

1-1 By: Duncan S.B. No. 1717
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 18, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1717 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the operation and administration of the judicial branch
1-11 of state government.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. APPELLATE COURT PROVISIONS

1-14 SECTION 1.01. Subsection (b), Section 22.002, Government
1-15 Code, is amended to read as follows:

1-16 (b) The supreme court or, in vacation, a justice of the
1-17 supreme court may issue a writ of mandamus to compel a statutory
1-18 county court judge, a statutory probate court judge, or a district
1-19 judge to proceed to trial and judgment in a case ~~[agreeable to the~~
1-20 ~~principles and usages of law, returnable to the supreme court on or~~
1-21 ~~before the first day of the term, or during the session of the term,~~
1-22 ~~or before any justice of the supreme court as the nature of the case~~
1-23 ~~requires].~~

1-24 SECTION 1.02. (a) Section 24.007, Property Code, is
1-25 amended to read as follows:

1-26 Sec. 24.007. APPEAL. (a) ~~[A final judgment of a county~~
1-27 ~~court in an eviction suit may not be appealed on the issue of~~
1-28 ~~possession unless the premises in question are being used for~~
1-29 ~~residential purposes only.]~~ A judgment of a county court in an
1-30 eviction suit may not under any circumstances be stayed pending
1-31 appeal unless, within 10 days of the signing of the judgment, the
1-32 appellant files a supersedeas bond in an amount set by the county
1-33 court. In setting the supersedeas bond the county court shall
1-34 provide protection for the appellee to the same extent as in any
1-35 other appeal, taking into consideration the value of rents likely
1-36 to accrue during appeal, damages which may occur as a result of the
1-37 stay during appeal, and other damages or amounts as the court may
1-38 deem appropriate.

1-39 (b) Notwithstanding any other law, an appeal may be taken
1-40 from a final judgment of a county court, statutory county court,
1-41 statutory probate court, or district court in an eviction suit.

1-42 (b) The change in law made by this section applies to an
1-43 appeal of a final judgment rendered on or after the effective date
1-44 of this section. An appeal of a final judgment rendered before the
1-45 effective date of this section is governed by the law in effect on
1-46 the date the judgment was rendered, and the former law is continued
1-47 in effect for that purpose.

1-48 SECTION 1.03. Section 22.007, Government Code, is repealed.

1-49 ARTICLE 2. GENERAL PROVISIONS FOR DISTRICT COURTS

1-50 SECTION 2.01. Section 24.002, Government Code, is amended
1-51 to read as follows:

1-52 Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON
1-53 RECUSAL [SUBSTITUTE JUDGES]. If a district judge determines on the
1-54 judge's own motion that the judge should not sit in a case pending
1-55 in the judge's court because the judge is disqualified or otherwise
1-56 should recuse himself or herself, the judge shall enter a recusal
1-57 order, request the presiding judge of that administrative judicial
1-58 region to assign another judge to sit, and take no further action in
1-59 the case except for good cause stated in the order in which the
1-60 action is taken. A change of venue is not necessary because of the
1-61 disqualification of a district judge in a case or proceeding
1-62 pending in the judge's ~~[his]~~ court~~[, but the judge shall~~
1-63 ~~immediately certify his disqualification to the governor. The~~

~~governor shall designate a district judge of another district to exchange benches with the disqualified judge to try the case. The governor shall notify both judges of his designation, and the judges shall exchange benches. If the judges are prevented from exchanging benches, the parties or their counsels may agree on an attorney of the court for the trial of the case. The district judge or special judge shall certify to the governor the fact of a failure of the parties or their counsels to agree on an attorney, and the governor shall appoint a person legally qualified to act as judge in the trial of the case].~~

SECTION 2.02. Sections 24.003 and 24.007, Government Code, are amended to read as follows:

Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES ~~[SUBSTITUTE JUDGES IN CERTAIN COUNTIES]~~. (a) This section applies only to ~~[civil cases in]~~ counties with two ~~[five]~~ or more district courts.

(b) Unless provided otherwise by the local rules of administration, a district judge in the county may:

(1) transfer any civil or criminal case or proceeding on the court's docket to the docket of another district court in the county;

(2) hear and determine any case or proceeding pending in another district court in the county without having the case transferred;

(3) sit for another district court in the county and hear and determine any case or proceeding pending in that court;

(4) temporarily exchange benches with the judge of another district court in the county;

(5) try different cases in the same court at the same time; and

(6) occupy the judge's own courtroom or the courtroom of another district court in the county.

(c) If a district judge in the county is sick or otherwise absent, another district judge in the county may hold court for the judge.

(d) A district judge in the county may hear and determine any part or question of any case or proceeding pending in any of the district courts, and any other district judge may complete the hearing and render judgment in the case or proceeding. A district judge may hear and determine motions, including motions for new trial, petitions for injunction, applications for the appointment of a receiver, interventions, pleas in abatement, dilatory pleas, and all preliminary matters, questions, and proceedings, and may enter judgment or order on them in the court in which the case or proceeding is pending without transferring the case or proceeding. The district judge in whose court the matter is pending may proceed to hear, complete, and determine the matter, or all or any part of another matter, and render a final judgment. A district judge may issue a restraining order or injunction that is returnable to any other district court.

(e) A judgment or order shall be entered in the minutes of the court in which the case is pending.

(f) This section does not limit the powers of a district judge when acting for another judge by exchange of benches or otherwise ~~[If a district judge is disqualified in a case pending in his court and his disqualification is certified to the governor, the governor may require any other district judge in the county to exchange benches with the disqualified judge.]~~

~~[(c) If a district judge is absent, sick, or disqualified, any of the district judges in the county may hold court for him or may transfer a pending case to the court of any other district judge in the county].~~

Sec. 24.007. JURISDICTION. (a) The district court has the jurisdiction provided by Article V, Section 8, of the Texas Constitution.

(b) A district court has original jurisdiction of a civil matter in which the amount in controversy is more than \$500, exclusive of interest.

SECTION 2.03. Subsection (a), Section 24.012, Government

Code, is amended to read as follows:

(a) Notwithstanding any other law, each [Each] district [and criminal district] court holds in each county in the judicial district [at least two] terms that commence on the first Mondays in January and July of [court] each year [in each county in the district]. To the extent of a conflict between this subsection and a specific provision relating to a particular judicial district, this section controls.

SECTION 2.04. Subchapter A, Chapter 24, Government Code, is amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027, 24.028, 24.029, 24.030, and 24.031 to read as follows:

Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is transferred from one court to another, all processes, writs, bonds, recognizances, and other obligations issued by the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

(b) 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 district court from which a case is transferred, are required to appear before the court to which the case is transferred as if the bond, recognizance, or summons was taken in or for that court.

Sec. 24.024. FILING AND DOCKETING CASES. In a county with two or more district courts, the district judges may adopt rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the courts as in their discretion they consider necessary or desirable for the orderly dispatch of the business of the courts.

Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless otherwise provided by this subchapter, all district judges in a county are entitled to equal amounts of supplemental compensation from the county.

(b) A district judge is entitled to an amount of supplemental compensation for serving on the juvenile board of a county that is equal to the amount other judges serving on the juvenile board receive.

Sec. 24.026. APPOINTMENT OF INITIAL JUDGE. On the creation of a new judicial district, the initial vacancy in the office of district judge is filled in accordance with Section 28, Article V, Texas Constitution.

Sec. 24.027. GRAND AND PETIT JURORS. All grand and petit jurors selected in a county before a new district court is created or the composition of an existing district court is modified by an amendment to this chapter are considered to be selected for the new or modified district court, as applicable.

Sec. 24.028. CASES TRANSFERRED. If by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, all cases and proceedings from that county that are pending in the district court of the judicial district from which the county was removed are transferred to the district court of the judicial district to which the county is added. The judge of each affected district court shall sign the proper orders in connection with the transfer.

Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN VALID. (a) If by an amendment to this chapter a county is removed from the composition of an existing judicial district and added to another existing or new judicial district, or if an amendment to this chapter changes the time or place at which the terms of court are held, all processes, writs, bonds, recognizances, and other obligations issued from and made returnable to that court before the effective date of the transfer or other change are returnable as provided by this subsection. An obligation issued from the affected court is returnable to another district court in the county on the date that court directs, but may not be made returnable on a date that is earlier than the date on which the obligation was originally returnable. The obligations are legal and valid as if the obligations had been made returnable to the issuing court.

(b) The obligees in all appearance bonds and recognizances taken in and for a district court of a county before the effective date of an amendment to this chapter, and all witnesses summoned to appear before that district court under laws existing before the effective date of an amendment to this chapter, are required to appear at another district court in the county on the date that court directs, but may not be required to appear on a date that is earlier than the date on which the obligees or witnesses were originally required to appear.

Sec. 24.030. LOCATION OF COURT. (a) A district court shall sit in the county seat for a jury trial in a civil case. The commissioners court of the county may authorize a district court to sit in any municipality within the county to hear and determine nonjury trials in civil cases and to hear and determine motions, arguments, and other matters not heard before a jury in a civil case that is within the court's jurisdiction.

(b) The district clerk or the clerk's deputy serves as clerk of the court when a court sits in a municipality other than the municipality that is the county seat and may transfer:

(1) all necessary books, minutes, records, and papers to that municipality while the court is in session there; and

(2) the books, minutes, records, and papers back to the clerk's office in the county seat at the end of each session.

(c) If the commissioners court authorizes a district court to sit in a municipality other than the municipality that is the county seat, the commissioners court shall provide suitable facilities for the court in that municipality.

Sec. 24.031. COURT OFFICERS. The prosecuting attorney, the sheriff, the district clerk, the bailiffs, and the other officers serving the other district courts of the county shall serve in their respective capacities for the courts listed in this chapter.

SECTION 2.05. Subsection (g), Section 25.0362, Government Code, is amended to read as follows:

(g) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court in Cass County may transfer cases between the courts in the same manner that judges of district courts may transfer cases under Section 24.003 [~~24.303~~].

SECTION 2.06. Subsection (w), Section 25.0732, Government Code, is amended to read as follows:

(w) In matters of concurrent jurisdiction, a judge of a statutory county court in El Paso County and a judge of a district court or another statutory county court in El Paso County may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003 [~~24.303~~].

SECTION 2.07. Subsection (c), Section 25.1672, Government Code, is amended to read as follows:

(c) In matters of concurrent jurisdiction, judges of the county courts at law and district courts in the county may exchange benches and courtrooms and may transfer cases between their dockets in the same manner that district court judges exchange benches and transfer cases under Section 24.003 [~~24.303~~].

SECTION 2.08. Subsection (v), Section 25.1862, Government Code, is amended to read as follows:

(v) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court or another county court at law may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.003 [~~24.303~~].

SECTION 2.09. Subsection (k), Section 25.1932, Government Code, is amended to read as follows:

(k) Notwithstanding Section 74.121(b)(1), in matters of concurrent jurisdiction, the judge of a county court at law and the judges of the district courts in the county may exchange benches and courtrooms and may transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003 [~~24.303~~].

SECTION 2.10. Section 62.201, Government Code, is amended to read as follows:

5-1 Sec. 62.201. NUMBER OF JURORS. The jury in a district court
 5-2 is composed of 12 persons, except that the parties may agree to try
 5-3 a particular case with fewer than 12 jurors unless a jury of six or
 5-4 12 is required by Section 13, Article V, Texas Constitution.

5-5 SECTION 2.11. Subdivision (2), Subsection (b), Section
 5-6 74.121, Government Code, is amended to read as follows:

5-7 (2) Notwithstanding Subdivision (1), in matters of
 5-8 concurrent jurisdiction, a judge of a statutory county court in
 5-9 Midland County and a judge of a district court in Midland County may
 5-10 exchange benches and courtrooms with each other and may transfer
 5-11 cases between their dockets in the same manner that judges of
 5-12 district courts exchange benches and transfer cases under Section
 5-13 24.003 [24.303].

5-14 SECTION 2.12. Subsection (d), Section 659.012, Government
 5-15 Code, is amended to read as follows:

5-16 (d) Notwithstanding any other provision in this section or
 5-17 other law, in [In] a county with more than five district courts, a
 5-18 district judge who serves as a local administrative district judge
 5-19 under Section 74.091 is entitled to an annual salary from the state
 5-20 that is \$5,000 more than the salary from the state to which the
 5-21 judge is otherwise entitled [under Subsection (a)(1)].

5-22 SECTION 2.13. The following provisions of the Government
 5-23 Code are repealed:

- 5-24 (1) Section 24.013;
- 5-25 (2) Section 24.302;
- 5-26 (3) Section 24.303;
- 5-27 (4) Section 24.304;
- 5-28 (5) Section 24.305;
- 5-29 (6) Section 24.307;
- 5-30 (7) Section 24.308;
- 5-31 (8) Section 24.309;
- 5-32 (9) Section 24.310;
- 5-33 (10) Section 24.311;
- 5-34 (11) Section 24.312;
- 5-35 (12) Section 24.313;
- 5-36 (13) Section 24.314;
- 5-37 (14) Subsection (c), Section 24.528; and
- 5-38 (15) Subsection (c), Section 24.529.

5-39 ARTICLE 3. STATUTORY COUNTY COURTS

5-40 SECTION 3.01. Section 25.0002, Government Code, is amended
 5-41 to read as follows:

5-42 Sec. 25.0002. DEFINITIONS [DEFINITION]. In this chapter:

5-43 (1) "Criminal law cases and proceedings" includes
 5-44 cases and proceedings for allegations of conduct punishable in part
 5-45 by confinement in the county jail not to exceed one year.

