

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-30-09

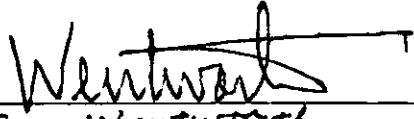
Date

Honorable David Dewhurst
President of the Senate

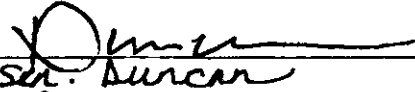
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

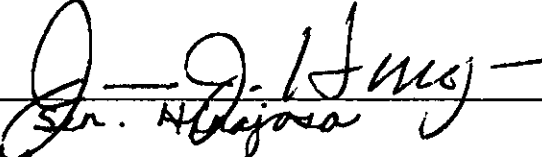
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. 4833 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



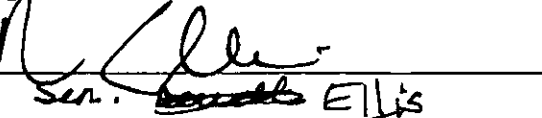
Sen. Wentworth



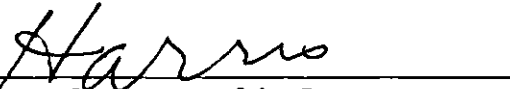
Sen. Durcan



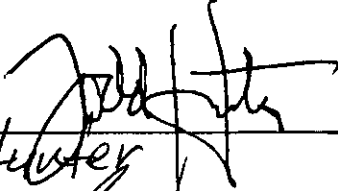
Sen. Haddad



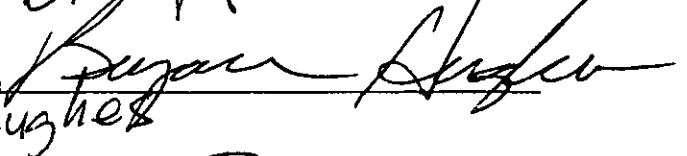
Sen. ~~Ellis~~ Ellis



On the part of the Senate
Sen. Harris



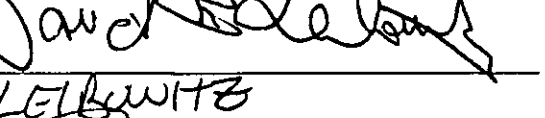
Heister



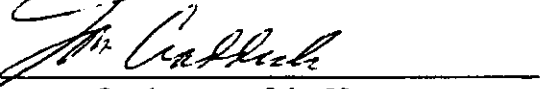
Hughes



MARTINEZ



LEBLOND



On the part of the House
CRADDOCK

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 4833

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of district courts and statutory county
3 courts and to the composition of juvenile boards in certain
4 counties.

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

6 SECTION 1. Section 24.212(b), Government Code, is amended
7 to read as follows:

8 (b) The terms of the 110th District Court begin[+
9 [~~(1)~~] in each county [~~Briscoe County~~] on the first
10 Mondays in January and July [~~June~~],
11 [~~(2) in Dickens County on the first Mondays in April~~
12 ~~and November~~],
13 [~~(3) in Floyd County on the first Mondays in February~~
14 ~~and July~~], and
15 [~~(4) in Motley County on the first Mondays in March and~~
16 ~~August~~].

17 SECTION 2. (a) Effective January 1, 2011, Subchapter C,
18 Chapter 24, Government Code, is amended by adding Section 24.575 to
19 read as follows:

20 Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). The
21 431st Judicial District is composed of Denton County.

22 (b) The 431st Judicial District is created on January 1,
23 2011.

24 SECTION 3. (a) Subchapter C, Chapter 24, Government Code,

1 is amended by adding Section 24.576 to read as follows:

2 Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a)
3 The 432nd Judicial District is composed of Tarrant County.

4 (b) The 432nd District Court shall give preference to
5 criminal matters.

6 (b) The 432nd Judicial District is created on the effective
7 date of this Act.

8 SECTION 4. (a) Effective October 1, 2009, Subchapter C,
9 Chapter 24, Government Code, is amended by adding Section 24.580 to
10 read as follows:

11 Sec. 24.580. 436TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)
12 The 436th Judicial District is composed of Bexar County.

13 (b) The 436th District Court shall give preference to
14 juvenile matters.

15 (b) The 436th Judicial District is created on October 1,
16 2009.

17 SECTION 5. (a) Effective December 15, 2009, Subchapter C,
18 Chapter 24, Government Code, is amended by adding Section 24.581 to
19 read as follows:

20 Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)
21 The 437th Judicial District is composed of Bexar County.

22 (b) The 437th District Court shall give preference to
23 criminal matters.

24 (b) The 437th Judicial District is created on December 15,
25 2009.

26 SECTION 6. (a) Effective September 1, 2010, Subchapter C,
27 Chapter 24, Government Code, is amended by adding Section 24.582 to

1 read as follows:

2 Sec. 24.582. 438TH JUDICIAL DISTRICT (BEXAR COUNTY). (a)

3 The 438th Judicial District is composed of Bexar County.

4 (b) The 438th District Court shall give preference to civil
5 matters.

6 (b) The 438th Judicial District is created on September 1,
7 2010.

8 SECTION 7. (a) Effective November 1, 2010, Subchapter C,
9 Chapter 24, Government Code, is amended by adding Section 24.583 to
10 read as follows:

11 Sec. 24.583. 439TH JUDICIAL DISTRICT (ROCKWALL COUNTY).

12 The 439th Judicial District is composed of Rockwall County.

13 (b) The 439th Judicial District is created on November 1,
14 2010.

15 SECTION 8. (a) Subchapter C, Chapter 24, Government Code,
16 is amended by adding Section 24.585 to read as follows:

17 Sec. 24.585. 441ST JUDICIAL DISTRICT (MIDLAND COUNTY). The

18 441st Judicial District is composed of Midland County.

19 (b) The 441st Judicial District is created on the effective
20 date of this Act.

21 SECTION 9. (a) Section '25.0171(b), Government Code, is
22 amended to read as follows:

23 (b) Bexar County has the following county courts at law:

24 (1) County Court at Law No. 1 of Bexar County, Texas;

25 (2) County Court at Law No. 2 of Bexar County, Texas;

26 (3) County Court at Law No. 3 of Bexar County, Texas;

27 (4) County Court at Law No. 4 of Bexar County, Texas;

- 1 (5) County Court at Law No. 5 of Bexar County, Texas;
- 2 (6) County Court at Law No. 6 of Bexar County, Texas;
- 3 (7) County Court at Law No. 7 of Bexar County, Texas;
- 4 (8) County Court at Law No. 8 of Bexar County, Texas;
- 5 (9) County Court at Law No. 9 of Bexar County, Texas;
- 6 (10) County Court at Law No. 10 of Bexar County, Texas;
- 7 (11) County Court at Law No. 11 of Bexar County, Texas;

8 [~~and~~]

- 9 (12) County Court at Law No. 12 of Bexar County, Texas;
- 10 (13) County Court at Law No. 13 of Bexar County, Texas;
- 11 (14) County Court at Law No. 14 of Bexar County, Texas;

12 and

- 13 (15) County Court at Law No. 15 of Bexar County, Texas.

14 (b) Section 25.0172, Government Code, is amended by adding
15 Subsection (c-1) and amending Subsections (d), (l), (n), (o), (u),
16 and (v) to read as follows:

17 (c-1) The County Court at Law No. 13 of Bexar County, Texas,
18 shall give preference to cases prosecuted under:

19 (1) Section 22.01, Penal Code, in which the victim is a
20 person whose relationship to or association with the defendant is
21 described by Chapter 71, Family Code; and

22 (2) Section 25.07, Penal Code.

23 (d) The County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,
24 [~~and~~] 12, 13, 14, and 15 have six terms of court beginning on the
25 first Mondays in January, March, May, July, September, and
26 November. The County Court at Law No. 2 has six terms of court
27 beginning on the first Mondays in February, April, June, August,

1 October, and December.

2 (1) If the judge of the County Court at Law No. 4, 6, 7, 8, 9,
3 10, 11, [~~ex~~] 12, 13, 14, or 15 is absent, disabled, or disqualified
4 from presiding, a special judge may be appointed or elected in the
5 manner provided by law for the appointment or election of a special
6 county judge. A special judge must take the oath of office required
7 by law for the regular judge. A special judge has the power and
8 jurisdiction of the court and of the regular judge for whom the
9 special judge is sitting and may sign orders, judgments, decrees,
10 and other process of any kind as "Judge Presiding." A special judge
11 is entitled to receive for services performed the same amount of
12 compensation as the regular judge, to be paid out of county funds.
13 The compensation paid a special judge may not be deducted from the
14 salary of the regular judge.

15 (n) The criminal district attorney shall attend the County
16 Court at Law No. 4, 6, 7, 8, 9, 10, 11, [~~ex~~] 12, 13, 14, or 15 as
17 required by the judge. The criminal district attorney serves the
18 county courts at law as provided by Section 25.0010(b).

19 (o) The judge of the County Court at Law No. 4 or 6 may
20 appoint a court coordinator or administrative assistant for the
21 court. The judge of the County Court at Law No. 7, 8, 9, 10, 11,
22 [~~ex~~] 12, 13, 14, or 15 may, with the approval of the commissioners
23 court, appoint a court coordinator or administrative assistant for
24 the court. A court coordinator or administrative assistant
25 performs the duties prescribed by the judge and cooperates with the
26 administrative judges and state agencies for the uniform and
27 efficient operation of the courts and the administration of

1 justice. The court coordinator or administrative assistant is
2 entitled to be paid from county funds the compensation, fees, and
3 allowances that are set by the commissioners court or as otherwise
4 provided by law. These provisions are in addition to the provisions
5 in Subchapter F, Chapter 75.

