

**CHAPTER 480**

S.B. No. 1228

An Act relating to adoption of a nonsubstantive revision of the statutes relating to the judiciary; making conforming amendments and repeals and including penalties.

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

**SECTION 1. ADOPTION OF CODE TITLE.** Title 2, Government Code, is adopted to read as follows:

**GOVERNMENT CODE****TITLE 2. JUDICIAL BRANCH****Subtitle A. Courts**

- Chapter 21. General Provisions
- Chapter 22. Appellate Courts
- Chapter 23. General Provisions for Trial Courts
- Chapter 24. District Courts
- Chapter 25. [reserved for Statutory County Courts]
- Chapter 26. Constitutional County Courts
- Chapter 27. Justice Courts
- Chapter 28. Small Claims Courts
- Chapter 29. Municipal Courts
- Chapter 30. Municipal Courts of Record

**Subtitle B. Judges**

- Chapter 31. Additional Compensation of Justices of Courts of Appeals
- Chapter 32. Supplemental Compensation of District Judges for Certain Duties
- Chapter 33. State Commission on Judicial Conduct
- [Chapters 34-40 reserved for expansion]

**Subtitle C. Prosecuting Attorneys**

- Chapter 41. General Provisions
- Chapter 42. State Prosecuting Attorney
- Chapter 43. District Attorneys
- Chapter 44. Criminal District Attorneys
- Chapter 45. County Attorneys
- Chapter 46. Professional Prosecutors
- Chapter 47. Prosecutor Council; Discipline of Prosecutors
- [Chapters 48-50 reserved for expansion]

**Subtitle D. Judicial Personnel and Officials**

- Chapter 51. Clerks
- Chapter 52. Court Reporters
- Chapter 53. Bailiffs
- Chapter 54. Masters; Magistrates; Referees
- Chapter 55. Other Court Personnel
- [Chapters 56-60 reserved for expansion]

**Subtitle E. Juries**

- Chapter 61. General Provisions
- Chapter 62. Petit Juries
- [Chapters 63-70 reserved for expansion]

**Subtitle F. Court Administration**

- Chapter 71. Texas Judicial Council

- Chapter 72. Office of Court Administration
- Chapter 73. Administration of Courts of Appeals
- Chapter 74. Administration of District Courts
- Chapter 75. Other Court Administration
- [Chapters 76-80 reserved for expansion]

Subtitle G. [reserved for State Bar Act, Board of Law Examiners, and statutes relating to licensing of attorneys]

Subtitle H. Information Resources

- Chapter 91. State Law Library

TITLE 2. JUDICIAL BRANCH

SUBTITLE A. COURTS

CHAPTER 21. GENERAL PROVISIONS

Sec. 21.001. INHERENT POWER AND DUTY OF COURTS

Sec. 21.002. CONTEMPT OF COURT

Sec. 21.003. OFFICERS NOT TO APPEAR

Sec. 21.004. STATE OF JUDICIARY MESSAGE

CHAPTER 21. GENERAL PROVISIONS

Sec. 21.001. INHERENT POWER AND DUTY OF COURTS. (a) A court has all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue the writs and orders necessary or proper in aid of its jurisdiction.

(b) A court shall require that proceedings be conducted with dignity and in an orderly and expeditious manner and control the proceedings so that justice is done. (V.A.C.S. Art. 1911a, Sec. 1 (part).)

Sec. 21.002. CONTEMPT OF COURT. (a) A court may punish for contempt.

(b) The punishment for contempt of a court other than a justice court or municipal court is a fine of not more than \$500 or confinement in the county jail for not more than six months, or both such a fine and confinement in jail.

(c) The punishment for contempt of a justice court or municipal court is a fine of not more than \$100 or confinement in the county or city jail for not more than three days, or both such a fine and confinement in jail.

(d) An officer of a court who is held in contempt by a trial court shall, on proper motion filed in the offended court, be released on his own personal recognizance pending a determination of his guilt or innocence by a judge of a district court that is not the offended court. The presiding judge of the administrative judicial district in which the alleged contempt occurred shall appoint a judge of a district court other than the offended court to determine the guilt or innocence of the officer of the court.

(e) This section does not affect a court's power to confine a contemner to compel him to obey a court order.

(f) Section 5, Article 42.03, Code of Criminal Procedure, 1965, and Section 14.12, Family Code, apply when a person is punished by confinement for contempt of court for disobedience of a court order to make periodic payments for the support of a child. (V.A.C.S. Art. 1911a, Secs. 1 (part), 2, 3, 4.)

Sec. 21.003. OFFICERS NOT TO APPEAR. (a) A judge or clerk of the supreme court, the court of criminal appeals, a court of appeals, or a district court may not appear and plead as an attorney at law in any court of record in this state.

(b) A county judge or county clerk who is licensed to practice law may not appear and practice as an attorney at law in any county or justice court except in cases over which the court in which the judge or clerk serves has neither original nor appellate jurisdiction.

(c) A county clerk who is licensed to practice law may not appear and practice as an attorney at law in the supreme court, the court of criminal appeals, a court of appeals, or a district court unless the court in which the clerk serves has neither original nor appellate jurisdiction. (V.A.C.S. Art. 319 (part).)

Sec. 21.004. STATE OF JUDICIARY MESSAGE. (a) At a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a state of the judiciary message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts of the state.

(b) It is the intent of the legislature that the state of the judiciary message promote better understanding between the legislative and judicial branches of government and promote more efficient administration of justice in Texas. (V.A.C.S. Art. 5429h.)

CHAPTER 22. APPELLATE COURTS

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  - Sec. 22.004. RULES OF CIVIL PROCEDURE
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SUBCHAPTER B. COURT OF CRIMINAL APPEALS

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#### SUBCHAPTER D. GENERAL PROVISIONS

Sec. 22.301. SALARIES OF OFFICERS AND PERSONNEL OF APPELLATE COURTS

### CHAPTER 22. APPELLATE COURTS

#### SUBCHAPTER A. SUPREME COURT

Sec. 22.001. JURISDICTION. (a) The supreme court has appellate jurisdiction, except in criminal law matters, coextensive with the limits of the state and extending to all questions of law arising in the following cases when they have been brought to the courts of appeals from appealable judgment of the trial courts:

(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision;

(2) a case in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court on a question of law material to a decision of the case;

(3) a case involving the construction or validity of a statute necessary to a determination of the case;

(4) a case involving state revenue;

(5) a case in which the railroad commission is a party; and

(6) any other case in which it appears that an error of substantive law that affects the judgment has been committed by the court of appeals, but excluding those cases in which the jurisdiction of the court of appeals is made final by statute.

(b) A case over which the court has jurisdiction under Subsection (a) may be carried to the supreme court either by writ of error or by certificate from the court of appeals, but the court of appeals may certify a question of law arising in any of those cases at any time it chooses, either before or after the decision of the case in that court.