5-46 (2) "Family[, "family] law cases and proceedings"
 5-47 includes cases and proceedings under Titles 1, 2, 4, and 5, Family
 5-48 Code [involving adoptions, birth records, or removal of disability
 5-49 of minority or coverture, change of names of persons, child
 5-50 welfare, custody, support and reciprocal support, dependency,
 5-51 neglect, or delinquency, paternity, termination of parental
 5-52 rights, divorce and marriage annulment, including the adjustment of
 5-53 property rights, custody and support of minor children involved
 5-54 therein, temporary support pending final hearing, and every other
 5-55 matter incident to divorce or annulment proceedings, independent
 5-56 actions involving child support, custody of minors, and wife or
 5-57 child desertion, and independent actions involving controversies
 5-58 between parent and child, between parents, and between spouses].

5-59 (3) "Juvenile law cases and proceedings" includes all
 5-60 cases and proceedings brought under Title 3, Family Code.

5-61 (4) "Mental health cases and proceedings" includes all
 5-62 cases and proceedings brought under Chapter 462, Health and Safety
 5-63 Code, or Subtitle C or D, Title 7, Health and Safety Code.

5-64 SECTION 3.02. Subsection (c), Section 25.0003, Government
 5-65 Code, is amended to read as follows:

5-66 (c) In addition to other jurisdiction provided by law, a
 5-67 statutory county court exercising civil jurisdiction concurrent
 5-68 with the constitutional jurisdiction of the county court has
 5-69 concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy.

SECTION 3.03. Section 25.0004, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The judge of a statutory county court does not have general supervisory control or appellate review of the commissioners court.

(g) A judge of a statutory county court has the judicial immunity of a district judge.

SECTION 3.04. Section 25.0007, Government Code, is amended to read as follows:

Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The drawing of jury panels, selection of jurors, and practice in the statutory county courts must conform to that prescribed by law for county courts.

(b) Practice in a statutory county court is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the statutory county courts, other than the number of jurors, that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to district courts. This section does not affect local rules of administration adopted under Section 74.093.

SECTION 3.05. Section 25.0010, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), and (f) to read as follows:

(b) The county attorney or criminal district attorney [and sheriff] shall serve each statutory county court as required by law.

(c) A county sheriff shall in person or by deputy attend a statutory county court as required by the court.

(d) The county clerk shall serve as clerk of each statutory county court. The court officials shall perform the duties and responsibilities of their offices and are entitled to the compensation, fees, and allowances prescribed by law for those offices.

(e) The judge of a statutory county court may appoint the personnel necessary for the operation of the court, including a court coordinator or administrative assistant, if the commissioners court has approved the creation of the position.

(f) The commissioners court may authorize the employment of as many additional assistant district attorneys, assistant county attorneys, deputy sheriffs, and clerks as are necessary for a statutory county court.

SECTION 3.06. (a) Section 25.0014, Government Code, is amended to read as follows:

Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a statutory county court must:

- (1) be at least 25 years of age;
- (2) be a United States citizen and have resided in the county for at least two years before election or appointment; and
- (3) be a licensed attorney in this state who has practiced law or served as a judge of a court in this state, or both combined, for the four years preceding election or appointment, unless otherwise provided for by law.

(b) The change in law made by this Act to Section 25.0014, Government Code, does not apply to a person serving as a statutory county court judge immediately before the effective date of this Act who met the qualifications of Section 25.0014, Government Code, as it existed on that date, and the former law is continued in effect for determining that person's qualifications to serve as a

7-1 statutory county court judge.

7-2 SECTION 3.07. Subchapter A, Chapter 25, Government Code, is
7-3 amended by adding Sections 25.0016 and 25.00161 to read as follows:

7-4 Sec. 25.0016. TERMS OF COURT. The commissioners court, by
7-5 order, shall set at least two terms a year for the statutory county
7-6 court.

7-7 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge
7-8 of a statutory county court shall diligently discharge the duties
7-9 of the office on a full-time basis and may not engage in the private
7-10 practice of law.

7-11 SECTION 3.08. Subsections (g) and (i), Section 25.0042,
7-12 Government Code, are amended to read as follows:

7-13 (g) The district clerk serves as clerk of a county court at
7-14 law in all cases arising under the Family Code and Section 23.001
7-15 and shall establish a separate docket for a county court at law; the
7-16 county clerk serves as clerk of the court in all other cases. ~~[The~~
7-17 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
7-18 ~~as are necessary to serve the court.]~~

7-19 (i) ~~[Practice in a county court at law is that prescribed by~~
7-20 ~~law for county courts, except that practice and procedure, rules of~~
7-21 ~~evidence, issuance of process and writs, and all other matters~~
7-22 ~~pertaining to the conduct of trials and hearings in a county court~~
7-23 ~~at law involving cases under the Family Code and Section 23.001 are~~
7-24 ~~governed by this section and the laws and rules pertaining to~~
7-25 ~~district courts and county courts.]~~ If a case under the Family Code
7-26 or Section 23.001 is tried before a jury, the jury shall be composed
7-27 of 12 members.

7-28 SECTION 3.09. Subsection (h), Section 25.0102, Government
7-29 Code, is amended to read as follows:

7-30 (h) ~~[Practice in a county court at law is that prescribed by~~
7-31 ~~law for county courts, except that practice and procedure, rules of~~
7-32 ~~evidence, issuance of process and writs, and all other matters~~
7-33 ~~pertaining to the conduct of trials and hearings in the county court~~
7-34 ~~at law involving family law cases and proceedings shall be governed~~
7-35 ~~by this section and the laws and rules pertaining to district~~
7-36 ~~courts.]~~ If a family law case or proceeding is tried before a jury,
7-37 the jury shall be composed of 12 members; in all other cases the
7-38 jury shall be composed of six members.

7-39 SECTION 3.10. Subsections (e) and (f), Section 25.0132,
7-40 Government Code, are amended to read as follows:

7-41 (e) The district clerk serves as clerk of a county court at
7-42 law in family law cases and proceedings, and the county clerk serves
7-43 as clerk of the court in all other cases. The district clerk shall
7-44 establish a separate docket for a county court at law. ~~[The~~
7-45 ~~commissioners court may employ as many deputy sheriffs and bailiffs~~
7-46 ~~as are necessary to serve a county court at law.]~~

7-47 (f) ~~[Practice in a county court at law is that prescribed by~~
7-48 ~~law for county courts, except that practice and procedure, rules of~~
7-49 ~~evidence, issuance of process and writs, and all other matters~~
7-50 ~~pertaining to the conduct of trials and hearings in a county court~~
7-51 ~~at law involving family law cases and proceedings is that~~
7-52 ~~prescribed by law for district courts and county courts.]~~ If a
7-53 family law case or proceeding is tried before a jury, the jury shall
7-54 be composed of 12 members.

7-55 SECTION 3.11. Subsection (a), Section 25.0202, Government
7-56 Code, is amended to read as follows:

7-57 (a) In addition to the jurisdiction provided by Section
7-58 25.0003 and other law, a county court at law in Bosque County has
7-59 concurrent jurisdiction with the district court in:

7-60 (1) family law cases and proceedings;
7-61 (2) civil cases in which the matter in controversy
7-62 exceeds \$500 but does not exceed \$200,000 ~~[\$100,000]~~, excluding
7-63 interest, court costs, and attorney's fees; and

7-64 (3) contested probate matters under Section 5(b),
7-65 Texas Probate Code.

7-66 SECTION 3.12. Subsection (b), Section 25.0212, Government
7-67 Code, is amended to read as follows:

7-68 (b) A county court at law does not have ~~[general supervisory~~
7-69 ~~control or appellate review of the commissioners court or]~~

8-1 jurisdiction of:

- 8-2 (1) felony criminal matters;
- 8-3 (2) suits on behalf of the state to recover penalties
- 8-4 or escheated property;
- 8-5 (3) misdemeanors involving official misconduct;
- 8-6 (4) contested elections; or
- 8-7 (5) civil cases in which the matter in controversy
- 8-8 exceeds \$200,000 [~~\$100,000~~], excluding interest, statutory or
- 8-9 punitive damages and penalties, and attorney's fees and costs, as
- 8-10 alleged on the face of the petition.

8-11 SECTION 3.13. Subsections (a) and (k), Section 25.0222,

8-12 Government Code, are amended to read as follows:

8-13 (a) In addition to the jurisdiction provided by Section

8-14 25.0003 and other law, a statutory county court in Brazoria County

8-15 has concurrent jurisdiction with the district court in:

- 8-16 (1) civil cases in which the matter in controversy
- 8-17 exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding
- 8-18 interest, statutory damages and penalties, and attorney's fees and
- 8-19 costs, as alleged on the face of the petition;

8-20 (2) appeals of final rulings and decisions of the

8-21 division of workers' compensation of the Texas Department of

8-22 Insurance regarding workers' compensation claims, regardless of

8-23 the amount in controversy; and

8-24 (3) family law cases and proceedings and juvenile

8-25 jurisdiction under Section 23.001.

8-26 (k) The district clerk serves as clerk of the statutory

8-27 county courts in cases instituted in the district courts in which

8-28 the district courts and statutory county courts have concurrent

8-29 jurisdiction, and the county clerk serves as clerk for all other

8-30 cases. ~~[The commissioners court may employ as many additional~~

8-31 ~~assistant criminal district attorneys, deputy sheriffs, and deputy~~

8-32 ~~clerks as are necessary to serve the statutory county courts.]~~

8-33 SECTION 3.14. Subsections (e) and (f), Section 25.0302,

8-34 Government Code, are amended to read as follows:

8-35 (e) The district clerk serves as clerk of a county court at

8-36 law in family law cases and proceedings, and the county clerk serves

8-37 as clerk of the court in all other cases and proceedings. The

8-38 district clerk shall establish a separate docket for a county court

8-39 at law. ~~[The commissioners court may employ the assistant district~~

8-40 ~~attorneys, deputy sheriffs, and bailiffs necessary to serve each~~

8-41 ~~county court at law.]~~

8-42 (f) ~~[Practice in a county court at law is that prescribed by~~

8-43 ~~law for county courts, except that practice and procedure, rules of~~

8-44 ~~evidence, issuance of process and writs, and all other matters~~

8-45 ~~pertaining to the conduct of trials and hearings in a county court~~

8-46 ~~at law involving family law cases and proceedings shall be governed~~

8-47 ~~by this section and the laws and rules pertaining to district~~

8-48 ~~courts.]~~ If a family law case or proceeding is tried before a jury,

8-49 the jury shall be composed of 12 members.

8-50 SECTION 3.15. Subsection (b), Section 25.0312, Government

8-51 Code, is amended to read as follows:

8-52 (b) A county court at law does not have ~~[general supervisory~~

8-53 ~~control or appellate review of the commissioners court or]~~

8-54 jurisdiction of:

- 8-55 (1) felony cases other than writs of habeas corpus;
- 8-56 (2) misdemeanors involving official misconduct;
- 8-57 (3) contested elections; or
- 8-58 (4) appeals from county court.

8-59 SECTION 3.16. Subsection (b), Section 25.0362, Government

8-60 Code, is amended to read as follows:

8-61 (b) A county court at law does not have ~~[general supervisory~~

8-62 ~~control or appellate review of the commissioners court or]~~

8-63 jurisdiction of:

- 8-64 (1) misdemeanors involving official misconduct;
- 8-65 (2) suits on behalf of the state to recover penalties
- 8-66 or escheated property;
- 8-67 (3) contested elections;
- 8-68 (4) suits in which the county is a party; or
- 8-69 (5) felony cases involving capital murder.

SECTION 3.17. Subsection (f), Section 25.0482, Government Code, is amended to read as follows:

(f) The district clerk serves as clerk of a county court at law for family law cases and proceedings, and the county clerk serves as clerk for all other cases and proceedings. ~~[The district clerk shall establish a separate docket for a county court at law. The commissioners court may employ as many assistant county attorneys, deputy sheriffs, and bailiffs as are necessary to serve the county courts at law.]~~

SECTION 3.18. Subsection (g), Section 25.0632, Government Code, is amended to read as follows:

(g) ~~[Jurors regularly impaneled for the week by the district courts of Denton County must include sufficient numbers to serve in the statutory county courts and statutory probate courts as well as the district courts. The jurors shall be made available by the district judge as necessary.]~~ The jury in a statutory county court or statutory probate court in all civil or criminal matters is composed of 12 members, except that in misdemeanor criminal cases and any other case in which the court has jurisdiction that under general law would be concurrent with the county court, the jury is composed of six members.

SECTION 3.19. Subsection (r), Section 25.0732, Government Code, is amended to read as follows:

(r) ~~Section [Sections] 25.0006(b) does [and 25.0007 do]~~ not apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso County, Texas.

SECTION 3.20. Subsection (a), Section 25.0733, Government Code, is amended to read as follows:

(a) Sections 25.0732(g) and ~~[25.0732(d), (h), (i), (j), (m), (n), (o), (p), (q), (r), and (v)]~~, relating to county courts at law in El Paso County, apply to a statutory probate court in El Paso County.

