

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3153
By: Lewis et al. (West)
Jurisprudence
5/15/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The legislature reviews and, if justified, approves the creation of new district and statutory county courts for counties that demonstrate substantial judicial need. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. Interested parties indicate that several counties in Texas have a need for additional courts.

C.S.H.B. 3153 amends current law relating to the operation and administration of, and practice in courts in, the judicial branch of state government and the composition of certain juvenile boards, and imposes a fee.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS, AND CERTAIN JUVENILE BOARDS

SECTION 1.01 (a) Amends Section 24.113, Government Code, as follows:

Sec. 24.113. New heading: 12TH JUDICIAL DISTRICT (GRIMES, MADISON, AND WALKER COUNTIES). Provides that the 12th Judicial District is composed of Grimes, Madison, and Walker counties, rather than Grimes, Leon, Madison, and Walker counties. Deletes existing Subsection (a) designation and Subsection (b) providing that the terms of the 12th District Court in each county of the district begin on the first Mondays in January and July.

(b) Amends Section 24.514, Government Code, as follows:

Sec. 24.514. New heading: 369TH JUDICIAL DISTRICT (ANDERSON, CHEROKEE, AND LEON COUNTIES). Provides that the 369th Judicial District is composed of Anderson, Cherokee, and Leon counties. Makes a nonsubstantive change.

(c) Redesignates Section 43.106, Government Code, as Section 43.1815, Government Code, as follows:

Sec. 43.1815. New heading: 369TH JUDICIAL DISTRICT. Redesignates existing Section 43.106 as Section 43.1815. (a) Provides that the voters of Leon County elect a district attorney for the 369th, rather than 12th, Judicial District who represents the state in that district court only in Leon County.

(b) Provides that the district attorney of the 369th, rather than 12th, Judicial District also represents the state in all criminal and civil actions in

which the state is interested that arise in the 87th Judicial District in Leon County.

(c)-(d) Makes no change to these subsections.

(d) Reenacts Section 152.1511(a), Human Resources Code, as amended by Chapters 531 (H.B. 956), 1152 (H.B. 3045), and 1352 (S.B. 1189), Acts of the 79th Legislature, Regular Session, 2005, and makes no change to this subsection.

(e) Requires the local administrative district judge to transfer all cases from Leon County that are pending in the 12th District Court on September 1, 2013, to the 369th District Court.

(f) Provides that, when a case is transferred as provided by Subsection (e) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the 12th District Court are returnable to the 369th District Court as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for the 12th District Court and all witnesses summoned to appear in the 12th District Court are required to appear before the 369th District Court as if originally required to appear before that court.

(g) Provides that the person serving as district attorney for the 12th Judicial District on September 1, 2013, unless otherwise removed from office, continues to serve in that office as redesignated as the district attorney for the 369th Judicial District for the term to which elected or appointed.

SECTION 1.02. (a) Amends Section 24.254, Government Code, effective January 1, 2014, as follows:

Sec. 24.254. New heading: 155TH JUDICIAL DISTRICT (AUSTIN AND FAYETTE COUNTIES). (a) Provides that the 155th Judicial District is composed of Austin and Fayette counties, rather than composed of Austin, Fayette, and Waller counties.

(b) Redesignates existing Subsection (c) as Subsection (b) and makes no further change to this subsection. Deletes existing text providing that the terms of the 155th District Court begin in Austin County on the first Mondays in April and November; in Fayette County on the first Mondays in February and September; and in Waller County on the first Mondays in January and June.

(b) Requires the local administrative district judge to transfer to the 506th District Court all cases from Waller County that are pending in the 155th District Court on January 1, 2014.

(c) Provides that, when a case is transferred as provided by Subsection (b) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the 155th District Court are returnable to the 506th District Court as if originally issued by that court and the obligees on all bonds and recognizances taken in and for the 155th District Court and all witnesses summoned to appear in the 155th District Court are required to appear before the 506th District Court as if originally required to appear before that court.

SECTION 1.03. (a) Amends Section 24.275, Government Code, as follows:

Sec. 24.275. New heading: 216TH JUDICIAL DISTRICT (GILLESPIE, KENDALL, AND KERR COUNTIES). Provides that the 216th Judicial District is composed of Gillespie, Kendall, and Kerr counties, rather than Bandera, Gillespie, Kendall, and Kerr counties. Deletes existing Subsection (a) designation and existing Subsection (b) providing that the terms of the 216th District Court begin in Bandera County on the first Mondays in February and September; in

Gillespie County on the second Mondays in April and November; in Kendall County on the fourth Mondays in February and September; and in Kerr County on the first Mondays in January and June.