(c) An appeal may be taken directly to the supreme court from an order of a trial court granting or denying an interlocutory or permanent injunction on the ground of the constitutionality of a statute of this state. It is the duty of the supreme court to prescribe the necessary rules of procedure to be followed in perfecting the appeal.

(d) The supreme court has the power, on affidavit or otherwise, as the court may determine, to ascertain the matters of fact that are necessary to the proper exercise of its jurisdiction. (V.A.C.S. Arts. 1728, 1729, 1732, 1738a.)

Sec. 22.002. WRIT POWER. (a) The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.

(b) The supreme court or, in vacation, a justice of the supreme court may issue a writ of mandamus to compel a district judge to proceed to trial and judgment in a case agreeable to the principles and usages of law, returnable to the supreme court on or before the first day of the term, or during the session of the term, or before any justice of the supreme court as the nature of the case requires.

(c) Only the supreme court has the authority to issue a writ of mandamus or injunction, or any other mandatory or compulsory writ or process, against any of the officers of the executive departments of the government of this state to order or compel the performance of a judicial,

ministerial, or discretionary act or duty that, by state law, the officer or officers are authorized to perform.

(d) The supreme court may issue a writ of mandamus against a public officer, an officer of a political party, or a judge or clerk of an election, to compel the performance, in accordance with state law, of a duty imposed on him by law in connection with the holding of a general, special, or primary election or a convention of a political party. A proceeding to obtain the writ shall be conducted in accordance with the rules pertaining to original proceedings in the court in which the petition is filed.

(e) *The supreme court or a justice of the supreme court, either in termtime or vacation, may issue a writ of habeas corpus when a person is restrained in his liberty by virtue of an order, process, or commitment issued by a court or judge on account of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a civil case. Pending the hearing of an application for a writ of habeas corpus, the supreme court or a justice of the supreme court may admit to bail a person to whom the writ of habeas corpus may be so granted.* (V.A.C.S. Arts. 1733, 1734, 1735, 1735a (part), 1737.)

Sec. 22.003. **PROCEDURE OF THE COURT.** (a) The supreme court from time to time shall promulgate suitable rules, forms, and regulations for carrying into effect the provisions of this chapter relating to the jurisdiction and practice of the supreme court.

(b) The supreme court may make and enforce all necessary rules of practice and procedure, not inconsistent with the law, for the government of the supreme court and all other courts of the state to expedite the dispatch of business in those courts. (V.A.C.S. Arts. 1730, 1731.)

Sec. 22.004. **RULES OF CIVIL PROCEDURE.** (a) The supreme court has the full rulemaking power in the practice and procedure in civil actions, except that its rules may not abridge, enlarge, or modify the substantive rights of a litigant.

(b) The supreme court from time to time may promulgate a specific rule or rules of civil procedure, or an amendment or amendments to a specific rule or rules, to be effective at the time the supreme court deems expedient in the interest of a proper administration of justice. The rules and amendments to rules remain in effect unless and until disapproved by the legislature. The clerk of the supreme court shall file with the secretary of state the rules or amendments to rules promulgated by the supreme court under this subsection and shall mail a copy of those rules or amendments to rules to each registered member of the State Bar of Texas not later than the 60th day before the date on which they become effective. The secretary of state shall report the rules or amendments to rules to the next regular session of the legislature by mailing a copy of the rules or amendments to rules to each elected member of the legislature on or before December 1 immediately preceding the session.

(c) So that the supreme court has full rulemaking power in civil actions, a rule adopted by the supreme court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions, but substantive law is not repealed. At the time the supreme court files a rule, the court shall file with the secretary of state a list of each article or section of general law or each part of an article or section of general law that in the court's judgment is repealed. The list has the same weight and effect as a decision of the court.

(d) The rules of practice and procedure in civil actions shall be published in the official reports of the supreme court. The supreme court may adopt the method it deems expedient for the printing and distribution of the rules.

(e) This section does not affect the repeal of statutes repealed by Chapter 25, page 201, General Laws, Acts of the 46th Legislature, Regular Session, 1939, on September 1, 1941. (V.A.C.S. Art. 1731a.)

Sec. 22.005. **DISQUALIFICATION OF JUSTICES.** (a) The chief justice shall certify to the governor the following facts when they occur:

(1) at least five members of the supreme court are disqualified to hear and determine a case in the court; or

(2) the justices of the court are equally divided in opinion because of the absence or disqualification of one of its members.

(b) The governor immediately shall commission the requisite number of persons who possess the qualifications prescribed for justices of the supreme court to try and determine the case. (V.A.C.S. Art. 1717.)

Sec. 22.006. **ADJOURNMENT.** (a) The supreme court may adjourn from day to day or for the periods that it deems necessary to the ends of justice and the determination of the business before the court.

(b) A suit, process, or matter returned to or pending in the supreme court may not be discontinued because a quorum of the court is not present at the commencement or on any other day of the term. If a quorum of the court is not present on any day of the term, a justice of the court or the bailiff attending the court may adjourn the court from time to time. (V.A.C.S. Art. 1727.)

Sec. 22.007. APPLICATION FOR WRIT OF ERROR. (a) The supreme court may act on applications for writs of error when the court deems it expedient. The supreme court shall pass on an application for writ of error in a case in which the justices of the courts of appeals have disagreed or have declared void a statute of the state.

(b) By a written designation recorded in the minutes of the supreme court, the chief justice or any two justices of the supreme court may designate three justices of the courts of appeals to act on applications for writs of error as provided by this section. The designation of justices of the courts of appeals may be changed as often as is advisable by relieving one or more of the justices and designating another or others in order to interfere as little as possible with the work of the courts of appeals. Only one justice may be designated to serve at any one time from any one of the courts of appeals. The power to designate justices of the courts of appeals to act on applications for writs of error may be exercised from time to time as long as necessary.

(c) Designated justices of the courts of appeals, on receiving notice of their designation, shall assemble in Austin and act on the applications for writs of error that are referred to them, by granting, refusing, or dismissing the applications in accordance with the practice of the supreme court. The designated justices may then make orders and give directions incidental to the consideration and disposition of each application.

(d) A designated justice of a court of appeals shall not act on an application for writ of error in a case decided during the justice's incumbency by the court of which he is a member.

(e) The granting of an application for writ of error admits the case into the supreme court, and the supreme court shall proceed with the case as provided by law. The refusal or dismissal of an application has the effect of denying the admission of the case into the supreme court, except that a motion for rehearing may be made to the designated justices in the same manner that a motion for rehearing to the supreme court is made. The refusal or dismissal of an application shall not be regarded as a precedent or authority.

(f) The powers conferred on the justices of the supreme court and the courts of appeals by this section are incidental to their respective offices.

(g) A designated justice of a court of appeals is entitled to the actual and necessary expenses incurred in the discharge of his additional duties. The comptroller shall issue warrants to pay the expenses out of the state treasury on itemized accounts of the expenses that are verified by the affidavit of the claimant. (V.A.C.S. Arts. 1748, 1749, 1750, 1751, 1752, 1753, 1754.)

