

## **BILL ANALYSIS**

C.S.S.B. 1139  
By: Huffman  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Many news outlets have reported that Texas is experiencing both an increase in population and a shift in where the majority of residents live. As the state's population grows in some areas while declining in others, the judicial needs of the various regions change. These shifting demographics can significantly impact the caseload of the existing courts. Interested parties note that the legislature has historically compensated for changes in population by establishing new courts or changing existing judicial boundaries or the composition of juvenile boards, taking into consideration such factors as increased caseloads, case backlogs, substantial population growth, and county support. C.S.S.B. 1139 seeks to address these and other related issues and serves as an omnibus bill with a purpose of ensuring an orderly manner for the operation and administration of and practice in courts in the judicial branch of state government.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

#### **Associate Judges for Child Support and Child Protection Cases**

C.S.S.B. 1139 amends the Family Code to revise provisions requiring a presiding judge of an administrative judicial region, if the presiding judge determines that the courts in the region require the appointment of a full-time or part-time associate judge to complete each child support case within the statutorily prescribed period or to complete each child protection case, to appoint an associate judge and to clarify that a presiding judge who must make such a determination for the completion of child protection cases must make that determination within the times specified under Family Code provisions relating to the protection of a child. The bill requires the presiding judge to make an appointment of an associate judge for child support or child protection cases, as applicable, from a list of the qualified applicants who have submitted an application to the Office of Court Administration of the Texas Judicial System. The bill requires the presiding judge, before making such an appointment, to provide the list to the judges of the courts from which cases will be referred to the associate judge. The bill authorizes each judge to recommend to the presiding judge the names of one or more applicants for appointment. The bill establishes that such an associate judge serves for a term of four years from the date the associate judge is appointed and qualifies for office, establishes that the appointment of an associate judge for a term does not affect the at-will employment status of the associate judge, and clarifies that the presiding judge is authorized to terminate an appointment at any time. The bill requires the

presiding judge, before reappointing such an associate judge, to notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. The bill authorizes each judge to submit to the presiding judge a recommendation on whether the associate judge should be reappointed.

C.S.S.B. 1139 specifies that the annual performance evaluation that the presiding judges conduct with the assistance of the office of court administration for the associate judges and other personnel appointed under the applicable statutory provisions that is based on written personnel performance standards adopted by the presiding judge is also based on performance information solicited from the referring courts and other relevant persons. The bill requires the office of court administration to develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations. The bill authorizes each judge of a court that refers cases to an associate judge under the applicable statutory provisions to submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

C.S.S.B. 1139 requires a presiding judge, not later than October 1, 2015, to either reappoint such an associate judge or appoint a new associate judge to serve consistent with the changes in law made by the bill.

### **District Courts and District Attorneys**

C.S.S.B. 1139 amends the Government Code to change the beginning of the term of the 52nd District Court from the first Mondays in January and June to the first Mondays in January and July.

C.S.S.B. 1139, effective January 1, 2017, removes Kendall County from the composition of the 216th Judicial District.

C.S.S.B. 1139, effective January 1, 2017, establishes the 451st Judicial District composed of Kendall County and specifies that the district is created on that date. The bill establishes, in addition to the other jurisdiction provided by law, that the 451st District Court has concurrent jurisdiction with the County Court of Kendall County in all civil and criminal matters over which the county court would have original or appellate jurisdiction, including probate matters and proceedings under the Texas Mental Health Code. The bill requires all civil and criminal matters within the concurrent jurisdiction of the county and district courts to be filed with the county clerk in the county court and establishes that the county clerk serves as the clerk of the district court for those matters.