SECTION 3.21. Subsections (i) and (l), Section 25.0862, Government Code, are amended to read as follows:

(i) ~~[The clerk of the statutory county courts and statutory probate court shall keep a separate docket for each court.]~~ The clerk shall tax the official court reporter's fees as costs in civil actions in the same manner as the fee is taxed in civil cases in the district courts. ~~[The district clerk serves as clerk of the county courts in a cause of action arising under the Family Code and an appeal of a final ruling or decision of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, and the county clerk serves as clerk of the court in all other cases.]~~

(l) Each reporter may be made available when not engaged in proceedings in their court to report proceedings in all other courts. ~~[Practice, appeals, and writs of error in a statutory county court are as prescribed by law for county courts and county courts at law.]~~ Appeals and writs of error may be taken from judgments and orders of the County Courts Nos. 1, 2, and 3 of Galveston County and the judges, in civil and criminal cases, in the manner prescribed by law for appeals and writs of error. Appeals from interlocutory orders of the County Courts Nos. 1, 2, and 3 appointing a receiver or overruling a motion to vacate or appoint a receiver may be taken and are governed by the laws relating to appeals from similar orders of district courts.

SECTION 3.22. Subsection (f), Section 25.0962, Government Code, is amended to read as follows:

(f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court shall be governed by this section and the laws and rules pertaining to district courts as well as county courts.]~~

If a case in the court's concurrent jurisdiction with the district court is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.23. Subsection (a), Section 25.1033, Government

Code, is amended to read as follows:

(a) A county criminal court at law in Harris County has the criminal jurisdiction provided by law for county courts, concurrent jurisdiction with civil statutory county courts for Harris County to hear appeals of the suspension of a driver's license and original proceedings regarding occupational driver's licenses, and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county.

SECTION 3.24. Subsection (g), Section 25.1042, Government Code, is amended to read as follows:

(g) The criminal district attorney is entitled to the same fees prescribed by law for prosecutions in the county court. ~~[The commissioners court may employ as many additional deputy sheriffs and clerks as are necessary to serve a county court at law.]~~

SECTION 3.25. Subsections (e) and (f), Section 25.1072, Government Code, are amended to read as follows:

(e) The county clerk serves as clerk of a county court at law, except that the district clerk serves as clerk of the court in family law cases and proceedings. The district clerk shall establish a separate docket for a county court at law. ~~[The commissioners court may employ as many assistant district attorneys, deputy sheriffs, and bailiffs as are necessary to serve the court.]~~

(f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts, as well as county courts.]~~ If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.26. Subsection (b), Section 25.1142, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

(1) civil cases in which the amount in controversy exceeds \$200,000 ~~[\$100,000]~~, excluding interest;

(2) felony jury trials;

(3) suits on behalf of the state to recover penalties or escheated property;

(4) misdemeanors involving official misconduct; or

(5) contested elections.

SECTION 3.27. Subsection (b), Section 25.1182, Government Code, is amended to read as follows:

(b) A county court at law's civil jurisdiction concurrent with the district court in civil cases is limited to cases in which the matter in controversy does not exceed \$200,000. A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

(1) suits on behalf of this state to recover penalties or escheated property;

(2) felony cases involving capital murder;

(3) misdemeanors involving official misconduct; or

(4) contested elections.

SECTION 3.28. Subsection (b), Section 25.1312, Government Code, is amended to read as follows:

(b) A statutory county court in Kaufman County does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

(1) felony cases involving capital murder;

(2) suits on behalf of the state to recover penalties or escheated property;

(3) misdemeanors involving official misconduct; or

(4) contested elections.

SECTION 3.29. Subsection (m), Section 25.1542, Government Code, is amended to read as follows:

(m) ~~[Practice and procedure and rules of evidence governing trials in and appeals from a county court apply to a county court at~~

~~law, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts as well as county courts.]~~ In family law cases, juries shall be composed of 12 members.

SECTION 3.30. Subsection (g), Section 25.1652, Government Code, is amended to read as follows:

(g) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law matters and proceedings shall be governed by this section and the laws and rules pertaining to district courts.]~~ If a family law case is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.31. Subsection (i), Section 25.1762, Government Code, is amended to read as follows:

(i) ~~[The laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Jurors regularly impaneled for a week by a district court may, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and shall serve for the week in the county court at law.]~~ In matters of concurrent jurisdiction with the district court, if a party to a suit files a written request for a 12-member jury with the clerk of the county court at law at a reasonable time that is not later than 30 days before the date the suit is set for trial, the jury shall be composed of 12 members.

SECTION 3.32. Subsection (b), Section 25.1772, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) suits on behalf of this state to recover penalties or escheated property;
- (2) felony cases involving capital murder;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

SECTION 3.33. Subsection (e), Section 25.1892, Government Code, is amended to read as follows:

(e) ~~[The county attorney or district attorney serves a county court at law as required by the judge.]~~ The district clerk serves as clerk of a county court at law in cases enumerated in Subsection (a)(2), and the county clerk serves as clerk in all other cases. The district clerk shall establish a separate docket for a county court at law. ~~[The commissioners court may employ as many additional assistant county attorneys, deputy sheriffs, and clerks as are necessary to serve a county court at law.]~~

SECTION 3.34. Subsection (i), Section 25.1932, Government Code, is amended to read as follows:

(i) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases in the court's concurrent jurisdiction with the district court shall be governed by this section and the laws and rules pertaining to district courts as well as county courts.]~~ If a case in the court's concurrent jurisdiction with the district court is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.35. Subsection (b), Section 25.2012, Government Code, is amended to read as follows:

(b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

- (1) felony cases involving capital murder;
- (2) suits on behalf of the state to recover penalties or escheated property;

12-1 (3) misdemeanors involving official misconduct; or
 12-2 (4) contested elections.

12-3 SECTION 3.36. Subsection (n), Section 25.2142, Government
 12-4 Code, is amended to read as follows:

12-5 (n) ~~[A special judge of a county court at law is entitled to~~
 12-6 ~~receive for services actually performed the same amount of~~
 12-7 ~~compensation as the regular judge.]~~ A former judge sitting as a
 12-8 visiting judge of a county court at law is entitled to receive for
 12-9 services performed the same amount of compensation that the regular
 12-10 judge receives, less an amount equal to the pro rata annuity
 12-11 received from any state, district, or county retirement fund. An
 12-12 active judge sitting as a visiting judge of a county court at law is
 12-13 entitled to receive for services performed the same amount of
 12-14 compensation that the regular judge receives, less an amount equal
 12-15 to the pro rata compensation received from state or county funds as
 12-16 salary, including supplements.

12-17 SECTION 3.37. (a) Subsection (b), Section 25.2222,
 12-18 Government Code, as amended by Chapter 22 (S.B. 124), Acts of the
 12-19 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7),
 12-20 Acts of the 79th Legislature, Regular Session, 2005, is reenacted
 12-21 and amended to read as follows:

12-22 (b) A county court at law has concurrent jurisdiction with
 12-23 the district court in:

12-24 (1) civil cases in which the matter in controversy
 12-25 exceeds \$500 and does not exceed \$200,000 ~~[\$100,000]~~, excluding
 12-26 mandatory damages and penalties, attorney's fees, interest, and
 12-27 costs;

12-28 (2) nonjury family law cases and proceedings;

12-29 (3) final rulings and decisions of the division of
 12-30 workers' compensation of the Texas Department of Insurance
 12-31 regarding workers' compensation claims, regardless of the amount in
 12-32 controversy;

12-33 (4) eminent domain proceedings, both statutory and
 12-34 inverse, regardless of the amount in controversy;

12-35 (5) suits to decide the issue of title to real or
 12-36 personal property;

12-37 (6) suits to recover damages for slander or defamation
 12-38 of character;

12-39 (7) suits for the enforcement of a lien on real
 12-40 property;

12-41 (8) suits for the forfeiture of a corporate charter;

12-42 (9) suits for the trial of the right to property valued
 12-43 at \$200 or more that has been levied on under a writ of execution,
 12-44 sequestration, or attachment; and

12-45 (10) suits for the recovery of real property.

12-46 (b) Subsection (b), Section 25.2222, Government Code, as
 12-47 amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature,
 12-48 Regular Session, 1991, is repealed as duplicative of Subsection
 12-49 (b), Section 25.2222, Government Code, as amended by Subsection (a)
 12-50 of this section.

12-51 SECTION 3.38. Subsection (a), Section 25.2232, Government
 12-52 Code, is amended to read as follows:

12-53 (a) In addition to the jurisdiction provided by Section
 12-54 25.0003 and other law, a county court at law in Taylor County has:

12-55 (1) concurrent jurisdiction with the county court in
 12-56 the trial of cases involving insanity and approval of applications
 12-57 for admission to state hospitals and special schools if admission
 12-58 is by application; and

12-59 (2) concurrent jurisdiction with the district court in
 12-60 civil cases in which the matter in controversy exceeds \$500 but does
 12-61 not exceed \$200,000 ~~[\$100,000]~~, excluding interest.

12-62 SECTION 3.39. Subsection (i), Section 25.2352, Government
 12-63 Code, is amended to read as follows:

12-64 (i) ~~[Practice in a county court at law is that prescribed by~~
 12-65 ~~law for county courts, except that practice and procedure, rules of~~
 12-66 ~~evidence, issuance of process and writs, and all other matters~~
 12-67 ~~pertaining to the conduct of trials and hearings involving family~~
 12-68 ~~law cases and proceedings shall be governed by this section and the~~
 12-69 ~~laws and rules pertaining to district courts.]~~ If a family law case

is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.40. Subsection (i), Section 25.2382, Government Code, is amended to read as follows:

(i) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving matters enumerated in Subsection (a)(2)(B) or (C) shall be governed by this section and the laws and rules pertaining to district courts.]~~ If a family law case ~~[in Subsection (a)(2)(B) or (C)]~~ is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.41. Subsections (g) and (h), Section 25.2422, Government Code, are amended to read as follows:

(g) The district attorney of the 49th Judicial District serves as district attorney of a county court at law, except that the county attorney of Webb County prosecutes all juvenile, child welfare, mental health, and other civil cases in which the state is a party. The district clerk serves as clerk of a county court at law in the cases enumerated in Subsection (a)(2), and the county clerk serves as clerk of a county court at law in all other cases. ~~[The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.]~~

(h) ~~[Practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving those matters of concurrent jurisdiction enumerated in Subsection (a)(2)(B) or (C) are governed by this section and the laws and rules pertaining to district courts, as well as county courts.]~~ If a family law case ~~[enumerated in Subsection (a)(2)(B) or (C)]~~ is tried before a jury, the jury shall be composed of 12 members.

SECTION 3.42. Subsections (d) and (k), Section 25.2452, Government Code, are amended to read as follows:

(d) A county court at law does not have jurisdiction of:

(1) a case under:

- (A) the Alcoholic Beverage Code;
- (B) the Election Code; or
- (C) the Tax Code;

(2) a matter over which the district court has exclusive jurisdiction; or

(3) a civil case, other than a case under the Family Code or the Texas Probate Code, in which the amount in controversy is:

(A) less than the maximum amount in controversy allowed the justice court in Wichita County; or

(B) more than \$200,000 ~~[\$100,000]~~, exclusive of punitive or exemplary damages, penalties, interest, costs, and attorney's fees.

(k) Except as otherwise required by law, if a case is tried before a jury, the jury shall be composed of six members and may render verdicts by a five to one margin in civil cases and a unanimous verdict in criminal cases. ~~[The laws governing the drawing, selection, service, and pay of jurors for county courts apply to the county courts at law. Jurors regularly impaneled for a week by a district court may, on request of the county judge exercising the jurisdiction provided by this section or a county court at law judge, be made available and shall serve for the week in the county court or county court at law.]~~

SECTION 3.43. Subsection (h), Section 25.2462, Government Code, is amended to read as follows:

(h) ~~[The county attorney and the county sheriff shall attend a county court at law as required by the judge.]~~ The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings.

SECTION 3.44. Subsection (i), Section 25.2482, Government Code, is amended to read as follows:

(i) ~~[The county attorney and the county sheriff shall attend a county court at law as required by the judge.]~~ The district clerk

14-1 serves as clerk of a county court at law in family law cases and
 14-2 proceedings, and the county clerk serves as clerk of the court in
 14-3 all other cases and proceedings.

14-4 SECTION 3.45. Subsection (a), Section 25.2512, Government
 14-5 Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts
 14-6 of the 72nd Legislature, Regular Session, 1991, is reenacted and
 14-7 amended to read as follows:

14-8 (a) In addition to the jurisdiction provided by Section
 14-9 25.0003 and other law, a county court at law in Wise County has:

14-10 (1) concurrent with the county court, the probate
 14-11 jurisdiction provided by general law for county courts; and

14-12 (2) concurrent jurisdiction with the district court
 14-13 in:

14-14 (A) eminent domain cases;

14-15 (B) civil cases in which the amount in
 14-16 controversy exceeds \$500, but does not exceed \$200,000 [~~\$100,000~~],
 14-17 excluding interest and attorney's fees; and

14-18 (C) family law cases and proceedings.

