

CHAPTER 711

H.B. No. 1220

An Act relating to the creation of the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION OF COURTS. The County Criminal Court at Law No. 13 of Harris County, Texas, and the County Criminal Court at Law No. 14 of Harris County, Texas, are created.

SECTION 2. JURISDICTION. The County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas, have the criminal jurisdiction provided for county courts by the constitution and general law. The courts created by this Act have appellate jurisdiction in all appeals in criminal cases from justice courts and municipal courts in Harris County.

SECTION 3. JUDGES. (a) The judges of the courts created by this Act have the same powers, rights, and privileges as to criminal matters as judges of county courts having criminal jurisdiction. The courts created by this Act have no jurisdiction over any matters vested exclusively in the County Court of Harris County or in the county judge.

(b) At each general election at which county court at law judges are regularly elected the qualified voters of Harris County shall elect a judge of each of the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas, for a regular four-year term as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(c) The judge of a court created by this Act must have been a licensed and practicing member of the State Bar of Texas for at least five years before taking office. The judge shall be compensated as provided by law and shall be paid out of the county treasury by the commissioners court in equal monthly installments. The judge may not collect a fee from the county for disposing of any criminal case, as provided by the Code of Criminal Procedure of Texas, 1965. The judges of the county criminal courts at law of Harris County shall not engage in the private practice of law.

SECTION 4. VACANCY. A vacancy in the office of the judge of the County Criminal Court at Law No. 13 of Harris County, Texas, or in the office of the judge of the County Criminal Court at Law No. 14 of Harris County, Texas, shall be filled by the Commissioners Court of Harris County. The appointee holds office until the next general election and until his successor is elected and has qualified.

SECTION 5. WRIT POWER. The courts created by this Act or the judges of the courts may issue writs of habeas corpus in criminal misdemeanor cases and all writs necessary to the enforcement of their jurisdiction.

SECTION 6. COURT REPORTER. The judges of the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas, shall each appoint an official court reporter for his court. The court reporter must be well skilled in his profession. The court reporter is a sworn officer of the court who holds his office at the pleasure of the court. The general law relating to

official court reporters applies to the official court reporters of the courts created by this Act. The official court reporters are entitled to the same amount of compensation that official court reporters in the district courts of Harris County, Texas, receive. The salary shall be paid in the same manner that the compensation of official court reporters of the district courts of Harris County, Texas, is paid.

SECTION 7. CLERK. The district clerk serves as the clerk of the County Criminal Court at Law No. 13 of Harris County, Texas, and of the County Criminal Court at Law No. 14 of Harris County, Texas. The district clerk collects the fees as provided by law.

SECTION 8. SHERIFF. The sheriff of Harris County, either in person or by deputy, shall attend the courts created by this Act when required by the judges. The sheriffs and constables of this state executing process issued out of the courts shall collect the fees as set by law for executing process issued out of county courts.

SECTION 9. SEAL. The seals of the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas, are the same as those provided by law for county courts, except that the seals must contain the words "County Criminal Court at Law No. 13 of Harris County, Texas," and the words "County Criminal Court at Law No. 14 of Harris County, Texas," respectively. The seals shall be judicially noticed.

SECTION 10. SPECIAL JUDGE. A special judge of County Criminal Court at Law No. 13 or 14 of Harris County, Texas, may be appointed in the manner provided by law for county courts and county court judges.

SECTION 11. TERMS. The terms of the courts created by this Act begin on the first Mondays of June, August, October, December, February, and April of each year. The sessions of the courts shall be held in the places provided for them by the Commissioners Court of Harris County.

SECTION 12. RULES FOR FILING, DOCKETING, NUMBERING, AND ASSIGNMENT OF CASES. The judges of the county criminal courts at law of Harris County, Texas, may make rules governing the random filing, numbering, and docketing of cases by the clerk, the assignment of the cases for trial, and the distribution of the work of the courts necessary or desirable for the courts. The clerk with the approval of the judges of the courts may utilize mechanical or electronic means in the random filing, numbering, and docketing of the cases.

SECTION 13. EXCHANGE OF BENCHES. The judges of the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas, may exchange benches with each other and with the judges of the other county criminal courts at law of Harris County in the same manner that the judges of the other county criminal courts at law of Harris County, Texas, are authorized to exchange benches. The judges of the county criminal courts at law of Harris County, Texas, may transfer criminal causes between the courts by entry of an order on the docket of the court from which the cause is transferred. A cause may not be transferred without the consent of the judge of the court to which transferred.

SECTION 14. PRACTICE. The practice in County Criminal Courts at Law Nos. 13 and 14 and in cases of appeal and writs of error to and from those courts shall be the same as is prescribed for county courts.

SECTION 15. PROCESS. In cases transferred to any one of the county criminal courts at law of Harris County, Texas, as provided by this Act, all process extant at the time of the transfer shall be returned to and filed in the court to which the transfer is made and is valid and binding as though originally issued out of the court to which the case was transferred.

SECTION 16. INITIAL APPOINTMENT OF JUDGE. The commissioners court shall appoint a person to fill the vacancy in the office of judge of the County Criminal Court at Law No. 13 of Harris County, Texas, existing on creation of the court and a person to fill the vacancy in the office of judge of the County Criminal Court at Law No. 14 of Harris County, Texas, existing on creation of the court as provided by Section 4 of this Act. The appointee must have the qualifications of the regular judge.

SECTION 17. INITIAL TRANSFER OF CASES. On creation of the County Criminal Courts at Law Nos. 13 and 14 of Harris County, Texas, the district clerk shall transfer all cases with a cause number ending in 3 pending in the county criminal courts at law to the County Criminal Court at Law No. 13 of Harris County, Texas, and all cases with a cause number ending in 8 pending in the county criminal courts at law to the County Criminal Court at Law No. 14 of Harris County, Texas.

SECTION 18. EFFECTIVE DATE. This Act takes effect January 1, 1986.

SECTION 19. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1985, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1220 on May 27, 1985, by a non-record vote; passed by the Senate, with amendments, on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: January 1, 1986