Sec. 22.008. PUBLICATION OF DECISIONS. (a) The supreme court shall appoint one or more licensed attorneys to serve at the will of the court and to report the decisions of the supreme court.

(b) The supreme court shall designate the cases to be reported and the reporter may report and publish only the designated cases. As soon as the cases are finally disposed of and the opinions are recorded, the reporter shall obtain from the proper clerk the records of the cases to be reported, with the briefs and opinions.

(c) Under the direction of the supreme court, the reporter shall promptly prepare the decisions for publication with appropriate syllabuses and statements, proper index, and table of cited cases and reported cases. Each report shall incorporate only the main propositions made in the briefs and considered by the court in the opinion, with the authorities cited in support of the propositions.

(d) The reporter shall return the record, with briefs and opinions, to the clerk when the report is completed and from time to time shall deliver the reports to the State Purchasing and General Services Commission for publication. Each volume shall be copyrighted in the name of the reporter, who immediately on delivery of the edition shall transfer and assign it to the state. The edition shall be electrotyped. The state owns the plates, and the State Purchasing and General Services Commission shall preserve them. (V.A.C.S. Arts. 1724, 1725.)

Sec. 22.009. STENOGRAPHERS; BAILIFF. The supreme court may appoint not more than three stenographers and may appoint a bailiff to attend the court when it is sitting. (V.A.C.S. Art. 1723.)

[Sections 22.010-22.100 reserved for expansion]

## SUBCHAPTER B. COURT OF CRIMINAL APPEALS

Sec. 22.101. SEAL. (a) The court of criminal appeals shall use a seal on which there is engraved a star with five points and the words "Court of Criminal Appeals of Texas."

(b) The writs and processes issued from the court of criminal appeals shall bear the name of the presiding judge and the seal of the court. (V.A.C.S. Arts. 1802, 1805.)

Sec. 22.102. MANDATE. When the court from which an appeal is taken is deprived of jurisdiction over the case pending the appeal and the case is determined by a court of appeals or the court of criminal appeals, the mandate of the appellate court that determined the case shall

be directed to the court that had jurisdiction over the case, as also provided by Section 22.226. (V.A.C.S. Art. 1807.)

Sec. 22.103. ASCERTAINMENT OF FACTS. The court of criminal appeals may ascertain, on affidavit or otherwise, the matters of fact that are necessary to the exercise of its jurisdiction. (V.A.C.S. Art. 1806.)

Sec. 22.104. PUBLICATION OF DECISIONS. (a) The court of criminal appeals shall appoint a reporter to report the decisions of the court that the law requires to be published. The court may remove the reporter for inefficiency or neglect of duty.

(b) When the opinions are recorded, the clerk of the court of criminal appeals shall deliver to the reporter the original opinion and the record in each case to be reported. The clerk shall obtain a receipt for each opinion and record delivered to the reporter.

(c) The reporter shall return the opinion and record to the clerk when he finishes using them and shall have the printing and distribution of the reports done in the manner provided for the reports of the supreme court. The volumes of the reported decisions of the court of criminal appeals shall be styled Texas Criminal Reports and be numbered in continuation of the existing reports. (V.A.C.S. Art. 1810.)

Sec. 22.105. DISQUALIFICATION. (a) The fact that a judge of the court of criminal appeals is disqualified under the constitution and laws of this state to hear and determine a case shall be certified to the governor.

(b) The governor immediately shall commission a person who is learned in the law to act in the place of the disqualified judge. (V.A.C.S. Art. 1803.)

Sec. 22.106. COMMISSIONERS OF COURT OF CRIMINAL APPEALS. (a) The presiding judge of the court of criminal appeals, with the concurrence of a majority of the judges of the court of criminal appeals, may designate and appoint a retired appellate judge or district judge who has consented to be subject to appointment, or an active appellate judge or district judge, to sit as a commissioner of the court of criminal appeals. A designated judge must consent to the designation and appointment. The presiding judge may designate and appoint as many commissioners as he deems necessary to aid the court in disposing of its business.

(b) A commissioner shall discharge the duties that are assigned him by the court and may be appointed to serve either for a certain period of time or for a particular case or cases.

(c) The opinions of a commissioner shall be submitted to the court of criminal appeals for approval. When approved by a majority of the court, an opinion of a commissioner has the same weight and legal effect as an opinion originally prepared by the court of criminal appeals.

(d) The compensation of a judge while sitting as a commissioner of the court of criminal appeals shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the salary of the judges of the court of criminal appeals and shall be in lieu of the retirement allowance that the judge receives or in lieu of the compensation he receives as an active judge of another court. In addition to the compensation, a judge sitting as a commissioner of the court is entitled to receive his actual travel expenses to and from Austin and a \$25 per diem while he is assigned to the court of criminal appeals in Austin. (V.A.C.S. Art. 1811e, Sec. 1.)

Sec. 22.107. COMMISSION IN AID OF COURT OF CRIMINAL APPEALS. (a) In addition to the authority granted by Section 22.106 of this code, the court of criminal appeals may appoint a commission for the aid of the court in disposing of the business before the court. The commission in aid of the court shall discharge the duties that are assigned it by the court of criminal appeals.

(b) The commission shall be composed of two attorneys having the qualifications fixed by the constitution and laws of this state for a judge of the court of criminal appeals. Commissioners serve two-year terms that expire September 1 of each odd-numbered year.

(c) The opinions of the commissioners in aid of the court shall be submitted to the court of criminal appeals for approval. When approved by a majority of the court and handed down as an opinion of the court, an opinion of a commissioner in aid of the court has the same weight and legal effect as an opinion originally prepared and handed down by the court of criminal appeals.

(d) Each member of the commission is entitled to receive for his services the salary that is provided by law.

(e) The court of criminal appeals by appointment may fill a vacancy on the commission in aid of the court that is created by the death, resignation, or removal of a member of the commission. A person appointed to fill a vacancy continues in office for the unexpired portion of the term for which the commissioner vacating the office was appointed.

(f) The court of criminal appeals shall appoint two stenographers for the commission. (V.A.C.S. Arts. 1811bb, 1811e, Sec. 1a.)

[Sections 22.108-22.200 reserved for expansion]

### SUBCHAPTER C. COURTS OF APPEALS

Sec. 22.201. SUPREME JUDICIAL DISTRICTS. (a) The state is divided into 14 supreme judicial districts with a court of appeals in each district.

(b) The First Supreme Judicial District is composed of the counties of Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Trinity, Walker, Waller, and Washington.

(c) The Second Supreme Judicial District is composed of the counties of Archer, Clay, Cooke, Denton, Hood, Jack, Montague, Parker, Tarrant, Wichita, Wise, and Young.

