

- SUBJECT:** Adding new district courts and district attorneys in certain counties
- COMMITTEE:** Judiciary — committee substitute recommended
- VOTE:** 7 ayes — Hartnett, Hopson, R. Cook, Gonzales, Goolsby, Hughes, Krusee  
1 nay — Alonzo  
1 absent — Homer
- SENATE VOTE:** On final passage, May 4 — 30-0
- WITNESSES:** For — (*Registered, but did not testify:* Veronica de Lafuente, Hidalgo County Commissioners Court)  
Against — None
- DIGEST:** CSSB 1951 would establish 10 new district courts, creating them on different dates, change the territorial jurisdiction of other courts, create new district attorney's office, and change the territorial jurisdiction of other district attorney's offices.
- CSSB 1951 would create the following six new judicial districts on September 1, 2007:
- the 418th in Montgomery County, which would give preference to family law matters;
  - the 435th in Montgomery County, which would give preference to civil commitment proceedings, including civil commitment of sexually violent offenders, and the sex offender registration program;
  - the 444th in Cameron County;
  - the 445th in Cameron County, which would give preference to criminal matters;
  - the 449th in Hidalgo County, which would give preference to juvenile matters; and
  - the 506th of Grimes and Waller counties

CSSB 1951 would create four additional district courts at different dates:

- the El Paso County Criminal Judicial District No. 1 in El Paso County, which would give preference to felony drug cases and associated civil and criminal cases emanating from those felony cases and would be created on September 1, 2007;
- the 397th Judicial District Court in Grayson County, to be created on September 15, 2008;
- the 423rd Judicial District Court in Bastrop County, to be created on October 1, 2007; and
- the 429th Judicial District Court in Collin County, to be created on January 1, 2009.

CSSB 1951 would alter the jurisdiction of the following existing district courts:

- the 6th Judicial District, which would lose jurisdiction over Fannin County and would be composed of Lamar and Red River counties;
- the 9th Judicial District, which would lose jurisdiction over Waller County and would be composed of Montgomery County;
- the 278th Judicial District, which would lose jurisdiction over Grimes County and would be composed of Leon, Madison, and Walker Counties.

CSSB 1951 would create a new district attorney's office for Kleberg and Kenedy counties. The new office would be created on January 1, 2009. The bill would direct the voters of Nueces County to elect a district attorney for the 105th Judicial District. It also would direct the voters of Burnet, Llano, and San Saba counties to elect a district attorney for the 33rd and the 424th districts. These prosecutors would be subject to the Professional Prosecutor's Act (Government Code, ch. 46) on September 1, 2008.

Unless otherwise specified, the bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSSB 1951 would create needed district and criminal district courts in some of the faster growing areas of the state. The state's booming population and economy have resulted in increasing caseloads for trial courts across Texas. Creating new courts would be an investment in the judicial system by helping to prevent current courts from becoming backlogged with cases.

Creating new courts as needed has worked well in Texas because it allows the Legislature to focus resources where they are most urgently needed. Reapportioning jurisdiction of the trial courts would be an incredibly complex and difficult task. Adding courts where they are needed is a much simpler process.

OPPONENTS  
SAY:

In fiscal 2008-09, this bill would cost the state \$2.2 million per year in judicial salaries and related costs. If these counties need help reducing their court dockets, they should rely on visiting judges already paid for by money appropriated to the visiting judge fund. Utilizing visiting judges results in substantial savings to the state because most visiting judges are retired judges whose average annual compensation is \$120,000, or about 75 percent of the \$160,000 in salary and benefits of a district judge.

OTHER  
OPPONENTS  
SAY:

The current method of court creation is piecemeal. While the ad hoc creation and adjustment of judicial districts is the prevailing mechanism for change, it does little to balance the caseloads among all the trial courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the trial courts based on caseload.

NOTES:

Unlike the House committee substitute, the Senate-passed version of SB 1951:

- would not have created the 397th Judicial District, nor would it have restructured the 6th Judicial District;
- would have composed the 435th Judicial District out of Burleson, Bastrop, and Lee counties, instead of just Bastrop County as in CSSB 1951;
- would have used state funds to pay for a court reporter for the 435th District;
- would have created the 448th Judicial District; and
- would have delayed the creation the 506th Judicial District until the date the Office of Court Administration certified to the comptroller and certain county commissioners courts that the five-year average population per court in existence as of January 1, 2007, for such counties was greater than the current five-year average population per district court.