

BILL ANALYSIS

Senate Research Center
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H.B. 2310
By: Miller, Doug (Wentworth)
Jurisprudence
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The goal of H.B. 2310 is to allow judges of certain district courts to employ their own bailiffs, rather than requiring the senior judge of the district to appoint all of the bailiffs serving the counties in that district. This will ensure that all district court judges who are served by bailiffs are involved in the process.

H.B. 2310 amends the Government Code to authorize the local administrative judges of the district courts in Comal, Hays, and Caldwell Counties to appoint two or more bailiffs to serve the district courts in the respective counties as each judge determines necessary for the efficient operation of the district courts, subject to the approval of a majority of the district judges of those courts. This bill authorizes a majority of the district judges of the respective courts to remove a bailiff appointed under the bill's provisions. This bill prohibits the local administrative judge from appointing more than two bailiffs unless the funding for the additional bailiff is approved by the commissioners court of the respective county before the appointment. This bill entitles an appointed bailiff to the salary recommended by the respective local administrative judge, subject to the approval of the commissioners court of the respective county.

H.B. 2310 amends current law relating to appointment of bailiffs for the district courts in Comal, Hays, and Caldwell Counties.

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 53.001(a), Government Code, as follows:

(a) Requires the judges of the 30th, 70th, 71st, 78th, 89th, 161st, and 341st district courts, rather than 22nd, 30th, 70th, 71st, 78th, 89th, 161st, and 341st district courts, the judges of the district courts having jurisdiction in Taylor County, the judges of the county courts at law of Taylor County, and the judge of the County Court of Harrison County to each appoint a bailiff.

SECTION 2. Amends Section 53.002, Government Code, by amending Subsection (i) and adding Subsections (j) and (k), as follows:

(i) Authorizes the local administrative judge of the district courts in Comal County to appoint two or more bailiffs to serve the district courts in Comal County as the judge determines necessary for the efficient operation of the district courts, subject to the approval of a majority of the district judges of those courts, rather than authorizes the judge of the 207th District Court to appoint a bailiff to serve the court in Comal County, subject to the approval of the local administrative judge. Authorizes a majority of the district judges of those courts to remove a bailiff appointed under this subsection. Prohibits the local administrative judge from appointing more than two bailiffs under this subsection unless the funding for the additional bailiffs is approved by the commissioners court of Comal County before the appointment. Entitles a bailiff appointed under this

subsection to the salary recommended by the local administrative judge, subject to the approval of the commissioners court.

(j) Authorizes the local administrative judge of the district courts in Hays County to appoint two or more bailiffs to serve the district courts in Hays County as the judge determines necessary for the efficient operation of the district courts, subject to the approval of a majority of the district judges of those courts. Authorizes a majority of the district judges of those courts to remove a bailiff appointed under this subsection. Prohibits the local administrative judge from appointing more than two bailiffs under this subsection unless the funding for the additional bailiffs is approved by the commissioners court of Hays County before the appointment. Entitles a bailiff appointed under this subsection to the salary recommended by the local administrative judge, subject to the approval of the commissioners court.

(k) Authorizes the local administrative judge of the district courts in Caldwell County to appoint two or more bailiffs to serve the district courts in Caldwell County as the judge determines necessary for the efficient operation of the district courts, subject to the approval of a majority of the district judges of those courts. Authorizes a majority of the district judges of those courts to remove a bailiff appointed under this subsection. Prohibits the local administrative judge from appointing more than two bailiffs under this subsection unless the funding for the additional bailiffs is approved by the commissioners court of Caldwell County before the appointment. Entitles a bailiff appointed under this subsection to the salary recommended by the local administrative judge, subject to the approval of the commissioners court.

SECTION 3. Amends Section 53.004(a), Government Code, to require a bailiff in the 34th, 70th, 71st, or 161st district court, rather than the 22nd, 34th, 70th, 71st, or 161st district court, to be a resident of the county in which the bailiff serves the court and to be at least 18 years old.

SECTION 4. Amends Section 53.007(a), Government Code, to provide that this section applies to certain courts including the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts, rather than the 22nd, 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts.

SECTION 5. Amends Section 53.008, Government Code, as follows:

Sec. 53.008. OATH. Requires the bailiffs of the 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts, rather than the 22nd, 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts, the bailiffs of the courts described in Section 53.002(c) (relating to authorizing the judges of the district courts, including family district courts, having jurisdiction in El Paso County and the judges of the county courts at law in El Paso County to each appoint a person to serve the court as bailiff), (d) (relating to authorizing the judges of the 15th and 59th district courts and the judges of the statutory county courts in Grayson County to each appoint a bailiff), (e) (relating to authorizing the judges of the district courts in Tom Green County to each appoint a bailiff), or (f) (relating to authorizing the judges of the 12th, 106th, 258th, 278th, and 411th district courts to each appoint a bailiff), the bailiffs and the grand jury bailiffs of the district courts in Tarrant County that give preference to criminal cases, the bailiffs and grand jury bailiffs of the criminal district courts in Tarrant County, the bailiffs of the district courts in Taylor County, and the bailiffs of the county courts at law of Taylor County to each swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

SECTION 6. Effective date: September 1, 2011.