

CHAPTER 410

H.B. No. 2427

An Act relating to the jurisdiction, judges, official court reporters, and bailiffs of the municipal courts of record of Fort Worth.

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

SECTION 1. Section 2(a), Chapter 369, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ff-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Municipal courts created under the provisions of this Act ~~shall~~ have the jurisdiction provided by general law for municipal courts ~~[within the territorial limits of the city in all criminal cases arising under the ordinances of the city and shall also have concurrent jurisdiction with any justice of the peace in any precinct in which the city is situated in criminal cases arising within such territorial limits under the criminal laws of this state in which punishment is only by fine not exceeding \$200].~~ Municipal courts ~~shall~~ also have jurisdiction over cases arising outside the territorial limits of the city under the ordinances authorized by Subdivision 19, Article 1175, Revised ~~[Civil] Statutes [of Texas, 1925, as amended].~~

SECTION 2. Sections 4(a), (b), and (c), Chapter 369, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ff-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Each municipal court shall be presided over by a judge, who shall be known as the "municipal judge," who shall be a licensed attorney in good standing with two or more years of experience in the practice of law in this state and in the county in which the municipal court is located and a citizen of the United States and of this state. The judge shall be a resident of the city at the time of the ~~appointment~~ ~~[election]~~ and shall maintain his or her residence within the city during the judge's tenure of office. Each municipal judge shall be ~~appointed~~ ~~[elected]~~ by the governing body ~~[qualified voters]~~ of the city for a term of two years ~~;~~ ~~unless the city by charter amendment provides for a four/year term as provided by Article XI, Section 11, of the Texas Constitution. The governing body of the city may, by the procedure provided by Subsection (e) of this section, designate a qualified person to serve as judge of each municipal court of record created by it until the next regular municipal election].~~

(b) Municipal judges shall receive a salary, to be set by the governing body of the city, which may not be diminished during their terms of office. A municipal judge may not be removed from office during the term for which the judge was ~~appointed~~ ~~[elected]~~ except for cause to the same extent and under the same rules that judges of the county courts may be removed from office.

(c) A vacancy in the office of municipal judge by death, resignation, creation of a new court, or otherwise shall be filled by appointment by a majority of the governing body ~~;~~ ~~and the person appointed shall serve only until the next regular municipal election, at which time his or her successor shall be elected. An appointee may succeed himself or herself, if elected, as may judges regularly elected].~~

SECTION 3. Section 8, Chapter 369, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ff-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. COURT REPORTER; EVIDENCE INADMISSIBLE IN CIVIL PROCEEDING. (a) For the purpose of preserving a record in all cases tried before the municipal courts, the governing body of the city shall provide ~~[judge of each court shall appoint]~~ an official court reporter. ~~The official court reporter must~~ ~~;~~ ~~who shall be well-skilled in the profession and]~~ have the qualifications required ~~[of a court reporter in the courts as provided] by [the]~~ general law for official court reporters ~~[laws of Texas. The reporter shall be a sworn officer of the court and shall hold the office at the pleasure of the judge at a salary to be fixed by the governing body of the city. The judge or judges of the courts may appoint the deputy official court reporters that are deemed necessary to promptly and efficiently~~

dispose of the business of the courts. The court reporter shall perform duties under the direction and control of the municipal judge or judges. The court reporter shall take testimony in any case when a party or the judge requests it and no testimony shall be taken unless it is requested by a party or the judge].

(b) The testimony, exhibits, or evidence given by a witness in the course of a proceeding in the municipal courts shall be solely for the purpose of such proceeding or appeal therefrom, and in any other civil proceeding, evidence relating to such testimony, exhibits, evidence, or reproductions thereof shall be privileged and not admissible for any purpose.

(c) The court reporter may use written notes, transcribing equipment, recording equipment, or a combination of these methods to prepare a transcript of the proceedings of the court.

(d) The court reporter shall certify the official record.

(e) The court reporter is not required to record testimony in a trial unless the judge or one of the parties requests a record.

SECTION 4. Section 11, Chapter 369, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ff-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. PROSECUTOR; BAILIFF. All prosecutions in municipal courts shall be conducted by the city attorney of the city or the assistant city attorneys. The city marshal [chief of police] of the city shall, in person or by designated officer or deputy, attend the court and perform the duties of a bailiff.

SECTION 5. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 2, 1985, by the following vote: Yeas 138, Nays 0, 1 present, not voting; passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Approved: June 10, 1985

Effective: Immediately