C.S.S.B. 1139, effective January 1, 2017, establishes provisions regarding a criminal district attorney of Kendall County. The bill includes Kendall County among the counties in which a criminal district attorney is elected, requires the criminal district attorney of Kendall County to meet certain specified qualifications, and grants the criminal district attorney all the powers, duties, and privileges in Kendall County that are conferred by law on county and district attorneys in the various counties and districts. The bill sets out provisions relating to the criminal district attorney's authority, powers, and duties, including provisions relating to attendance at each term and session of the district and inferior courts of Kendall County, representation in the applicable courts, collection of applicable fees, commissions, and perquisites, compensation, acceptance of gifts and grants, accounting for and reporting of those gifts and grants, appointment of staff, and designation of an assistant criminal district attorney. The bill entitles Kendall County to receive from the state an amount equal to the amount provided in the General Appropriations Act to district attorneys for the payment of staff salaries and office expenses. The bill authorizes the legislature to provide for additional staff members to be paid from state funds if it considers supplementation of the criminal district attorney's staff to be necessary. The bill prohibits the criminal district attorney and assistant criminal district attorney from engaging in

the private practice of law or receiving a fee for the referral of a case. The bill includes the Kendall County criminal district attorney among the state prosecutors to whom statutory provisions governing professional prosecutors apply.

C.S.S.B. 1139 abolishes the office of county attorney of Kendall County effective January 1, 2017, and abolishes the County Court at Law of Kendall County on the date the 451st District Court is created. The bill transfers, on the date the 451st District Court is created, all cases from Kendall County pending in the 216th District Court to the 451st District Court and transfers, on the date the County Court at Law of Kendall County is abolished, all cases pending in that court to the 451st District Court. The bill sets out provisions relating to the transfer of such cases.

C.S.S.B. 1139, effective January 1, 2017, establishes the 440th Judicial District, composed of Coryell County, and specifies that the district is created on that date.

C.S.S.B. 1139 establishes that the local administrative district judge for Coryell County is selected on the basis of seniority from the district judges of the 52nd Judicial District and the 440th Judicial District.

C.S.S.B. 1139 establishes the 446th Judicial District composed of Ector County, the 469th Judicial District composed of Collin County, the 470th Judicial District composed of Collin County, and the 505th Judicial District composed of Fort Bend County and specifies that those districts are created on September 1, 2015. The bill requires the 469th Judicial District Court and the 470th Judicial District Court to hear family law matters.

C.S.S.B. 1139, effective January 1, 2016, establishes the 507th Judicial District, composed of Harris County, and specifies that the district is created on that date.

C.S.S.B. 1139 includes state prosecutors of the 132nd Judicial District among state prosecutors to whom the statutory provisions regarding professional prosecutors apply. The bill repeals an authorization for the commissioners court of one or more of the counties comprising the 132nd Judicial District to supplement the state salary of the district attorney.

### **Statutory County Courts, County Attorneys, and Certain County Judges**

C.S.S.B. 1139 amends the Government Code to establish the County Court at Law No. 4 of Cameron County, to specify that the court is created January 1, 2016, and to require the court to give preference to probate, guardianship, and mental health matters. The bill establishes the County Court at Law No. 5 of Cameron County and specifies that the court is created on January 1, 2018.

C.S.S.B. 1139 establishes the County Court at Law No. 7 of Collin County and specifies that the court is created on the bill's effective date. The bill establishes the County Court at Law No. 5 of Fort Bend County and specifies that the court is created on January 1, 2016.

C.S.S.B. 1139, effective January 1, 2016, establishes the County Criminal Court at Law No. 16 of Harris County, Texas, and specifies that the court is created on that date.

C.S.S.B. 1139 establishes, for purposes of the provision specifying that the county clerk of Hill County serves as the clerk of the county court at law in certain probate and guardianship matters, that the clerk serves in all probate and guardianship matters instead of only uncontested probate and guardianship matters.

C.S.S.B. 1139 establishes that a county court at law in Tarrant County has jurisdiction on any appeal from a municipal court of record in Tarrant County that is not an appeal of a criminal law case or proceeding.

C.S.S.B. 1139 establishes that, if the statute that establishes a multicounty statutory county court does not designate one of the counties that compose the multicounty statutory county court as the administrative county for that court, the county with the greatest population of the counties composing the court at the time the court is established is the administrative county for the court.

C.S.S.B. 1139 authorizes the commissioners courts of the counties that compose a multicounty statutory county court to enter into an agreement to provide support for the court. The bill authorizes the administrative county for the court to receive contributions from the other counties composing the court to pay the operating expenses of the court. The bill requires the administrative county to pay out of the county's general fund the salaries, compensation, and expenses incurred in operating the multicounty statutory county court, except for money provided by state appropriations or under an agreement entered into by the counties relating to the provision of support for the court. The bill requires the state to annually compensate the administrative county of a multicounty statutory county court in an amount equal to 100 percent of the state salary of a district court judge in the county for the salary of the judge of the multicounty statutory county court. The bill requires the court fees and costs collected by the clerk of a multicounty statutory county court to be deposited in the appropriate county fund as provided by law.