6 (u) The official court reporter of a county court at law is
7 entitled to receive an annual salary set by the judge and approved
8 by the commissioners court at an amount not less than \$35,256. The
9 official court reporter's fee shall be taxed as costs in civil
10 actions in County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11,
11 [~~and~~] 12, 13, 14, and 15 in the same manner as that fee is taxed in
12 district court. In County Court at Law No. 2, the clerk collects
13 the official court reporters' fee of \$3 and pays it into the county
14 treasury in the same manner as district clerks are required to
15 collect and pay costs.

16 (v) Section 25.0006(a) does not apply to County Courts at
17 Law Nos. 4, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 of Bexar
18 County. Section 25.0006(b) does not apply to County Courts at Law
19 Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 of Bexar
20 County.

21 (c) The County Courts at Law Nos. 13, 14, and 15 of Bexar
22 County, Texas, are created on the effective date of this Act.

23 SECTION 10. (a) Effective October 1, 2009, Subchapter C,
24 Chapter 25, Government Code, is amended by adding Sections 25.0201
25 and 25.0202 to read as follows:

26 Sec. 25.0201. BOSQUE COUNTY. Bosque County has one
27 statutory county court, the County Court at Law of Bosque County.

1 Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a)

2 In addition to the jurisdiction provided by Section 25.0003 and
3 other law, a county court at law in Bosque County has concurrent
4 jurisdiction with the district court in:

5 (1) family law cases and proceedings;

6 (2) civil cases in which the matter in controversy
7 exceeds \$500 but does not exceed \$100,000, excluding interest,
8 court costs, and attorney's fees; and

9 (3) contested probate matters under Section 5(b),
10 Texas Probate Code.

11 (b) The County Court at Law of Bosque County has primary
12 jurisdiction over juvenile matters.

13 (c) A county court at law has the same terms of court as the
14 County Court of Bosque County.

15 (d) The judge of a county court at law may not engage in the
16 private practice of law and must meet the qualifications
17 established by Section 25.0014.

18 (e) The judge of a county court at law shall be paid as
19 provided by Section 25.0005. The judge's salary shall be paid out
20 of the county treasury on order of the commissioners court.
21 Notwithstanding any other law, the judge is entitled to necessary
22 office and operational expenses, including administrative and
23 clerical personnel, on the approval of the commissioners court.
24 Administrative and clerical personnel to which a judge is entitled
25 on approval under this subsection includes a court coordinator,
26 court reporter, and bailiff.

27 (f) If a family law case or proceeding is tried before a

1 jury, the jury shall be composed of 12 members. In all other cases,
2 except as otherwise required by law, the jury shall be composed of
3 six members.

4 (g) Jurors regularly impaneled for a week by the district
5 court may, on request of the county judge or the judge of a county
6 court at law, be made available and shall serve for the week in the
7 county court or the county court at law.

8 (b) Effective October 1, 2009, Section 152.0241(a), Human
9 Resources Code, is amended to read as follows:

10 (a) Bosque County is included in the Bosque, Comanche, and
11 Hamilton counties juvenile board. The juvenile board is composed
12 of:

- 13 (1) the county judge in Bosque County;
- 14 (2) the county judge in Comanche County;
- 15 (3) the county judge in Hamilton County; [~~and~~]
- 16 (4) the 220th Judicial District judge; and
- 17 (5) the judge of the County Court at Law in Bosque
18 County.

19 (c) The County Court at Law of Bosque County is created on
20 October 1, 2009.

21 SECTION 11. (a) Subchapter C, Chapter 25, Government Code,
22 is amended by adding Sections 25.0761 and 25.0762 to read as
23 follows:

24 Sec. 25.0761. FANNIN COUNTY. Fannin County has one
25 statutory county court, the County Court at Law of Fannin County.

26 Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a)
27 In addition to the jurisdiction provided by Section 25.0003 and

1 other law and except as provided by Subsection (b), a county court
2 at law in Fannin County has concurrent jurisdiction with the
3 district court in:

4 (1) family law cases and proceedings, including
5 proceedings under Chapter 262, Family Code; and

6 (2) proceedings under Title 3, Family Code.

7 (b) A county court at law does not have jurisdiction of
8 proceedings under:

9 (1) Section 262.201, Family Code; or

10 (2) Section 54.03 or 54.04, Family Code.

11 (c) A county court at law shall transfer a family law case or
12 proceeding instituted under Chapter 262, Family Code, from that
13 court to the district court before a hearing governed by Section
14 262.201, Family Code, is commenced. A case or proceeding
15 transferred as required by this subsection shall be completed under
16 the same cause number and in the same manner as if the case or
17 proceeding were originally filed in the district court. The
18 district court may not transfer the case or proceeding back to the
19 county court at law, except as provided by Section 262.203(a),
20 Family Code.

21 (d) A county court at law shall transfer a juvenile case or
22 proceeding instituted under Title 3, Family Code, from that court
23 to another court designated as a juvenile court under Section
24 51.04, Family Code, before a hearing governed by Section 54.03,
25 Family Code, is commenced. A case or proceeding transferred as
26 required by this subsection shall be completed under the same cause
27 number and in the same manner as if the case or proceeding were

1 originally filed in the juvenile court. The juvenile court may not
2 transfer the case or proceeding back to the county court at law.

3 (b) The County Court at Law of Fannin County is created on
4 the effective date of this Act.

5 SECTION 12. (a) Effective September 1, 2011, Section
6 25.1101(a), Government Code, is amended to read as follows:

7 (a) Hidalgo County has the following statutory county
8 courts:

- 9 (1) County Court at Law No. 1 of Hidalgo County;
- 10 (2) County Court at Law No. 2 of Hidalgo County;
- 11 (3) County Court at Law No. 4 of Hidalgo County;
- 12 (4) County Court at Law No. 5 of Hidalgo County; [~~and~~]
- 13 (5) County Court at Law No. 6 of Hidalgo County;
- 14 (6) County Court at Law No. 7 of Hidalgo County; and
- 15 (7) County Court at Law No. 8 of Hidalgo County.

16 (b) The County Court at Law No. 7 of Hidalgo County is
17 created on September 1, 2011.

18 (c) Notwithstanding Section 25.1101(a)(7), Government
19 Code, as added by this Act, the County Court at Law No. 8 of Hidalgo
20 County is created on September 1, 2012.

21 SECTION 13. (a) Section 25.1182, Government Code, is
22 amended to read as follows:

23 Sec. 25.1182. HUNT COUNTY COURT AT LAW PROVISIONS. (a) In
24 addition to the jurisdiction provided by Section 25.0003 and other
25 law, and except as limited by Subsection (b), a county court at law
26 in Hunt County has concurrent jurisdiction with the district court
27 in:

1 (1) felony cases to:

2 (A) conduct arraignments;

3 (B) conduct pretrial hearings;

4 (C) accept guilty pleas; and

5 (D) conduct jury trials on assignment of a

6 district judge presiding in Hunt County and acceptance of the
7 assignment by the judge of the county court at law;

8 (2) Class A and Class B misdemeanor cases;

9 (3) family law matters;

10 (4) juvenile matters;

11 (5) probate matters; and

12 (6) appeals from the justice and municipal courts.

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

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

20 (2) felony cases involving capital murder;

21 (3) misdemeanors involving official misconduct; or

22 (4) contested elections ~~[has the same terms of court~~
23 ~~as the County Court of Hunt County].~~

24 (c) The judge of a county court at law must have the same
25 qualifications as those required by law for a district judge.

26 (d) The judge of a county court at law shall be paid a total
27 [an] annual salary set by the commissioners court at an amount that

1 is not less than \$1,000 less than the total annual salary received
2 by a district judge in the county. A district judge's or statutory
3 county court judge's total annual salary does not include
4 contributions and supplements paid by a county [that is at least
5 \$42,500, to be paid from the same fund and in the same manner as the
6 county judge. The judge is entitled to receive travel expenses and
7 necessary office expenses in the same manner as is allowed the
8 county judge].

9 (e) The judge of a county court at law [~~shall diligently~~
10 ~~discharge the duties of his office on a full-time basis and~~] may not
11 engage in the private practice of law.

12 (f) The district clerk serves as clerk of a county court at
13 law in matters of concurrent jurisdiction with the district court,
14 and the county clerk shall serve as clerk of a county court at law in
15 all other matters. Each clerk shall establish a separate docket for
16 a county court at law [A special judge of a county court at law with
17 the same qualifications as the regular judge may be appointed or
18 elected in the manner provided by law for county courts. If the
19 judge of a county court at law is disqualified to try a case pending
20 in the judge's court, the parties or their attorneys may agree on
21 the selection of a special judge to try the case. A special judge is
22 entitled to receive \$100 for each day served to be paid out of the
23 general fund of the county by the commissioners court].

24 (g) The official court reporter of a county court at law is
25 entitled to receive a salary set by the judge of the county court at
26 law with the approval of the commissioners court [The county
27 sheriff shall, in person or by deputy, attend a county court at law

1 ~~as required by the judge].~~

2 (h) Jurors summoned for a county court at law or a district
3 court in the county may by order of the judge of the court to which
4 they are summoned be transferred to another court for service and
5 may be used as if summoned for the court to which they are
6 transferred [~~Practice in a county court at law is that prescribed~~
7 ~~by law for county courts].~~

8 [~~(i) Section 25.0005(b) does not apply to a county court at~~
9 ~~law in Hunt County.]~~

10 (b) Sections 152.1221(a), (b), and (d), Human Resources
11 Code, are amended to read as follows:

12 (a) The Hunt County Juvenile Board is composed of the county
13 judge, the district judges in Hunt County, and the judges [~~judge~~] of
14 the county courts [~~court~~] at law.

15 (b) The board shall designate a juvenile court judge as [~~is~~]
16 the chairman of the board and its chief administrative officer.

17 (d) Each judge on the board may [~~shall~~] appoint one citizen
18 to serve on the advisory council. Members of the advisory council
19 serve without compensation.