(b) Amends Section 24.377, Government Code, as follows:

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

(b) Makes nonsubstantive changes.

(c) Authorizes the district attorney for the 198th Judicial District, in addition to the requirements under Article 59.06 (Disposition of Forfeited Property), Code of Criminal Procedure, to use proceeds from the sale of forfeited property, after the deduction of amounts described by Article 59.06(a) (relating to requiring that forfeited property be administered by the attorney representing the state in accordance with accepted accounting practices), Code of Criminal Procedure, for the official purposes of the office of the district attorney only on the approval of certain entities, including a regional review committee composed of three members who are a county judge, a county attorney, a county commissioner or a county sheriff, each appointed by the member of the house of representatives of this state who represents the counties in the judicial district, rather than who represents the largest number of counties in the judicial district.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.596, as follows:

Sec. 24.596. 452ND JUDICIAL DISTRICT (EDWARDS, KIMBLE, MCCULLOCH, MASON, AND MENARD COUNTIES). (a) Provides that the 452nd Judicial District is composed of Edwards, Kimble, McCulloch, Mason, and Menard Counties.

(b) Authorizes the judge of the 452nd District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 452nd 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.

(d) Amends Subchapter B, Chapter 43, Government Code, by adding Section 43.184, as follows:

Sec. 43.184. 452ND JUDICIAL DISTRICT. Provides that the voters of the 452nd Judicial District elect a district attorney who represents the state in all matters before that district court.

(e) Amends Sections 74.042(g) and (h), Government Code, as follows:

(g) Provides that the Sixth Administrative Judicial Region is composed of the counties of Bandera, Brewster, Crockett, Culberson, Edwards, El Paso, Gillespie, Hudspeth, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Mason, McCulloch, Medina, Menard, Pecos, Presidio, Reagan, Real, Sutton, Terrell, Upton, Uvalde, and Val Verde.

(h) Deletes McCulloch and Menard counties from the list that the Seventh Administrative Judicial Region is composed of.

(f) Requires the local administrative district judge to transfer to the 198th District Court all cases from Bandera County that are pending in the 216th District Court on the effective date of this Act.

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

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 216th District Court are returnable to the 198th District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 216th District Court and all witnesses summoned to appear in the 216th District Court are required to appear before the 198th District Court as if originally required to appear before that court.

(h) Requires the local administrative district judge to transfer to the 452nd District Court all cases from Edwards, Kimble, McCulloch, Mason, and Menard Counties that are pending in the 198th District Court on the effective date of this Act.

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

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 198th District Court are returnable to the 452nd 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 452nd District Court as if originally required to appear before that court.

(j) Creates the 452nd Judicial District on the effective date of this Act.

SECTION 1.04. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.586, effective January 1, 2015, as follows:

Sec. 24.586. 442ND JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 442nd Judicial District is composed of Denton County.

(b) Creates the 442nd Judicial District on January 1, 2015.

SECTION 1.05. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.587, effective September 1, 2014, as follows:

Sec. 24.587. 443RD JUDICIAL DISTRICT (ELLIS COUNTY). Provides that the 443rd Judicial District is composed of Ellis County.

(b) Creates the 443rd Judicial District on September 1, 2014.

SECTION 1.06. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.594, effective September 1, 2015, as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) Provides that the 450th Judicial District is composed of Travis County.

(b) Requires the 450th District Court to give preference to criminal matters.

(b) Creates the 450th Judicial District on September 1, 2015.

SECTION 1.07. Amends Section 46.002, Government Code, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that this chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts; and

(2)-(3) Makes no change to these subdivisions.

ARTICLE 2. STATUTORY COUNTY COURTS AND COURT COSTS AND FEES

SECTION 2.01. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0091 and 25.0092, as follows:

Sec. 25.0091. ATASCOSA COUNTY. Provides that Atascosa County has one statutory county court, the County Court at Law of Atascosa County.

Sec. 25.0092. ATASCOSA COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, and except as limited by Subsection (b), a county court at law in Atascosa County has concurrent jurisdiction with the district court in Class A and Class B misdemeanor cases; family law matters; juvenile matters; probate matters; and appeals from the justice and municipal courts.

(b) Provides that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of suits on behalf of this state to recover penalties or escheated property; misdemeanors involving official misconduct; or contested elections.

(c) Requires the judge of a county court at law to have the same qualifications as those required by law for a district judge.

