

BILL ANALYSIS

Senate Research Center

S.B. 1329
By: Huffman
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State of Texas is experiencing both an increase in population and a shift in where the majority of the 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. Historically, the Texas Legislature has compensated for changes in population by establishing new courts or changing existing judicial boundaries. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. In order to ensure that the creation of new courts and the modification of judicial jurisdictions is conducted in an orderly manner, S.B. 1329 consolidates these changes into a single omnibus bill. (Original Author's/Sponsor's Statement of Intent)

S.B. 1329 amends current law relating to the operation and administration of and practice in courts in the judicial branch of state government and increases 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. JURISDICTION OF ASSOCIATE JUDGES

SECTION 1.01. Amends Section 101.034, Family Code, as effective until September 1, 2018, to redefine "Title IV-D case."

SECTION 1.02. Amends Section 101.034, Family Code, as effective on September 1, 2018, to redefine "Title IV-D case."

SECTION 1.03. (a) Amends Sections 201.007, Family Code, by amending Subsections (a) and (c) and adding Subsection (e), as follows:

(a) Authorizes an associate judge, except as limited by an order of referral, among certain other actions, to render and sign certain orders without prejudice to the right to a de novo hearing before the referring court under Section 201.015 (De Novo Hearing Before Referring Court) and subject to Subsection (c), rather than render and sign certain orders without prejudice to the right of appeal under Section 201.015; and render and sign a final order if the parties waive the right to a de novo hearing before the referring court under Section 201.015 in writing before the start of a hearing conducted by the associate judge, rather than sign a final order that includes a waiver of the right of appeal pursuant to Section 201.015.

(c) Provides that a final order described by Subsection (a)(14) (relating to rendering and signing certain orders without prejudice to the right to a de novo hearing) becomes final after the expiration of the period described by Section 201.015(a) (relating to authorizing a party to request a de novo hearing by

following certain procedures) if a party does not request a de novo hearing in accordance with that section. Provides that an order described by Subsection (a)(14) or (16) (relating to rendering and signing a certain final order) that is rendered and signed by an associate judge constitutes an order of the referring court.

(e) Provides that an order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

(b) Amends Section 201.013(b), Family Code, as follows:

(b) Provides that, except as provided by Section 201.007(c), if a request for a de novo hearing before the referring court is not timely filed, rather than if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Amends Section 201.014(a), Family Code, to create an exception as otherwise provided in this subchapter (Associate Judge).

(d) Amends Section 201.016(c), Family Code, as follows:

(c) Provides that the date an agreed order, a default order, or a final order described by Section 201.007(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the Texas Supreme Court. Makes nonsubstantive changes.

(e) Makes application of Section 201.007(a), Family Code, prospective.

(f) Provides that, notwithstanding Subsection (a), Section 201.007(e), Family Code, as added by this Act, applies to an order signed by an associate judge under Section 201.007(a)(16), Family Code, before May 1, 2017. Provides that the legislature ratifies such an order.

SECTION 1.04. Amends Section 201.204, Family Code, by adding Subsection (d), to authorize an associate judge to hear and render an order in a suit for the adoption of a child for whom the Texas Department of Family and Protective Services has been named managing conservator.

ARTICLE 2. DISTRICT COURTS

SECTION 2.01. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.597, effective September 1, 2018, as follows:

Sec. 24.597. 453RD JUDICIAL DISTRICT (HAYS COUNTY). Provides that the 453rd Judicial District is composed of Hays County.

(b) Provides that the 453rd Judicial District is created on September 1, 2018.

SECTION 2.02. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6002, as follows:

Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY). Provides that the 458th Judicial District is composed of Fort Bend County.

(b) Provides that the 458th Judicial District is created on September 1, 2017.

SECTION 2.03. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6003, effective October 1, 2017, as follows:

Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) Provides that the 459th Judicial District is composed of Travis County.

(b) Requires the 459th District Court to give preference to civil matters.

(b) Provides that the 459th Judicial District is created on October 1, 2017.

SECTION 2.04. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6004, effective October 1, 2019, as follows:

Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) Provides that the 460th Judicial District is composed of Travis County.

(b) Requires the 460th District Court to give preference to criminal matters.

(b) Provides that the 460th Judicial District is created on October 1, 2019.

SECTION 2.05. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6006, effective January 1, 2019, as follows:

Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 462nd Judicial District is composed of Denton County.

(b) Provides that the 462nd Judicial District is created on January 1, 2019.

SECTION 2.06. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6008, effective January 1, 2019, as follows:

Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 464th Judicial District is composed of Hidalgo County.

(b) Provides that the 464th Judicial District is created on January 1, 2019.

ARTICLE 3. STATUTORY COUNTY COURTS

SECTION 3.01. (a) Amends Section 25.0811, Government Code, effective January 1, 2018, to include County Court at Law No. 6 of Fort Bend County in the list of statutory county courts in Fort Bend County.

(b) Provides that the County Court at Law No. 6 of Fort Bend County is created on January 1, 2018.

SECTION 3.02. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0951 and 25.0952, effective October 1, 2017, as follows:

Sec. 25.0951. GRIMES COUNTY. Provides that Grimes County has one statutory county court, the County Court at Law of Grimes County.

Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Grimes County has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) Requires that the judge of the county court at law be paid an annual salary set by the commissioners court in an amount that is at least equal to the amount that is \$1,000 less than the total annual salary, including contributions and supplements, received by a district judge in the county.