C.S.S.B. 1139 establishes that Nolan County is the administrative county for the 1st Multicounty Court at Law. Effective January 1, 2019, the bill removes Mitchell County from the composition of that court.

C.S.S.B. 1139 removes Aransas County from the 36th Judicial District. The bill establishes that the county attorney of Aransas County, in Aransas County, is required to perform the duties imposed on and has the powers conferred on district attorneys by general law. The bill authorizes the county attorney of Aransas County or the commissioners court of Aransas County to accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney in Aransas County. The bill requires the county attorney to account for and report to the commissioners court all gifts or grants accepted for such a purpose. The bill includes the county attorney of Aransas County among the state prosecutors who are subject to statutory provisions governing professional prosecutors.

C.S.S.B. 1139, effective January 1, 2017, establishes that the county attorney of Guadalupe County, in Guadalupe County, is required to perform the duties imposed on and has the powers conferred on district attorneys by general law. The bill entitles the county attorney to compensation by the state in the manner and amount set by general law relating to the salary paid to district attorneys by the state. The bill authorizes the county attorney or the county commissioners court to accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney and requires the county attorney to account for and report to the commissioners court all gifts or grants accepted for such a purpose.

C.S.S.B. 1139, effective January 1, 2017, includes the county attorney of Guadalupe County among the state prosecutors who are subject to statutory provisions governing professional prosecutors.

C.S.S.B. 1139 abolishes the office of district attorney for the 25th Judicial District on January 1, 2017.

C.S.S.B. 1139 changes from \$20 to \$30 the electronic filing fee for any civil action or proceeding collected by the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court. The bill establishes that the statutory provision requiring the comptroller of public accounts to identify, following each regular session of the legislature, each law enacted by that legislature, with certain exceptions,

that imposes or changes the amount of a court cost or fee collected by certain clerks does not apply to the imposition of the electronic fee assessed under the applicable statutory provision as amended by the bill.

### **Bailiffs**

C.S.S.B. 1139 amends the Government Code to require at least one bailiff to be assigned regularly to each county court at law of Tarrant County. The bill authorizes the judge of each county court at law of Tarrant County to appoint one person to serve as bailiff of that court. The bill establishes that the bailiff is an officer of the court and performs the duties of the office under the direction and supervision of the judge of the court. The bill provides for the bailiff's term of office, duties, assignment by the sheriff, and compensation.

C.S.S.B. 1139 provides for the appointment of bailiffs for certain family district courts in Tarrant County. The bill authorizes the judges of the 231st, 233rd, 322nd, 323rd, 324th, 325th, and 360th district courts to appoint one person to serve as bailiff of that court and one person to serve as bailiff for the district court served by an associate judge of that district court and sets out provisions regarding qualifications for bailiffs, bailiffs as deputies, an oath taken on appointment, term of office, duties, and compensation.

### **Certain Criminal Law Magistrate Courts, Certain Criminal Law Hearing Officers, and a Juvenile Board**

C.S.S.B. 1139 amends the Government Code to grant the El Paso Criminal Law Magistrate Court concurrent criminal jurisdiction with the justice courts located in El Paso County. The bill revises a statutory provision establishing the court's jurisdiction over offenses allegedly committed in El Paso County to remove the exception to that jurisdiction for the portion of the county in the corporate limits of Vinton, Texas.

C.S.S.B. 1139 grants a judge of the El Paso Criminal Law Magistrate Court all powers, duties, immunities, and privileges provided by law for justices of the peace when acting in a Class C misdemeanor case and specifies that the powers, duties, immunities, and privileges provided by law that are granted to a judge of the court for county court judges when acting in a misdemeanor case are those granted for county court judges when acting in a Class A or Class B misdemeanor case. The bill authorizes a judge of the court to hold an indigency hearing and a capias pro fine hearing. The bill authorizes such a judge, when acting as the judge who issued the capias pro fine, to make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. The bill empowers such a judge, in conducting an indigency hearing or a capias pro fine hearing, to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level. The bill establishes that the court, when conducting a capias pro fine hearing for any court, acts in the same capacity and with the same authority as the judge who issued the capias pro fine.