20 SECTION 14. (a) Subchapter C, Chapter 25, Government Code,
21 is amended by adding Sections 25.1771 and 25.1772 to read as
22 follows:

23 Sec. 25.1771. NAVARRO COUNTY. Navarro County has one
24 statutory county court, the County Court at Law of Navarro County.

25 Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a)
26 In addition to the jurisdiction provided by Section 25.0003 and
27 other law, and except as limited by Subsection (b), a county court

1 at law in Navarro County has concurrent jurisdiction with the
2 district court in:

3 (1) felony cases to:

4 (A) conduct arraignments;

5 (B) conduct pretrial hearings;

6 (C) accept guilty pleas; and

7 (D) conduct jury trials on assignment of a

8 district judge presiding in Navarro County and acceptance of the
9 assignment by the judge of the county court at law;

10 (2) Class A and Class B misdemeanor cases;

11 (3) family law matters;

12 (4) juvenile matters;

13 (5) probate matters; and

14 (6) appeals from the justice and municipal courts.

15 (b) A county court at law does not have general supervisory
16 control or appellate review of the commissioners court or
17 jurisdiction of:

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

20 (2) felony cases involving capital murder;

21 (3) misdemeanors involving official misconduct; or

22 (4) contested elections.

23 (c) The judge of a county court at law must have the same
24 qualifications as those required by law for a district judge.

25 (d) The judge of a county court at law shall be paid a total
26 annual salary set by the commissioners court at an amount that is
27 not less than \$1,000 less than the total annual salary received by a

1 district judge in the county. A district judge's or statutory
2 county court judge's total annual salary does not include
3 contributions and supplements paid by a county.

4 (e) The judge of a county court at law may not engage in the
5 private practice of law.

6 (f) The district clerk serves as clerk of a county court at
7 law in matters of concurrent jurisdiction with the district court,
8 and the county clerk shall serve as clerk of a county court at law in
9 all other matters. Each clerk shall establish a separate docket for
10 a county court at law.

11 (g) The official court reporter of a county court at law is
12 entitled to receive a salary set by the judge of the county court at
13 law with the approval of the commissioners court.

14 (h) Jurors summoned for a county court at law or a district
15 court in the county may by order of the judge of the court to which
16 they are summoned be transferred to another court for service and
17 may be used as if summoned for the court to which they are
18 transferred.

19 (b) Notwithstanding Section 25.1771, Government Code, as
20 added by this section, the County Court at Law of Navarro County is
21 created on January 1, 2011, or on an earlier date determined by the
22 Commissioners Court of Navarro County by an order entered in its
23 minutes.

24 SECTION 15. (a) Effective January 1, 2011, Subchapter C,
25 Chapter 25, Government Code, is amended by adding Section 25.2362
26 to read as follows:

27 Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a)

1 In addition to the jurisdiction provided by Section 25.0003 and
2 other law, and except as limited by Subsection (b), a county court
3 at law in Van Zandt County has concurrent jurisdiction with the
4 district court in:

5 (1) felony cases to:

6 (A) conduct arraignments;

7 (B) conduct pretrial hearings;

8 (C) accept guilty pleas; and

9 (D) conduct jury trials on assignment of a

10 district judge presiding in Van Zandt County and acceptance of the
11 assignment by the judge of the county court at law;

12 (2) Class A and Class B misdemeanor cases;

13 (3) family law matters;

14 (4) juvenile matters;

15 (5) probate matters; and

16 (6) appeals from the justice and municipal courts.

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

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

24 (2) felony cases involving capital murder;

25 (3) misdemeanors involving official misconduct; or

26 (4) contested elections.

27 (c) The judge of a county court at law must have the same

1 qualifications as those required by law for a district judge.

2 (d) The judge of a county court at law shall be paid a total
3 annual salary set by the commissioners court at an amount that is
4 not less than \$1,000 less than the total annual salary received by a
5 district judge in the county. A district judge's or statutory
6 county court judge's total annual salary does not include
7 contributions and supplements paid by a county.

8 (e) The judge of a county court at law may not engage in the
9 private practice of law.

10 (f) The district clerk serves as clerk of a county court at
11 law in matters of concurrent jurisdiction with the district court,
12 and the county clerk shall serve as clerk of a county court at law in
13 all other matters. Each clerk shall establish a separate docket for
14 a county court at law.

15 (g) The official court reporter of a county court at law is
16 entitled to receive a salary set by the judge of the county court at
17 law with the approval of the commissioners court.

18 (h) Jurors summoned for a county court at law or a district
19 court in the county may by order of the judge of the court to which
20 they are summoned be transferred to another court for service and
21 may be used as if summoned for the court to which they are
22 transferred.

23 (b) Effective January 1, 2011, Section 152.2401(a), Human
24 Resources Code, is amended to read as follows:

25 (a) The Van Zandt County Juvenile Board is composed of the
26 county judge, the criminal district attorney of Van Zandt County,
27 [~~and~~] the judge of the 294th Judicial District, and the judge of the

1 county court at law.

2 (c) Notwithstanding Section 25.0009, Government Code, the
3 initial vacancy in the office of judge of the County Court at Law of
4 Van Zandt County shall be filled by election. The office exists for
5 purposes of the primary and general elections in 2010. A vacancy
6 after the initial vacancy is filled as provided by Section 25.0009,
7 Government Code. This subsection takes effect September 1, 2009.

8 (d) Except as otherwise provided by this section, this
9 section takes effect January 1, 2011.

10 SECTION 16. (a) Section 43.134(a), Government Code, is
11 amended to read as follows:

12 (a) The voters of Hale County [~~and Swisher counties~~] elect a
13 district attorney for the 64th Judicial District who represents the
14 state in that district court only in Hale County [~~those counties~~].

15 (b) Subchapter B, Chapter 45, Government Code, is amended by
16 adding Section 45.319 to read as follows:

17 Sec. 45.319. SWISHER COUNTY. The county attorney in
18 Swisher County shall represent the state in all matters pending
19 before the district court in Swisher County.

20 (c) Section 46.002, Government Code, is amended to read as
21 follows:

22 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
23 applies to the state prosecuting attorney, all county prosecutors,
24 and the following state prosecutors:

25 (1) the district attorneys for Kenedy and Kleberg
26 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,
27 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,

1 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
2 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
3 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
4 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
5 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
6 271st, 286th, 329th, 344th, 349th, 355th, and 506th judicial
7 districts;

8 (2) the criminal district attorneys for the counties
9 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
10 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
11 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
12 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
13 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
14 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
15 Waller, Wichita, Wood, and Yoakum; and

16 (3) the county attorneys performing the duties of
17 district attorneys in the counties of Andrews, Callahan, Cameron,
18 Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb,
19 Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
20 Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb,
21 and Willacy.

22 SECTION 17. (a) Subtitle E, Title 7, Health and Safety
23 Code, is amended by adding Chapter 617 to read as follows:

24 CHAPTER 617. VETERANS COURT PROGRAM

25 Sec. 617.001. VETERANS COURT PROGRAM DEFINED; PROCEDURES
26 FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans court
27 program" means a program that has the following essential

1 characteristics:

2 (1) the integration of services in the processing of
3 cases in the judicial system;

4 (2) the use of a nonadversarial approach involving
5 prosecutors and defense attorneys to promote public safety and to
6 protect the due process rights of program participants;

7 (3) early identification and prompt placement of
8 eligible participants in the program;

9 (4) access to a continuum of alcohol, controlled
10 substance, mental health, and other related treatment and
11 rehabilitative services;

12 (5) careful monitoring of treatment and services
13 provided to program participants;

14 (6) a coordinated strategy to govern program responses
15 to participants' compliance;

16 (7) ongoing judicial interaction with program
17 participants;

18 (8) monitoring and evaluation of program goals and
19 effectiveness;

20 (9) continuing interdisciplinary education to promote
21 effective program planning, implementation, and operations; and

22 (10) development of partnerships with public agencies
23 and community organizations, including the United States
24 Department of Veterans Affairs.

25 (b) If a defendant successfully completes a veterans court
26 program, as authorized under Section 76.011, Government Code, after
27 notice to the attorney representing the state and a hearing in the

1 veterans court at which that court determines that a dismissal is in
2 the best interest of justice, the court in which the criminal case
3 is pending shall dismiss the criminal action against the defendant.

4 Sec. 617.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.

5 (a) The commissioners court of a county may establish a veterans
6 court program for persons arrested for or charged with any
7 misdemeanor or felony offense. A defendant is eligible to
8 participate in a veterans court program established under this
9 chapter only if the attorney representing the state consents to the
10 defendant's participation in the program and if the court in which
11 the criminal case is pending finds that the defendant:

12 (1) is a veteran or current member of the United States
13 armed forces, including a member of the reserves, national guard,
14 or state guard; and

15 (2) suffers from a brain injury, mental illness, or
16 mental disorder, including post-traumatic stress disorder, that:

17 (A) resulted from the defendant's military
18 service in a combat zone or other similar hazardous duty area; and

19 (B) materially affected the defendant's criminal
20 conduct at issue in the case.

21 (b) The court in which the criminal case is pending shall
22 allow an eligible defendant to choose whether to proceed through
23 the veterans court program or otherwise through the criminal
24 justice system.

25 (c) Proof of matters described by Subsection (a) may be
26 submitted to the court in which the criminal case is pending in any
27 form the court determines to be appropriate, including military

1 service and medical records, previous determinations of a
2 disability by a veteran's organization or by the United States
3 Department of Veterans Affairs, testimony or affidavits of other
4 veterans or service members, and prior determinations of
5 eligibility for benefits by any state or county veterans office.
6 The court's findings must accompany any docketed case.