14-19 SECTION 3.46. The following provisions of the Government
 14-20 Code are repealed:

14-21 (1) Subsections (b), (d), (f), and (j), Section
 14-22 25.0042;

14-23 (2) Subsections (b), (f), (g), and (h), Section
 14-24 25.0052;

14-25 (3) Subsections (b), (d), (f), and (i), Section
 14-26 25.0102;

14-27 (4) Subsections (d), (g), and (h), Section 25.0132;

14-28 (5) Subsections (c) and (e), Section 25.0152;

14-29 (6) Subsections (b), (f), (g), (h), and (i), Section
 14-30 25.0162;

14-31 (7) Subsections (d), (k), (l), (m), (n), (o), (q),
 14-32 (s), and (t), Section 25.0172;

14-33 (8) Subsections (c), (d), (h), (i), and (k), Section
 14-34 25.0173;

14-35 (9) Subsections (c), (d), and (g), Section 25.0202;

14-36 (10) Subsections (c), (e), and (g), Section 25.0212;

14-37 (11) Subsections (d), (e), (i), (j), and (n), Section
 14-38 25.0222;

14-39 (12) Subsections (b), (d), (f), (h), and (i), Section
 14-40 25.0232;

14-41 (13) Subsections (b), (c), and (e), Section 25.0272;

14-42 (14) Subsections (b), (c), (g), (h), and (i), Section
 14-43 25.0292;

14-44 (15) Subsections (b), (d), and (g), Section 25.0302;

14-45 (16) Subsections (c), (e), and (j), Section 25.0312;

14-46 (17) Subsections (e), (g), (i), (k), (l), and (m),
 14-47 Section 25.0332;

14-48 (18) Subsection (c), Section 25.0362;

14-49 (19) Subsections (b), (d), (f), (i), (j), and (k),
 14-50 Section 25.0392;

14-51 (20) Subsections (b), (c), and (d), Section 25.0452;

14-52 (21) Subsections (a), (c), (d), and (e), Section
 14-53 25.0453;

14-54 (22) Subsections (b), (d), (e), (g), and (h), Section
 14-55 25.0482;

14-56 (23) Subsections (a), (b), (d), (g), and (h), Section
 14-57 25.0512;

14-58 (24) Subsections (b), (d), (f), and (g), Section
 14-59 25.0522;

14-60 (25) Subsections (b), (h), (i), (j), and (k), Section
 14-61 25.0592;

14-62 (26) Subsections (d), (f), (g), (h), (i), and (j),
 14-63 Section 25.0593;

14-64 (27) Subsections (d), (e), (g), (h), (i), (j), and
 14-65 (k), Section 25.0594;

14-66 (28) Subsections (c), (d), (f), and (g), Section
 14-67 25.0595;

14-68 (29) Section 25.0596;

14-69 (30) Subsections (a), (b), and (d), Section 25.0632;

15-1	(31)	Subsections (b), (g), (h), (j), (k), and (l),
15-2	Section 25.0702;	
15-3	(32)	Subsections (b), (d), (f), (j), and (k), Section
15-4	25.0722;	
15-5	(33)	Subsections (d), (g), (h), (i), (j), (m), (n),
15-6	(o), (p), (s), and (v), Section 25.0732;	
15-7	(34)	Subsections (c), (d), and (f), Section 25.0733;
15-8	(35)	Subsection (b), Section 25.0742;
15-9	(36)	Subsections (d), (f), (h), (j), and (l), Section
15-10	25.0812;	
15-11	(37)	Subsections (f) and (j), Section 25.0862;
15-12	(38)	Subsections (e), (f), and (i), Section 25.0932;
15-13	(39)	Subsections (c), (f), (g), (j), and (k), Section
15-14	25.0942;	
15-15	(40)	Subsections (d), (e), and (g), Section 25.0962;
15-16	(41)	Subsections (d), (e), (g), (h), and (k), Section
15-17	25.1032;	
15-18	(42)	Subsections (d), (e), (f), (m), and (o), Section
15-19	25.1033;	
15-20	(43)	Subsections (c), (h), (k), and (l), Section
15-21	25.1034;	
15-22	(44)	Subsections (b), (d), (f), (h), and (i), Section
15-23	25.1042;	
15-24	(45)	Subsections (b), (d), (g), and (h), Section
15-25	25.1072;	
15-26	(46)	Subsections (e), (f), (l), and (o), Section
15-27	25.1092;	
15-28	(47)	Subsections (d), (e), (h), (i), (j), and (l),
15-29	Section 25.1102;	
15-30	(48)	Section 25.1103;
15-31	(49)	Subsections (b), (c), (f), and (k), Section
15-32	25.1112;	
15-33	(50)	Subsections (f), (g), (h), (j), (l), (m), and
15-34	(p), Section 25.1132;	
15-35	(51)	Subsections (c), (e), and (g), Section 25.1142;
15-36	(52)	Subsections (b), (e), (f), (h), and (i), Section
15-37	25.1152;	
15-38	(53)	Subsections (c), (e), and (h), Section 25.1182;
15-39	(54)	Subsections (c), (g), and (i), Section 25.1252;
15-40	(55)	Subsections (b), (d), (f), (h), and (i), Section
15-41	25.1282;	
15-42	(56)	Subsections (d), (e), (i), (k), (l), and (n),
15-43	Section 25.1312;	
15-44	(57)	Subsections (d), (e), (f), (i), and (j), Section
15-45	25.1322;	
15-46	(58)	Subsections (d) and (h), Section 25.1352;
15-47	(59)	Subsections (e), (g), and (i), Section 25.1392;
15-48	(60)	Subsections (b), (c), (e), (h), (i), and (k),
15-49	Section 25.1412;	
15-50	(61)	Subsections (d), (g), (h), (l), and (m), Section
15-51	25.1482;	
15-52	(62)	Subsections (f), (i), (k), and (n), Section
15-53	25.1542;	
15-54	(63)	Subsections (e), (f), and (g), Section 25.1572;
15-55	(64)	Subsections (d), (f), and (h), Section 25.1652;
15-56	(65)	Subsections (b) and (f), Section 25.1672;
15-57	(66)	Subsections (b), (c), and (g), Section 25.1722;
15-58	(67)	Subsections (d), (e), (f), (h), and (i), Section
15-59	25.1732;	
15-60	(68)	Subsections (b), (e), (f), and (h), Section
15-61	25.1762;	
15-62	(69)	Subsections (c), (e), and (h), Section 25.1772;
15-63	(70)	Subsections (e), (f), (h), (i), and (j), Section
15-64	25.1792;	
15-65	(71)	Subsections (c), (h), (i), (j), (k), (l), and
15-66	(q), Section 25.1802;	
15-67	(72)	Subsections (b), (d), and (j), Section 25.1832;
15-68	(73)	Subsections (e), (f), and (i), Section 25.1852;
15-69	(74)	Subsections (c), (f), (h), (i), (j), (m), (n),

16-1 (p), (q), and (u), Section 25.1862;
 16-2 (75) Subsection (d), Section 25.1892;
 16-3 (76) Subsections (e), (g), (i), (j), and (k), Section
 16-4 25.1902;
 16-5 (77) Subsections (b), (c), (f), (h), and (j), Section
 16-6 25.1932;
 16-7 (78) Subsections (b), (d), (f), (h), and (j), Section
 16-8 25.1972;
 16-9 (79) Subsections (d), (e), (i), (k), (l), and (n),
 16-10 Section 25.2012;
 16-11 (80) Subsections (c), (e), and (h), Section 25.2032;
 16-12 (81) Subsections (c), (e), (f), (h), and (i), Section
 16-13 25.2072;
 16-14 (82) Subsections (c), (e), (i), (r), (t), and (u),
 16-15 Section 25.2142;
 16-16 (83) Subsections (d), (f), (h), (j), and (k), Section
 16-17 25.2162;
 16-18 (84) Subsections (c), (g), (h), (i), (k), and (n),
 16-19 Section 25.2222;
 16-20 (85) Subsections (c), (e), (g), and (h), Section
 16-21 25.2223;
 16-22 (86) Subsections (b), (c), (f), (g), (i), and (j),
 16-23 Section 25.2224;
 16-24 (87) Subsections (b), (e), (f), and (g), Section
 16-25 25.2232;
 16-26 (88) Subsections (b), (d), (f), (g), (i), and (j),
 16-27 Section 25.2282;
 16-28 (89) Subsections (b), (e), (i), (k), and (l), Section
 16-29 25.2292;
 16-30 (90) Subsections (e), (f), (g), (k), and (l), Section
 16-31 25.2293;
 16-32 (91) Subsections (b), (d), (f), (g), and (j), Section
 16-33 25.2352;
 16-34 (92) Subsections (c), (e), and (h), Section 25.2362;
 16-35 (93) Subsections (c), (f), (g), (h), and (i), Section
 16-36 25.2372;
 16-37 (94) Subsections (b), (d), (f), and (j), Section
 16-38 25.2382;
 16-39 (95) Subsections (b), (d), (f), and (j), Section
 16-40 25.2392;
 16-41 (96) Subsections (b), (d), (f), (i), and (k), Section
 16-42 25.2412;
 16-43 (97) Subsections (b), (d), (f), (i), and (j), Section
 16-44 25.2422;
 16-45 (98) Subsections (f), (h), and (j), Section 25.2452;
 16-46 (99) Subsections (c), (d), (e), (g), (i), and (j),
 16-47 Section 25.2462;
 16-48 (100) Subsections (d), (e), (f), (h), (j), and (k),
 16-49 Section 25.2482; and
 16-50 (101) Subsections (b), (e), (h), and (i), Section
 16-51 25.2512.
 16-52 ARTICLE 4. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS
 16-53 SECTION 4.01. (a) Subsection (a), Section 27.005,
 16-54 Government Code, is amended to read as follows:
 16-55 (a) For purposes of removal under Chapter 87, Local
 16-56 Government Code, "incompetency" in the case of a justice of the
 16-57 peace includes the failure of the justice to successfully complete:
 16-58 (1) within one year after the date the justice is first
 16-59 elected, an 80-hour course in the performance of the justice's
 16-60 duties; and
 16-61 (2) each following year:
 16-62 (A) [7] a 20-hour course in the performance of
 16-63 the justice's duties; and
 16-64 (B) a 15-hour course regarding substantive,
 16-65 procedural, and evidentiary law in civil matters.
 16-66 (b) Subject to Subsection (c) of this section, Subsection
 16-67 (a), Section 27.005, Government Code, as amended by this section,
 16-68 applies to a justice of the peace serving on or after the effective
 16-69 date of this article, regardless of the date the justice was elected

or appointed.

(c) A justice of the peace serving on the effective date of this article must complete the justice's initial 15-hour course in substantive, procedural, and evidentiary law required by Paragraph (B), Subdivision (2), Subsection (a), Section 27.005, Government Code, as added by this section, not later than August 31, 2012.

SECTION 4.02. Subchapter C, Chapter 27, Government Code, is amended by adding Section 27.060 to read as follows:

Sec. 27.060. SMALL CLAIMS. (a) A justice court shall conduct proceedings in a small claims case, as that term is defined by the supreme court, in accordance with rules of civil procedure promulgated by the supreme court to ensure the fair, expeditious, and inexpensive resolution of small claims cases.

(b) Except as provided by Subsection (c), rules of the supreme court must provide that:

(1) if both parties appear, the judge shall proceed to hear the case;

(2) formal pleadings other than the statement are not required;

(3) the judge shall hear the testimony of the parties and the witnesses that the parties produce and shall consider the other evidence offered;

(4) the hearing is informal, with the sole objective being to dispense speedy justice between the parties;

(5) discovery is limited to that considered appropriate and permitted by the judge; and

(6) the judge shall develop the facts of the case, and for that purpose may question a witness or party and may summon any party to appear as a witness as the judge considers necessary to a correct judgment and speedy disposition of the case.

(c) The rules of the supreme court must provide specific procedures for an action by:

(1) an assignee of a claim or other person seeking to bring an action on an assigned claim;

(2) a person primarily engaged in the business of lending money at interest; or

(3) a collection agency or collection agent.

SECTION 4.03. Subchapter C, Chapter 27, Government Code, is amended by adding Section 27.061 to read as follows:

Sec. 27.061. RULES OF ADMINISTRATION. The justices of the peace in each county shall, by majority vote, adopt local rules of administration.

SECTION 4.04. Subchapter E, Chapter 15, Civil Practice and Remedies Code, is amended by adding Section 15.0821 to read as follows:

Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

SECTION 4.05. Article 4.12, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) The justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.

SECTION 4.06. (a) Chapter 28, Government Code, is repealed.

(b) On the effective date of this section, each small claims court under Chapter 28, Government Code, is abolished.

SECTION 4.07. Not later than January 1, 2013, the Texas Supreme Court shall promulgate:

(1) rules to define cases that constitute small claims cases;

(2) rules of civil procedure applicable to small claims cases as required by Section 27.060, Government Code, as added by this article; and

(3) rules for eviction proceedings.

SECTION 4.08. (a) Immediately before the date the small claims court in a county is abolished in accordance with this

article, the justice of the peace sitting as judge of that court shall transfer all cases pending in the court to a justice court in the county.

(b) When a case is transferred as provided by Subsection (a) of 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. The obligees on all bonds and recognizances taken in and for the transferring court and all witnesses summoned to appear in the transferring court are required to appear before the court to which the case is transferred as if originally required to appear before that court.

SECTION 4.09. Sections 4.02 and 4.06 of this article take effect January 1, 2013.