C.S.S.B. 1139 revises the provision requiring the El Paso Council of Judges to ensure that the El Paso Criminal Law Magistrate Court gives preference to duties applicable to the county jail inmate population to specify that the order of preference is to the county jail inmate population first and then to newly detained individuals. The bill removes a requirement that the court's administrative rules prohibit a criminal law magistrate judge from, on a regular basis, holding court or performing magistrate duties after 7 p.m. or before 7 a.m.

C.S.S.B. 1139 adds a Class C misdemeanor case pending in the El Paso Criminal Law Magistrate Court of any magistrate in the court's jurisdiction to those pending cases a local administrative judge or a judge of the criminal law magistrate court is authorized to transfer between courts. The bill includes a retired judge among the judges to whom the local

administrative judge is authorized to assign to the pending cases.

C.S.S.B. 1139 establishes that a case assigned to the El Paso Criminal Law Magistrate Court from a justice court remains on the docket of the assigning court and in the assigning court's jurisdiction. The bill revises the filing procedures for bail bonds and personal bonds forfeited by the court to specify that the forfeitures must be filed with the district clerk if associated with a felony case, the county clerk if associated with a Class A or Class B misdemeanor case, or the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

C.S.S.B. 1139 requires a justice clerk, when the justice clerk is the clerk in the El Paso Criminal Law Magistrate Court, to charge the same court costs for cases filed in, transferred to, or assigned to the court that are charged in the justice courts. The bill authorizes the judges on the El Paso Council of Judges and the judges on the court, unless the local rules of administration provide otherwise, to sit and act for any magistrate in El Paso County on any Class C misdemeanor case filed in a justice court.

C.S.S.B. 1139 includes a behavioral modification program, a health care program, and a specialty court program as a pretrial diversion program and includes El Paso County, Emergence Health Network, the City of El Paso, and a community partner approved by the El Paso Council of Judges among the entities authorized to operate a pretrial diversion program or such a program's functional equivalent.

C.S.S.B. 1139 specifies that the misdemeanor information that is filed in the county court at law and assigned to the El Paso Criminal Law Magistrate Court and for which the county clerk serves as clerk is a Class A or Class B misdemeanor information and establishes that the originating justice court clerk serves as clerk for a Class C misdemeanor case after a Class C misdemeanor is filed in a justice court and assigned to the criminal law magistrate court. The bill authorizes the district clerk and the deputies of the district clerk to serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk to facilitate the duties associated with serving as the clerk of the court.

C.S.S.B. 1139 authorizes the El Paso Criminal Law Magistrate Court to be held at one or more locations provided by the local administrative rules or ordered by the local administrative judge instead of a single location so provided or ordered. The bill authorizes a defendant to be brought before the court in person or by means of an electronic broadcast system, as defined by the bill, through which an image of the defendant is presented to the court.

C.S.S.B. 1139 expands the jurisdiction of a criminal law hearing officer in Cameron County to include presiding over an extradition proceeding under the Uniform Criminal Extradition Act. The bill authorizes such a criminal law hearing officer to accept a plea of guilty or nolo contendere in accordance with applicable Code of Criminal Procedure provisions, determine whether a defendant is indigent, and appoint counsel for an indigent defendant. The bill authorizes a district judge or a county court at law judge of Cameron County to refer to a criminal law hearing officer any criminal case for proceedings involving a bond forfeiture, the arraignment of defendants, the determination of whether a defendant is indigent and the appointment of counsel for an indigent defendant, and a negotiated plea of guilty or nolo contendere before the court.

C.S.S.B. 1139 amends the Human Resources Code to include the judge of the County Court at Law of Atascosa County on the juvenile board of Atascosa County.

### **Temporary Justices in Certain Justice Precincts**

C.S.S.B. 1139 amends the Government Code to authorize the county judge of a county with a population of at least 120,000 but not more than 130,000, with territory less than 940 square

miles that includes a state park, and with not more than two justice precincts provided that at least one of the precincts contains all or part of a municipality with a population of at least 190,000 but not more than 200,000 to appoint a qualified person to serve as a temporary justice of the peace for the precinct within which a municipality or part of a municipality is located to hold court and perform the duties of the justice when necessary to dispose of accumulated business in the precinct.