Requires that the salary be paid by the county treasurer by order of the commissioners court.

(c) Provides that the judge of the county court at law is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance, in the same manner as the district judge.

(d) Prohibits the judge of a county court at law from engaging in the private practice of law.

(e) Provides that the district clerk serves as clerk of a county court at law for family cases and proceedings, and the county clerk serves as clerk for all other cases. Authorizes the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(f) Requires that a jury be composed of 12 members, if a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before the jury. Requires, in all other cases, that the jury be composed of six members.

(g) Authorizes the judge of a county court at law, instead of appointing an official court reporter, to contract for the services of a court reporter under guidelines established by the commissioners court.

(h) 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, on request of a judge of the county court at law, to be made available and requires the jurors to serve for the week in a county court at law.

(i) Provides that a county court at law has the same terms of court as a district court in Grimes County.

(b) Provides that the County Court at Law of Grimes County is created on October 1, 2017.

SECTION 3.03. (a) Amends Section 25.1071, Government Code, effective October 1, 2018, to include the County Court at Law No. 3 of Hays County in the list of statutory county courts in Hays County.

(b) Provides that the County Court at Law No. 3 of Hays County is created on October 1, 2018.

SECTION 3.04. Amends Sections 25.2382(a), (g), (h), and (k), Government Code, as follows:

(a) Deletes existing Subdivision (2) providing that, in addition to the jurisdiction provided by Section 25.003 and other law, a county court at law in Walker County has concurrent jurisdiction with the district court in certain cases and proceedings. Makes nonsubstantive changes.

(g) Provides that the district clerk serves as clerk of a county court at law in family law cases and proceedings, rather than in the cases enumerated in certain subsections.

(h) Requires the judge of a county court at law to set the official court reporter's salary at an amount that does not exceed the salary of an official court reporter for a district court, rather than authorizes the judge of a county court at law to, instead of appointing an official court reporter, contract for the services of a court reporter under guidelines established by the commissioners court.

(k) Requires that all cases appealed from certain courts be made directly, rather than direct, to a county court at law, unless otherwise provided by law.

SECTION 3.05. Repealer: Section 25.2382(e) (relating to the annual salary of the judge of a county court at law), Government Code.

ARTICLE 4. JUDICIAL OATHS

SECTION 4.01. Amends Chapter 602, Government Code, by adding Section 602.007, as follows:

Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL OFFICERS AND JUDICIAL APPOINTEES. Requires that the oath made and signed statement executed as required by Section 1 (Official Oath), Article XVI (General Provisions), Texas Constitution, by certain judicial officers and appointees be filed with the secretary of state.

ARTICLE 5. JUDICIAL PERSONNEL AND OFFICIALS

SECTION 5.01. Amends Section 51.006, Government Code, to increase from \$10 to \$25 the amount of a fee that the clerk of the Texas Supreme Court is required to collect for the issuance of an attorney's license or certificate affixed with a seal.

ARTICLE 6. BAILIFFS

SECTION 6.01. Amends Section 53.001, Government Code, by adding Subsections (k) and (l), as follows:

(k) Requires the judges of the 244th, 358th, and 446th district courts to each appoint a bailiff.

(l) Requires the judge of the 271st District Court and the judges of the county courts at law in Wise County to each appoint a bailiff.

SECTION 6.02. Amends Section 53.004, Government Code, by amending Subsection (a) and adding Subsections (h) and (i), as follows:

(a) Requires that a bailiff in the 34th or 71st district court, rather than a bailiff in the 34th, 70th, 71st, or 161st district court, be a resident of the county in which the bailiff serves the court and be at least 18 years old.

(h) Requires that a bailiff in the 70th, 161st, 244th, or 358th district court be a resident of the county in which the bailiff serves the court, at least 18 years of age, and a citizen of the United States.

(i) Requires that a bailiff in the 271st District Court or a county court at law in Wise County be at least 21 years of age and a citizen of the United States.

SECTION 6.03. Amends Section 53.007(a), Government Code, to provide that this section (Bailiff Deputized) applies to the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 318th, 341st, 355th, 358th, 385th, and 446th district courts, rather than to the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts.

SECTION 6.04. Amends Section 53.0071, Government Code, to provide that, unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b) (relating to requiring a certain judge to appoint a bailiff), (g) (relating to requiring certain judges to appoint a bailiff), or (k) or certain other sections, rather than under Section 53.001(b) or (g) or certain other sections, is a "peace officer" for purposes of Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure.

SECTION 6.05. Amends Section 53.008, Government Code, as follows:

Sec. 53.008. OATH. Requires that certain bailiffs, including the bailiffs of the 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 271st, 318th, 341st, 355th, 358th, 385th, and 446th district courts, rather than the bailiffs of the 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts, and the bailiffs of the county courts at law of Wise County each swear to a certain oath, to be administered by the judge. Makes a nonsubstantive change.

SECTION 6.06. Amends Section 53.009, Government Code, by adding Subsection (o), as follows:

(o) Provides that each bailiff appointed by the judge of the 271st District Court or appointed by a county court at law judge in Wise County is entitled to receive a salary that does not exceed the salary of a lieutenant in the sheriff's department of the county. Provides that the salary is paid out of the county's general fund.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Effective date, except as otherwise provided by this Act: September 1, 2017.