7 Sec. 617.003. DUTIES OF VETERANS COURT. (a) A veterans
8 court program established under this chapter must:

9 (1) ensure a person eligible for the program is
10 provided legal counsel before volunteering to proceed through the
11 program and while participating in the program;

12 (2) allow a participant to withdraw from the program
13 at any time before a trial on the merits has been initiated;

14 (3) provide a participant with a court-ordered
15 individualized treatment plan indicating the services that will be
16 provided to the participant; and

17 (4) ensure that the jurisdiction of the veterans court
18 continues for a period of not less than six months but does not
19 continue beyond the period of community supervision for the offense
20 charged.

21 (b) A veterans court program established under this chapter
22 shall make, establish, and publish local procedures to ensure
23 maximum participation of eligible defendants in the county or
24 counties in which those defendants reside.

25 (c) This chapter does not prevent the initiation of
26 procedures under Chapter 46B, Code of Criminal Procedure.

27 Sec. 617.004. ESTABLISHMENT OF REGIONAL PROGRAM. The

1 commissioners courts of two or more counties may elect to establish
2 a regional veterans court program under this chapter for the
3 participating counties.

4 Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and
5 the speaker of the house of representatives may assign to
6 appropriate legislative committees duties relating to the
7 oversight of veterans court programs established under this
8 chapter.

9 (b) A legislative committee or the governor may request the
10 state auditor to perform a management, operations, or financial or
11 accounting audit of a veterans court program established under this
12 chapter.

13 (c) A veterans court program established under this chapter
14 shall:

15 (1) notify the criminal justice division of the
16 governor's office before or on implementation of the program; and

17 (2) provide information regarding the performance of
18 the program to that division on request.

19 Sec. 617.006. FEES. (a) A veterans court program
20 established under this chapter may collect from a participant in
21 the program:

22 (1) a reasonable program fee not to exceed \$1,000; and

23 (2) a testing, counseling, and treatment fee in an
24 amount necessary to cover the costs of any testing, counseling, or
25 treatment performed or provided under the program.

26 (b) Fees collected under this section may be paid on a
27 periodic basis or on a deferred payment schedule at the discretion

1 of the judge, magistrate, or program director administering the
2 program. The fees must be:

- 3 (1) based on the participant's ability to pay; and
4 (2) used only for purposes specific to the program.

5 (b) Article 55.01(a), Code of Criminal Procedure, is
6 amended to read as follows:

7 (a) A person who has been placed under a custodial or
8 noncustodial arrest for commission of either a felony or
9 misdemeanor is entitled to have all records and files relating to
10 the arrest expunged if:

11 (1) the person is tried for the offense for which the
12 person was arrested and is:

13 (A) acquitted by the trial court, except as
14 provided by Subsection (c) of this section; or

15 (B) convicted and subsequently pardoned; or

16 (2) each of the following conditions exist:

17 (A) an indictment or information charging the
18 person with commission of a felony has not been presented against
19 the person for an offense arising out of the transaction for which
20 the person was arrested or, if an indictment or information
21 charging the person with commission of a felony was presented, the
22 indictment or information has been dismissed or quashed, and:

23 (i) the limitations period expired before
24 the date on which a petition for expunction was filed under Article
25 55.02; or

26 (ii) the court finds that the indictment or
27 information was dismissed or quashed because the person completed a

1 pretrial intervention program authorized under Section 76.011,
2 Government Code, or because the presentment had been made because
3 of mistake, false information, or other similar reason indicating
4 absence of probable cause at the time of the dismissal to believe
5 the person committed the offense or because it was void;

6 (B) the person has been released and the charge,
7 if any, has not resulted in a final conviction and is no longer
8 pending and there was no court ordered community supervision under
9 Article 42.12 for any offense other than a Class C misdemeanor; and

10 (C) the person has not been convicted of a felony
11 in the five years preceding the date of the arrest.

12 SECTION 18. This Act does not make an appropriation. A
13 provision in this Act that creates a new governmental program,
14 creates a new entitlement, or imposes a new duty on a governmental
15 entity is not mandatory during a fiscal period for which the
16 legislature has not made a specific appropriation to implement the
17 provision.

18 SECTION 19. This Act takes effect September 1, 2009.

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SECTION 1. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.575 to read as follows:

Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). The 431st Judicial District is composed of Denton County.

(b) The 431st Judicial District is created on the effective date of this Act.

SECTION 2. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.576 to read as follows:

Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 432nd Judicial District is composed of Tarrant County.

(b) The 432nd District Court shall give preference to criminal matters.

(b) The 432nd Judicial District is created on the effective date of this Act.

SECTION 3. (a) Effective October 1, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.580 to read as follows:

Sec. 24.580. 436TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 436th Judicial District is composed of Bexar County.

(b) The 436th District Court shall give preference to

SENATE VERSION

SECTION 1. (a) Effective January 1, 2011, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.575 to read as follows:

Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). The 431st Judicial District is composed of Denton County.

(b) The 431st Judicial District is created on January 1, 2011.

Same as House version.

Same as House version.

CONFERENCE

SECTION 1. Section 24.212(b), Government Code, is amended to read as follows:

(b) The terms of the 110th District Court begin[~~]~~ [(1)] in each county [~~Brisee County~~] on the first Mondays in January and July [~~June~~]; [~~(2) in Dickens County on the first Mondays in April and November;~~ [(3) in Floyd County on the first Mondays in February and July; and [(4) in Motley County on the first Mondays in March and August].

SECTION 2. Same as SECTION 1 House version.

SECTION 3. Same as SECTION 2 House version.

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juvenile matters.

(b) The 436th Judicial District is created on October 1, 2009.

SECTION 4. (a) Effective January 1, 2010, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.581 to read as follows:

Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 437th Judicial District is composed of Bexar County.

(b) The 437th District Court shall give preference to criminal matters.

(b) The 437th Judicial District is created on January 1, 2010.

SECTION 5. (a) Effective September 1, 2010, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.582 to read as follows:

Sec. 24.582. 438TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 438th Judicial District is composed of Bexar County.

(b) The 438th District Court shall give preference to civil matters.

(b) The 438th Judicial District is created on September 1, 2010.

SECTION 6. (a) Effective November 1, 2010, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.583 to read as follows:

Sec. 24.583. 439TH JUDICIAL DISTRICT

SECTION 4. (a) Effective December 15, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.581 to read as follows:

Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 437th Judicial District is composed of Bexar County.

(b) The 437th District Court shall give preference to criminal matters.

(b) The 437th Judicial District is created on December 15, 2009.

Same as House version.

No equivalent provision.

SECTION 4. Same as SECTION 3 House version.

SECTION 5. Same as SECTION 4 Senate version.

SECTION 6. Same as SECTION 5 House version.

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(ROCKWALL COUNTY). The 439th Judicial District is composed of Rockwall County.

(b) The 439th Judicial District is created on November 1, 2010.

SECTION 7. (a) Effective October 1, 2010, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.585 to read as follows:

Sec. 24.585. 441ST JUDICIAL DISTRICT (VAN ZANDT COUNTY). The 441st Judicial District is composed of Van Zandt County.

(b) Notwithstanding Section 24.311, Government Code, the initial vacancy in the office of judge of the 441st Judicial District shall be filled by election. The office exists for purposes of the primary and general elections in 2010. A vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

(c) The 441st Judicial District is created on October 1, 2010.

(d) Effective October 1, 2010, Section 152.2401(a), Human Resources Code, is amended to read as follows:

(a) The Van Zandt County Juvenile Board is composed of the county judge, the criminal district attorney of Van Zandt County, ~~and~~ the judge of the 294th Judicial District, and the judge of the 441st Judicial District.

SECTION 8. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60019 to read as follows:

Sec. 24.60019. 475TH JUDICIAL DISTRICT

No equivalent provision.

SECTION 7. Same as SECTION 6 House version.

No equivalent provision.

SECTION 8. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.585 to read as follows:

Sec. 24.585. 441ST JUDICIAL DISTRICT (MIDLAND

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(MIDLAND COUNTY). The 475th Judicial District is composed of Midland County.

(b) The 475th Judicial District is created on the effective date of this Act.

SECTION 9. (a) Section 25.0171(b), Government Code, is amended to read as follows:

(b) Bexar County has the following county courts at law:

- (1) County Court at Law No. 1 of Bexar County, Texas;
- (2) County Court at Law No. 2 of Bexar County, Texas;
- (3) County Court at Law No. 3 of Bexar County, Texas;
- (4) County Court at Law No. 4 of Bexar County, Texas;
- (5) County Court at Law No. 5 of Bexar County, Texas;
- (6) County Court at Law No. 6 of Bexar County, Texas;
- (7) County Court at Law No. 7 of Bexar County, Texas;
- (8) County Court at Law No. 8 of Bexar County, Texas;
- (9) County Court at Law No. 9 of Bexar County, Texas;
- (10) County Court at Law No. 10 of Bexar County, Texas;
- (11) County Court at Law No. 11 of Bexar County, Texas; ~~and~~
- (12) County Court at Law No. 12 of Bexar County, Texas;
- (13) County Court at Law No. 13 of Bexar County, Texas;
- (14) County Court at Law No. 14 of Bexar County, Texas; and
- (15) County Court at Law No. 15 of Bexar County, Texas.

SENATE VERSION

SECTION 6. Same as House version.

CONFERENCE

COUNTY). The 441st Judicial District is composed of Midland County.

(b) The 441st Judicial District is created on the effective date of this Act.

SECTION 9. Same as House version.

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(b) Section 25.0172, Government Code, is amended by adding Subsection (c-1) and amending Subsections (d), (l), (n), (o), (u), and (v) to read as follows:

(c-1) The County Court at Law No. 13 of Bexar County, Texas, shall give preference to cases prosecuted under:

(1) Section 22.01, Penal Code, in which the victim is a person whose relationship to or association with the defendant is described by Chapter 71, Family Code; and

(2) Section 25.07, Penal Code.

(d) The County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~and~~ 12, 13, 14, and 15 have six terms of court beginning on the first Mondays in January, March, May, July, September, and November. The County Court at Law No. 2 has six terms of court beginning on the first Mondays in February, April, June, August, October, and December.