(d) Requires the judge of a county court at law to be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. Provides that a district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

(e) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, except that the county clerk serves as clerk of the court in Class A and Class B misdemeanor cases and probate matters. Requires the county clerk to serve as clerk of a county court at law in all other matters. Requires each clerk to establish a separate docket for a county court at law.

(f) Entitles the official court reporter of a county court at law to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

(g) Authorizes jurors summoned for a county court at law or a district court in the county to, by order of the judge of the court to which they are

summoned, be transferred to another court for service and are authorized to be used as if summoned for the court to which they are transferred.

(b) Provides that, notwithstanding Section 25.0091, Government Code, as added by this Act, the County Court at Law of Atascosa County is created January 1, 2014, or on an earlier date determined by the Commissioners Court of Atascosa County by an order entered in its minutes.

SECTION 2.02. (a) Amends Section 25.0331, Government Code, effective January 1, 2017, by adding Subsection (c), to provide that Cameron County has one statutory probate court, the Probate Court No. 1 of Cameron County.

(b) Requires that the initial vacancy in the office of judge of the Probate Court No. 1 of Cameron County, notwithstanding Section 25.0009 (Vacancy), Government Code, be filled by election. Provides that the office exists for purposes of the primary and general elections in 2016. Provides that a vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

(c) Creates the Probate Court No. 1 of Cameron County on January 1, 2017.

SECTION 2.03. (a) Amends Section 25.1042, Government Code, effective January 1, 2015, by adding Subsections (a), (b), (c), (d), and (f), as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in family law cases and proceedings.

(b) Provides that assignment and transfer of cases under Subsection (a) is at the discretion of the judge of the district court making the assignment. Provides that assignment or transfer from a county court at law to a district court is governed by Section 74.121(b)(1) (relating to authorizing the judge of a statutory county court to transfer a case to the docket of the district court if certain criteria are met).

(c) Provides that the district clerk serves as clerk of a county court at law in cases assigned under Subsection (a), and the county clerk serves as clerk of the court in all other cases.

(d) Authorizes a party to a case assigned under Subsection (a) to request a jury of 12 persons if the party makes the request not later than the 30th day before the trial date. Provides that a party who does not make a timely request under this subsection waives the right to request a 12-person jury and the case will proceed with a six-person jury.

(f) Authorizes a district judge presiding in Harrison County, in matters of concurrent jurisdiction, to transfer cases from the district court to a county court at law in Harrison County in the same manner judges of district courts transfer cases under Section 24.003 (Transfer of Cases; Exchange of Benches).

(b) Provides that the changes in law made by this section apply to an action filed on or after the effective date of this Act or pending on the effective date of this Act.

SECTION 2.04. (a) Amends Subchapter C, Chapter 25, Government Code, effective January 1, 2015, by adding Sections 25.1271 and 25.1272, as follows:

Sec. 25.1271. JIM WELLS COUNTY. Provides that Jim Wells County has one statutory county court, the County Court at Law of Jim Wells County.

Sec. 25.1272. JIM WELLS COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and

other law, a county court at law in Jim Wells County has the jurisdiction provided by this section.

(b) Provides that a county court at law in Jim Wells County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest; family law cases and proceedings; Class A and Class B misdemeanors; juvenile cases; and appeals from justice and municipal courts.

(c) Provides that a county court at law does not have jurisdiction of suits on behalf of this state to recover penalties or escheated property; felony cases; misdemeanors involving official misconduct; or contested elections.

(d) Requires the judge of a county court at law to have the same qualifications as those required by law for a district judge.

(e) Requires the judge of a county court at law to be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. Provides that a district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

(f) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, except that the county clerk serves as clerk of the court in Class A and Class B misdemeanor cases. Requires the county clerk to serve as clerk of a county court at law in all other matters. Requires each clerk to establish a separate docket for a county court at law.

(g) Authorizes jurors summoned for a county court at law or a district court in the county to, by order of the judge of the court to which they are summoned, be transferred to another court for service and to be used as if summoned for the court to which they are transferred.

(h) Requires the jury, if a jury trial is requested in a case that is in a county court at law's jurisdiction, to be composed of six members unless the constitution requires a 12-member jury. Provides that failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(b) Requires that the initial vacancy in the office of judge of the County Court at Law of Jim Wells County, notwithstanding Section 25.0009, Government Code, be filled by election. Provides that the office exists for purposes of the primary and general elections in 2014. Provides that a vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

(c) Creates the County Court at Law of Jim Wells County on January 1, 2015.

