conforming to the associate judge's report. Makes a conforming change.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 54A.216, to approve the temporary detention or incarceration or to order the release of the party or witness, with or without bond, pending a de novo hearing. Authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or to continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.215. New heading: JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. (a) Redesignates Section 54.617 as Section 54A.215. (a) Creates Subsection (a) from existing text. Authorizes the referring court, unless the party files a written request for a de novo hearing before the referring court, rather than a notice of appeal, to adopt, modify, or reject the associated judge's proposed order or judgment, rather than report, hear additional, rather than further, evidence or recommit the matter to the associate judge for further proceedings.

(b) Requires the judge of the referring court to sign a proposed order or judgment the court adopts as provided by Subsection (a)(1) not later than the 30th day after the date the associate judge signed the order or judgment.

Sec. 54A.216. New heading: DE NOVO HEARING BEFORE REFERRING COURT. Redesignates Section 54.618 as Section 54A.216. (a) Authorizes a party to request a de

novo hearing before the referring court, rather than appeal an associate judge's report, by filing with the clerk of the referring court a written request, rather than a notice of appeal, not later than the seventh, rather than third, day after the date the party receives notice of the substance of the associate judge's report as provided by Section 54A.212, rather than Section 54.614.

(b) Requires that a request for a de novo hearing under this section specify the issues that will be presented to the referring court. Provides that the de novo hearing is limited to the specified issues. Deletes existing text requiring that an appeal to the referring court be made in writing and specify the findings and conclusions of the associate judge to which the party objects and providing that the appeal is limited to the findings and conclusions specified in the written appeal.

(c) Authorizes the parties, in the de novo hearing before the referring court, to present witnesses on the issues specified in the request for hearing, rather than authorizing the parties to present witnesses on appeal to the referring court as in a hearing de novo on the issues raised in the appeal. Authorizes the referring court to also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(d) Requires that notice of a request for a de novo hearing, rather than an appeal, before the referring court be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure. Makes a nonsubstantive change.

(e) Provides that if a request for a de novo hearing before, rather than an appeal to, the referring court is filed by a party, any other party is authorized to file a request for a de novo hearing before the referring court not later than the seventh working day after the date of filing of the initial request, rather than appeal.

(f) Requires the referring court, after notice to the parties, to hold a de novo hearing, rather than a hearing on all appeals, not later than the 30th day after the date on which the initial request for a de novo hearing, rather than appeal, was filed with the clerk of the court. Deletes existing text providing that unless all of the parties agree to a later date.

(g) Provides that the denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for a new trial, a motion for judgment notwithstanding the verdict, or other posttrial motion. Deletes existing text authorizing the parties, before the start of a hearing conducted by an associate judge, to waive the right of appeal to the referring court and authorizing the waiver to be in writing or on the record.

(h) Prohibits a party from demanding a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 54A.217. APPELLATE REVIEW. Redesignates Section 54.619 as Section 54A.217. (a) Provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court. Deletes existing text providing that failure to appeal to the referring court by waiver or otherwise, the approval by the referring court of an associate judge's report does not deprive a party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Provides that, except as provided by Subsection (c), the date the judge of a referring court signs an order or judgment is the controlling date for the purposes

of appeal to or request for other relief from a court of appeals or the supreme court.

(c) Provides that the date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to or a request for other relief relating to the order from a court of appeals or the supreme court.

Sec. 54.620. IMMUNITY. Deletes existing text providing that an associate judge appointed under this subchapter has the judicial immunity of a probate judge and that all existing immunity granted an associate judge by law, express or implied, continues in full force and effect.

SECTION 5.03. Amends Chapter 201, Family Code, by adding Subchapter D, as follows:

#### SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

Sec. 201.301. APPLICABILITY. Provides that this subchapter applies only to an associate judge appointed under this subchapter and does not apply to a juvenile court master appointed under Subchapter K (Juvenile Court Masters in Harris County), Chapter 54 (Masters; Magistrates; Referees; Associate Judges).

Sec. 201.302. APPOINTMENT. (a) Authorizes a judge of a court that is designated as a juvenile court, with the consent and approval of the commissioners court of a county in which the court has jurisdiction, to appoint a full-time or part-time associate judge to perform the duties authorized by this chapter if the commissioners court of a county in which the court has jurisdiction has authorized creation of an associate judge position.

(b) Provides that if a court has jurisdiction in more than one county, an associate judge appointed by that court is authorized to serve only in a county in which the commissioners court has authorized the appointment.