### **Telephone Interpreter Services in Criminal Proceeding**

C.S.S.B. 1139 amends the Code of Criminal Procedure to authorize a qualified telephone interpreter, under certain conditions, to be sworn in to interpret for a person in any criminal proceeding before a judge or magistrate, rather than only in the trial of a Class C misdemeanor or a proceeding before a magistrate.

### **Courts Authorized to Hear Matters Related to Capias Pro Fine**

C.S.S.B. 1139 amends the Code of Criminal Procedure to authorize an arresting officer authorized under a capias pro fine to place a defendant convicted of a misdemeanor or felony, or found in contempt, the penalty for which includes a fine, in jail until the business day following the date of the defendant's arrest, if the court that issued the capias pro fine is unavailable, to take the defendant, in lieu of placing the defendant in jail, to one of the following locations: if the court that issued the capias pro fine was a county court or a statutory county court with Class A and Class B misdemeanor jurisdiction, to another court in the same county with concurrent jurisdiction over Class A and Class B misdemeanors or to a county criminal law magistrate in the same county; or, if the court that issued the capias pro fine was a district court with felony jurisdiction, to another court in the same county with concurrent jurisdiction over felony cases or to a county criminal law magistrate in the same county.

C.S.S.B. 1139 authorizes an arresting officer, for purposes of a capias pro fine issued by a justice or municipal court, if the defendant is not in custody when the judgment is rendered or if the defendant fails to satisfy the judgment according to its terms, if the court that issued the capias pro fine is unavailable, to take the defendant, in lieu of placing the defendant in jail, to one of the following locations: if the court that issued the capias pro fine was a justice of the peace, to a justice of the peace or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located within the same county as the issuing court; or, if the court that issued the capias pro fine was a municipal court, to a municipal court judge that is located within the same city as the issuing municipal court. The bill authorizes the following judicial officers, for purposes of a hearing in a justice or municipal court that is held to determine certain matters regarding a defendant's indigency when a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, if the court that issued a capias pro fine is unavailable, to conduct the hearing: if the court that issued the capias pro fine was a justice of the peace, a justice of the peace or a county criminal law magistrate with jurisdiction over Class C misdemeanors that is located within the same county as the issuing court; or, if the court that issued the capias pro fine was a municipal court, a municipal court judge that is located within the same city as the issuing municipal court.

### **Other Provisions**

C.S.S.B. 1139 repeals the following Government Code provisions:

- Sections 25.1321 and 25.1322, effective on the date the 451st District Court is created
- Section 25.2702(g)
- Section 43.112, as amended by Chapters 644 (H.B. 717) and 872 (H.B. 696), Acts of the 83rd Legislature, Regular Session, 2013, effective January 1, 2017
- Section 43.156(b)

**EFFECTIVE DATE**

Except as otherwise provided, September 1, 2015.

**COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1139 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

ARTICLE 1. ASSOCIATE JUDGES FOR CHILD SUPPORT AND CHILD PROTECTION CASES

No equivalent provision.

SECTION 1.01. Section 201.101, Family Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b) If the presiding judge of an administrative judicial region determines under Subsection (a) that the courts in the region require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of the qualified applicants who have submitted an application to the office of court administration. Before making the appointment, the presiding judge must provide the list to the judges of the courts from which cases will be referred to the associate judge. Each judge may recommend to the presiding judge the names of one or more applicants for appointment. An associate judge appointed under this subsection serves for a term of four years from the date the associate judge is appointed and qualifies for office. The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. The presiding judge [may limit the appointment to a specified time period and] may terminate an appointment at any time.  
(b-1) Before reappointing an associate judge appointed under Subsection (b), the presiding judge must notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. Each judge may submit to the presiding judge a

recommendation on whether the associate judge should be reappointed.

~~(d) [If the presiding judge determines that a court requires an associate judge for Title IV-D cases, the presiding judge shall appoint an associate judge for that purpose.]~~

Except as provided under Subsection (e), if an associate judge is appointed for a court under this subchapter, all Title IV-D cases shall be referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed, or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge. Referral of Title IV-D cases may not be made for individual cases or case by case.