(d) The Third Supreme Judicial District is composed of the counties of Bastrop, Bell, Blanco, Burnet, Caldwell, Coke, Comal, Concho, Fayette, Hays, Irion, Lampasas, Lee, Llano, McCulloch, Milam, Mills, Runnels, San Saba, Schleicher, Sterling, Tom Green, Travis, and Williamson.

(e) The Fourth Supreme Judicial District is composed of the counties of Atascosa, Bandera, Bexar, Brooks, Dimmit, Duval, Edwards, Frio, Gillespie, Guadalupe, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, LaSalle, McMullen, Mason, Maverick, Medina, Menard, Real, Starr, Sutton, Uvalde, Val Verde, Webb, Wilson, Zapata, and Zavala.

(f) The Fifth Supreme Judicial District is composed of the counties of Collin, Dallas, Grayson, Hunt, Kaufman, Rockwall, and Van Zandt.

(g) The Sixth Supreme Judicial District is composed of the counties of Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Lamar, Marion, Morris, Panola, Red River, Rusk, Titus, Upshur, and Wood.

(h) The Seventh Supreme Judicial District is composed of the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wilbarger, Wheeler, and Yoakum.

(i) The Eighth Supreme Judicial District is composed of the counties of Andrews, Brewster, Crane, Crockett, Culberson, Ector, El Paso, Gaines, Glasscock, Hudspeth, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Ward, and Winkler.

(j) The Ninth Supreme Judicial District is composed of the counties of Angelina, Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, and Tyler.

(k) The Tenth Supreme Judicial District is composed of the counties of Bosque, Brazos, Coryell, Ellis, Falls, Freestone, Hamilton, Hill, Johnson, Leon, Limestone, Madison, McLennan, Navarro, Robertson, and Somervell.

(l) The Eleventh Supreme Judicial District is composed of the counties of Baylor, Borden, Brown, Callahan, Coleman, Comanche, Dawson, Eastland, Erath, Fisher, Haskell, Howard, Jones, Knox, Mitchell, Nolan, Palo Pinto, Scurry, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton.

(m) The Twelfth Supreme Judicial District is composed of the counties of Anderson, Cherokee, Gregg, Henderson, Hopkins, Houston, Kaufman, Nacogdoches, Panola, Rains, Rusk, Sabine, San Augustine, Shelby, Smith, Upshur, Van Zandt, and Wood.

(n) The Thirteenth Supreme Judicial District is composed of the counties of Aransas, Bee, Calhoun, Cameron, DeWitt, Goliad, Gonzales, Hidalgo, Jackson, Kenedy, Kleberg, Lavaca, Live Oak, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton, and Willacy.

(o) The Fourteenth Supreme Judicial District is composed of the counties of Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Trinity, Walker, Waller, and Washington. (V.A.C.S. Art. 198.)

Sec. 22.202. FIRST COURT OF APPEALS. (a) The Court of Appeals for the First Supreme Judicial District shall be held in the City of Houston.

(b) Harris County shall furnish and equip suitable rooms in Houston for the court and the justices without expense to the state.

(c) The counties other than Harris County composing the First and Fourteenth Supreme Judicial Districts shall annually reimburse Harris County for the costs incurred by Harris County during its previous fiscal year for:

(1) supplemental salaries and fringe benefits for the justices for those courts; and

(2) furnishings, equipment, supplies, and utility expenses for those courts.

(d) Each county shall pay a share based on the proportion its population bears to the total population of all the counties in those districts. A county shall pay its share not later than the 60th day after the beginning of the county's fiscal year.



(e) The Commissioners Court of Harris County shall provide each county liable for the expenses with a statement of that county's share. The statement must be approved by the chief justices of the courts of appeals of the First and Fourteenth Supreme Judicial Districts.

(f) The First and Fourteenth Courts of Appeals shall establish a central clerk's office and offices for justices and other support personnel in Houston. The courts may establish offices for the clerks, justices, and other support personnel in other counties in the courts' district as each court determines necessary and convenient.

(g) The First Court of Appeals may transact its business in any county in the First Supreme Judicial District as the court determines necessary and convenient.

(h) All civil and criminal cases directed to the First or Fourteenth Court of Appeals shall be filed in either the First or Fourteenth Court of Appeals as provided by this section. The trial clerk shall write the numbers of the two courts of appeals on identical slips of paper and place the slips in a container. When a notice of appeal or appeal bond is filed, the trial court clerk shall draw a number from the container at random, in a public place, and shall assign the case and any companion cases to the court of appeals for the corresponding number drawn.

(i) Subject to Subchapter A, Chapter 73, the clerks of the First and the Fourteenth Supreme Judicial Districts may from time to time equalize the dockets of the two courts by transferring cases from one court to the other. The court to which the case is transferred has jurisdiction over the matter.

(j) Each of the justices on the court of appeals shall designate the county of his permanent residence on the records of the court in which the justice serves. The county of a justice's permanent residence is the justice's permanent post of duty.

(j-1) The requirement that counties reimburse Harris County for expenses does not apply to expenses incurred before the 1984 fiscal year. This subsection expires January 1, 1986. (V.A.C.S. Arts. 1817 (part), 1817a, 1817a-1.)

Sec. 22.203. **SECOND COURT OF APPEALS.** (a) The Court of Appeals for the Second Supreme Judicial District shall be held in the City of Fort Worth.

(b) The court may transact its business in any county in the district as the court determines is necessary or convenient. (V.A.C.S. Arts. 1817 (part), 1817f.)

Sec. 22.204. **THIRD COURT OF APPEALS.** (a) The Court of Appeals for the Third Supreme Judicial District shall be held in the City of Austin.

(b) The court may transact its business at the county seat of any of the counties within its district as the court determines is necessary and convenient, except that all cases originating in Travis County shall be heard and transacted in that county. (V.A.C.S. Arts. 1817 (part), 1817e.)

Sec. 22.205. **FOURTH COURT OF APPEALS.** The Court of Appeals for the Fourth Supreme Judicial District shall be held in the City of San Antonio. (V.A.C.S. Art. 1817 (part).)

Sec. 22.206. **FIFTH COURT OF APPEALS.** The Court of Appeals for the Fifth Supreme Judicial District shall be held in the City of Dallas. (V.A.C.S. Art. 1817 (part).)

Sec. 22.207. **SIXTH COURT OF APPEALS.** (a) The Court of Appeals for the Sixth Supreme Judicial District shall be held in the City of Texarkana.

(b) The court may transact its business in the City of Texarkana or the courthouse of the county seat of any county in the district as the court determines is necessary or convenient, except that all cases originating in Bowie County shall be heard and transacted in the City of Texarkana. (V.A.C.S. Arts. 1817 (part), 1817c.)

Sec. 22.208. **SEVENTH COURT OF APPEALS.** The Court of Appeals for the Seventh Supreme Judicial District shall be held in the City of Amarillo. (V.A.C.S. Art. 1817 (part).)