(c) Authorizes the commissioners court, if more than one court in a county has been designated as a juvenile court, to authorize the appointment of an associate judge for each court or to authorize one or more associate judges to share service with two or more courts.

(d) Requires that the appointment of an associate judge, if an associate judge serves more than one court, be made by a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 201.303. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under this subchapter, to be a resident of this state and one of the counties the person will serve; have been licensed to practice law in this state for at least four years; not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of SCJC, or by the legislature's abolition of the judge's court; and not have resigned from office after having received notice that formal proceedings by SCJC had been instituted as provided in Section 33.022, Government Code, and before final disposition of the proceedings.

Sec. 201.304. COMPENSATION. (a) Requires an associate judge to be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) Requires an associate judge, if an associate judge serves in more than one county, to be paid a salary as determined by agreement of the courts of the counties in which the associate judge serves.

(c) Provides that the associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 201.305. TERMINATION. (a) Provides that an associate judge who serves a single court serves at the will of the judge of that court.

(b) Authorizes the employment of an associate judge who serves more than two courts to be terminated only by a majority vote of all the judges of the courts which the associate judge serves.

(c) Authorizes the employment of an associate judge who serves two courts to be terminated by either of the judges of the courts which the associate judge serves.

(d) Requires that to terminate an associate judge's employment, the appropriate judges sign a written order of termination. Requires that the order to state the associate judge's name and state bar identification number, each court ordering termination, and the date the associate judge's employment ends.

Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Authorizes a judge of a juvenile court, except as provided by this section, to refer to an associate judge any aspect of a juvenile matter brought under this title or Title 3 or in connection with Rule 308, Texas Rules of Civil Procedure.

(b) Authorizes the judge, unless a party files a written objection to the associate judge hearing a trial on the merits, to refer the trial to the associate judge. Provides that a trial on the merits is any final adjudication from which an appeal is authorized to be taken to a court of appeals.

(c) Requires a party to file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. Requires the referring court, if an objection is filed, to hear the trial on the merits or preside at a jury trial.

(d) Provides that the requirements of Subsections (b) and (c) apply when a judge has authority to refer the trial of a suit under this title, Title 1, or Title 4 to an associate judge, master, or other assistant judge regardless of whether the assistant judge is appointed under this subchapter.

Sec. 201.307. METHODS OF REFERRAL. (a) Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) Authorizes the order of referral to limit the power or duties of an associate judge.

Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Authorizes an associate judge, except as limited by an order of referral, to perform certain duties.

(b) Authorizes an associate judge, in the interest of justice, to refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

(c) Provides that an order described by Subsection (a)(14) that is rendered and signed by an associate judge constitutes an order of the referring court.

Sec. 201.309. REFEREES. (a) Authorizes an associate judge appointed under this subsection to serve as a referee as provided by Sections 51.04(g) (relating to the jurisdiction of the juvenile board) and 54.10 (Hearing Before Referee), Family Code.

(b) Authorizes a referee appointed under Section 51.04(g), Family Code, to be appointed to serve as an associate judge under this subchapter.

Sec. 201.310. ATTENDANCE OF BAILIFF. Authorizes a bailiff to attend a hearing by an associate judge if directed by the referring court.

Sec. 201.311. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) Authorizes a referring court to fine or imprison a witness who failed to appear before an associate judge after being summoned or improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 201.312. COURT REPORTER; RECORD. (a) Authorizes a court reporter to be provided during a hearing held by an associate judge appointed under this subchapter. Provides that a court reporter is required to be provided when the associate judge presides over a jury trial or a contested final termination hearing.

(b) Authorizes a party, the associate judge, or the referring court to provide for a reporter during the hearing if one is not otherwise provided.

(c) Authorizes the record, except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, to be preserved by any means approved by the associate judge.

(d) Authorizes the referring court or associate judge to assess the expense of preserving the record as costs.

(e) Authorizes the referring court, on a request for a de novo hearing, to consider testimony or other evidence in the record, if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 201.317.

Sec. 201.313. REPORT. (a) Authorizes the associate judge's report to contain the associate judge's findings, conclusions, or recommendations and authorizes the report to be in the form of a proposed order. Requires the associate judge's report to be in writing and in the form directed by the referring court.

(b) Requires the associate judge, after a hearing, to provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

(c) Authorizes notice to be given to the parties in open court, by an oral statement or by providing a copy of the associate judge's written report, including any proposed order; by certified mail, return receipt requested; or by facsimile.