(l) If the judge of the County Court at Law No. 4, 6, 7, 8, 9, 10, 11, ~~or~~ 12, 13, 14, or 15 is absent, disabled, or disqualified from presiding, a special judge may be appointed or elected in the manner provided by law for the appointment or election of a special county judge. A special judge must take the oath of office required by law for the regular judge. A special judge has the power and jurisdiction of the court and of the regular judge for whom the special judge is sitting and may sign orders, judgments, decrees, and other process of any kind as "Judge Presiding." A special judge is entitled to receive for services performed the same amount of compensation as the regular judge, to be paid out of county funds. The compensation paid a special judge may not be deducted

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from the salary of the regular judge.

(n) The criminal district attorney shall attend the County Court at Law No. 4, 6, 7, 8, 9, 10, 11, [~~or~~] 12, 13, 14, or 15 as required by the judge. The criminal district attorney serves the county courts at law as provided by Section 25.0010(b).

(o) The judge of the County Court at Law No. 4 or 6 may appoint a court coordinator or administrative assistant for the court. The judge of the County Court at Law No. 7, 8, 9, 10, 11, [~~or~~] 12, 13, 14, or 15 may, with the approval of the commissioners court, appoint a court coordinator or administrative assistant for the court. A court coordinator or administrative assistant performs the duties prescribed by the judge and cooperates with the administrative judges and state agencies for the uniform and efficient operation of the courts and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law. These provisions are in addition to the provisions in Subchapter F, Chapter 75.

(u) The official court reporter of a county court at law is entitled to receive an annual salary set by the judge and approved by the commissioners court at an amount not less than \$35,256. The official court reporter's fee shall be taxed as costs in civil actions in County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, [~~and~~] 12, 13, 14, and 15 in the same manner as that fee is taxed in district court. In County Court at Law No. 2, the clerk collects the official

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court reporters' fee of \$3 and pays it into the county treasury in the same manner as district clerks are required to collect and pay costs.

(v) Section 25.0006(a) does not apply to County Courts at Law Nos. 4, 6, 7, 8, 9, 10, 11, ~~and~~ 12, 13, 14, and 15 of Bexar County. Section 25.0006(b) does not apply to County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~and~~ 12, 13, 14, and 15 of Bexar County.

(c) The County Courts at Law Nos. 13, 14, and 15 of Bexar County, Texas, are created on the effective date of this Act.

SECTION 10. (a) Effective October 1, 2009, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0201 and 25.0202 to read as follows:

Sec. 25.0201. BOSQUE COUNTY. Bosque County has one statutory county court, the County Court at Law of Bosque County.

Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings;
- (2) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000, excluding interest, court costs, and attorney's fees; and
- (3) contested probate matters under Section 5(b), Texas Probate Code.

SECTION 7. Same as House version.

SECTION 10. Same as House version.

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(b) The County Court at Law of Bosque County has primary jurisdiction over juvenile matters.

(c) A county court at law has the same terms of court as the County Court of Bosque County.

(d) The judge of a county court at law may not engage in the private practice of law and must meet the qualifications established by Section 25.0014.

(e) The judge of a county court at law shall be paid as provided by Section 25.0005. The judge's salary shall be paid out of the county treasury on order of the commissioners court. Notwithstanding any other law, the judge is entitled to necessary office and operational expenses, including administrative and clerical personnel, on the approval of the commissioners court. Administrative and clerical personnel to which a judge is entitled on approval under this subsection includes a court coordinator, court reporter, and bailiff.

(f) If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members. In all other cases, except as otherwise required by law, the jury shall be composed of six members.

(g) Jurors regularly impaneled for a week by the district court may, on request of the county judge or the judge of a county court at law, be made available and shall serve for the week in the county court or the county court at law.

(b) Effective October 1, 2009, Section 152.0241(a), Human Resources Code, is amended to read as follows:

(a) Bosque County is included in the Bosque, Comanche, and Hamilton counties juvenile board. The

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juvenile board is composed of:

- (1) the county judge in Bosque County;
 - (2) the county judge in Comanche County;
 - (3) the county judge in Hamilton County; ~~and~~
 - (4) the 220th Judicial District judge; and
 - (5) the judge of the County Court at Law in Bosque County.
- (c) The County Court at Law of Bosque County is created on October 1, 2009.

SECTION 11. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0761 and 25.0762 to read as follows:

Sec. 25.0761. FANNIN COUNTY. Fannin County has one statutory county court, the County Court at Law of Fannin County.

Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law and except as provided by Subsection (b), a county court at law in Fannin County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings, including proceedings under Chapter 262, Family Code; and
 - (2) proceedings under Title 3, Family Code.
- (b) A county court at law does not have jurisdiction of proceedings under:
- (1) Section 262.201, Family Code; or
 - (2) Section 54.03 or 54.04, Family Code.
- (c) A county court at law shall transfer a family law case

SECTION 8. Same as House version.

SECTION 11. Same as House version.

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or proceeding instituted under Chapter 262, Family Code, from that court to the district court before a hearing governed by Section 262.201, Family Code, is commenced. A case or proceeding transferred as required by this subsection shall be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the district court. The district court may not transfer the case or proceeding back to the county court at law, except as provided by Section 262.203(a), Family Code.

(d) A county court at law shall transfer a juvenile case or proceeding instituted under Title 3, Family Code, from that court to another court designated as a juvenile court under Section 51.04, Family Code, before a hearing governed by Section 54.03, Family Code, is commenced. A case or proceeding transferred as required by this subsection shall be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the juvenile court. The juvenile court may not transfer the case or proceeding back to the county court at law.

(b) The County Court at Law of Fannin County is created on the effective date of this Act.

SECTION 12. (a) Effective September 1, 2011, Section 25.1101(a), Government Code, is amended to read as follows:

(a) Hidalgo County has the following statutory county courts:

(1) County Court at Law No. 1 of Hidalgo County;

SECTION 9. Same as House version.

SECTION 12. Same as House version.

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- (2) County Court at Law No. 2 of Hidalgo County;
- (3) County Court at Law No. 4 of Hidalgo County;
- (4) County Court at Law No. 5 of Hidalgo County; ~~and~~
- (5) County Court at Law No. 6 of Hidalgo County;
- (6) County Court at Law No. 7 of Hidalgo County; and
- (7) County Court at Law No. 8 of Hidalgo County.
- (b) The County Court at Law No. 7 of Hidalgo County is created on September 1, 2011.
- (c) Notwithstanding Section 25.1101(a)(7), Government Code, as added by this Act, the County Court at Law No. 8 of Hidalgo County is created on September 1, 2012.

No equivalent provision.

SENATE VERSION

SECTION 10. (a) Section 25.1182, Government Code, is amended to read as follows:
Sec. 25.1182. HUNT COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Hunt County has concurrent jurisdiction with the district court in:
(1) felony cases to:
(A) conduct arraignments;
(B) conduct pretrial hearings;
(C) accept guilty pleas; and
(D) conduct jury trials on assignment of a district judge presiding in Hunt County and acceptance of the assignment by the judge of the county court at law;
(2) Class A and Class B misdemeanor cases;
(3) family law matters;
(4) juvenile matters;

CONFERENCE

SECTION 13. Same as SECTION 10 Senate version.

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- (5) probate matters; and
- (6) appeals from the justice and municipal courts.
- (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 [has the same terms of court as the County Court of Hunt County].
- (c) The judge of a county court at law must have the same qualifications as those required by law for a district judge.
- (d) The judge of a county court at law shall be paid a total [an] annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county [that is at least \$42,500, to be paid from the same fund and in the same manner as the county judge. The judge is entitled to receive travel expenses and necessary office expenses in the same manner as is allowed the county judge].
- (e) The judge of a county court at law [shall diligently discharge the duties of his office on a full-time basis and]

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may not engage in the private practice of law.

(f) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law [~~A special judge of a county court at law with the same qualifications as the regular judge may be appointed or elected in the manner provided by law for county courts. If the judge of a county court at law is disqualified to try a case pending in the judge's court, the parties or their attorneys may agree on the selection of a special judge to try the case. A special judge is entitled to receive \$100 for each day served to be paid out of the general fund of the county by the commissioners court.~~].

(g) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law with the approval of the commissioners court [~~The county sheriff shall, in person or by deputy, attend a county court at law as required by the judge.~~].

(h) Jurors summoned for a county court at law or a district court in the county may by order of the judge of the court to which they are summoned be transferred to another court for service and may be used as if summoned for the court to which they are transferred [~~Practice in a county court at law is that prescribed by law for county courts.~~].

~~[(i) Section 25.0005(b) does not apply to a county court at law in Hunt County.]~~

(b) Sections 152.1221(a), (b), and (d), Human Resources

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Code, are amended to read as follows:

(a) The Hunt County Juvenile Board is composed of the county judge, the district judges in Hunt County, and the judges [~~judge~~] of the county courts [~~court~~] at law.

(b) The board shall designate a juvenile court judge as [~~is~~] the chairman of the board and its chief administrative officer.

(d) Each judge on the board may [~~shall~~] appoint one citizen to serve on the advisory council. Members of the advisory council serve without compensation.

No equivalent provision.

SECTION __. Effective January 1, 2011, Section 25.1311, Government Code, is amended to read as follows:

Sec. 25.1311. KAUFMAN COUNTY. Kaufman County has the following statutory county courts:

- (1) the County Court at Law of Kaufman County; [~~and~~]
- (2) the County Court at Law No. 2 of Kaufman County; and
- (3) the County Court at Law No. 3 of Kaufman County.

No equivalent provision.

No equivalent provision.

SECTION __. Effective January 1, 2011, Section 25.1312, Government Code, is amended to read as follows:

Sec. 25.1312. KAUFMAN COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Kaufman County has, except as limited by Subsections (b) and (b-1), and (b-2), the jurisdiction provided by the constitution and general law for district

No equivalent provision.