Sec. 22.209. **EIGHTH COURT OF APPEALS.** (a) The Court of Appeals for the Eighth Supreme Judicial District shall be held in the City of El Paso.

(b) The court may transact its business at the county seat of any county in the district as the court determines is necessary and convenient, except all cases originating in El Paso County shall be heard and transacted in that county. (V.A.C.S. Arts. 1817 (part), 1817d.)

Sec. 22.210. **NINTH COURT OF APPEALS.** (a) The Court of Appeals for the Ninth Supreme Judicial District shall be held in the City of Beaumont.

(b) The City of Beaumont shall furnish and equip suitable rooms for the court and the justices without expense to the state. (V.A.C.S. Art. 1817 (part).)

Sec. 22.211. **TENTH COURT OF APPEALS.** (a) The Court of Appeals for the Tenth Supreme Judicial District shall be held in the City of Waco.

(b) The City of Waco shall furnish and equip suitable rooms for the court and the justices without expense to the state. (V.A.C.S. Art. 1817 (part).)

Sec. 22.212. **ELEVENTH COURT OF APPEALS.** (a) The Court of Appeals for the Eleventh Supreme Judicial District shall be held in the City of Eastland.

(b) Eastland County shall furnish and equip suitable rooms for the court and the justices without expense to the state. (V.A.C.S. Art. 1817 (part).)

Sec. 22.213. TWELFTH COURT OF APPEALS. (a) The Court of Appeals for the Twelfth Supreme Judicial District shall be held in the City of Tyler.

(b) The City of Tyler and Smith County shall furnish and equip suitable rooms and a library for the court and the justices without expense to the state. (V.A.C.S. Art. 1817 (part).)

Sec. 22.214. THIRTEENTH COURT OF APPEALS. (a) The Court of Appeals for the Thirteenth Supreme Judicial District shall be held in the City of Corpus Christi.

(b) The City of Corpus Christi and Nueces County shall furnish and equip suitable rooms and a library for the court and the justices without expense to the state.

(c) The court may transact its business at the county seat of any county in the district as the court determines is necessary and convenient, except that all cases originating in Nueces County shall be heard and transacted in that county. (V.A.C.S. Arts. 1817 (part), 1817b.)

Sec. 22.215. FOURTEENTH COURT OF APPEALS. (a) The Court of Appeals for the Fourteenth Supreme Judicial District shall be held in the City of Houston.

(b) Harris County shall furnish and equip suitable rooms in Houston for the court and the justices without expense to the state.

(c) The Fourteenth Court of Appeals may transact its business in any county in the First Supreme Judicial District as the court determines necessary and convenient.

(d) Each of the justices on the court of appeals shall designate the county of his permanent residence on the records of the court in which the justice serves. The county of a justice's permanent residence is the justice's permanent post of duty.

(e) Section 22.202, relating to the First Court of Appeals, contains provisions applicable to both that court and the Fourteenth Court of Appeals. (V.A.C.S. Arts. 1817 (part), 1817a(a), (d).)

Sec. 22.216. MEMBERSHIP. (a) The Court of Appeals for the First Supreme Judicial District consists of a chief justice and eight associate justices.

(b) The Court of Appeals for the Second Supreme Judicial District consists of a chief justice and six associate justices.

(c) The Court of Appeals for the Third Supreme Judicial District consists of a chief justice and five associate justices.

(d) The Court of Appeals for the Fourth Supreme Judicial District consists of a chief justice and six associate justices.

(e) The Court of Appeals for the Fifth Supreme Judicial District consists of a chief justice and 12 associate justices.

(f) The Court of Appeals for the Sixth Supreme Judicial District consists of a chief justice and two associate justices.

(g) The Court of Appeals for the Seventh Supreme Judicial District consists of a chief justice and three associate justices.

(h) The Court of Appeals for the Eighth Supreme Judicial District consists of a chief justice and three associate justices.

(i) The Court of Appeals for the Ninth Supreme Judicial District consists of a chief justice and two associate justices.

(j) The Court of Appeals for the Tenth Supreme Judicial District consists of a chief justice and two associate justices.

(k) The Court of Appeals for the Eleventh Supreme Judicial District consists of a chief justice and two associate justices.

(l) The Court of Appeals for the Twelfth Supreme Judicial District consists of a chief justice and two associate justices.

(m) The Court of Appeals for the Thirteenth Supreme Judicial District consists of a chief justice and five associate justices.

(n) The Court of Appeals for the Fourteenth Supreme Judicial District consists of a chief justice and eight associate justices. (V.A.C.S. Arts. 1812(a), (b) (part); Art. 1812a.)

Sec. 22.217. DISQUALIFICATION. (a) The fact that at least two members of a court of appeals are disqualified to determine a case in the court shall be certified to the governor.

(b) The governor immediately shall commission the requisite number of persons who are learned in the law to try and determine the case. (V.A.C.S. Art. 1815.)

Sec. 22.218. TERM OF COURT. The term of each court of appeals begins and ends with each calendar year. (V.A.C.S. Art. 1816.)

Sec. 22.219. ADJOURNMENT. (a) A court of appeals may adjourn from day to day or for the periods that it considers proper.

(b) If a quorum of a court is not present on any day of the term, a justice of the court or the bailiff attending the court may adjourn the court from time to time until a quorum is present, but the court may not be finally adjourned for the term. (V.A.C.S. Art. 1818.)

Sec. 22.220. CIVIL JURISDICTION. (a) Each court of appeals has appellate jurisdiction of all civil cases within its district of which the district courts or county courts have jurisdiction when the amount in controversy or the judgment rendered exceeds \$100, exclusive of interest and costs.

(b) If a court of appeals having jurisdiction in a case, matter, or controversy that requires immediate action is unable to take immediate action because the illness, absence, or unavailability of the justices causes fewer than three members of the court to be present, the nearest available court of appeals, under rules prescribed by the supreme court, may take the action required in the case, matter, or controversy.

(c) Each court of appeals may, on affidavit or otherwise, as the court may determine, ascertain the matters of fact that are necessary to the proper exercise of its jurisdiction. (V.A.C.S. Arts. 1819, 1822.)

Sec. 22.221. WRIT POWER. (a) Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court.

(b) Each court of appeals may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district or county court.

(c) A court of appeals may issue a writ of mandamus, or any other mandatory or compulsory writ or process, against a public officer, an officer of a political party, or a judge or clerk of an election, to compel the performance, in accordance with state law, of a duty imposed on him by law in connection with the holding of a general, special, or primary election or a convention of a political party. A proceeding to obtain the writ shall be conducted in accordance with the rules pertaining to original proceedings in the court in which the petition is filed. A petition for a writ that pertains to an election for an office or on a proposition that is voted on by the voters of the entire state or to a state convention shall be presented to the court of a supreme judicial district in which the respondent resides or in which one of the respondents resides, if there is more than one. A petition for a writ that pertains to an election for an office or to a proposition that is voted on by the voters of only a portion of the state shall be presented to the court of a supreme judicial district in which the territory covered by the election, or a portion of that territory, is located. A petition for a writ that pertains to a precinct or county convention shall be presented to the court of a supreme judicial district in which the precinct or county is located. A petition for a writ that pertains to a district convention shall be presented to the court of a supreme judicial district in which the district, or a portion of the district, is located.