(d) Provides that a rebuttable presumption exists that notice is received on the date stated on the signed return receipt, if notice was provided by certified mail or the confirmation page produced by the facsimile machine, if notice was provided by facsimile.

(e) Requires the associate judge, after a hearing conducted by an associate judge, to send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER. (a) Requires an associate judge to give all parties notice of the right to a de novo hearing to the judge of the referring court.

(b) Authorizes the notice to be given by oral statement in open court, by posting inside or outside the courtroom of the referring court, or as otherwise directed by the referring court.

(c) Authorizes a party, before the start of a hearing by an associate judge, to waive the right to a de novo hearing before the referring court in writing or on the record.

Sec. 201.315. ORDER OF COURT. (a) Provides that pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) Provides that if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Requires that an order by an associate judge for the temporary detention or incarceration of a witness or party be presented to the referring court on the day the witness or party is detained or incarcerated. Authorizes the referring court, without prejudice to the right to a de novo hearing provided by Section 201.317, to authorize the temporary detention or incarceration or is authorized to order the release of the party or witness, with or without bond, pending a de novo hearing. Authorizes the associate judge, if the referring court is not immediately available, to order the release of the party or witness, with or without bond, pending a de novo hearing or is authorized to continue the person's detention or incarceration for not more than 72 hours.

Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Authorizes the referring court, unless a party files a written request for a de novo hearing before the referring court, to adopt, modify or reject the associate judge's proposed order to judgment; hear additional evidence; or recommit the matter to the associate judge for further proceedings.

Sec. 201.317. DE NOVO HEARING. (a) Authorizes a party to request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.313.

(b) Requires that a request for a de novo hearing under this section specify the issues that will be presented to the referring court. Provides that the de novo hearing is limited to the specified issues.

(c) Requires that notice of a request for a de novo hearing before the referring court be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) Provides that if a request for a de novo hearing before the referring court is filed by a party, any other party is authorized to file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) Requires the referring court, after notice to the parties, to hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) Authorizes the parties, in the de novo hearing before the referring court, to present witnesses on the issues specified in the request for a hearing. Authorizes the referring court to consider the record from the hearing before the associate judge, including the charge to and verdict returned by the jury, if the record was taken by a court reporter.

(g) Provides that the denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, a motion for judgment notwithstanding the verdict or other posttrial motions.

(h) Prohibits a party from demanding a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 201.318. APPELLATE REVIEW. (a) Provides that a party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Provides that, except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) Provides that the date an agreed order or a default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Sec. 201.319. JUDICIAL IMMUNITY. Provides that an associate judge appointed under this subchapter has the judicial immunity of a district judge.

Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) Authorizes a judge of a court having jurisdiction of a suit under this title or Title 1 or 4, if an associate judge appointed under this subchapter is temporarily unable to perform the judge's official duties because of absence, illness, injury, or other disability, to appoint a visiting associate judge to perform the duties of the associate judge during the period of the associate judge's absence or disability if the court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge.

(b) Requires a person to have served as an associate judge for at least two years to be eligible for appointment under this section.

(c) Provides that Sections 201.001 through 201.017 apply to a visiting associate judge appointed under this section.

SECTION 5.04. Amends Section 22.110(b), Government Code, to require that the court of criminal appeals adopt the rules necessary to accomplish the purposes of this section and to require that the rules require each district judge, judge of a statutory county court, associate judge appointed under Chapter 54A, rather than Chapter 54, of this code or Chapter 201 (Associate Judge), Family Code, master, referee, and magistrate to complete at least 12 hours of the training within the first four years of service and provide a method for certification of completion of that training.

SECTION 5.05. Amends Article 2.09, Code of Criminal Procedure, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that the justices of the supreme court, the judges of the court of criminal appeals, the justices of the courts of appeals, the judges of the district court, an associate judge appointed under Chapter 54A, Government Code, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L (Criminal Law Hearing Officers in Certain Counties), Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB (Criminal Law Hearing Officers in Cameron County), Chapter 54, Government Code, the magistrates appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or

Tarrant County, the masters appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the magistrates appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the county judges, the judges of the county courts at law, judges of the criminal courts, the judges of statutory probate courts, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns, and are magistrates within the meaning of this code. Deletes existing text referencing the associate judges appointed by the judges of the statutory probate courts under Subchapter C (Criminal Law Masters in Jefferson County), Chapter 54, Government Code.