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courts.

(b) A statutory county court in Kaufman County does not have general supervisory control or appellate review of the commissioners court of 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.

(b-1) The County Court at Law No. 2 of Kaufman County does not have jurisdiction of civil cases in which the amount in controversy exceeds the limit prescribed by Section 25.0003(c)(1).

(b-2) The County Court at Law No. 3 of Kaufman County does not have jurisdiction of civil cases in which the amount in controversy exceeds \$250,000.

No equivalent provision.

SECTION __. Notwithstanding Section 25.0009, Government Code, the initial vacancy in the office of judge of the County Court at Law No. 3 of Kaufman County shall be filled by election. The office exists for purposes of the primary and general elections in 2010. A vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

No equivalent provision.

No equivalent provision.

SECTION __. The County Court at Law No. 3 of Kaufman County is created January 1, 2011.

No equivalent provision.

No equivalent provision.

SECTION 11. (a) Effective January 1, 2011, Section 25.1671, Government Code, is amended to read as

No equivalent provision.

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follows:

Sec. 25.1671. MIDLAND COUNTY. Midland County has the following statutory county courts:

- (1) County Court at Law of Midland County; ~~and~~
 - (2) County Court at Law No. 2 of Midland County; and
 - (3) County Court at Law No. 3 of Midland County.
- (b) Effective January 1, 2011, Section 25.1672, Government Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:
- (a) In addition to the jurisdiction provided by Section 25.0003 and other law, the County Court at Law of Midland County and the County Court at Law No. 2 of Midland County have ~~[a county court at law in Midland County has]~~ concurrent jurisdiction with the district court in:
- (1) family law cases and proceedings; and
 - (2) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$500,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition.
- (h) In addition to the jurisdiction provided by Section 25.0003 and other law, the County Court at Law No. 3 of Midland County has concurrent jurisdiction with the district court in:
- (1) civil cases in which the matter in controversy does not exceed \$250,000;
 - (2) family law cases and proceedings; and
 - (3) state jail felony cases.
- (c) The County Court at Law No. 3 of Midland County

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is created on January 1, 2011.

SECTION 13. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1771 and 25.1772 to read as follows:

Sec. 25.1771. NAVARRO COUNTY. Navarro County has one statutory county court, the County Court at Law of Navarro County.

Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Navarro County has concurrent jurisdiction with the district court in:

(1) felony cases to:

(A) conduct arraignments;

(B) conduct pretrial hearings;

(C) accept guilty pleas; and

(D) conduct jury trials on assignment of a district judge presiding in Navarro County and acceptance of the assignment by the judge of the county court at law;

(2) Class A and Class B misdemeanor cases;

(3) family law matters;

(4) juvenile matters;

(5) probate matters; and

(6) appeals from the justice and municipal courts.

(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

SECTION 12. Same as House version.

SECTION 14. Same as SECTION 13 House version.

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escheated property;

(2) felony cases involving capital murder;

(3) misdemeanors involving official misconduct; or

(4) contested elections.

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

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

(e) The judge of a county court at law may not engage in the private practice of law.

(f) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(g) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

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

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(b) Notwithstanding Section 25.1771, Government Code, as added by this section, the County Court at Law of Navarro County is created on January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County by an order entered in its minutes.

SECTION 14. Chapter 969 (H.B. 4139), Acts of the 80th Legislature, Regular Session, 2007, which added Section 25.2361, Government Code, to be effective January 1, 2011, is repealed.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION __. 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 __. Section 24.212(b), Government Code, is amended to read as follows:

(b) The terms of the 110th District Court begin[
[(1) in each county [~~Briscoe County~~] on the first Mondays in January and July [~~June~~;
[(2) in ~~Dickens County~~ on the first Mondays in April and November;
[(3) in ~~Floyd County~~ on the first Mondays in February and July; and
[(4) in ~~Motley County~~ on the first Mondays in March and August].

No equivalent provision.

SECTION 18. Same as unnumbered SECTION Senate version.

No equivalent provision.

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No equivalent provision.

SENATE VERSION

SECTION 13. (a) Effective January 1, 2011, Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2362 to read as follows:
Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Van Zandt County has concurrent jurisdiction with the district court in:
(1) felony cases to:
(A) conduct arraignments;
(B) conduct pretrial hearings;
(C) accept guilty pleas; and
(D) conduct jury trials on assignment of a district judge presiding in Van Zandt County and acceptance of the assignment by the judge of the county court at law;
(2) Class A and Class B misdemeanor cases;
(3) family law matters;
(4) juvenile matters;
(5) probate matters; and
(6) appeals from the justice and municipal courts.
(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;

CONFERENCE

SECTION 15. Same as SECTION 13 Senate version.

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- (3) misdemeanors involving official misconduct; or
(4) contested elections.
(c) The judge of a county court at law must have the same qualifications as those required by law for a district judge.
(d) The judge of a county court at law shall be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.
(e) The judge of a county court at law may not engage in the private practice of law.
(f) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk shall serve as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.
(g) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law with the approval of the commissioners court.
(h) Jurors summoned for a county court at law or a district court in the county may by order of the judge of the court to which they are summoned be transferred to another court for service and may be used as if summoned for the court to which they are transferred.
(b) Effective January 1, 2011, Section 152.2401(a), Human Resources Code, is amended to read as follows:

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(a) The Van Zandt County Juvenile Board is composed of the county judge, the criminal district attorney of Van Zandt County, ~~and~~ the judge of the 294th Judicial District, and the judge of the county court at law.

(c) Notwithstanding Section 25.0009, Government Code, the initial vacancy in the office of judge of the County Court at Law of Van Zandt County shall be filled by election. The office exists for purposes of the primary and general elections in 2010. A vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

(d) This section takes effect January 1, 2011.

SECTION 15. This Act takes effect September 1, 2009.

No equivalent provision.

SECTION 14. Same as House version.

SECTION __. Section 24.212(b), Government Code, is amended to read as follows:

(b) The terms of the 110th District Court begin[= ~~(1)~~ in each county ~~[Briscoe County]~~ on the first Mondays in January and July ~~[June;~~ ~~(2) in Dickens County on the first Mondays in April and November;~~ ~~(3) in Floyd County on the first Mondays in February and July; and~~ ~~(4) in Motley County on the first Mondays in March and August].~~

No equivalent provision.

SECTION __. (a) Subtitle E, Title 7, Health and Safety Code, is amended by adding Chapter 617 to read as

SECTION 19. Same as SECTION 15 of House version.

No equivalent provision.

SECTION 17. Same as unnumbered SECTION in Senate version.

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follows:

CHAPTER 617. VETERANS COURT PROGRAM

Sec. 617.001. VETERANS COURT PROGRAM
DEFINED; PROCEDURES FOR CERTAIN
DEFENDANTS. (a) In this chapter, "veterans court
program" means a program that has the following
essential characteristics:

- (1) the integration of services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;
- (5) careful monitoring of treatment and services provided to program participants;
- (6) a coordinated strategy to govern program responses to participants' compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies

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and community organizations, including the United States Department of Veterans Affairs.

(b) If a defendant successfully completes a veterans court program, as authorized under Section 76.011, Government Code, after notice to the attorney representing the state and a hearing in the veterans court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the criminal action against the defendant.

Sec. 617.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY. (a) The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant:

(1) is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard; and

(2) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, that:

(A) resulted from the defendant's military service in a combat zone or other similar hazardous duty area; and

(B) materially affected the defendant's criminal conduct at issue in the case.

(b) The court in which the criminal case is pending shall

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allow an eligible defendant to choose whether to proceed through the veterans court program or otherwise through the criminal justice system.

(c) Proof of matters described by Subsection (a) may be submitted to the court in which the criminal case is pending in any form the court determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran's organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office. The court's findings must accompany any docketed case.

Sec. 617.003. DUTIES OF VETERANS COURT. (a) A veterans court program established under this chapter must:

(1) ensure a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) A veterans court program established under this

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chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(c) This chapter does not prevent the initiation of procedures under Chapter 46B, Code of Criminal Procedure.

Sec. 617.004. ESTABLISHMENT OF REGIONAL PROGRAM. The commissioners courts of two or more counties may elect to establish a regional veterans court program under this chapter for the participating counties.

Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of veterans court programs established under this chapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a veterans court program established under this chapter.

(c) A veterans court program established under this chapter shall:

(1) notify the criminal justice division of the governor's office before or on implementation of the program; and

(2) provide information regarding the performance of the program to that division on request.

Sec. 617.006. FEES. (a) A veterans court program established under this chapter may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000; and

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(2) a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

(b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the program. The fees must be:

(1) based on the participant's ability to pay; and

(2) used only for purposes specific to the program.

(b) Article 55.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c) of this section; or

(B) convicted and subsequently pardoned; or

(2) each of the following conditions exist:

(A) an indictment or information charging the person with commission of a felony has not been presented against the person for an offense arising out of the transaction for which the person was arrested or, if an indictment or information charging the person with commission of a felony was presented, the indictment or information has been dismissed or quashed, and:

(i) the limitations period expired before the date on which a petition for expunction was filed under Article

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55.02; or

(ii) the court finds that the indictment or information was dismissed or quashed because the person completed a pretrial intervention program authorized under Section 76.011, Government Code, or because the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense or because it was void;

(B) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court ordered community supervision under Article 42.12 for any offense other than a Class C misdemeanor; and

(C) the person has not been convicted of a felony in the five years preceding the date of the arrest.

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No equivalent provision.

SENATE VERSION

SECTION __. (a) Subsection (a), Section 43.134, Government Code, is amended to read as follows:

(a) The voters of Hale County [~~and Swisher counties~~] elect a district attorney for the 64th Judicial District who represents the state in that district court only in Hale County [~~those counties~~].

(b) Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.319 to read as follows:

Sec. 45.319. SWISHER COUNTY. The county attorney in Swisher County shall represent the state in all matters pending before the district court in Swisher County.