(d) Concurrently with the supreme court, the court of appeals of a supreme judicial district in which a person is restrained in his liberty, or a justice of the court of appeals, may issue a writ of habeas corpus when it appears that the restraint of liberty is by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a divorce case, wife or child support case, or child custody case. Pending the hearing of an application for a writ of habeas corpus, the court of appeals or a justice of the court of appeals may admit to bail a person to whom the writ of habeas corpus may be granted. (V.A.C.S. Arts. 1735a (part), 1823, 1824, 1824a.)

Sec. 22.222. COURT SITTING IN PANELS. (a) Each court of appeals may sit in panels of not fewer than three justices for the purpose of hearing cases.

(b) If more than one panel is used, the court of appeals shall establish rules to periodically rotate the justices among the panels. Permanent civil panels and criminal panels without rotation may not be established.

(c) A majority of a panel constitutes a quorum for the transaction of business, and the concurrence of a majority of a panel is necessary for a decision. (V.A.C.S. Art. 1812(b) (part).)

Sec. 22.223. COURT SITTING EN BANC. (a) The chief justice of each court of appeals, under rules established by the court, shall convene the court en banc for the transaction of all business other than the hearing of cases and may convene the court en banc for the purpose of hearing cases.

(b) When convened en banc, a majority of the membership of the court constitutes a quorum and the concurrence of a majority of the court sitting en banc is necessary for a decision. (V.A.C.S. Art. 1812(b) (part).)

Sec. 22.224. SEAL. The clerk of each court of appeals shall obtain a seal for the court. The seal shall have a star with five points and the words "Court of Appeals of the State of Texas" engraved on it. (V.A.C.S. Art. 1830.)

Sec. 22.225. EFFECT OF JUDGMENT IN CIVIL CASES. (a) A judgment of a court of appeals is conclusive on the facts of the case in all civil cases.

(b) Except as provided by Subsection (c), a judgment of a court of appeals is conclusive on the law and facts, and a writ of error is not allowed from the supreme court, in the following civil cases:

(1) a case appealed from a county court or from a district court when, under the constitution, a county court would have had original or appellate jurisdiction of the case, with the exception of a probate matter or a case involving state revenue laws or the validity or construction of a statute;

(2) a case of slander;

(3) a case of divorce, child custody, support, or reciprocal support;

(4) a case of a contested election other than a contested election for a state officer, with the exception of a case where the validity of a statute is questioned by the decision;

(5) an appeal from an interlocutory order appointing a receiver or trustee or from other interlocutory appeals that are allowed by law;

(6) an appeal from an order or judgment in a suit in which a temporary injunction has been granted or refused or when a motion to dissolve has been granted or overruled; and

(7) all other cases except the cases where appellate jurisdiction is given to the supreme court and is not made final in the courts of appeals.

(c) This section does not deprive the supreme court of jurisdiction of a civil case brought to the court of appeals from an appealable judgment of a trial court in which the justices of the courts of appeals disagree on a question of law material to the decision or in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court, as provided by Subdivisions (1) and (2) of Section 22.001(a). (V.A.C.S. Arts. 1820, 1821.)

Sec. 22.226. **MANDATE.** When the court from which an appeal is taken is deprived of jurisdiction over the case pending the appeal and the case is determined by a court of appeals or the court of criminal appeals, the mandate of the appellate court that determines the case shall be directed to the court that had jurisdiction over the case, as also provided by Section 22.102. (V.A.C.S. Art. 1807.)

Sec. 22.227. **STENOGRAPHER.** (a) Each court of appeals may appoint one stenographer who is sworn to keep secret the matters that come to his knowledge as the stenographer.

(b) Each stenographer must give a \$2,000 bond, payable to the State of Texas, conditioned on the faithful performance of his duties, and approved by the chief justice of the court of appeals. (V.A.C.S. Art. 1836.)

Sec. 22.228. **SPECIAL COMMISSIONER.** (a) *The other justices of a court of appeals shall certify to the governor the following facts when they occur:*

(1) a justice of the court of appeals is totally disabled to discharge any of the duties of his office because of physical or mental illness that probably is permanent, has remained in that condition continuously for at least one year, and probably will continue to be incapacitated by the illness for the balance of his term of office; or

(2) a justice of the court of appeals has been called or ordered into the active military service of the United States.

(b) On receipt of a certificate that a justice is disabled or on active military service, the governor shall investigate and verify the facts contained in the certificate. If the governor determines that the appointment of a special commissioner is necessary, he promptly shall appoint a special commissioner who has the qualifications of a member of a court of appeals to assist the court.

(c) A special commissioner may sit with the court, hear arguments on submitted cases, and write opinions on the cases if directed to do so by the court. When the opinion of a special commissioner is adopted by the court of appeals, it becomes the opinion of the court.

(d) A special commissioner appointed by the governor shall receive the same compensation as a regular justice of the courts of appeals.

(e) A special commissioner who is appointed because of the disability of a justice serves on the court until the recovery from the disability, the death, or the expiration of the term of the disabled justice, except that a special commissioner may not serve for more than two years under the same appointment. In the event of a recovery from the disability, a majority of the justices of the court of appeals shall certify to the governor that the disabled justice is recovered. The certificate of a majority of the justices is conclusive evidence of the recovery of the disabled justice.

(f) A special commissioner who is appointed because a justice is on active military service serves on the court until the discharge of the justice from the military service or the expiration of the term of the justice who is on military service, except that a special commissioner may not serve more than two years under the same appointment. When the active military service of a

justice of a court of appeals is terminated, the other justices of the court shall certify the termination to the governor. The certificate of the other justices is conclusive evidence of the termination of the active military service.

(g) This section does not give the members of a court of appeals or the governor the power to remove or suspend from office a justice of a court of appeals or to interfere with a justice in his constitutional rights and powers. (V.A.C.S. Arts. 1813(b), (c), (d), (e), (f).)

[Sections 22.229-22.300 reserved for expansion]

#### SUBCHAPTER D. GENERAL PROVISIONS

Sec. 22.301. SALARIES OF OFFICERS AND PERSONNEL OF APPELLATE COURTS. The salaries of the state prosecuting attorney and the clerks, other officers, and employees of the supreme court, court of criminal appeals, and courts of appeals shall be determined by the legislature in its appropriation acts for the support of the judiciary. (V.A.C.S. Art. 6819b (part).)