SECTION 5.06. Amends Article 102.017(d), Code of Criminal Procedure, to make a conforming change.

SECTION 5.07. Amends Section 54.10(a), Family Code, to provide that except as provided by Subsection (e), a hearing under Section 54.03, 54.04 or 54.05, including a jury trial, a hearing under Chapter 55, including a jury trial, or a hearing under the Interstate Compact for Juveniles (Chapter 60) is authorized to be held by a referee appointed in accordance with Section 51.04(g) or an associate judge, appointed under Chapter 54A, rather than a master appointed under Chapter 54, Government Code.

SECTION 5.08. Provides that a magistrate, master, referee, associate judge, or hearing officer appointed as provided by Chapter 54, Government Code, before the effective date of this Act, continues to serve as an associate judge under Chapter 54A, Government Code, as added by this article, with the powers and duties provided by that chapter, provided the court for which the magistrate, master, referee, associate judge or hearing officer serve has authority to appoint an associate judge under Chapter 54A, Government Code.

SECTION 5.09. Makes application of this Article prospective.

SECTION 5.10. (a) Repealer: Subchapter A (Magistrates in Montgomery County), Chapter 54, Government Code.

Repealer: Subchapter B (Magistrates in Nolan County), Chapter 54, Government Code.

Repealer: Subchapter C (Criminal Law Masters in Jefferson County), Chapter 54, Government Code.

Repealer: Subchapter E (Juvenile Court Referees in Wichita County), Chapter 54, Government Code.

Repealer: Subchapter F (Associate Judges in Dallas County), Chapter 54, Government Code.

Repealer: Subchapter I (Juvenile Law Masters in Harris County), Chapter 54, Government Code.

Repealer: Subchapter O (Part-Time Juvenile Law Masters in Bexar County), Chapter 54, Government Code.

Repealer: Subchapter P (Williamson County Criminal Magistrates), Chapter 54, Government Code.

Repealer: Subchapter S (Civil, Juvenile and Criminal Law Associate Judges in Fort Bend County), Chapter 54, Government Code.

Repealer: Subchapter T (Civil Law Associate Judges in Bexar County), Chapter 54, Government Code.

Repealer: Subchapter U (Magistrates in Brazos County), Chapter 54, Government Code.

Repealer: Subchapter V (Associate Judges in Duval County), Chapter 54, Government Code.

Repealer: Subchapter W (Magistrates in Certain County Courts), Chapter 54, Government Code.

Repealer: Subchapter X (Criminal Law Magistrates in Harris County), Chapter 54, Government Code.

Repealer: Subchapter BB (Criminal Law Hearing Officers in Cameron County), Chapter 54, Government Code.

Repealer: Subchapter CC (Magistrates in McLennan County), Chapter 54, Government Code.

Repealer: Subchapter FF (Criminal Law Magistrates in Nueces County), Chapter 54, Government Code.

## ARTICLE 6. COURT ADMINISTRATION

SECTION 6.01. Amends Section 74.005, Government Code, as follows:

Sec. 74.005. New heading: APPOINTMENT OF PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS. (a) Requires the chief justice of the supreme court, rather than the governor, with the advice and consent of the senate, to appoint one judge in each administrative judicial region as presiding judge of the region.

(b) Requires the chief justice of the supreme court, rather than the governor, on the death, resignation, removal, or expiration of the term of office of a presiding judge, to immediately appoint or reappoint a presiding judge.

SECTION 6.02. Amends Section 74.050, Government Code, as follows:

Sec. 74.050. New heading: SUPPORT STAFF. (a) Authorizes the presiding judge to employ, directly or through a contract with another governmental entity, up to three full-time equivalent staff attorneys.

(b) Creates Subsection (b) from existing text of Subsections (b) and (c). Deletes existing Subsection (c) designation. Deletes existing text requiring an administrative assistant to have the qualifications established by rule of the supreme court. Makes conforming changes.

(c) Redesignates Subsection (d) as Subsection (c). Makes no changes to this subsection.

(d) Redesignates Subsection (e) as Subsection (d). Provides that a staff attorney is entitled to receive the compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant.

(e) Authorizes a staff attorney to provide assistance to a district judge for a specific case at the direction of the judicial committee for additional resources.

(f) Requires the Office of Court Administration of the Texas Judicial System (OCA) to assist the presiding judges in monitoring the compliance of staff attorneys with any job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies; addressing the training needs and resource requirements of the staff attorneys; conducting annual

performance evaluations for the staff attorneys based on written personnel performance standards adopted by the presiding judges; and receiving, investigating and resolving complaints about particular staff attorneys based on a uniform process adopted by the presiding judges.