ARTICLE 5. ASSOCIATE JUDGES

SECTION 5.01. Subtitle D, Title 2, Government Code, is amended by adding Chapter 54A to read as follows:

CHAPTER 54A. ASSOCIATE JUDGES

SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

Sec. 54A.001. APPLICABILITY. This subchapter applies to a district court or a statutory county court that hears criminal cases.

Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject to this subchapter may appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) If a court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county is subject to this subchapter, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made by a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 54A.003. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided by Section 33.022 and before final disposition of the proceedings.

Sec. 54A.004. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.005. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts the

19-1 associate judge serves.

19-2 (d) To terminate an associate judge's employment, the
 19-3 appropriate judges must sign a written order of termination. The
 19-4 order must state:

19-5 (1) the associate judge's name and state bar
 19-6 identification number;

19-7 (2) each court ordering termination; and

19-8 (3) the date the associate judge's employment ends.

19-9 Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) A
 19-10 judge may refer to an associate judge any matter arising out of a
 19-11 criminal case involving:

19-12 (1) a negotiated plea of guilty before the court;

19-13 (2) a bond forfeiture;

19-14 (3) a pretrial motion;

19-15 (4) a postconviction writ of habeas corpus;

19-16 (5) an examining trial;

19-17 (6) an occupational driver's license;

19-18 (7) an appeal of an administrative driver's license
 19-19 revocation hearing;

19-20 (8) any other matter the judge considers necessary and
 19-21 proper; and

19-22 (9) setting, adjusting, or revoking bond before the
 19-23 filing of an information or the return of an indictment.

19-24 (b) An associate judge may accept an agreed plea of guilty
 19-25 from a defendant charged with misdemeanor, felony, or both
 19-26 misdemeanor and felony offenses.

19-27 (c) An associate judge has all of the powers of a magistrate
 19-28 under the laws of this state and may administer an oath for any
 19-29 purpose.

19-30 (d) An associate judge may select a jury. An associate
 19-31 judge may not preside over a trial on the merits, whether or not the
 19-32 trial is before a jury.

19-33 Sec. 54A.007. ORDER OF REFERRAL. (a) To refer one or more
 19-34 cases to an associate judge, a judge must issue a written order of
 19-35 referral that specifies the associate judge's duties.

19-36 (b) An order of referral may:

19-37 (1) limit the powers of the associate judge and direct
 19-38 the associate judge to report only on specific issues, do
 19-39 particular acts, or receive and report on evidence only;

19-40 (2) set the time and place for the hearing;

19-41 (3) prescribe a closing date for the hearing;

19-42 (4) provide a date for filing the associate judge's
 19-43 findings;

19-44 (5) designate proceedings for more than one case over
 19-45 which the associate judge shall preside;

19-46 (6) direct the associate judge to call the court's
 19-47 docket; and

19-48 (7) set forth general powers and limitations or
 19-49 authority of the associate judge applicable to any case referred.

19-50 Sec. 54A.008. POWERS. (a) Except as limited by an order of
 19-51 referral, an associate judge to whom a case is referred may:

19-52 (1) conduct hearings;

19-53 (2) hear evidence;

19-54 (3) compel production of relevant evidence;

19-55 (4) rule on the admissibility of evidence;

19-56 (5) issue summons for the appearance of witnesses;

19-57 (6) examine a witness;

19-58 (7) swear a witness for a hearing;

19-59 (8) make findings of fact on evidence;

19-60 (9) formulate conclusions of law;

19-61 (10) rule on pretrial motions;

19-62 (11) recommend the rulings, orders, or judgment to be
 19-63 made in a case;

19-64 (12) regulate proceedings in a hearing;

19-65 (13) order the attachment of a witness or party who
 19-66 fails to obey a subpoena;

19-67 (14) accept a plea of guilty from a defendant charged
 19-68 with misdemeanor, felony, or both misdemeanor and felony offenses;

19-69 (15) select a jury; and

(16) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) An associate judge may not enter a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the associate judge may make findings, conclusions, and recommendations on those issues.

(c) Except as limited by an order of referral, an associate judge who is appointed by a district or statutory county court judge and to whom a case is referred may accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court. The associate judge shall forward any fee or fine collected for the misdemeanor offense to the county clerk.

(d) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing by an associate judge if directed by the referring court.

Sec. 54A.010. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the associate judge.

Sec. 54A.011. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, an associate judge shall transmit to the referring court any papers relating to the case, including the associate judge's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the 30th day after the date an action is taken by an associate judge, a referring court may modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) If the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.014. JUDICIAL IMMUNITY. An associate judge has the same judicial immunity as a district judge.

[Sections 54A.015-54A.100 reserved for expansion]

SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

Sec. 54A.101. APPLICABILITY. This subchapter applies to a district court or a statutory county court that is assigned civil cases.

Sec. 54A.102. APPOINTMENT. (a) A judge of a court subject to this subchapter may appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) If a district court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county is subject to this subchapter, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made by a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 54A.103. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.104. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.105. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts the associate judge serves.

(d) To terminate an associate judge's employment, the appropriate judges must sign a written order of termination. The order must state:

(1) the associate judge's name and state bar identification number;

(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 54A.106. CASES THAT MAY BE REFERRED. (a) Except as provided by this section, a judge of a court may refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

Sec. 54A.107. METHODS OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) The order of referral may limit the powers or duties of an associate judge.

Sec. 54A.108. POWERS. (a) Except as limited by an order of referral, an associate judge may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on pretrial motions;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) order the attachment of a witness or party who fails to obey a subpoena; and

(14) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.109. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may fine or imprison a witness who:

(1) failed to appear before an associate judge after being summoned; or

(2) improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

Sec. 54A.110. COURT REPORTER; RECORD. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter. A court reporter is required to be provided when the associate judge presides over a jury trial.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge.

(d) The referring court or associate judge may assess the expense of preserving the record under Subsection (c) as costs.

(e) On appeal of the associate judge's report or proposed order, the referring court may consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) After hearing a matter, an associate judge shall notify each attorney participating in the hearing of the associate judge's decision. An associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) To appeal an associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, a party must file an appeal in the referring court not later than the seventh day after the date the party receives notice of the decision under Subsection (a).

(c) A temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or referring judge.

(d) A temporary injunction issued by an associate judge is effective immediately and continues during the pendency of a trial unless, after a hearing, the order is modified by a referring judge.

(e) A matter appealed to the referring court shall be tried de novo and is limited to only those matters specified in the appeal. Except on leave of court, a party may not submit on appeal any additional evidence or pleadings.

Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER. (a) Notice of the right to a de novo hearing before the referring court shall be given to all parties.

(b) The notice may be given:

(1) by oral statement in open court;

(2) by posting inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

(c) Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

Sec. 54A.113. ORDER OF COURT. (a) Pending a de novo

hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) 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) An order by an associate judge for the temporary detention or incarceration of a witness or party shall be presented to the referring court on the day the witness or party is detained or incarcerated. The referring court, without prejudice to the right to a de novo hearing provided by Section 54A.115, may approve the temporary detention or incarceration or may order the release of the party or witness, with or without bond, pending a de novo hearing. If the referring court is not immediately available, the associate judge may order the release of the party or witness, with or without bond, pending a de novo hearing or may continue the person's detention or incarceration for not more than 72 hours.

Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Unless a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear additional evidence; or

(3) recommit the matter to the associate judge for further proceedings.

Sec. 54A.115. DE NOVO HEARING. (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's decision as provided by Section 54A.111.

(b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

(c) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the seventh working day after the date the initial request was filed.

(e) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date the initial request for a de novo hearing was filed with the clerk of the referring court.

(f) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(g) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, a motion for judgment notwithstanding the verdict, or other posttrial motions.

(h) A party may not demand a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

Sec. 54A.116. APPELLATE REVIEW. (a) A party's failure to request a de novo hearing before the referring court or a party's waiver of the right to request a de novo hearing before the referring court does not deprive the party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) The date an agreed order or a default order 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 supreme court.

Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the 30th day after the date an action is taken by an associate judge, a referring court may modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) If the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a district judge.

SECTION 5.02. Subchapter G, Chapter 54, Government Code, is transferred to Chapter 54A, Government Code, as added by this Act, redesignated as Subchapter C, Chapter 54A, Government Code, and amended to read as follows:

SUBCHAPTER C [G]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

Sec. 54A.201 [54.601]. DEFINITION. In this subchapter, "statutory probate court" has the meaning assigned by Section 3, Texas Probate Code.

Sec. 54A.202. APPLICABILITY. This subchapter applies to a statutory probate court.

Sec. 54A.203 [54.603]. APPOINTMENT. (a) After obtaining the approval of the commissioners court to create an associate judge position, the judge of a statutory probate court by order may appoint one or more full-time or part-time [a person to act as] associate judges to perform the duties authorized by this subchapter [judge for the statutory probate court].

(b) If a statutory probate court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) The commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts, if more than one statutory probate court exists in a county.

(d) [(c)] If an associate judge serves more than one court, the associate judge's appointment must be made with the unanimous approval of all the judges under whom the associate judge serves.

[(d) An associate judge must meet the qualifications to serve as a judge of the court to which the associate judge is appointed.]

(e) An associate judge appointed under this subchapter may serve as an associate judge appointed under Section 574.0085, Health and Safety Code.

Sec. 54A.204. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least five years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.205 [54.605]. COMPENSATION. (a) An associate judge is entitled to the compensation set by the appointing judge and approved by the commissioners court or commissioners courts of

the counties in which the associate judge serves. ~~[The salary of the associate judge may not exceed the salary of the appointing judge.]~~

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) Except as provided by Subsection (d) ~~[(e)]~~, the compensation of the associate judge shall be paid by the county from the county general fund. The compensation must be paid in the same manner that the appointing judge's salary is paid.

(d) ~~[(e)]~~ On the recommendation of the statutory probate court judges in the county and subject to the approval of the county commissioners court, the county may pay all or part of the compensation of the associate judge from the excess contributions remitted to the county under Section 25.00212 and deposited in the contributions fund created under Section 25.00213.

Sec. 54A.206 ~~[54.604]~~. TERMINATION OF ASSOCIATE JUDGE.
(a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts that the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts that the associate judge serves.

(d) The appointment of the associate judge terminates if:

(1) the associate judge becomes a candidate for election to public office; or

(2) the commissioners court does not appropriate funds in the county's budget to pay the salary of the associate judge.

(e) If an associate judge serves a single court and the appointing judge vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless the successor appointed or elected judge terminates that employment.

(f) If an associate judge serves two courts and one of the appointing judges vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless the successor appointed or elected judge terminates that employment or the judge of the other court served by the associate judge terminates that employment as provided by Subsection (c).

(g) If an associate judge serves more than two courts and an appointing judge vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless:

(1) if no successor judge has been elected or appointed, the majority of the judges of the other courts the associate judge serves vote to terminate that employment; or

(2) if a successor judge has been elected or appointed, the majority of the judges of the courts the associate judge serves, including the successor judge, vote to terminate that employment as provided by Subsection (b).

(h) Notwithstanding the powers of an associate judge provided by Section 54A.209 ~~[54.610]~~, an associate judge whose employment continues as provided by Subsection (e), (f), or (g) after the judge of a court served by the associate judge vacates the judge's office may perform administrative functions with respect to that court, but may not perform any judicial function, including any power prescribed by Section 54A.209 ~~[54.610]~~, with respect to that court until a successor judge is appointed or elected.

Sec. 54A.207 ~~[54.608]~~. CASES THAT MAY BE REFERRED.

(a) Except as provided by this section, a judge of a court may refer to an associate judge any aspect of a suit over which the probate court has jurisdiction, including any matter ancillary to the suit.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of

appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

Sec. 54A.2071 [~~54.606~~]. OATH. An associate judge must take the constitutional oath of office required of appointed officers of this state.

~~[Sec. 54.607. MAGISTRATE. An associate judge appointed under this subchapter is a magistrate.]~~

Sec. 54A.208 [~~54.609~~]. METHODS [ORDER] OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order [In referring a case to an associate judge, the judge of the referring court shall render:

~~(1) an individual order of referral; or~~
~~(2) a general order of referral]~~ specifying the class and type of cases to be referred ~~[heard by the associate judge]~~.

(b) The order of referral may limit the power or duties of an associate judge.

Sec. 54A.209 [~~54.610~~]. POWERS OF ASSOCIATE JUDGE. (a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on pretrial motions;
- (11) recommend the rulings, orders, or judgment [an
~~order]~~ to be made ~~[rendered]~~ in a case;
- (12) ~~[(11)]~~ regulate all proceedings in a hearing before the associate judge;
- (13) ~~[(12)]~~ take action as necessary and proper for the efficient performance of the ~~[associate judge's]~~ duties required by the order of referral;
- (14) ~~[(13)]~~ order the attachment of a witness or party who fails to obey a subpoena;
- (15) ~~[(14)]~~ order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54A.214 [~~54.616~~];
- (16) ~~[(15)]~~ without prejudice to the right to a de novo hearing under Section 54A.216 [~~54.618~~], render and sign:

(A) a final order agreed to in writing as to both form and substance by all parties;

(B) a final default order;

(C) a temporary order;

(D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(E) an order specifying that the court clerk shall issue:

(i) letters testamentary or of administration; or

(ii) letters of guardianship; or

(F) an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services; and

~~(17) [(16)]~~ sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54A.216 [~~54.618~~].

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the

merits or presiding at a jury trial has been made by any party.

