

By: Guillen

H. B. No. 1399

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the powers and duties of municipal court judges.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 49, Code of Criminal Procedure, is  
5 amended by adding Subchapter C to read as follows:

## SUBCHAPTER C. DUTIES PERFORMED BY MUNICIPAL COURT JUDGES

17       (b) This article does not require a judge of a municipal  
18 court to perform an inquest on receipt of notice from a person under  
19 Article 49.07(c-1). A judge of a municipal court who receives  
20 notice under that section may decline to perform the inquest by  
21 forwarding the notice to another person authorized to perform an  
22 inquest under this chapter.

23                   Art. 49.52. MUNICIPALITY'S GOVERNING BODY TO PAY CERTAIN  
24 FEES.

1 performing a duty under authority of this subchapter requests the  
2 services or expertise of a person who would be entitled under  
3 Subchapter A or other applicable law to be paid a fee for providing  
4 the services or expertise to a justice of the peace, the governing  
5 body of the municipality served by the municipal court judge shall  
6 pay the fee associated with providing the services or expertise to  
7 the same extent a commissioners court is required to pay a fee for  
8 the provision of those services or expertise if provided to a  
9 justice of the peace, including a fee described by Article 49.10(b)  
10 or (g), 49.11(c), or 49.15(c), unless the commissioners court and  
11 the governing body of the municipality enter into an alternate  
12 agreement concerning the payment of those fees.

13 SECTION 2. Article 49.07, Code of Criminal Procedure, is  
14 amended by adding Subsection (c-1) to read as follows:

15 (c-1) A person who is required by this subchapter to give  
16 notice to a justice of the peace or county judge may instead give  
17 notice to a judge of a municipal court in the municipality in which  
18 the body or body part was found.

19 SECTION 3. Section 2.202(a), Family Code, is amended to  
20 read as follows:

21 (a) The following persons are authorized to conduct a  
22 marriage ceremony:

23 (1) a licensed or ordained Christian minister or  
24 priest;

25 (2) a Jewish rabbi;

26 (3) a person who is an officer of a religious  
27 organization and who is authorized by the organization to conduct a

1 marriage ceremony; and

2 (4) a justice of the supreme court, judge of the court  
3 of criminal appeals, justice of the courts of appeals, judge of the  
4 district, county, and probate courts, judge of the county courts at  
5 law, judge of the courts of domestic relations, judge of the  
6 juvenile courts, retired justice or judge of those courts, justice  
7 of the peace, retired justice of the peace, judge of a municipal  
8 court, or judge or magistrate of a federal court of this state.

9 SECTION 4. Section 2.202(a), Family Code, as amended by  
10 this Act, applies only to a marriage ceremony that is conducted on  
11 or after the effective date of this Act. A marriage ceremony  
12 conducted before the effective date of this Act is governed by the  
13 law in effect on the date the ceremony was conducted, and the former  
14 law is continued in effect for that purpose.

15 SECTION 5. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2009.