

CHAPTER 11

H.B. No. 448

An Act relating to the creation of, jurisdiction of, and method of selection of judges and presiding judges for the municipal courts of record in San Antonio and to court clerks for those courts.

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

SECTION 1. Section 1, Chapter 428, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ii, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. **CREATION.** The *municipal courts* [~~governing body~~] of the city of San Antonio *are* [~~may by ordinance establish the city's existing municipal courts as~~] municipal courts of record [~~in accordance with this Act~~]. Additional municipal courts of record may be created and one or more judges for each court may be authorized by ordinance on a finding that an additional court or courts, or additional judges, are necessary to properly dispose of the cases arising in the city.

SECTION 2. Section 2(a), Chapter 428, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ii, 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 3. Section 3(b), Chapter 428, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ii, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) *The city shall provide by charter for the appointment or election of a municipal judge.* [~~Notwithstanding any provision of the charter or an ordinance of the city, each municipal judge shall be elected by the qualified voters of the city for a term of two years. The governing body of the city may appoint a person or persons, with the qualifications required for a judge, to serve as the judge or judges authorized for each newly created municipal court of record until the next regular city election.~~]

SECTION 4. Section 3(d), Chapter 428, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ii, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) If there is more than one municipal judge in the city, the [~~municipal judges shall determine which of them shall serve as presiding judge of the city. In the event the judges are unable to determine which of them shall serve as presiding judge, after notification of such impasse, the~~] governing body of the city shall appoint one of the judges to be the presiding municipal judge of the city. If the city has a municipal judge who is either its only municipal judge or its only municipal judge who is not serving in a temporary or part-time capacity, that judge shall be the presiding municipal judge for all purposes of this Act.

SECTION 5. Section 7, Chapter 428, Acts of the 66th Legislature, Regular Session, 1979 (Article 1200ii, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. **COURT CLERK.** The governing body of the city shall provide a clerk of the municipal courts, and the deputy clerks, warrant officers, and other municipal court personnel that are necessary for the proper operation of the municipal courts. It is the duty of the clerk to keep the records of proceedings of the municipal courts and to issue all processes and generally to perform the duties now prescribed by law for clerks of the county courts at law exercising criminal jurisdiction, insofar as the same may be applicable. [~~The clerk of the municipal~~]

~~courts and all other personnel shall perform the duties of the office under the direction and control of the presiding municipal judge.]~~

SECTION 6. 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 February 19, 1985, by the following vote: Yeas 136, Nays 1, 1 present, not voting; passed by the Senate on March 14, 1985, by the following vote: Yeas 27, Nays 1.

Approved: March 28, 1985

Effective: Immediately