

CHAPTER 574

H.B. No. 2473

An Act relating to the creation of the County Court at Law of Coryell County and to membership of the county court at law judge on the Coryell County Juvenile Board.

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

SECTION 1. CREATION. The County Court at Law of Coryell County is created on a date determined by Section 9 of this Act.

SECTION 2. JURISDICTION. (a) The County Court at Law of Coryell County has jurisdiction over all causes and proceedings, civil, criminal, and probate, original and appellate, prescribed by law for county courts. The jurisdiction of the County Court at Law of Coryell County is concurrent with the jurisdiction of the County Court of Coryell County.

(b) The county judge of Coryell County is the judge of the County Court of Coryell County. The county judge shall perform all ex officio duties of his office except as otherwise provided by this Act.

SECTION 3. WRIT POWER; CONTEMPT. (a) The County Court at Law of Coryell County, or its judge, may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all other writs necessary for the enforcement of the jurisdiction of the county court at law. The court or the judge may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(b) The county court at law and the judge may punish for contempt as prescribed by law for county courts.

SECTION 4. TERMS. The Commissioners Court of Coryell County by order entered of record shall prescribe at least four terms a year for the County Court at Law of Coryell County.

SECTION 5. JUDGE. (a) At the first general election at which county court at law judges are regularly elected after creation of the court, the qualified voters of the county shall elect a judge of the court created by this Act for a four-year term. Every four years thereafter, the judge shall be elected for a regular four-year term as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(b) The appointed or elected judge of the County Court at Law of Coryell County must be a licensed attorney in this state who has actively practiced law in this state for at least three years prior to his appointment or election, be well informed in the laws of this state, and must have resided in and been actively engaged in the practice of law in Coryell County for at least two years prior to his appointment or election.

(c) The judge may not appear and plead as an attorney in any criminal case.

(d) The Commissioners Court of Coryell County shall appoint a person to fill a vacancy occurring in the office of the judge of the County Court at Law of Coryell County. The appointee holds office until the next general election and until his successor is elected and has qualified.

(e) The judge of the county court at law shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(f) The judge of the county court at law is entitled to receive an annual salary set by the commissioners court. The salary shall be paid in equal monthly installments out of the county treasury on orders from the commissioners court. The judge shall assess the same fees that a county judge may assess. The clerk of the court collects the fees and pays them into the county treasury on collection. A fee may not be paid to a judge.

(g) A special judge of the county court at law may be appointed in the manner provided by law for the appointment of a special county judge. A special judge must have the same qualifications and is entitled to the same rate of compensation as the regular judge.

SECTION 6. PERSONNEL. (a) The county attorney, county clerk, and sheriff of Coryell County, shall serve as county attorney, clerk, and sheriff, respectively, of the County Court at Law of Coryell County. Those serving shall perform the duties and are entitled to the compensation, fees, and allowances prescribed by law for their respective offices in Coryell County.

(b) The judge may appoint an official court reporter, who must meet the qualifications prescribed by law for that office and who is entitled to receive the compensation set by the Commissioners Court of Coryell County.

SECTION 7. PRACTICE AND PROCEDURE. (a) Practice in the County Court at Law of Coryell County shall conform to that prescribed by law for the County Court of Coryell County.

(b) The judges of the county court and the county court at law may transfer cases to and from the dockets of their respective courts so that the business may be equally distributed between them. A case may not be transferred from one court to the other without the consent of the judge of the court to which it is transferred, and a case may not be transferred to the county court at law unless it is within the jurisdiction of the court.

SECTION 8. JUVENILE BOARD. The judge of the County Court at Law of Coryell County is a member of the Juvenile Board of Coryell County and may be paid additional compensation for service on the board by the Commissioners Court of Coryell County not to exceed the amount paid by the county to the other members of the juvenile board.

SECTION 9. DATE OF CREATION. The County Court at Law of Coryell County is created on January 1, 1992, or on an earlier date determined by the Commissioners Court of Coryell County by an order entered on its minutes.

SECTION 10. INITIAL APPOINTMENT OF JUDGE. The Commissioners Court of Coryell County shall appoint a person to fill the vacancy existing on the creation of the office of judge as provided by Section 5(d) of this Act. The appointee must have the qualifications required of the regular judge.

SECTION 11. AMENDMENT. Sections 1, 2, and 3, Chapter 149, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139SS, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. The county judge of Coryell County, *the judge of the County Court at Law of Coryell County*, and the judge of the judicial district which includes Coryell County shall constitute the juvenile board of that county. The judge of the court which is designated as the Juvenile Court of Coryell County shall be chairman of the board and its chief administrative officer.

Sec. 2. As compensation for the added duties imposed upon them, the [~~county and district judges who are~~] members of the board may be allowed additional compensation not to exceed \$2,400 per year, to be fixed by the commissioners court and paid in twelve equal monthly installments out of the general fund of the county.

Sec. 3. This Act shall be cumulative of existing laws relating to compensation of judges of the district courts, *county courts at law*, and county judges.

SECTION 12. 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 May 17, 1985, by a non-record vote; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985