

## CHAPTER 157

## S.B. No. 1009

An Act relating to the appointment and compensation of bailiffs for the district courts and county courts at law in El Paso County; amending Section 1, Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes), and repealing Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292l, Vernon's Texas Civil Statutes).

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

**SECTION 1. APPOINTMENT OF BAILIFF.** (a) The judges of the district courts, including family district courts, having jurisdiction in El Paso County and the judges of the county courts at law in El Paso County may each appoint a person to serve the court as bailiff.

(b) A bailiff for a district court that is composed of more than one county serves the court in each county of the district.

**SECTION 2. EVIDENCE OF APPOINTMENT; NOTIFICATION.** (a) An order signed by the appointing judge entered in the minutes of the court is evidence of the appointment of a bailiff under this Act.

(b) The judge shall give the commissioners court written notification of the bailiff's appointment, the date of employment, and the compensation to be paid by the county.

**SECTION 3. QUALIFICATIONS.** A bailiff appointed under this Act must be a resident of a county in which he serves the court and must be at least 21 years old.

**SECTION 4. TERM OF OFFICE.** A bailiff appointed under this Act holds office at the will of the judge of the court that the bailiff serves.

**SECTION 5. DUTIES.** (a) A bailiff appointed under this Act is an officer of the court.

(b) Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under this Act is a "peace officer" for purposes of Article 2.12, Code of Criminal Procedure, 1965.

(c) The bailiff shall perform in the court to which the bailiff is appointed all duties imposed on bailiffs under general law and shall perform other duties required by the judge of the court that the bailiff serves.

(d) A bailiff appointed under this Act has only the duties assigned by the judge of the court that the bailiff serves.

**SECTION 6. BAILIFF DEPUTIZED.** (a) On the request of the judge, the sheriff of each county in which the court sits shall deputize the bailiff of that court, in addition to other deputies authorized by law.

(b) A request under this section must be in writing.

**SECTION 7. OATH.** Each bailiff appointed under this Act shall swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

**SECTION 8. COMPENSATION.** (a) Each bailiff appointed under this Act shall be paid an annual salary out of the general fund of El Paso County. The appointing judge shall set the salary in writing, but except as otherwise provided by this Act, the annual salary shall be set at \$18,000 on the effective date of this Act, and thereafter the \$18,000 annual salary shall increase as provided by Subsection (c) of this section.

(b) Bailiffs appointed under this Act who held office as bailiffs under Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292l, Vernon's Texas Civil Statutes), or under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes), on the day before the effective date of this Act are entitled to receive at least the

same annual salary or compensation under this Act as they received under those Acts on the effective date of this Act.

(c) For those bailiffs whose annual salary is set at more than \$18,000 as provided by Subsection (b) or (e) of this section, any salary increase to become effective in the annual budget of El Paso County for October 1, 1985, to September 30, 1986, or any subsequent calendar or fiscal year budget, as the case may be, must be uniform and, except as provided by Subsection (e) of this section, the bailiffs are entitled to the same salary increase in those budgets that is approved by the commissioners court for a majority of county employees other than deputy sheriffs. Those bailiffs whose annual salary is set at \$18,000 on the effective date of this Act may not receive an increase in their salaries in the annual budget of El Paso County for October 1, 1985, to September 30, 1986. In the annual budget of El Paso County for October 1, 1986, to September 30, 1987, or any subsequent calendar or fiscal year budget, as the case may be, any increase in the salaries of bailiffs in El Paso County must be uniform, and bailiffs are entitled to the same salary increase in those budgets that is approved by the commissioners court for a majority of county employees, other than deputy sheriffs.

(d) A person appointed to succeed a bailiff who held office as bailiff under Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292l, Vernon's Texas Civil Statutes), or under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes), is not entitled to be paid the same annual salary paid to the bailiff he succeeds, but is entitled to receive the annual salary as provided by this Act so that the bailiffs' salaries under this Act will become uniform with the passage of time. A person appointed to succeed any bailiff before October 1, 1986, is entitled to the \$18,000 annual salary set by Subsection (a) of this section. A person appointed to succeed any bailiff on or after October 1, 1986, is entitled to the \$18,000 annual salary set by Subsection (a) of this section or the salary set on the date the bailiff is appointed for a Grade 20 of the El Paso County Job Guide Designation for a new employee under Grade 20, whichever is greater. A bailiff whose annual salary is set on September 30, 1986, at \$18,000 under this Act is on October 1, 1986, entitled to any salary increase provided for under Subsection (c) of this section or the salary set on October 1, 1986, for a Grade 20 of the El Paso County Job Guide Designation for a new employee under Grade 20, whichever is greater. After October 1, 1986, all salary increases for bailiffs shall be uniform as provided for in Subsection (c) of this section. If a substantial number of those job titles or positions listed on the effective date of this Act under Grade 20 of the El Paso County Job Guide Designation are removed from Grade 20 or the El Paso County Job Guide Designation is replaced with some other system for setting employees' salaries under those job titles or positions listed under Grade 20 of the El Paso County Job Guide Designation, on the date a new bailiff is appointed, the starting salary being paid at that time by El Paso County to the functional equivalent of Grade 20 of the El Paso County Job Guide Designation shall be used in place of Grade 20. In determining the functional equivalent of Grade 20 under this Act, the job titles, positions, or their equivalent listed under Grade 20 on the effective date of this Act shall be considered as the only factors.

(e) Notwithstanding Subsections (c) and (d) of this section, any bailiff who continues in office under Section 11 of this Act and whose annual salary from El Paso County is greater than \$21,000 on the day before the effective date of this Act may not receive a salary increase until the bailiff's salary is equal to the salaries of those bailiffs whose salaries are set on the effective date of this Act at \$20,832. The salaries of those bailiffs appointed under this Act who were El Paso County deputy sheriffs on the day before the effective date of this Act and whose salaries are over \$18,000 but under \$20,832 on the day before the effective date of this Act are set at \$20,832 on the effective date of this Act notwithstanding Subsection (a) of this section, and those bailiffs are entitled to the same salary increase that is granted under Subsection (c) of this section to other bailiffs in the annual budget of El Paso County for October 1, 1985, to September 30, 1986.

**SECTION 9. CONFORMING AMENDMENT.** Section 1, Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. **BAILIFF APPOINTED BY JUDGE.** The judges of the [65th, 120th,] 142nd, [205th, 210th,] 238th, and [213rd,] 318th, [5 and 327th] district courts may each appoint a person to serve his court as bailiff.

**SECTION 10. REPEALER.** Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292l, Vernon's Texas Civil Statutes), is repealed.

**SECTION 11. BAILIFFS SERVING ON EFFECTIVE DATE.** This Act applies to bailiffs in office in the district courts of El Paso County on the effective date of this Act, except that the appointment of a bailiff who is in office on the effective date of this Act and who was appointed under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes), or under Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971

(Article 22921, Vernon's Texas Civil Statutes), continues as if the bailiff had been appointed under this Act. The bailiff need not take an additional oath of office or be deputized if he has been deputized.

**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 the Senate on April 4, 1985, by the following vote: Yeas 31, Nays 0; Senate concurred in House amendment on May 13, 1985, by the following vote: Yeas 29, Nays 0; passed the House, with amendment, on May 9, 1985, by the following vote: Yeas 145, Nays 0, one present not voting.

Approved: May 24, 1985

Effective: August 26, 1985