### CHAPTER 23. GENERAL PROVISIONS FOR TRIAL COURTS

#### SUBCHAPTER A. JURISDICTION

Sec. 23.001. JUVENILE JURISDICTION

[Sections 23.002-23.100 reserved for expansion]

#### SUBCHAPTER B. PRIORITY IN SETTING HEARINGS AND TRIALS

Sec. 23.101. PRIMARY PRIORITIES

Sec. 23.102. SECONDARY PRIORITIES

Sec. 23.103. EFFECT ON OTHER LAWS

### CHAPTER 23. GENERAL PROVISIONS FOR TRIAL COURTS

#### SUBCHAPTER A. JURISDICTION

Sec. 23.001. JUVENILE JURISDICTION. (a) Each district court, county court, and statutory county court exercising any of the constitutional jurisdiction of either a county court or a district court has jurisdiction over juvenile matters and may be designated a juvenile court.

(b) Action taken by a juvenile judge who is not licensed to practice law in this state is subject to a trial de novo and appeal as provided by Sections 51.04, 51.18, and 56.01 of the Family Code. (V.A.C.S. Art. 2338-1.1.)

[Sections 23.002-23.100 reserved for expansion]

#### SUBCHAPTER B. PRIORITY IN SETTING HEARINGS AND TRIALS

Sec. 23.101. PRIMARY PRIORITIES. (a) The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

- (1) temporary injunctions;
- (2) criminal actions, with criminal actions against defendants who are detained in jail pending trial given preference over other criminal actions;
- (3) election contests and suits under the Texas Election Code; and
- (4) appeals of final rulings and decisions of the Industrial Accident Board.

(b) Insofar as practicable, the trial courts shall observe the preference provided by Subsection (a) in ruling on, hearing, and trying the matters pending before the courts. (V.A.C.S. Art. 2166a, Sec. 1.)

Sec. 23.102. SECONDARY PRIORITIES. A matter not included in Section 23.101 shall be set at the discretion of the trial court in which the matter is pending, observing the following priorities:

- (1) precedence should be given to matters where delay will cause physical or economic injury to either the parties or the public;
- (2) matters involving substantial substantive or constitutional rights should take precedence over matters involving permits, licenses, or privileges; and
- (3) precedence should be given matters involving important issues that greatly concern the public or materially affect the public welfare. (V.A.C.S. Art. 2166a, Sec. 2.)

Sec. 23.103. EFFECT ON OTHER LAWS. Sections 23.101 and 23.102 do not affect a statute directing a specific court to give preference to cases involving that court's criminal jurisdiction, family law jurisdiction, or other specified jurisdiction. (V.A.C.S. Art. 2166a, Sec. 3.)

CHAPTER 24. DISTRICT COURTS  
SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 24.001. AGE QUALIFICATION OF JUDGES
- Sec. 24.002. SUBSTITUTE JUDGES
- Sec. 24.003. SUBSTITUTE JUDGES IN CERTAIN COUNTIES
- Sec. 24.004. SPECIAL JUDGE BY AGREEMENT OF PARTIES
- Sec. 24.005. SPECIAL JUDGE ELECTED BY LAWYERS
- Sec. 24.006. SALARY OF SPECIAL JUDGE
- Sec. 24.007. ORIGINAL CIVIL JURISDICTION
- Sec. 24.008. OTHER JURISDICTION
- Sec. 24.009. JURISDICTIONAL AMOUNT IF PARTIES PROPERLY JOIN IN ONE SUIT
- Sec. 24.010. JURISDICTION OF FAILURE TO PAY OVER CERTAIN MONEY
- Sec. 24.011. WRIT POWER
- Sec. 24.012. TERMS AND SESSIONS OF COURT
- Sec. 24.013. JUDGE'S POWERS IN VACATION
- Sec. 24.014. SPECIAL TERMS
- Sec. 24.015. PROCEDURE AT SPECIAL TERM
- Sec. 24.016. APPOINTED COUNSEL
- Sec. 24.017. PROCEEDINGS IN MULTICOUNTY DISTRICTS
- Sec. 24.018. CERTAIN EFFECT OF DISTRICT REORGANIZATION
- Sec. 24.019. EXPENSES OF DISTRICT JUDGE

[Sections 24.020-24.100 reserved for expansion]

SUBCHAPTER B. CERTAIN JUDICIAL DISTRICTS

- Sec. 24.101. 1ST JUDICIAL DISTRICT (JASPER, NEWTON, SABINE, AND SAN AUGUSTINE COUNTIES)
- Sec. 24.102. 2ND JUDICIAL DISTRICT (CHEROKEE COUNTY)
- Sec. 24.103. 3RD JUDICIAL DISTRICT (ANDERSON, HENDERSON, AND HOUSTON COUNTIES)
- Sec. 24.104. 4TH JUDICIAL DISTRICT (RUSK COUNTY)
- Sec. 24.105. 5TH JUDICIAL DISTRICT (BOWIE AND CASS COUNTIES)
- Sec. 24.106. 6TH JUDICIAL DISTRICT (FANNIN, LAMAR, AND RED RIVER COUNTIES)
- Sec. 24.107. 7TH JUDICIAL DISTRICT (SMITH COUNTY)
- Sec. 24.108. 8TH JUDICIAL DISTRICT (DELTA, FRANKLIN, HOPKINS, AND RAINS COUNTIES)
- Sec. 24.109. 9TH JUDICIAL DISTRICT (MONTGOMERY, POLK, SAN JACINTO, AND WALLER COUNTIES)
- Sec. 24.110. SECOND 9TH JUDICIAL DISTRICT (MONTGOMERY, POLK, SAN JACINTO, AND TRINITY COUNTIES)
- Sec. 24.111. 10TH JUDICIAL DISTRICT (GALVESTON COUNTY)
- Sec. 24.112. 11TH JUDICIAL DISTRICT (HARRIS COUNTY)
- Sec. 24.113. 12TH JUDICIAL DISTRICT (GRIMES, LEON, MADISON, AND WALKER COUNTIES)
- Sec. 24.114. 13TH JUDICIAL DISTRICT (NAVARRO COUNTY)
- Sec. 24.115. 14TH JUDICIAL DISTRICT (DALLAS COUNTY)