(g) Requires that adequate quarters for a staff attorney hired as provided by this section be provided in a courthouse of the administrative judicial region.

SECTION 6.03. Amends Section 74.093(c), Government Code, as follows:

(c) Authorizes the rules to provide for the selection and authority of a presiding judge of a division or branch of the courts as provided by Subsection (b)(2), assigning courts a preference for, rather than giving preference to, a specified class of cases, such as civil, criminal, juvenile, child protection, family law or other cases requiring special judicial attention; other strategies for managing cases that require special judicial attention; a coordinated response for the transaction of essential judicial functions in the event of a disaster; and any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services. Makes a conforming change.

SECTION 6.04. Amends Chapter 74, Government Code, by adding Subchapter J, as follows:

#### SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

Sec. 74.251. **APPLICABILITY OF SUBCHAPTER.** Provides that this subchapter does not apply to a criminal matter; a case in which judicial review is sought under Subchapter G (Contested Cases: Judicial Review), Chapter 2001 (Administrative Procedure); or a case that has been transferred by the judicial panel on multidistrict litigation to a district court for consolidated or coordinated pretrial proceedings under Subchapter H (Court Enforcement).

Sec. 74.252. **RULES TO GUIDE DETERMINATION OF WHETHER CASE REQUIRES ADDITIONAL RESOURCES.** (a) Requires the supreme court to adopt rules under which courts, presiding judges of the administrative judicial regions, and the judicial committee for additional resources is authorized to determine whether a case requires additional resources to ensure efficient judicial management of the case.

(b) Requires the supreme court, in developing the rules, to include considerations regarding whether a case involves or is likely to involve a large number of parties who are separately represented by counsel, coordination with related actions pending in one or more courts in other counties of this state or in one or more United States district courts, numerous pretrial motions that present difficult or novel legal issues that will be time-consuming to resolve, a large number of witnesses or substantial documentary evidence, substantial post-judgment supervision, a trial that will last more than four weeks, and a substantial additional burden on the trial courts docket and the resources available to the trial court to hear the case.

Sec. 74.253. **JUDICIAL DETERMINATION.** (a) Requires the judge of the court in which the case is pending, on the motion of a party in a case, or on the court's own motion, to review the case and determine whether, under rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management. Provides that the judge is not required to conduct an evidentiary hearing for purposes of making the determination but is authorized, in the judge's discretion, to direct the attorneys for the parties to the case and the parties to appear before the judge for a conference to provide information to assist the judge in making the determination.

(b) Requires the judge, on determining that a case will require additional resources as provided by Subsection (a), to notify the presiding judge of the administrative judicial region in which the court is located about the case and

request any specific additional resources that are needed, including the assignment of a judge under this chapter.

(c) Requires the presiding judge, if the presiding judge of the administrative judicial region agrees that, in accordance with the rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management, to use resources previously allotted to the presiding judge or submit a request for specific additional resources to the judicial committee for additional resources.

Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES. (a) Provides that the judicial committee for additional resources (committee) is composed of the chief justice of the supreme court and the nine presiding judges of the administrative judicial regions.

(b) Provides that the chief justice of the supreme court serves as the presiding officer. Requires the office of court administration to provide staff support to the committee.

(c) Requires the committee, on receipt of a request for additional resources from a presiding judge of an administrative judicial region under Section 74.253, to determine whether the case that is the subject of the request requires additional resources in accordance with the rules adopted under Section 74.252. Requires the committee, if it determines that the case does require additional resources, to make available the resources requested by the trial judge to the extent funds are available for those resources under the General Appropriations Act and to the extent the committee determines the requested resources are appropriate to the circumstances of the case.

(d) Provides that, subject to Subsections (c) and (f), additional resources that the committee is authorized to make available under this section include the assignment of an active or retired judge under this chapter, subject to the consent of the judge of the court in which the case for which the resources are provided is pending; additional legal, administrative, or clerical personnel; information and communication technology, including case management software, video teleconferencing, and specially designed courtroom presentation hardware and software to facilitate presentation of the evidence to the trier of fact; specialized continuing legal education; an associate judge; special accommodations or furnishings for the parties; other services or items determined necessary to try the case; and any other resources the committee considers appropriate.

(e) Prohibits a justice or judge to whom Section 74.053(d) applies from being assigned under Subsection (d), notwithstanding any provision of Subchapter C.