(c) An order described by Subsection (a)(16) ~~[(a)(15)]~~ that is rendered and signed by an associate judge constitutes an order of the referring court. The judge of the referring court shall sign the order not later than the 30th day after the date the associate judge signs the order.

(d) An answer filed by or on behalf of a party who previously filed a waiver described in Subsection (a)(16)(D) ~~[(a)(15)(D)]~~ revokes that waiver.

Sec. 54A.2091 ~~[54.611]~~. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing conducted by an associate judge if directed to attend by the referring court.

~~[Sec. 54.612. COURT REPORTER. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter unless required by other law. A court reporter is required to be provided when the associate judge presides over a jury trial.~~

~~[(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing, if one is not otherwise provided.~~

~~[(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the referring court.~~

~~[(d) The referring court or associate judge may impose on a party the expense of preserving the record as a court cost.~~

~~[(e) On a request for a de novo hearing, the referring court may consider testimony or other evidence in the record, if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 54.618.]~~

Sec. 54A.210 ~~[54.613]~~. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure ~~[who:~~

~~[(1) fails] to appear [before an associate judge] after being summoned or whose refusal to answer questions has been certified to the court[; or~~

~~[(2) improperly refuses to answer a question if the refusal has been certified to the court by the associate judge].~~

Sec. 54A.211. COURT REPORTER; RECORD. (a) A court reporter may be provided during a hearing held by an associate judge appointed under this subchapter. A court reporter is required to be provided when the associate judge presides over a jury trial.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge.

(d) The referring court or associate judge may assess the expense of preserving the record as court costs.

(e) On appeal of the associate judge's report or proposed order, the referring court may consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.212 ~~[54.614]~~. REPORT. (a) The associate judge's report may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order.

(b) The associate judge shall prepare a ~~[written]~~ report in the form directed by the referring court, including in the form of:

(1) a notation on the referring court's docket sheet or in the court's jacket; or

(2) a proposed order.

(c) ~~[(b)]~~ After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

(d) ~~[(c)]~~ Notice may be given to the parties:

(1) in open court, by an oral statement, or by providing a copy of the associate judge's written report, including any proposed order;

28-1 (2) by certified mail, return receipt requested; or
 28-2 (3) by facsimile transmission.

28-3 (e) ~~[(d)]~~ There is a rebuttable presumption that notice is
 28-4 received on the date stated on:

28-5 (1) the signed return receipt, if notice was provided
 28-6 by certified mail; or

28-7 (2) the confirmation page produced by the facsimile
 28-8 machine, if notice was provided by facsimile transmission.

28-9 (f) ~~[(e)]~~ After a hearing conducted by an associate judge,
 28-10 the associate judge shall send the associate judge's signed and
 28-11 dated report, including any proposed order, and all other papers
 28-12 relating to the case to the referring court.

28-13 Sec. 54A.213 ~~[54.615]~~. NOTICE OF RIGHT TO DE NOVO HEARING
 28-14 BEFORE REFERRING COURT. (a) An associate judge shall give all
 28-15 parties notice of the right to a de novo hearing before the
 28-16 referring court.

28-17 (b) The notice may be given:

28-18 (1) by oral statement in open court;

28-19 (2) by posting inside or outside the courtroom of the
 28-20 referring court; or

28-21 (3) as otherwise directed by the referring court.

28-22 (c) Before the start of a hearing by an associate judge, a
 28-23 party may waive the right to a de novo hearing before the referring
 28-24 court in writing or on the record.

28-25 Sec. 54A.214 ~~[54.616]~~. ORDER OF COURT. (a) Pending a de
 28-26 novo hearing before the referring court, the decisions and
 28-27 recommendations of the associate judge or a proposed order or
 28-28 judgment of the associate judge has the full force and effect, and
 28-29 is enforceable as, an order or judgment of the referring court,
 28-30 except for an order providing for the appointment of a receiver.

28-31 (b) Except as provided by Section 54A.209(c) ~~[54.610(c)]~~,
 28-32 if a request for a de novo hearing before the referring court is not
 28-33 timely filed or the right to a de novo hearing before the referring
 28-34 court is waived, the decisions and recommendations of the associate
 28-35 judge or the proposed order or judgment of the associate judge
 28-36 becomes the order or judgment of the referring court at the time the
 28-37 judge of the referring court signs the proposed order or judgment.

28-38 (c) An order by an associate judge for the temporary
 28-39 detention or incarceration of a witness or party shall be presented
 28-40 to the referring court on the day the witness or party is detained
 28-41 or incarcerated. The referring court, without prejudice to the
 28-42 right to a de novo hearing provided by Section 54A.216, may approve
 28-43 the temporary detention or incarceration or may order the release
 28-44 of the party or witness, with or without bond, pending a de novo
 28-45 hearing. If the referring court is not immediately available, the
 28-46 associate judge may order the release of the party or witness, with
 28-47 or without bond, pending a de novo hearing or may continue the
 28-48 person's detention or incarceration for not more than 72 hours.

28-49 Sec. 54A.215 ~~[54.617]~~. JUDICIAL ACTION ON ASSOCIATE
 28-50 JUDGE'S PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a
 28-51 written request for a de novo hearing before the referring court,
 28-52 the referring court may:

28-53 (1) adopt, modify, or reject the associate judge's
 28-54 proposed order or judgment;

28-55 (2) hear further evidence; or

28-56 (3) recommit the matter to the associate judge for
 28-57 further proceedings.

28-58 (b) The judge of the referring court shall sign a proposed
 28-59 order or judgment the court adopts as provided by Subsection (a)(1)
 28-60 not later than the 30th day after the date the associate judge
 28-61 signed the order or judgment.

28-62 Sec. 54A.216 ~~[54.618]~~. DE NOVO HEARING BEFORE REFERRING
 28-63 COURT. (a) A party may request a de novo hearing before the
 28-64 referring court by filing with the clerk of the referring court a
 28-65 written request not later than the seventh working day after the
 28-66 date the party receives notice of the substance of the associate
 28-67 judge's report as provided by Section 54.212 ~~[54.614]~~.

28-68 (b) A request for a de novo hearing under this section must
 28-69 specify the issues that will be presented to the referring court.

29-1 The de novo hearing is limited to the specified issues.

29-2 (c) In the de novo hearing before the referring court,
29-3 the parties may present witnesses on the issues specified in the
29-4 request for hearing. The referring court may also consider the
29-5 record from the hearing before the associate judge, including the
29-6 charge to and verdict returned by a jury, if the record was taken by
29-7 a court reporter.

29-8 (d) Notice of a request for a de novo hearing before the
29-9 referring court must be given to the opposing attorney in the manner
29-10 provided by Rule 21a, Texas Rules of Civil Procedure.

29-11 (e) If a request for a de novo hearing before the referring
29-12 court is filed by a party, any other party may file a request for a
29-13 de novo hearing before the referring court not later than the
29-14 seventh working day after the date of filing of the initial request.

29-15 (f) The referring court, after notice to the parties, shall
29-16 hold a de novo hearing not later than the 30th day after the date on
29-17 which the initial request for a de novo hearing was filed with the
29-18 clerk of the referring court [~~, unless all of the parties agree to a~~
29-19 ~~later date~~].

29-20 (g) Before the start of a hearing conducted by an associate
29-21 judge, the parties may waive the right of a de novo hearing before
29-22 the referring court. The waiver may be in writing or on the record.

29-23 (h) The denial of relief to a party after a de novo hearing
29-24 under this section or a party's waiver of the right to a de novo
29-25 hearing before the referring court does not affect the right of a
29-26 party to file a motion for new trial, motion for judgment
29-27 notwithstanding the verdict, or other post-trial motion.

29-28 (i) A party may not demand a second jury in a de novo hearing
29-29 before the referring court if the associate judge's proposed order
29-30 or judgment resulted from a jury trial.

29-31 Sec. 54A.217 [~~54.619~~]. APPELLATE REVIEW. (a) A party's
29-32 failure to request a de novo hearing before the referring court or a
29-33 party's waiver of the right to request a de novo hearing before the
29-34 referring court does not deprive the party of the right to appeal to
29-35 or request other relief from a court of appeals or the supreme
29-36 court.

29-37 (b) Except as provided by Subsection (c), the date the judge
29-38 of a referring court signs an order or judgment is the controlling
29-39 date for the purposes of appeal to or request for other relief from
29-40 a court of appeals or the supreme court.

29-41 (c) The date an order described by Section 54A.209(a)(16)
29-42 [~~54.610(a)(15)~~] is signed by an associate judge is the controlling
29-43 date for the purpose of an appeal to, or a request for other relief
29-44 relating to the order from, a court of appeals or the supreme court.

29-45 Sec. 54A.218 [~~54.620~~]. IMMUNITY. An associate judge
29-46 appointed under this subchapter has the judicial immunity of a
29-47 probate judge. All existing immunity granted an associate judge by
29-48 law, express or implied, continues in full force and effect.

29-49 SECTION 5.03. Chapter 201, Family Code, is amended by
29-50 adding Subchapter D to read as follows:

29-51 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

29-52 Sec. 201.301. APPLICABILITY. This subchapter applies only
29-53 to an associate judge appointed under this subchapter and does not
29-54 apply to a juvenile court master appointed under Subchapter K,
29-55 Chapter 54, Government Code.

29-56 Sec. 201.302. APPOINTMENT. (a) A judge of a court that is
29-57 designated as a juvenile court may appoint a full-time or part-time
29-58 associate judge to perform the duties authorized by this chapter if
29-59 the commissioners court of a county in which the court has
29-60 jurisdiction has authorized creation of an associate judge
29-61 position.

29-62 (b) If a court has jurisdiction in more than one county, an
29-63 associate judge appointed by that court may serve only in a county
29-64 in which the commissioners court has authorized the appointment.

29-65 (c) If more than one court in a county has been designated as
29-66 a juvenile court, the commissioners court may authorize the
29-67 appointment of an associate judge for each court or may authorize
29-68 one or more associate judges to share service with two or more
29-69 courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made by a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 201.303. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022, Government Code, and before final disposition of the proceedings.

Sec. 201.304. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 201.305. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts which the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts which the associate judge serves.

(d) To terminate an associate judge's employment, the appropriate judges must sign a written order of termination. The order must state:

(1) the associate judge's name and state bar identification number;

(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as provided by this section, a judge of a juvenile court may refer to an associate judge any aspect of a juvenile matter brought:

(1) under this title or Title 3; or

(2) in connection with Rule 308a, Texas Rules of Civil Procedure.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

(d) The requirements of Subsections (b) and (c) apply when a judge has authority to refer the trial of a suit under this title, Title 1, or Title 4 to an associate judge, master, or other assistant judge regardless of whether the assistant judge is appointed under this subchapter.

Sec. 201.307. METHODS OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) The order of referral may limit the power or duties of an associate judge.

31-1 Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as
 31-2 limited by an order of referral, an associate judge may:

- 31-3 (1) conduct a hearing;
- 31-4 (2) hear evidence;
- 31-5 (3) compel production of relevant evidence;
- 31-6 (4) rule on the admissibility of evidence;
- 31-7 (5) issue a summons for:
 - 31-8 (A) the appearance of witnesses; and
 - 31-9 (B) the appearance of a parent who has failed to
- 31-10 appear before an agency authorized to conduct an investigation of
- 31-11 an allegation of abuse or neglect of a child after receiving proper
- 31-12 notice;
- 31-13 (6) examine a witness;
- 31-14 (7) swear a witness for a hearing;
- 31-15 (8) make findings of fact on evidence;
- 31-16 (9) formulate conclusions of law;
- 31-17 (10) recommend an order to be rendered in a case;
- 31-18 (11) regulate proceedings in a hearing;
- 31-19 (12) order the attachment of a witness or party who
- 31-20 fails to obey a subpoena;
- 31-21 (13) order the detention of a witness or party found
- 31-22 guilty of contempt, pending approval by the referring court; and
- 31-23 (14) take action as necessary and proper for the
- 31-24 efficient performance of the associate judge's duties.

31-25 (b) An associate judge may, in the interest of justice,
 31-26 refer a case back to the referring court regardless of whether a
 31-27 timely objection to the associate judge hearing the trial on the
 31-28 merits or presiding at a jury trial has been made by any party.

31-29 Sec. 201.309. REFEREES. (a) An associate judge appointed
 31-30 under this subchapter may serve as a referee as provided by Sections
 31-31 51.04(g) and 54.10.

31-32 (b) A referee appointed under Section 51.04(g) may be
 31-33 appointed to serve as an associate judge under this subchapter.

31-34 Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a
 31-35 hearing by an associate judge if directed by the referring court.

31-36 Sec. 201.311. WITNESS. (a) A witness appearing before an
 31-37 associate judge is subject to the penalties for perjury provided by
 31-38 law.

31-39 (b) A referring court may fine or imprison a witness who:
 31-40 (1) failed to appear before an associate judge after
 31-41 being summoned; or

31-42 (2) improperly refused to answer questions if the
 31-43 refusal has been certified to the court by the associate judge.

31-44 Sec. 201.312. COURT REPORTER; RECORD. (a) A court
 31-45 reporter may be provided during a hearing held by an associate judge
 31-46 appointed under this subchapter. A court reporter is required to be
 31-47 provided when the associate judge presides over a jury trial or a
 31-48 contested final termination hearing.