No equivalent provision.

SECTION 1.02. Section 201.1066, Family Code, is amended to read as follows:

Sec. 201.1066. SUPERVISION OF ASSOCIATE JUDGES. (a) The office of court administration shall assist the presiding judges in:

(1) monitoring the associate judges' compliance with job performance standards and federal and state laws and policies;

(2) addressing the training needs and resource requirements of the associate judges;

(3) conducting annual performance evaluations for the associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information solicited from the referring courts and other relevant persons; and

(4) receiving, investigating, and resolving complaints about particular associate judges or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations under Subsection (a)(3).

(c) Each judge of a court that refers cases to an associate judge under this subchapter may submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform

process adopted by the presiding judges.

No equivalent provision.

SECTION 1.03. Section 201.201, Family Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (b-1) to read as follows:

(a) The presiding judge of each administrative judicial region, after conferring with the judges of courts in the region having family law jurisdiction and a child protection caseload, shall determine which courts require the appointment of a full-time or part-time associate judge to complete cases under Subtitle E within the times specified under that subtitle.

(b) If the presiding judge of an administrative judicial region determines under Subsection (a) that the courts in the region require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of the qualified applicants who have submitted an application to the office of court administration. Before making the appointment, the presiding judge must provide the list to the judges of the courts from which cases will be referred to the associate judge. Each judge may recommend to the presiding judge the names of one or more applicants for appointment. An associate judge appointed under this subsection serves for a term of four years from the date the associate judge is appointed and qualifies for office. The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. The presiding judge [may limit the appointment to a specified period and] may terminate an appointment at any time.

(b-1) Before reappointing an associate judge appointed under Subsection (b), the presiding judge must notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. Each judge may submit to the presiding judge a recommendation on whether the associate judge should be reappointed.

(d) [If the presiding judge determines that a court requires an associate judge, the presiding judge shall appoint an associate judge.] If an associate judge is appointed for a court, all child protection cases shall be

referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge.

No equivalent provision.

SECTION 1.04. Section 201.2061, Family Code, is amended to read as follows:

Sec. 201.2061. SUPERVISION OF ASSOCIATE JUDGES. (a) The office of court administration shall assist the presiding judges in:

(1) monitoring the associate judges' compliance with any applicable job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies;

(2) addressing the training needs and resource requirements of the associate judges;

(3) conducting annual performance evaluations for the associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information solicited from the referring courts and other relevant persons; and

(4) receiving, investigating, and resolving complaints about particular associate judges or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations under Subsection (a)(3).

(c) Each judge of a court that refers cases to an associate judge under this subchapter may submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

No equivalent provision.

SECTION 1.05. (a) The changes in law made by this article apply to the appointment of an associate judge under Subchapters B and C, Chapter 201, Family Code, on or after the effective date of this Act.

(b) An associate judge serving under

Subchapter B or C, Chapter 201, Family Code, on the effective date of this Act is subject to the changes in law made by this article on and after that date. A presiding judge of an administrative judicial region who appoints or reappoints associate judges under those subchapters is subject to the changes in law made by this article on and after that date.

(c) Not later than October 1, 2015, the presiding judge shall either reappoint an associate judge serving under Subchapter B or C, Chapter 201, Family Code, or appoint a new associate judge to serve under those subchapters consistent with the changes in law made by this article.

## ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS

SECTION 1.01. Section 24.154(b), Government Code, is amended.

SECTION 1.02. (a) Effective January 1, 2017, Section 24.275, Government Code, is amended.

(b) Effective January 1, 2017, Subchapter C, Chapter 24, Government Code, is amended.

(c) Effective January 1, 2017, Section 44.001, Government Code, is amended.

(d) Effective January 1, 2017, Subchapter B, Chapter 44, Government Code, is amended.

(e) Effective January 1, 2017, Section 46.002, Government Code, is amended.

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

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

(h) On the date the 451st District Court is created, all cases from Kendall County pending in the 216th District Court are transferred to the 451st District Court. On the date the County Court at Law of Kendall County is abolished, all cases pending in the court are transferred to the 451st District Court. When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the

ARTICLE 2. Same as engrossed version.