(f) Prohibits the committee from providing additional resources under this subchapter in an amount that is more than the amount appropriated for this purpose.

Sec. 74.255. COST OF ADDITIONAL RESOURCES. Requires that the cost of additional resources provided for a case under this subchapter be paid by the state and prohibits those costs from being taxed against any party in the case for which the resources are provided or against the county in which the case is pending.

Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION. Provides that the filing of a motion under Section 74.253 in a case is not grounds for a stay or continuance of the proceedings in the case in the court in which the case is pending during the period the motion or request is being considered by the judge of the court, the presiding judge of the administrative judicial region, or the committee.

Sec. 74.257. APPELLATE REVIEW. Provides that a determination made by a trial court judge, the presiding judge of an administrative judicial region, or the committee under this subchapter is not appealable or subject to review by mandamus.

SECTION 6.05. (a) Requires the Texas Supreme Court to request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding the rules for determining whether civil cases pending in trial courts require additional resources for efficient judicial management required by Section 74.252, Government Code, as added by this Act. Requires the president of the State Bar of Texas to ensure that the task force has diverse representation and includes judges of trial courts and attorneys licensed to practice law in this state who regularly appear in civil cases before courts in this state. Requires the task force to provide recommendations on the rules to the supreme court not later than November 1, 2009.

(b) Requires the Texas Supreme Court to consider the recommendations of the task force provided as required by Subsection (a) of this section and adopt the rules required by Section 74.252, Government Code, as added by this Act, not later than January 1, 2010.

SECTION 6.06. Makes application of the changes in law made by this article prospective to cases pending on or after January 1, 2010.

#### ARTICLE 7. GRANT PROGRAMS

SECTION 7.01. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.029, as follows:

Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) Requires the OCA to develop and administer, except as provided by Subsection (c), a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes of this chapter.

(b) Requires a county, in order to be eligible for a grant under this section, to use the grant money to implement initiatives that will enhance the county's court system, including grants to develop programs to more efficiently manage cases that require special judicial attention, or otherwise carry out the purposes of this chapter and apply for the grant in accordance with procedures developed by OCA and comply with any other requirements of OCA.

(c) Requires the committee to determine whether to award a grant to a county that meets the eligibility requirements prescribed by Subsection (b).

(d) Requires OCA, if the committee awards a grant to a county, to direct the comptroller to distribute the grant money to the county and monitor the county's use of the grant money.

SECTION 7.02. Amends Subchapter A, Chapter 22, Government Code, by adding Section 22.016, as follows

Sec. 22.016. GRANTS FOR CHILD PROTECTION. (a) Defines "commission."

(b) Requires the permanent judicial commission (commission) to develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases.

(c) Requires a prospective recipient, to be eligible for a grant under this section, to use the grant money to improve safety or permanency outcomes, enhance due process, or increase timeliness of resolution in child protection cases and apply for the grant in accordance with procedures developed by the commission and comply with any other requirements of the supreme court.

(d) Requires the commission, if the commission awards a grant, to direct the comptroller to distribute the grant money and monitor the use of the grant money.

## ARTICLE 8. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS JUDICIAL SYSTEM

SECTION 8.01. Defines the "office of court administration."

SECTION 8.02. (a) Requires OCA to study the district courts and statutory county courts of this state to determine overlapping jurisdiction in civil cases in which the amount in controversy is more than \$250,000. Requires that the study determine the feasibility, efficiency and potential cost of converting to district courts those statutory county courts with jurisdiction in civil cases in which the amount in controversy is more than \$250,000.

(b) Requires OCA, not later than September 1, 2010, to submit a report regarding the conversion of statutory county courts to district courts to the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the judicial system, and the court of any county with a statutory county court with jurisdiction in civil cases in which the amount in controversy is more than \$250,000.

(c) Requires the constitutional county judge of a county with a statutory county court with jurisdiction in civil cases in which the amount in controversy is more than \$250,000, not later than December 1, 2010, to notify OCA whether the statutory county court prefers to remain a statutory county court with a reduced jurisdictional limit or prefers to convert to a district court. Requires OCA, not later than January 31, 2011, to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the judicial system outlining the statutory county courts that prefer to remain county courts with a reduced jurisdictional limit and the statutory county courts that prefer to convert to district courts.

## ARTICLE 9. GENERAL EFFECTIVE DATE

SECTION 9.01. Effective date, except as otherwise provided by this Act: September 1, 2009.