(c) Section 46.002, Government Code, is amended to read as follows:

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

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 329th, 344th, 349th, 355th, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria,

CONFERENCE

SECTION 16. Same as unnumbered SECTION in Senate version.

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Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltrie, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

(d) This section does not make an appropriation. A provision in this section 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
 Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4833 by Hunter (Relating to the creation of district courts and statutory county courts and to the composition of juvenile boards in certain counties.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4833, Conference Committee Report: a negative impact of (\$1,174,712) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$455,205)
2011	(\$719,507)
2012	(\$765,472)
2013	(\$857,403)
2014	(\$857,403)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/ (Cost) from General Revenue Fund 1	Probable Savings/ (Cost) from Judicial Fund 573	Probable Revenue Gain from Judicial Fund 573	Change in Number of State Employees from FY 2009
2010	(\$455,205)	(\$711,837)	\$443,750	5.0
2011	(\$719,507)	(\$909,476)	\$450,000	8.0
2012	(\$765,472)	(\$1,017,761)	\$525,000	8.0
2013	(\$857,403)	(\$1,159,331)	\$600,000	8.0
2014	(\$857,403)	(\$1,159,331)	\$600,000	8.0

Fiscal Analysis

The bill would amend Chapter 24, Government Code, to create a new judicial district in Tarrant County, the 432nd Judicial District. The bill would amend Chapter 24, Government Code, to create a new judicial district in Midland County, the 441st Judicial District. The two courts would be created September 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 436th Judicial District. The bill would require the 436th Judicial District to give preference to juvenile matters. The court would be created October 1, 2009.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Bexar County, the 437th Judicial District. The 437th Judicial District would be required to give preference to criminal matters. The judicial district would be created December 15, 2009.

The bill would amend Chapter 24 Government Code, to create a new judicial district in Bexar County, the 438th Judicial District. The bill would require the 438th Judicial District to give preference to civil matters. The district court would be created September 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Rockwall County, the 439th Judicial District. The court would be created November 1, 2010.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The court would be created January 1, 2011.

The bill would also amend the Government Code to amend the terms of the 110th Judicial District to begin on the first Mondays of January and July for all counties within the judicial district.

The bill would amend Chapter 25, Government Code, to create three new County Courts at Law in Bexar County (County Court at Law No. 13, County Court at Law No. 14, and County Court at Law No. 15). The bill would also amend Chapter 25, Government Code, to create a new County Court at Law in Fannin County, the County Court at Law of Fannin County. All four of the above county courts at law would be created September 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Bosque County, the County Court at Law of Bosque County. The County Court at Law of Bosque County would be created October 1, 2009.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Navarro County, the County Court at Law of Navarro County. According to the bill the County Court at Law of Navarro County would be created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County. Under the effective date of the bill the County Court at Law of Navarro County could be created September 1, 2009, if determined by the Commissioners Court of the county.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 7. The court would be created September 1, 2011.

The bill would amend Chapter 25, Government Code, to create a new County Court at Law in Hidalgo County, County Court at Law of Hidalgo County No. 8. The court would be created September 1, 2012.

The bill would amend Chapter 25, Government Code, concerning the County Court at Law Provisions for both Hunt County and Van Zandt County. The bill would allow County Court at Laws in Hunt and Van Zandt County to have concurrent jurisdiction with district courts of the counties in certain cases.

The bill would amend the Government Code relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District. The Swisher County Attorney would become subject to the Professional Prosecutors Act and prohibited from the private practice of law.

The bill would amend the Health and Safety Code and the Code of Criminal Procedure relating to the establishment of veterans court programs in this State. The bill would authorize a county to establish a veterans court program for persons arrested for, charged with, or convicted of both misdemeanor and felony offenses. A veterans court program created under the bill would be required to have certain characteristics, including provision of various treatment and service programs. The bill would allow a court to dismiss a criminal case if the defendant successfully completes a veterans court program, under certain conditions. A veterans court program is authorized to collect reasonable program fees, not to exceed \$1,000 to cover costs. Fees may be used only for the veterans court program. The bill

would provide for legislative oversight of state veterans court programs. In addition, the bill would amend the Code of Criminal Procedure to allow a court to expunge records and files in certain cases if a defendant successfully completes a veterans court program, under certain conditions. To the extent that the bill would alter judicial procedures in certain cases, no significant fiscal implication to the State is anticipated from implementation of veterans court programs.

Pertaining to veterans court programs, the bill would prescribe additional statutory duties and responsibilities to the State Auditor's Office (SAO), in that a legislative committee or the Governor may request the State Auditor to perform a management, operations, financial, or accounting audit of a Program. This analysis assumes the SAO would not receive a request from a legislative committee or the Governor for an audit of these Programs during fiscal years 2010 and 2011. Assumed that the SAO would receive one request for an audit of one Program in one county during fiscal year 2012 and one request in fiscal year 2014, this analysis estimates each audit would require 1,500 hours to complete and, using the SAO's current billing rate of \$90 per hour, cost \$149,400 (inclusive of \$14,400 for travel expenses). These costs in future years are not assumed to be a significant fiscal implication to the SAO. Also, in accordance with current Government Code 321.013, all additional duties and responsibilities prescribed by the bill would be proposed in the SAO's annual audit plan for Legislative Audit Committee approval.

The bill would take effect September 1, 2009.

Methodology

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

Because the 436th Judicial District would not be created until October 1, 2009, this amount is prorated for 11 months in fiscal year 2010. Additionally, the 437th Judicial District, which would be created December 15, 2009, is prorated for 8.5 months in fiscal year 2010. The 439th Judicial District, which would be created November 1, 2010, is prorated for 10 months in fiscal year 2011. The 431st Judicial District would be created January 1, 2011, is prorated for 8 months for fiscal year 2011.

The annual recurring cost to the state for each county court at law is \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). This estimate prorates the salary supplement for the County Court at Law of Bosque County in fiscal year 2010 for 11 instead of 12 months since the court would be created October 1st. Additionally, this estimate assumes that the County Court at Law of Navarro County would be created September 1, 2009, because under provisions of the bill, the court could be created on that date if approved by a vote of the Commissioners Court of Navarro County.

The salary supplement program for county court at law judges is self-funded by fees and court costs collected by county courts at law and deposited into Judicial Fund No. 573. This estimate assumes that all eight county courts at law created by the bill would generate sufficient revenue to cover the cost of the salary supplement.

Local governments pay the other operating costs associated with district courts and county courts at law.

In this new capacity, the Swisher County Attorney would be entitled to a salary of \$125,000 from the state plus benefits (\$20,526) from General Revenue and the Judicial Fund No. 573. However, the Swisher County Attorney would also forgo the annual \$31,250 state salary supplement the county attorney receives, which is also paid from these two funding sources. Therefore, the net cost to the state due to the salary increase would be \$114,276. Finally, district and county attorneys in the Professional Prosecutors Act are entitled to \$34,450 per year from the state to defray office expenses, which are paid from General Revenue.

Local Government Impact

The bill would authorize the commissioners court of a county to establish a veterans court program. Harris and Travis Counties reported the costs to establish a program would be significant; however, Williamson County reported no fiscal implication because it is unlikely the county commissioners would authorize a program.

The Harris County Office of Budget and Management reported that to establish a veterans court program on the docket of an existing court, would cost at least \$2.65 million annually (the average cost of a county criminal court), and up to \$3.85 million annually (the average cost of a criminal district court). It is likely the costs would be greater than this because the program described in the bill would have the court taking on certain responsibilities of one of the county probate courts, such as decisions regarding competency to stand trial, civil, or forensic commitment to the state hospital system, etc.

Harris County also stated the county's best estimate is that dedicating a district or criminal court to a veterans court program as required by the provisions of the bill would cost Harris County an estimated \$3.25 to \$4.25 million annually.

Travis County reported that without veteran specific data, the county can only extrapolate from other programs. For example, Travis County reports its drug court costs would be \$774,790 in fiscal year 2008 (information taken from the Travis County fiscal year 2009 budget). This program screened around 3,000 potential participants in a program with a static capacity of 300.

Williamson County reported for felony cases, there would be no fiscal impact on the county budget because the District Attorney's Office would not seek to establish such a program in Williamson County.

The bill would amend the Government Code relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District. The Swisher County Attorney would become subject to the Professional Prosecutors Act and would be prohibited from the private practice of law.

Local Government Analysis for District Courts:

The bill would change the 110th District Court terms in each county to the first Mondays in January and July.

Denton County is currently served by the 16th, 158th, 211th, 362nd, 367th, and 393rd judicial districts. The bill would create a seventh judicial district, the 431st, effective September 1, 2009. For the proposed 431st Judicial District, Denton County would be responsible for paying the salary and benefits for court personnel. According to the Denton County Budget Office, there would be a onetime expenditure of \$209,608 for fiscal year 2010, which would include \$85,332 for salary and benefits, \$39,275 for operating expenses, and \$85,000 for establishing the court. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$1,684,598. This total is comprised of \$1,153,633 for salary and benefits and \$530,964 for operating and miscellaneous expenses.

The creation of the 431st Judicial District would create 12 positions in addition to the district judge. The positions that would be created include a Court Reporter, a Court Administrator, an Assistant Department Supervisor in the District Clerk's Office, a Senior District Clerk, a Bailiff, a Transport Deputy, a Felony Prosecutor I, a Felony Prosecutor II, an Appellate Attorney I, a Felony Intake Attorney, a Felony Investigator, and an Administrative Assistant.

Denton County's fiscal year begins on October 1. The Denton County Budget Office estimated average annual expenditures of \$1,684,598 and annual revenue of \$270,816 for fiscal years 2010 to 2014. The fiscal impact would be an estimated \$1,413,782.