SECTION 2.01. Same as engrossed version.

SECTION 2.02. Same as engrossed version.

transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The 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 court from which a case is transferred are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

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

SECTION 1.03. (a) Effective January 1, 2017, Subchapter C, Chapter 24, Government Code, is amended.

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

(c) Subchapter D, Chapter 74, Government Code, is amended.

SECTION 1.04. (a) Subchapter C, Chapter 24, Government Code, is amended.

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

SECTION 1.05. (a) Effective January 1, 2016, Subchapter D, Chapter 24, Government Code, is amended.

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

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

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

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

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

SECTION 1.07. (a) Subchapter D, Chapter 24, Government Code, is amended.

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

SECTION 2.03. Same as engrossed version.

SECTION 2.04. Same as engrossed version.

SECTION 2.05. Same as engrossed version.

SECTION 2.06. (a) Subchapter D, Chapter 24, Government Code, is amended by adding Sections 24.642 and 24.643 to read as follows:

Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The 469th Judicial District is composed of Collin County. The 469th District Court shall hear family law matters.

Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The 470th Judicial District is composed of Collin County. The 470th District Court shall hear family law matters.

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

SECTION 2.07. Same as engrossed version.

SECTION 1.08. (a) Effective September 1, 2015, Section 46.002, Government Code, is amended.  
(b) Section 43.156(b), Government Code, is repealed.

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

SECTION 2.01. (a) Section 25.0331(a), Government Code, is amended.  
(b) Section 25.0332, Government Code, is amended.  
(c) The County Court at Law No. 4 of Cameron County is created January 1, 2016.  
(d) The County Court at Law No. 5 of Cameron County is created January 1, 2018.

SECTION 2.02. (a) Section 25.0451(a), Government Code, is amended.  
(b) The County Court at Law No. 7 of Collin County is created on the effective date of this Act.

SECTION 2.03. (a) Section 25.0811, Government Code, is amended.  
(b) The County Court at Law No. 5 of Fort Bend County is created January 1, 2016.

SECTION 2.04. (a) Effective January 1, 2016, Section 25.1031(b), Government Code, is amended.  
(b) The County Criminal Court at Law No. 16 of Harris County is created January 1, 2016.

SECTION 2.05. Section 25.1112(e), Government Code, is amended.

SECTION 2.06. Section 25.2222(a), Government Code, is amended.

SECTION 2.07. (a) Subchapter D, Chapter 25, Government Code, is amended.  
(b) Effective January 1, 2019, Section 25.2701, Government Code, is amended.  
(c) Section 25.2702, Government Code, is amended.  
(d) Section 25.2702(g), Government Code, is repealed.

SECTION 2.08. (a) Section 43.122, Government Code, is amended.

SECTION 2.08. Same as engrossed version.

ARTICLE 3. Same as engrossed version.

SECTION 3.01. Same as engrossed version.

SECTION 3.02. Same as engrossed version.

SECTION 3.03. Same as engrossed version.

SECTION 3.04. Same as engrossed version.

SECTION 3.05. Same as engrossed version.

SECTION 3.06. Same as engrossed version.

SECTION 3.07. Same as engrossed version.

SECTION 3.08. Same as engrossed version.

(b) Subchapter B, Chapter 45, Government Code, is amended.

SECTION 2.09. (a) Effective January 1, 2017, Subchapter B, Chapter 45, Government Code, is amended.

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

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

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

### ARTICLE 3. BAILIFFS

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

SECTION 3.02. Chapter 53, Government

SECTION 3.09. Same as engrossed version.

### ARTICLE 4. ELECTRONIC FILING

SECTION 4.01. Section 51.851(b), Government Code, is amended to read as follows:

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court shall collect a \$30 [~~\$20~~] fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

SECTION 4.02. Section 51.607, Government Code, does not apply to the imposition of a fee assessed under Section 51.851(b), Government Code, as amended by this article.

SECTION 4.03. The change in law made by amending Section 51.851(b), Government Code, applies only to a fee that becomes payable on or after September 1, 2015. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

ARTICLE 5. Same as engrossed version.

SECTION 5.01. Same as engrossed version.

SECTION 5.02. Same as engrossed version.

Code, is amended.

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

SECTION 4.01. (a) Section 54.732,  
Government Code, is amended.