31-49 (b) A party, the associate judge, or the referring court may
 31-50 provide for a reporter during the hearing if one is not otherwise
 31-51 provided.

31-52 (c) Except as provided by Subsection (a), in the absence of
 31-53 a court reporter or on agreement of the parties, the record may be
 31-54 preserved by any means approved by the associate judge.

31-55 (d) The referring court or associate judge may assess the
 31-56 expense of preserving the record as costs.

31-57 (e) On a request for a de novo hearing, the referring court
 31-58 may consider testimony or other evidence in the record, if the
 31-59 record is taken by a court reporter, in addition to witnesses or
 31-60 other matters presented under Section 201.317.

31-61 Sec. 201.313. REPORT. (a) The associate judge's report
 31-62 may contain the associate judge's findings, conclusions, or
 31-63 recommendations and may be in the form of a proposed order. The
 31-64 associate judge's report must be in writing and in the form directed
 31-65 by the referring court.

31-66 (b) After a hearing, the associate judge shall provide the
 31-67 parties participating in the hearing notice of the substance of the
 31-68 associate judge's report, including any proposed order.

31-69 (c) Notice may be given to the parties:

(1) in open court, by an oral statement or by providing a copy of the associate judge's written report, including any proposed order;

(2) by certified mail, return receipt requested; or

(3) by facsimile.

(d) A rebuttable presumption exists that notice is received on the date stated on:

(1) the signed return receipt, if notice was provided by certified mail; or

(2) the confirmation page produced by the facsimile machine, if notice was provided by facsimile.

(e) After a hearing conducted by an associate judge, the associate judge shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

(a) An associate judge shall give all parties notice of the right to a de novo hearing to the judge of the referring court.

(b) The notice may be given:

(1) by oral statement in open court;

(2) by posting inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

(c) Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

Sec. 201.315. ORDER OF COURT. (a) Pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing for the appointment of a receiver.

(b) 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) An order by an associate judge for the temporary detention or incarceration of a witness or party shall be presented to the referring court on the day the witness or party is detained or incarcerated. The referring court, without prejudice to the right to a de novo hearing provided by Section 201.317, may approve the temporary detention or incarceration or may order the release of the party or witness, with or without bond, pending a de novo hearing. If the referring court is not immediately available, the associate judge may order the release of the party or witness, with or without bond, pending a de novo hearing or may continue the person's detention or incarceration for not more than 72 hours.

Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Unless a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear additional evidence; or

(3) recommit the matter to the associate judge for further proceedings.

Sec. 201.317. DE NOVO HEARING. (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.313.

(b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

(c) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) If a request for a de novo hearing before the referring

33-1 court is filed by a party, any other party may file a request for a
 33-2 de novo hearing before the referring court not later than the
 33-3 seventh working day after the date the initial request was filed.

33-4 (e) The referring court, after notice to the parties, shall
 33-5 hold a de novo hearing not later than the 30th day after the date the
 33-6 initial request for a de novo hearing was filed with the clerk of
 33-7 the referring court.

33-8 (f) In the de novo hearing before the referring court, the
 33-9 parties may present witnesses on the issues specified in the
 33-10 request for hearing. The referring court may also consider the
 33-11 record from the hearing before the associate judge, including the
 33-12 charge to and verdict returned by a jury, if the record was taken by
 33-13 a court reporter.

33-14 (g) The denial of relief to a party after a de novo hearing
 33-15 under this section or a party's waiver of the right to a de novo
 33-16 hearing before the referring court does not affect the right of a
 33-17 party to file a motion for new trial, a motion for judgment
 33-18 notwithstanding the verdict, or other posttrial motions.

33-19 (h) A party may not demand a second jury in a de novo hearing
 33-20 before the referring court if the associate judge's proposed order
 33-21 or judgment resulted from a jury trial.

33-22 Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to
 33-23 request a de novo hearing before the referring court or a party's
 33-24 waiver of the right to request a de novo hearing before the
 33-25 referring court does not deprive the party of the right to appeal to
 33-26 or request other relief from a court of appeals or the supreme
 33-27 court.

33-28 (b) Except as provided by Subsection (c), the date an order
 33-29 or judgment by the referring court is signed is the controlling date
 33-30 for the purposes of appeal to or request for other relief from a
 33-31 court of appeals or the supreme court.

33-32 (c) The date an agreed order or a default order is signed by
 33-33 an associate judge is the controlling date for the purpose of an
 33-34 appeal to, or a request for other relief relating to the order from,
 33-35 a court of appeals or the supreme court.

33-36 Sec. 201.319. JUDICIAL IMMUNITY. An associate judge
 33-37 appointed under this subchapter has the judicial immunity of a
 33-38 district judge.

33-39 Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) If an
 33-40 associate judge appointed under this subchapter is temporarily
 33-41 unable to perform the judge's official duties because of absence or
 33-42 illness, injury, or other disability, a judge of a court having
 33-43 jurisdiction of a suit under this title or Title 1 or 4 may appoint a
 33-44 visiting associate judge to perform the duties of the associate
 33-45 judge during the period of the associate judge's absence or
 33-46 disability if the commissioners court of a county in which the court
 33-47 has jurisdiction authorizes the employment of a visiting associate
 33-48 judge.

33-49 (b) To be eligible for appointment under this section, a
 33-50 person must have served as an associate judge for at least two
 33-51 years.

33-52 (c) Sections 201.001 through 201.017 apply to a visiting
 33-53 associate judge appointed under this section.

33-54 SECTION 5.04. Subsection (b), Section 22.110, Government
 33-55 Code, is amended to read as follows:

33-56 (b) The court of criminal appeals shall adopt the rules
 33-57 necessary to accomplish the purposes of this section. The rules
 33-58 must require each district judge, judge of a statutory county
 33-59 court, associate judge appointed under Chapter 54A [54] of this
 33-60 code or Chapter 201, Family Code, master, referee, and magistrate
 33-61 to complete at least 12 hours of the training within the judge's
 33-62 first term of office or the judicial officer's first four years of
 33-63 service and provide a method for certification of completion of
 33-64 that training. At least four hours of the training must be
 33-65 dedicated to issues related to child abuse and neglect and must
 33-66 cover at least two of the topics described in Subsections
 33-67 (d)(8)-(12). At least six hours of the training must be dedicated
 33-68 to the training described by Subsections (d)(5), (6), and (7). The
 33-69 rules must require each judge and judicial officer to complete an

34-1 additional five hours of training during each additional term in
 34-2 office or four years of service. At least two hours of the
 34-3 additional training must be dedicated to issues related to child
 34-4 abuse and neglect. The rules must exempt from the training
 34-5 requirement of this subsection each judge or judicial officer who
 34-6 files an affidavit stating that the judge or judicial officer does
 34-7 not hear any cases involving family violence, sexual assault, or
 34-8 child abuse and neglect.

34-9 SECTION 5.05. (a) Section 101.0611, Government Code, is
 34-10 amended to read as follows:

34-11 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
 34-12 CODE. The clerk of a district court shall collect fees and costs
 34-13 under the Government Code as follows:

34-14 (1) appellate judicial system filing fees for:

34-15 (A) First or Fourteenth Court of Appeals District
 34-16 (Sec. 22.2021, Government Code) . . . not more than \$5;

34-17 (B) Second Court of Appeals District
 34-18 (Sec. 22.2031, Government Code) . . . not more than \$5;

34-19 (C) Third Court of Appeals District
 34-20 (Sec. 22.2041, Government Code) . . . \$5;

34-21 (D) Fourth Court of Appeals District
 34-22 (Sec. 22.2051, Government Code) . . . not more than \$5;

34-23 (E) Fifth Court of Appeals District
 34-24 (Sec. 22.2061, Government Code) . . . not more than \$5;

34-25 (E-1) Sixth Court of Appeals District (Sec.
 34-26 22.2071, Government Code) . . . \$5;

34-27 (E-2) Seventh Court of Appeals District (Sec.
 34-28 22.2081, Government Code) . . . \$5;

34-29 (F) Ninth Court of Appeals District
 34-30 (Sec. 22.2101, Government Code) . . . \$5;

34-31 (G) Eleventh Court of Appeals District
 34-32 (Sec. 22.2121, Government Code) . . . \$5;

34-33 (G-1) Twelfth Court of Appeals District (Sec.
 34-34 22.2131, Government Code) . . . \$5; and

34-35 (H) Thirteenth Court of Appeals District
 34-36 (Sec. 22.2141, Government Code) . . . not more than \$5;

34-37 (2) when administering a case for the Rockwall County
 34-38 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
 34-39 court costs as if the case had been filed in district court;

34-40 (3) additional filing fees:

34-41 (A) for each suit filed for insurance contingency
 34-42 fund, if authorized by the county commissioners court (Sec. 51.302,
 34-43 Government Code) . . . not to exceed \$5;

34-44 (B) to fund the improvement of Dallas County
 34-45 civil court facilities, if authorized by the county commissioners
 34-46 court (Sec. 51.705, Government Code) . . . not more than \$15;

34-47 (B-1) to fund the improvement of Bexar County
 34-48 court facilities, if authorized by the county commissioners court
 34-49 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

34-50 (C) to fund the improvement of Hays County court
 34-51 facilities, if authorized by the county commissioners court
 34-52 (Sec. 51.707, Government Code) . . . not more than \$15; and

34-53 (D) to fund the preservation of court records
 34-54 (Sec. 51.708, Government Code) . . . not more than \$10;

34-55 (4) for filing a suit, including an appeal from an
 34-56 inferior court:

34-57 (A) for a suit with 10 or fewer plaintiffs
 34-58 (Sec. 51.317, Government Code) . . . \$50;

34-59 (B) for a suit with at least 11 but not more than
 34-60 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

34-61 (C) for a suit with at least 26 but not more than
 34-62 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

34-63 (D) for a suit with at least 101 but not more than
 34-64 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

34-65 (E) for a suit with at least 501 but not more than
 34-66 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

34-67 (F) for a suit with more than 1,000 plaintiffs
 34-68 (Sec. 51.317, Government Code) . . . \$200;

34-69 (5) for filing a cross-action, counterclaim,

intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$5;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(13) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:
(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

(17) jury fee (Sec. 51.604, Government Code) . . . \$30; and

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15[+]

~~[(19) at a hearing held by an associate judge in Dallas County, a court cost to preserve the record, in the absence of a court reporter, by other means (Sec. 54.509, Government Code) . . . as assessed by the referring court or associate judge; and~~

~~[(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 54.1151, Government Code) . . . as imposed by the referring court or associate judge].~~

(b) Sections 101.06111, 101.06113, 101.06114, 101.06115, 101.06116, and 101.06117, Government Code, are repealed.

SECTION 5.06. Section 602.002, Government Code, is amended to read as follows:

Sec. 602.002. OATH MADE IN TEXAS. An oath made in this state may be administered and a certificate of the fact given by:

(1) a judge, retired judge, or clerk of a municipal

36-1 court;

36-2 (2) a judge, retired judge, senior judge, clerk, or
36-3 commissioner of a court of record;

36-4 (3) a justice of the peace or a clerk of a justice
36-5 court;

36-6 (4) an associate judge, magistrate, master, referee,
36-7 or criminal law hearing officer;

36-8 (5) a notary public;

36-9 (6) ~~[(5)]~~ a member of a board or commission created by
36-10 a law of this state, in a matter pertaining to a duty of the board or
36-11 commission;

36-12 (7) ~~[(6)]~~ a person employed by the Texas Ethics
36-13 Commission who has a duty related to a report required by Title 15,
36-14 Election Code, in a matter pertaining to that duty;

36-15 (8) ~~[(7)]~~ a county tax assessor-collector or an
36-16 employee of the county tax assessor-collector if the oath relates
36-17 to a document that is required or authorized to be filed in the
36-18 office of the county tax assessor-collector;

36-19 (9) ~~[(8)]~~ the secretary of state or a former secretary
36-20 of state;

36-21 (10) ~~[(9)]~~ an employee of a personal bond office, or
36-22 an employee of a county, who is employed to obtain information
36-23 required to be obtained under oath if the oath is required or
36-24 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
36-25 Criminal Procedure;

36-26 (11) ~~[(10)]~~ the lieutenant governor or a former
36-27 lieutenant governor;

36-28 (12) ~~[(11)]~~ the speaker of the house of
36-29 representatives or a former speaker of the house of
36-30 representatives;

36-31 (13) ~~[(12)]~~ the governor or a former governor;

36-32 (14) ~~[(13)]~~ a legislator or retired legislator;

36-33 (15) ~~[(14)]~~ the attorney general or a former attorney
36-34 general;

36-35 (16) ~~[(15)]~~ the secretary or clerk of a municipality
36-36 in a matter pertaining to the official business of the
36-37 municipality; or

36-38 (17) ~~[(16)]~~ a peace officer described by Article 2.12,
36-39 Code of Criminal Procedure, if:

36-40 (A) the oath is administered when the officer is
36-41 engaged in the performance of the officer's duties; and

36-42 (B) the administration of the oath relates to the
36-43 officer's duties.

