

## **BILL ANALYSIS**

Senate Research Center  
82R907 PMO-D

S.B. 491  
By: Fraser  
Jurisprudence  
2/23/2011  
As Filed

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

Currently, the citizens of Kimble, McCulloch, Mason, and Menard Counties are served by a judicial district that also includes Kerr County. The residents of these four rural counties believe that creating a new rural judicial district to handle the present and future judicial caseload would not only better accommodate limited resources of these counties, but it would provide more effective judicial access for rural citizens and reduce the growing fiscal and compliance concerns for housing county jail inmates awaiting pending judicial proceedings.

As proposed, S.B. 491 amends current law relating to the composition of the 198th Judicial District, the creation of a judicial district composed of Kimble, McCulloch, Mason, and Menard Counties, and the creation of the office of district attorney for the 440th Judicial District.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 24.377, Government Code, as follows:

Sec. 24.377. New heading: 198TH JUDICIAL DISTRICT (KERR COUNTY).  
(a) Provides that the 198th Judicial District is composed of Kerr County, rather than Kerr, Kimble, McCulloch, Mason, and Menard counties.

(b) Deletes existing text authorizing the judge of the 198th District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 198th District Court to alternate the drawing of grand juries with the judge of any other district court, rather than any other district court in each county, within the judge's district and to order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court. Authorizes indictments within the county, rather than each county, to be returned to either court within that county. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.584, as follows:

Sec. 24.584. 440TH JUDICIAL DISTRICT (KIMBLE, MCCULLOCH, MASON, AND MENARD COUNTIES). (a) Provides that the 440th Judicial District is composed of Kimble, McCulloch, Mason, and Menard Counties.

(b) Authorizes the judge of the 440th District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 440th District Court to order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court.

SECTION 3. Amends Subchapter B, Chapter 43, Government Code, by adding Section 43.184, as follows:

Sec. 43.184. 440TH JUDICIAL DISTRICT. Provides that the voters of the 440th Judicial District elect a district attorney who represents the state in all matters before that district court.

SECTION 4. Amends Section 46.002, Government Code, to include the district attorney for the 440th judicial district among the district attorneys to which this chapter applies.

SECTION 5. (a) Requires the local administrative district judge to transfer to the 440th District Court all cases from Kimble, McCulloch, Mason, and Menard Counties that are pending in the 198th District Court on the effective date of this Act.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 198th District Court are returnable to the 440th District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 198th District Court and all witnesses summoned to appear in the 198th District Court are required to appear before the 440th District Court as if originally required to appear before that court.

(c) Provides that the 440th Judicial District is created on the effective date of this Act.

SECTION 6. Effective date: September 1, 2011.