Tarrant County's fiscal year begins on October 1. The bill would create the 432nd Judicial District,

effective September 1, 2009. The Tarrant County Auditor indicated that the annual cost of the district court for fiscal year 2010 is estimated at \$3,287,845, which includes \$1,520,454 for court personnel and benefits, \$1,145,391 for office operation expenditures plus \$622,000 for initial office start-up and capital outlay costs. Fiscal year 2009 would be pro-rated for one-month. The annual operating cost would increase four percent for fiscal years 2011 to 2014. The County Auditor estimated revenue of \$130,000 starting fiscal year 2010 with a \$10,000 increase each year thereafter except for fiscal year 2014 which is a \$5,000 increase.

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 436th Judicial District operating as a juvenile court's start-up expense in fiscal 2010 is estimated at \$603,800. This total would include furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expenses in fiscal year 2010 are estimated at \$5,000. The county expects to use existing space for the Juvenile Court. Annual operating costs in fiscal year 2010 are estimated at \$1,504,142, which would include \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$181,250 beginning in 2010.

For the 437th Judicial District serving as a criminal court, start-up expenses in fiscal year 2010 are estimated at \$24,000. Capital outlay expenses in the second year are \$300,000 and \$1,444,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal year 2010 are estimated at \$995,522, which includes \$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 437th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 438th Judicial District civil court's start-up expense in fiscal year 2010 is estimated at \$24,000. Capital outlay expenses in the second year would be \$300,000 and \$1,360,000 in the third year. The county expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$37,547, which would include \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011 to 2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 438th Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

Rockwall County is currently served by the 382nd Judicial District. The bill would create the 439th Judicial District, effective November 1, 2010. Rockwall County's fiscal year begins on October 1.

For fiscal years 2012 to 2014, Rockwall County would be responsible for paying the salary and benefits for court personnel. According to the Rockwall County Auditor, the estimated annual salary and benefits for court personnel would be three percent above the projected \$350,000 for each year after 2011. The new District Court would require a Court Administrator, Court Reporter, and a Bailiff. The annual operating expense would be \$232,131. For fiscal year 2011, Rockwall County would be responsible for the 11 month pro-rated amount paying the salary and benefits for court personnel totaling \$320,816. The annual operating expense would be \$212,804. The county is in the process of

designing a new courthouse which would house all current district courts and county courts at law plus the new court if granted. These are would be built with \$30 million bond instruments.

The bill would create the 441st Judicial District in Midland County, effective September 1, 2009. Midland County's fiscal year begins October 1.

According to the Midland County Auditor, the county would incur an estimated \$5,000 in one-time start-up expenses for technology and furnishings. For fiscal year 2009, Midland County would incur \$46,318 in prorated expenses, including salary, benefits and operational expenses. The Midland County Auditor estimated expenses for fiscal year 2010 would be \$555,812 and these expenses would rise approximately four percent every year thereafter. The Midland County Auditor did not estimate any revenue being generated by the new court.

Local Government Analysis for County Courts at Law:

Bexar County is currently served by County Courts at Law No. 1 - 12. The bill would create County Courts at Law No. 13, 14, and 15, effective September 1, 2009. Bexar County's fiscal year begins on October 1.

According to the Bexar County Auditor's Office, start-up expense for the County Court at Law No. 13 are estimated at \$12,000 for furniture and fixtures. The Auditor's Office estimated that the fiscal year 2009 expenses for the court would be \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 for County Court at Law No. 13 would be \$973,201; which would include \$496,892 for salaries, \$134,909 for benefits, and \$341,400 for operating costs. County Court at Law No. 13 would have a capital outlay expense of \$200,000 for technology enhancements in fiscal year 2012.

The Auditor's Office estimated for fiscal year 2009 start-up expense for County Court at Law No. 14 at \$48,000 for furniture and fixtures and \$39,424 for salaries, \$10,704 for benefits, and \$27,100 for operating costs. The estimated average annual cost of court operations for fiscal years 2010 to 2014 would be \$496,892 for salaries, \$134,909 for benefits, and 341,400 for operating costs. In fiscal year 2011 the court would have a capital outlay expense of \$300,000 for courthouse modifications. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expenses, and courthouse modifications; and \$200,000 for technology enhancements.

The Auditor's Office estimated for fiscal year 2009 start-up expenses for County Court at Law No. 15 would be \$12,000 for furniture and fixtures and \$18,758 for salaries, \$5,065 for benefits, and \$27,100 for operating costs. The fiscal year 2010 expenses are estimated at \$225,100 for salaries, \$60,777 for benefits and \$145,000 for operating costs. The fiscal year 2011 expenses for the court are estimated at \$225,100 for salaries, \$60,777 for benefits, \$150,000 for operating costs, and a capital outlay expense of \$300,000 for court house modifications. The estimated average annual cost of court operations for fiscal years 2012 to 2014 would be \$502,374 for salaries, \$137,133 for benefits and \$350,000 for operating costs. In fiscal year 2012 the court would have a capital outlay expense of \$1,198,000 for furniture and fixtures, moving expense, and courthouse modifications; and \$200,000 for technology enhancements.

The creation of County Courts at Law No. 13, 14, and 15 would create a total of 24 positions. The positions are: County Court at Law Judge (3), First Chair Prosecutor (3), Second Chair Prosecutor (3), Court Coordinator (3), Bailiff (3), Court Reporter (3), and Court Clerk (6).

The bill would create a County Court at Law in Bosque County that has concurrent jurisdiction as a district court in family law cases and civil cases between \$500 and \$100,000 and contested probate cases. The bill would also amend Section 152.0241 (a) of the Human Resources Code to add the judge of the newly created County Court at Law of Bosque County to the juvenile board of Bosque, Comanche, and Hamilton Counties. The County Court at Law in Bosque County would be created on October 1, 2009.

Bosque County's fiscal year begins October 1. According to the Bosque County Auditor, the average estimated annual cost of court personnel would be \$239,087 including benefits. The annual office

expense would be \$7,750 plus \$5,000 for initial office start-up costs and \$3,000 for the initial capital outlay and \$1,000 each year thereafter. The County Auditor estimated revenue of \$487,500 for each fiscal year. The judge of the newly created County Court at Law of Bosque County duties would include being a member to the juvenile board of Bosque, Comanche, and Hamilton Counties.

The bill would create a County Court at Law in Fannin County with concurrent jurisdiction with the district court for family law cases and proceedings under Title 3, Family Code. The County Court at Law shall refer a family law case to district court before a hearing is commenced. A County Court at Law shall transfer a juvenile case to another court designated as a juvenile court before a hearing is commenced. The County Court at Law in Fannin County would be created on September 1, 2009.

Fannin County's fiscal year begins on October 1. According to the Fannin County Auditor's Office, the start-up costs for technology, furnishings and uniforms are \$19,000 and capital costs for converting building space for the new court are \$16,500. The cost of salaries and benefits for fiscal year 2009 is \$23,101; 2010 is \$278,596; 2011 is \$286,954; 2012 is \$295,562; 2013 is \$304,429 and 2014 is \$313,563. The County Auditor estimated revenue for fiscal year 2009 at \$19,167; 2010 at \$253,000; 2011 at \$278,000; 2012 at \$306,000; 2013 at \$336,000; and 2014 at \$370,000. In 2009-2011, the county would have a net cost, whereas in fiscal years 2012 to 2014 the county would have a net gain. According to the County Auditor, the Fannin County Commissioners Court would appoint a judge to fill this position beginning September 1, 2009.

Hidalgo County's fiscal year begins January 1. The county is currently served by County Courts at Law No. 1 - 6. The bill would create County Courts at Law No. 7 and 8. Hidalgo County Court at Law No. 7 would be effective September 1, 2011, and No. 8 would be effective September 1, 2012. There would be no costs to the county for fiscal years 2009 to 2011. The average annual total operating costs for the two courts are estimated at \$1,041,373 for fiscal years 2013 to 2014. Fiscal year 2012 would be half of that amount. First year, start-up costs for technology are estimated at \$18,953.

Hidalgo County would be responsible for paying salary and benefits for court personnel. According to the County, it would need two judges, two court reporters, two court coordinators, two bailiffs, and two court administrators. According to Hidalgo County, the average cost of personnel total for two courts is estimated at \$975,525.

The bill would authorize the County Court at Law in Hunt County to have concurrent jurisdiction with a district court in capital felony cases, Class A and B misdemeanor cases, family law, juvenile and probate matters, appeals from justice and municipal courts, and civil cases that do not exceed \$200,000. The judge of the County Court at Law would serve on the Hunt County Juvenile Board.

The bill would create a County Court at Law in Navarro County that has concurrent jurisdiction with a district court in family law cases, felony cases, Class A and B misdemeanors, family law matters, juvenile matters, probate matters and appeals from justice and municipal courts. The County Court at Law in Navarro County would be created on January 1, 2011, unless the Commissioners Court of Navarro County voted to establish the court at an earlier date. Under the bill that could be September 1, 2009.

Navarro County's fiscal year begins October 1. The Navarro County Auditor's Office estimates the pro-rated operating costs for a county court at \$237,974 in fiscal 2011. Operating expenses in 2012 are \$318,290 and in fiscal 2013-2014 operating expenses would increase by three percent annually. According to the Navarro County Auditor's Office, the County will use available office space and courtroom to accommodate the new court. The Navarro County Commissioners Court indicated that they would appoint a judge to fill this position beginning January 1, 2011. The County Auditor estimated the net cost for fiscal year 2011 at \$69,224; a net revenue gain in fiscal year 2012 at \$6,510; fiscal year 2013 at \$26,251; and fiscal year 2014 at \$41,326.

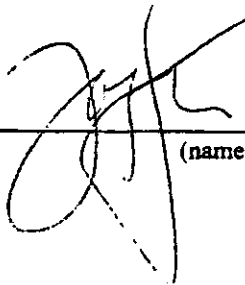
Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, JP, TP

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 4833 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5-30-09

(date)