SECTION 2.05. (a) Amends Section 25.1412, Government Code, by amending Subsections (a) and (f), and adding Subsections (l), (m), (n), (o), and (p), as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Lamar County has:

(1) concurrent jurisdiction with the district court in probate matters and proceedings, including will contests; family law cases and proceedings, including juvenile cases; felony cases to conduct arraignments and pretrial

hearings and to accept guilty pleas; and civil cases in which the amount in controversy does not exceed \$200,000, excluding interest; and

(2) concurrent jurisdiction with the county and district courts over all suits arising under the Family Code.

(f) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, other than probate matters and proceedings, rather than with the district court, and the county clerk serves as clerk of the court in all other matters.

(l) Provides that the fees assessed in a case in which a county court at law has concurrent civil jurisdiction with the district court are the same as the fees that would be assessed in the district court for that case.

(m) Authorizes a judge of the county court at law and a judge of a district court, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003.

(n) Authorizes the judge of a county court at law and a judge of a district court to exchange benches and to sit and act for each other in any matter pending before either court.

(o) Provides that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Authorizes jurors regularly impaneled for a week by the district court to, on request of the judge of a county court at law, be made available and are required to serve for the week in a county court at law.

(p) Requires a jury in a county court at law, except as otherwise provided by this subsection, to be composed of six members unless the constitution requires a 12-member jury. Provides that failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. Authorizes the jury, in matters in which the constitution does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, to be composed of 12 members if a party to the suit requests a 12-member jury and the judge of the court consents. Authorizes the parties, in a civil case tried in a county court at law, to, by mutual agreement and with the consent of the judge, agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

(b) Provides that Section 25.1412 (Lamar County Court at Law Provisions), Government Code, as amended by this Act, applies only to an action filed in the county court at law in Lamar County on or after the effective date of this Act. Provides that an action filed in the county court at law in Lamar County before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 2.06. Amends Section 25.1772(a), Government Code, to provide that, in addition to the jurisdiction provided by Section 25.003 and other law, and except as limited by Subsection (b) (relating to providing that a county court at law does not have jurisdiction of certain cases), a county court at law in Navarro County has concurrent jurisdiction with the district court in certain matters, including disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought.

SECTION 2.07. (a) Amends Section 25.2291(a), Government Code, effective September 1, 2015, as follows:

(a) Provides that Travis County has the following statutory county courts:

(1)-(8) Makes no change to these subdivisions; and

(9) The County Court at Law Number 9 of Travis County.

(b) Amends Section 25.2292, Government Code, effective September 1, 2015, by adding Subsection (b), to require the County Court at Law Number 9 of Travis County to give preference to criminal cases.

(c) Creates the County Court at Law Number 9 of Travis County September 1, 2015.

SECTION 2.08. (a) Amends Chapter 25, Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. MULTICOUNTY STATUTORY COUNTY COURTS IN PARTICULAR COUNTIES

Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER, MITCHELL, AND NOLAN COUNTIES). Provides that Fisher, Mitchell, and Nolan Counties have a multicounty statutory county court composed of those counties, the 1st Multicounty Court at Law.

Sec. 25.2702. 1ST MULTICOUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, the 1st Multicounty Court at Law has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) Provides that the county court at law has concurrent jurisdiction with the justice court in criminal matters prescribed by law for justice courts. Provides that this section does not affect the right of appeal to a county court at law from a justice court where the right of appeal to the county court exists by law.

(c) Prohibits the judge from engaging in the private practice of law.

(d) Entitles an official court reporter of the county court at law to receive a salary set by the commissioners courts in the counties the reporter serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts. Requires the clerk of the court to tax as costs, in each civil, criminal, and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. Requires that the fee be paid in the same manner as other costs in the case. Provides that the clerk collects the fee and pays it into the general funds of the counties.

(e) Provides that the district clerk serves as clerk of the county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of the county court at law in all other cases.

(f) Provides that Sections 25.0006 (Bond; Removal), 25.0008 (Fees), and 74.054(b) (relating to prohibiting an active statutory county court judge from being assigned to hear a matter pending in a district court outside the county of the judge's residence) do not apply to the county court at law.

(g) Requires the state, from amounts deposited in the judicial fund under Section 51.702 (Additional Fees and Costs in Statutory County Courts), to annually compensate Fisher, Mitchell, and Nolan Counties each in the amount required under Section 25.0015 (State Contribution).