36-44 SECTION 5.07. Article 2.09, Code of Criminal Procedure, is
36-45 amended to read as follows:

36-46 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
36-47 officers is a magistrate within the meaning of this Code: The
36-48 justices of the Supreme Court, the judges of the Court of Criminal
36-49 Appeals, the justices of the Courts of Appeals, the judges of the
36-50 District Court, the magistrates appointed by the judges of the
36-51 district courts of Bexar County, Dallas County, or Tarrant County
36-52 that give preference to criminal cases, the criminal law hearing
36-53 officers for Harris County appointed under Subchapter L, Chapter
36-54 54, Government Code, the criminal law hearing officers for Cameron
36-55 County appointed under Subchapter BB, Chapter 54, Government Code,
36-56 the magistrates or associate judges appointed by the judges of the
36-57 district courts of Lubbock County, Nolan County, or Webb County,
36-58 the magistrates appointed by the judges of the criminal district
36-59 courts of Dallas County or Tarrant County, the associate judges
36-60 ~~[masters]~~ appointed by the judges of the district courts and the
36-61 county courts at law that give preference to criminal cases in
36-62 Jefferson County, the associate judges ~~[magistrates]~~ appointed by
36-63 the judges of the district courts and the statutory county courts of
36-64 Brazos County, Nueces County, or Williamson County, the magistrates
36-65 appointed by the judges of the district courts and statutory county
36-66 courts that give preference to criminal cases in Travis County, the
36-67 criminal magistrates appointed by the Brazoria County
36-68 Commissioners Court, the county judges, the judges of the county
36-69 courts at law, judges of the county criminal courts, the judges of

statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under ~~[Subchapter C]~~ Chapter 54A ~~[54]~~, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A ~~[Subchapter II, Chapter 54]~~, Government Code, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

SECTION 5.08. Subsection (d), Article 102.017, Code of Criminal Procedure, is amended to read as follows:

(d) Except as provided by Subsection (d-2), the clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer, as appropriate, for deposit in a fund to be known as the courthouse security fund or a fund to be known as the municipal court building security fund, as appropriate. Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:

- (1) Section 61.311, Alcoholic Beverage Code;
- (2) Section 51.04(g) or Chapter 201, Family Code;
- (3) Section 574.0085, Health and Safety Code;
- (4) Section 33.71, Tax Code;
- (5) Chapter 54A ~~[Chapter 54]~~, Government Code; or
- (6) Rule 171, Texas Rules of Civil Procedure.

SECTION 5.09. Subsection (a), Section 54.10, Family Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a hearing under Section 54.03, 54.04, or 54.05, including a jury trial, a hearing under Chapter 55, including a jury trial, or a hearing under the Interstate Compact for Juveniles (Chapter 60) may be held by a referee appointed in accordance with Section 51.04(g) or an associate judge ~~[a master]~~ appointed under Chapter 54A ~~[54]~~, Government Code, provided:

(1) the parties have been informed by the referee or master that they are entitled to have the hearing before the juvenile court judge; and

(2) after each party is given an opportunity to object, no party objects to holding the hearing before the referee or master.

SECTION 5.10. A magistrate, master, referee, associate judge, or hearing officer appointed as provided by Chapter 54, Government Code, before the effective date of this Act, continues to serve as an associate judge under Chapter 54A, Government Code, as added by this article, with the powers and duties provided by that chapter, provided the court for which the magistrate, master, referee, associate judge, or hearing officer serves has authority to appoint an associate judge under Chapter 54A, Government Code.

SECTION 5.11. The changes in law made by this article apply to a matter referred to an associate judge on or after the effective date of this article. A matter referred to an associate judge before the effective date of this article is governed by the law in effect on the date the matter was referred to the associate judge, and the former law is continued in effect for that purpose.

SECTION 5.12. The following subchapters of Chapter 54, Government Code, are repealed:

- (1) Subchapter A;
- (2) Subchapter B;
- (3) Subchapter C;
- (4) Subchapter E;
- (5) Subchapter F;
- (6) Subchapter I;

- (7) Subchapter O;
- (8) Subchapter P;
- (9) Subchapter S;
- (10) Subchapter T;
- (11) Subchapter U;
- (12) Subchapter V;
- (13) Subchapter W;
- (14) Subchapter X;
- (15) Subchapter CC;
- (16) Subchapter FF; and
- (17) Subchapter II.

ARTICLE 6. COURT ADMINISTRATION

SECTION 6.01. Section 74.005, Government Code, is amended to read as follows:

Sec. 74.005. APPOINTMENT OF ~~[REGIONAL]~~ PRESIDING JUDGES OF ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the advice and consent of the senate, shall appoint one judge in each administrative judicial region as presiding judge of the region.

(b) On the death, resignation, removal, or expiration of the term of office of a presiding judge, the governor immediately shall appoint or reappoint a presiding judge.

SECTION 6.02. Section 74.050, Government Code, is amended to read as follows:

Sec. 74.050. SUPPORT STAFF ~~[ADMINISTRATIVE ASSISTANT]~~. (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant and a full-time or part-time staff attorney.

(b) An administrative assistant ~~[must have the qualifications established by rule of the supreme court.]~~

~~[(c) An administrative assistant]~~ shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

(4) attend to other matters that are prescribed by the council of judges.

(c) ~~[(d)]~~ An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the presiding judge.

(d) ~~[(e)]~~ An administrative assistant or staff attorney is entitled to receive the compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant.

(e) A staff attorney may provide assistance to a district judge for a specific case at the direction of the judicial committee for additional resources.

(f) The office of court administration shall assist the presiding judges in:

(1) monitoring the compliance of staff attorneys with any job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies;

(2) addressing the training needs and resource requirements of the staff attorneys;

(3) conducting annual performance evaluations for the staff attorneys based on written personnel performance standards adopted by the presiding judges; and

(4) receiving, investigating, and resolving complaints about particular staff attorneys based on a uniform process adopted by the presiding judges.

(g) Adequate quarters for a staff attorney hired as provided by this section shall be provided in a courthouse of the

administrative judicial region, with the consent of the commissioners court of the county in which the courthouse is located.

SECTION 6.03. Subsection (c), Section 74.093, Government Code, is amended to read as follows:

(c) The rules may provide for:

(1) the selection and authority of a presiding judge of the courts giving preference to a specified class of cases, such as civil, criminal, juvenile, or family law cases;

(2) other strategies for managing cases that require special judicial attention;

(3) ~~[(2)]~~ a coordinated response for the transaction of essential judicial functions in the event of a disaster; and

(4) ~~[(3)]~~ any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services.

SECTION 6.04. Chapter 74, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to:

(1) a criminal matter;

(2) a case in which judicial review is sought under Subchapter G, Chapter 2001; or

(3) a case that has been transferred by the judicial panel on multidistrict litigation to a district court for consolidated or coordinated pretrial proceedings under Subchapter H.

Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt rules under which courts, presiding judges of the administrative judicial regions, and the judicial committee for additional resources may determine whether a case requires additional resources to ensure efficient judicial management of the case.

(b) In developing the rules, the supreme court shall include considerations regarding whether a case involves or is likely to involve:

(1) a large number of parties who are separately represented by counsel;

(2) coordination with related actions pending in one or more courts in other counties of this state or in one or more United States district courts;

(3) numerous pretrial motions that present difficult or novel legal issues that will be time-consuming to resolve;

(4) a large number of witnesses or substantial documentary evidence;

(5) substantial postjudgment supervision;

(6) a trial that will last more than four weeks; and

(7) a substantial additional burden on the trial court's docket and the resources available to the trial court to hear the case.

Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of a party in a case, or on the court's own motion, the judge of the court in which the case is pending shall review the case and determine whether, under rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management. The judge is not required to conduct an evidentiary hearing for purposes of making the determination but may, in the judge's discretion, direct the attorneys for the parties to the case and the parties to appear before the judge for a conference to provide information to assist the judge in making the determination.

(b) On determining that a case will require additional resources as provided by Subsection (a), the judge shall:

(1) notify the presiding judge of the administrative judicial region in which the court is located about the case; and

(2) request any specific additional resources that are needed, including the assignment of a judge under this chapter.

(c) If the presiding judge of the administrative judicial

region agrees that, in accordance with the rules adopted by the supreme court under Section 74.252, the case will require additional resources to ensure efficient judicial management, the presiding judge shall:

(1) use resources previously allotted to the presiding judge; or

(2) submit a request for specific additional resources to the judicial committee for additional resources.

Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

(a) The judicial committee for additional resources is composed of:

(1) the chief justice of the supreme court; and

(2) the nine presiding judges of the administrative judicial regions.

(b) The chief justice of the supreme court serves as presiding officer. The office of court administration shall provide staff support to the committee.

(c) On receipt of a request for additional resources from a presiding judge of an administrative judicial region under Section 74.253, the committee shall determine whether the case that is the subject of the request requires additional resources in accordance with the rules adopted under Section 74.252. If the committee determines that the case does require additional resources, the committee shall make available the resources requested by the trial judge to the extent funds are available for those resources under the General Appropriations Act and to the extent the committee determines the requested resources are appropriate to the circumstances of the case.

(d) Subject to Subsections (c) and (f), additional resources the committee may make available under this section include:

(1) the assignment of an active or retired judge under this chapter, subject to the consent of the judge of the court in which the case for which the resources are provided is pending;

(2) additional legal, administrative, or clerical personnel;

(3) information and communication technology, including case management software, video teleconferencing, and specially designed courtroom presentation hardware or software to facilitate presentation of the evidence to the trier of fact;

(4) specialized continuing legal education;

(5) an associate judge;

(6) special accommodations or furnishings for the parties;

(7) other services or items determined necessary to try the case; and

(8) any other resources the committee considers appropriate.

(e) Notwithstanding any provision of Subchapter C, a justice or judge to whom Section 74.053(d) applies may not be assigned under Subsection (d).

(f) The judicial committee for additional resources may not provide additional resources under this subchapter in an amount that is more than the amount appropriated for this purpose.

Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of additional resources provided for a case under this subchapter shall be paid by the state and may not be taxed against any party in the case for which the resources are provided or against the county in which the case is pending.

Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION. The filing of a motion under Section 74.253 in a case is not grounds for a stay or continuance of the proceedings in the case in the court in which the case is pending during the period the motion or request is being considered by:

(1) the judge of that court;

(2) the presiding judge of the administrative judicial region; or

(3) the judicial committee for additional resources.

Sec. 74.257. APPELLATE REVIEW. A determination made by a

trial court judge, the presiding judge of an administrative judicial region, or the judicial committee for additional resources under this subchapter is not appealable or subject to review by mandamus.

SECTION 6.05. (a) The Texas Supreme Court shall request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding the rules for determining whether civil cases pending in trial courts require additional resources for efficient judicial management required by Section 74.252, Government Code, as added by this Act. The president of the State Bar of Texas shall ensure that the task force has diverse representation and includes judges of trial courts and attorneys licensed to practice law in this state who regularly appear in civil cases before courts in this state. The task force shall provide recommendations on the rules to the Texas Supreme Court not later than November 1, 2011.

(b) The Texas Supreme Court shall:

- (1) consider the recommendations of the task force provided as required by Subsection (a) of this section; and
- (2) adopt the rules required by Section 74.252, Government Code, as added by this Act, not later than January 1, 2012.

SECTION 6.06. The changes in law made by this article apply to cases pending on or after January 1, 2012.

ARTICLE 7. GRANT PROGRAMS

SECTION 7.01. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.029 to read as follows:

Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS.

(a) The office shall develop and administer, except as provided by Subsection (c), a program to provide grants from available funds to counties for initiatives that will enhance their court systems or otherwise carry out the purposes of this chapter.

(b) To be eligible for a grant under this section, a county must:

- (1) use the grant money to implement initiatives that will enhance the county's court system, including grants to develop programs to more efficiently manage cases that require special judicial attention, or otherwise carry out the purposes of this chapter; and

- (2) apply for the grant in accordance with procedures developed by the office and comply with any other requirements of the office.

(c) The judicial committee for additional resources shall determine whether to award a grant to a county that meets the eligibility requirements prescribed by Subsection (b).

(d) If the judicial committee for additional resources awards a grant to a county, the office shall:

- (1) direct the comptroller to distribute the grant money to the county; and

- (2) monitor the county's use of the grant money.

SECTION 7.02. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.017 to read as follows:

Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) In this section, "commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(b) The commission shall develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases.

(c) To be eligible for a grant under this section, a prospective recipient must:

- (1) use the grant money to improve safety or permanency outcomes, enhance due process, or increase timeliness of resolution in child protection cases; and

- (2) apply for the grant in accordance with procedures developed by the commission and comply with any other requirements of the supreme court.

(d) If the commission awards a grant, the commission shall:

- (1) direct the comptroller to distribute the grant

money; and

(2) monitor the use of the grant money.

ARTICLE 8. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS
JUDICIAL SYSTEM

SECTION 8.01. In this article, "office of court administration" means the Office of Court Administration of the Texas Judicial System.

SECTION 8.02. (a) The office of court administration shall study the district courts and statutory county courts of this state to determine overlapping jurisdiction in civil cases in which the amount in controversy is more than \$200,000. The study must determine the feasibility, efficiency, and potential cost of converting to district courts those statutory county courts with jurisdiction in civil cases in which the amount in controversy is more than \$200,000.

(b) Not later than September 1, 2012, the office of court administration shall submit a report regarding the determinations made by the office relating to statutory county courts to the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the judicial system, and the commissioners court of any county with a statutory county court with jurisdiction in civil cases in which the amount in controversy is more than \$200,000.

ARTICLE 9. NO APPROPRIATION; EFFECTIVE DATE

SECTION 9.01. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 9.02. This Act takes effect September 1, 2011.

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