(b) Section 54.733, Government Code, is  
amended.

(c) Section 54.735, Government Code, is  
amended.

(d) Section 54.736(b), Government Code, is  
amended.

(e) Section 54.737(c), Government Code, is  
amended.

(f) Sections 54.738(a) and (c), Government  
Code, are amended.

(g) Section 54.739(d), Government Code, is  
amended.

(h) Section 54.741, Government Code, is  
amended.

(i) Section 54.742, Government Code, is  
amended.

(j) Section 54.744, Government Code, is  
amended.

(k) Section 54.745(a), Government Code, is  
amended.

(l) Sections 54.746(d) and (e), Government  
Code, are amended.

(m) Section 54.750, Government Code, is  
amended.

(n) Sections 54.753(a) and (b), Government  
Code, are amended.

(o) Section 54.759, Government Code, is  
amended.

SECTION 4.02. (a) Section 54.1356(a),  
Government Code, is amended.

(b) Section 54.1358, Government Code, is  
amended.

(c) Subchapter BB, Chapter 54, Government  
Code, is amended.

SECTION 4.03. Section 152.0131(a),  
Human Resources Code, is amended.

No equivalent provision.

No equivalent provision.

ARTICLE 6. Same as engrossed version.

SECTION 6.01. Same as engrossed version.

SECTION 6.02. Same as engrossed version.

SECTION 6.03. Same as engrossed version.

ARTICLE 7. TEMPORARY JUSTICES IN  
CERTAIN JUSTICE PRECINCTS

SECTION 7.01. Section 27.055,  
Government Code, is amended by adding  
Subsection (g) to read as follows:

(g) This subsection applies to a county with

a population of at least 120,000 but not more than 130,000, with territory less than 940 square miles that includes a state park, and with not more than two justice precincts provided that at least one of the precincts contains all or part of a municipality with a population of at least 190,000 but not more than 200,000. The county judge of a county to which this subsection applies may appoint a qualified person to serve as a temporary justice of the peace for the precinct within which a municipality or part of a municipality is located to hold court and perform the duties of the justice when necessary to dispose of accumulated business in the precinct.

ARTICLE 5. TELEPHONE  
INTERPRETER SERVICES IN  
CRIMINAL PROCEEDING

SECTION 5.01. Article 38.30(a-1), Code of Criminal Procedure, is amended.

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

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

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

No equivalent provision.

ARTICLE 8. Same as engrossed version.

SECTION 8.01. Same as engrossed version.

ARTICLE 9. Same as engrossed version.

No equivalent provision.

SECTION 9.01. Article 43.05, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If the court that issued the capias pro fine is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:

(1) if the court that issued the capias pro fine was a county court or a statutory county court with Class A and Class B

misdemeanor jurisdiction, to another court in the same county with concurrent jurisdiction over Class A and Class B misdemeanors or to a county criminal law magistrate in the same county; or

(2) if the court that issued the capias pro fine was a district court with felony jurisdiction, to another court in the same county with concurrent jurisdiction over felony cases or to a county criminal law magistrate in the same county.

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

(a-1) Instead of placing the defendant in jail as authorized by Subsection (a), the peace officer may bring the defendant before another court that is in the same county as, and that has concurrent jurisdiction with, the court that issued the capias pro fine.

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

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

#### ARTICLE 7. EFFECTIVE DATE

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

SECTION 9.02. Article 45.045, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the court that issued the capias pro fine is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:

(1) if the court that issued the capias pro fine was a justice of the peace, to a justice of the peace or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located within the same county; or

(2) if the court that issued the capias pro fine was a municipal court, to a municipal court judge that is located within the same city.

SECTION 9.03. Article 45.046, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a hearing described by Subsection (a), if the court that issued the capias pro fine is unavailable, the following judicial officers may conduct the hearing:

(1) if the court that issued the capias pro fine was a justice of the peace, a justice of the peace or a county criminal law magistrate with jurisdiction over Class C misdemeanors that is located within the same county as the issuing court; or

(2) if the court that issued the capias pro fine was a municipal court, a municipal court judge that is located within the same city as the issuing municipal court.

#### ARTICLE 10. Same as engrossed version.

SECTION 10.01. Same as engrossed version.