(h) Authorizes the judge of the 1st Multicounty Court at Law and the judges of the district courts in Fisher, Mitchell, and Nolan Counties, notwithstanding Section 74.121(b)(1), in matters of concurrent jurisdiction, to exchange benches and courtrooms and to transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003.

(b) Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08117, as follows:

Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of the 1st Multicounty Court at Law to collect a stenographer's fee of \$25 under Section 25.2702, Government Code, in each civil or probate case in which a record of any part of the evidence is made by the official court reporter of the court.

(c) Amends Subchapter D, Chapter 102, Government Code, by adding Section 102.0619, as follows:

Sec. 102.0619. ADDITIONAL COURT COSTS ON CONVICTION IN CERTAIN STATUTORY COUNTY COURTS: GOVERNMENT CODE. Requires the clerk of the 1st Multicounty Court at Law to collect a stenographer's fee of \$25 under Section 25.2702, Government Code, in each criminal case in which a record of any part of the evidence is made by the official court reporter of the court.

(d) Creates the 1st Multicounty Court at Law September 1, 2013.

(e) Provides that Sections 25.1791 (Nolan County) and 25.1792 (Nolan County Court at Law Provisions), Government Code, are repealed and the County Court at Law of Nolan County is abolished September 1, 2013.

(f) Provides that, on the date the County Court at Law of Nolan County is abolished, all cases pending in the court are transferred to the 1st Multicounty Court at Law. Provides that, 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 transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that 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.

ARTICLE 3. MAGISTRATES

SECTION 3.01. Amends Chapter 54, Government Code, by adding Subchapter KK, as follows:

SUBCHAPTER KK. MAGISTRATES IN GUADALUPE COUNTY

Sec. 54.2001. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Guadalupe County to authorize the judges of the district and statutory county courts in Guadalupe County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Authorizes the judges of the district and statutory county courts in Guadalupe County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Guadalupe County.

(c) Requires that an order appointing a magistrate be signed by the local presiding judge of the district courts serving Guadalupe County, and the order is required to state the magistrate's name and the date the magistrate's employment is to begin.

(d) Authorizes an authorized magistrate's position to be eliminated on a majority vote of the Commissioners Court of Guadalupe County.

Sec. 54.2002. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to be a citizen of the United States; have resided in Guadalupe County for at least the two years preceding the person's appointment; and be at least 30 years of age.

(b) Requires a magistrate appointed under Section 54.2001 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2003. COMPENSATION. (a) Entitles a magistrate to the salary determined by the Commissioners Court of Guadalupe County.

(b) Prohibits a full-time magistrate's salary from being less than that of a justice of the peace of Guadalupe County as established by the annual budget of Guadalupe County.

(c) Provides that a part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. Provides that the per-hour salary is determined by dividing the annual salary by a 2,000 work-hour year. Requires the local administrative judge of the district courts serving Guadalupe County to approve the number of hours for which a part-time magistrate is to be paid.

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

Sec. 54.2004. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.2005. TERMINATION OF EMPLOYMENT. (a) Authorizes a magistrate to be terminated by a majority vote of all the judges of the district and statutory county courts of Guadalupe County.

(b) Requires the local administrative judge of the district courts serving Guadalupe County, to terminate a magistrate's employment, to sign a written order of termination. Requires that the order state the magistrate's name and the final date of the magistrate's employment.

Sec. 54.2006. JURISDICTION; RESPONSIBILITY; POWERS. (a) Requires the judges of the district or statutory county courts to establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) Provides that, to the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

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

(d) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

(e) Provides that a magistrate is authorized to:

- (1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;
- (2) conduct examining trials;
- (3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;
- (4) issue search and arrest warrants;
- (5) issue emergency protective orders;
- (6) order emergency mental commitments; and
- (7) conduct initial juvenile detention hearings if approved by the Guadalupe County Juvenile Board.

(f) Authorizes a magistrate, with the express authorization of a justice of the peace, to exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) Authorizes a magistrate to:

- (1) issue notices of the setting of a case for a hearing;
- (2) conduct hearings;
- (3) compel production of evidence;
- (4) hear evidence;
- (5) issue summons for the appearance of witnesses;
- (6) swear witnesses for hearings;
- (7) regulate proceedings in a hearing; and
- (8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Sec. 54.2007. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. Requires the Commissioners Court of Guadalupe County to provide:

- (1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and
- (2) sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

ARTICLE 4. Effective date:

SECTION 4.01. Effective date, except as otherwise provided by this Act: September 1, 2013.