- Sec. 24.116. 15TH JUDICIAL DISTRICT (GRAYSON COUNTY)
- Sec. 24.117. 16TH JUDICIAL DISTRICT (DENTON COUNTY)
- Sec. 24.118. 17TH JUDICIAL DISTRICT (TARRANT COUNTY)
- Sec. 24.119. 18TH JUDICIAL DISTRICT (JOHNSON AND SOMERVELL COUNTIES)
- Sec. 24.120. 19TH JUDICIAL DISTRICT (McLENNAN COUNTY)
- Sec. 24.121. 20TH JUDICIAL DISTRICT (MILAM COUNTY)
- Sec. 24.122. 21ST JUDICIAL DISTRICT (BASTROP, BURLESON, LEE, AND WASHINGTON COUNTIES)
- Sec. 24.123. 22ND JUDICIAL DISTRICT (CALDWELL, COMAL, AND HAYS COUNTIES)
- Sec. 24.124. 23RD JUDICIAL DISTRICT (BRAZORIA, MATAGORDA, AND WHARTON COUNTIES)
- Sec. 24.125. 24TH JUDICIAL DISTRICT (CALHOUN, DeWITT, GOLIAD, JACKSON, REFUGIO, AND VICTORIA COUNTIES)
- Sec. 24.126. 25TH JUDICIAL DISTRICT (COLORADO, GONZALES, GUADALUPE, AND LAVACA COUNTIES)
- Sec. 24.127. SECOND 25TH JUDICIAL DISTRICT (COLORADO, GONZALES, GUADALUPE, AND LAVACA COUNTIES)
- Sec. 24.128. 26TH JUDICIAL DISTRICT (WILLIAMSON COUNTY)
- Sec. 24.129. 27TH JUDICIAL DISTRICT (BELL AND LAMPASAS COUNTIES)
- Sec. 24.130. 28TH JUDICIAL DISTRICT (KENEDY, KLEBERG, AND NUECES COUNTIES)
- Sec. 24.131. 29TH JUDICIAL DISTRICT (PALO PINTO COUNTY)
- Sec. 24.132. 30TH JUDICIAL DISTRICT (WICHITA COUNTY)
- Sec. 24.133. 31ST JUDICIAL DISTRICT (GRAY, HEMPHILL, LIPSCOMB, ROBERTS, AND WHEELER COUNTIES)
- Sec. 24.134. 32ND JUDICIAL DISTRICT (FISHER, MITCHELL, AND NOLAN COUNTIES)
- Sec. 24.135. 33RD JUDICIAL DISTRICT (BLANCO, BURNET, LLANO, MASON, AND SAN SABA COUNTIES)
- Sec. 24.136. 34TH JUDICIAL DISTRICT (CULBERSON, EL PASO, AND HUDSPETH COUNTIES)
- Sec. 24.137. 35TH JUDICIAL DISTRICT (BROWN, COLEMAN, AND MILLS COUNTIES)
- Sec. 24.138. 36TH JUDICIAL DISTRICT (ARANSAS, BEE, LIVE OAK, McMULLEN, AND SAN PATRICIO COUNTIES)
- Sec. 24.139. 37TH JUDICIAL DISTRICT (BEXAR COUNTY)
- Sec. 24.140. 38TH JUDICIAL DISTRICT (MEDINA, REAL, AND UVALDE COUNTIES)
- Sec. 24.141. 39TH JUDICIAL DISTRICT (HASKELL, KENT, STONEWALL, AND THROCKMORTON COUNTIES)
- Sec. 24.142. 40TH JUDICIAL DISTRICT (ELLIS COUNTY)
- Sec. 24.143. 41ST JUDICIAL DISTRICT (EL PASO COUNTY)
- Sec. 24.144. 42ND JUDICIAL DISTRICT (CALLAHAN, COLEMAN, AND TAYLOR COUNTIES)
- Sec. 24.145. 43RD JUDICIAL DISTRICT (PARKER COUNTY)
- Sec. 24.146. 44TH JUDICIAL DISTRICT (DALLAS COUNTY)
- Sec. 24.147. 45TH JUDICIAL DISTRICT (BEXAR COUNTY)
- Sec. 24.148. 46TH JUDICIAL DISTRICT (FOARD, HARDEMAN, AND WILBARGER COUNTIES)

- Sec. 24.149. 47TH JUDICIAL DISTRICT (ARMSTRONG, POTTER, AND RANDALL COUNTIES)
- Sec. 24.150. 48TH JUDICIAL DISTRICT (TARRANT COUNTY)
- Sec. 24.151. 49TH JUDICIAL DISTRICT (WEBB AND ZAPATA COUNTIES)
- Sec. 24.152. 50TH JUDICIAL DISTRICT (BAYLOR, COTTLE, KING, AND KNOX COUNTIES)
- Sec. 24.153. 51ST JUDICIAL DISTRICT (COKE, IRION, SCHLEICHER, STERLING, AND TOM GREEN COUNTIES)
- Sec. 24.154. 52ND JUDICIAL DISTRICT (CORYELL COUNTY)
- Sec. 24.155. 53RD JUDICIAL DISTRICT (TRAVIS COUNTY)
- Sec. 24.156. 54TH JUDICIAL DISTRICT (McLENNAN COUNTY)
- Sec. 24.157. 55TH JUDICIAL DISTRICT (HARRIS COUNTY)
- Sec. 24.158. 56TH JUDICIAL DISTRICT (GALVESTON COUNTY)
- Sec. 24.159. 57TH JUDICIAL DISTRICT (BEXAR COUNTY)
- Sec. 24.160. 58TH JUDICIAL DISTRICT (JEFFERSON COUNTY)
- Sec. 24.161. 59TH JUDICIAL DISTRICT (GRAYSON COUNTY)
- Sec. 24.162. 60TH JUDICIAL DISTRICT (JEFFERSON COUNTY)
- Sec. 24.163. 61ST JUDICIAL DISTRICT (HARRIS COUNTY)
- Sec. 24.164. 62ND JUDICIAL DISTRICT (DELTA, FRANKLIN, HOPKINS, AND LAMAR COUNTIES)
- Sec. 24.165. 63RD JUDICIAL DISTRICT (EDWARDS, KINNEY, TERRELL, AND VAL VERDE COUNTIES)
- Sec. 24.166. 64TH JUDICIAL DISTRICT (CASTRO, HALE, AND SWISHER COUNTIES)
- Sec. 24.167. 65TH JUDICIAL DISTRICT (EL PASO COUNTY)
- Sec. 24.168. 66TH JUDICIAL DISTRICT (HILL COUNTY)
- Sec. 24.169. 67TH JUDICIAL DISTRICT (TARRANT COUNTY)
- Sec. 24.170. 68TH JUDICIAL DISTRICT (DALLAS COUNTY)
- Sec. 24.171. 69TH JUDICIAL DISTRICT (DALLAM, HARTLEY, MOORE, AND SHERMAN COUNTIES)
- Sec. 24.172. 70TH JUDICIAL DISTRICT (ECTOR COUNTY)
- Sec. 24.173. 71ST JUDICIAL DISTRICT (HARRISON COUNTY)
- Sec. 24.174. 72ND JUDICIAL DISTRICT (CROSBY AND LUBBOCK COUNTIES)
- Sec. 24.175. 73RD JUDICIAL DISTRICT (BEXAR COUNTY)
- Sec. 24.176. 74TH JUDICIAL DISTRICT (McLENNAN COUNTY)
- Sec. 24.177. 75TH JUDICIAL DISTRICT (LIBERTY COUNTY)
- Sec. 24.178. 76TH JUDICIAL DISTRICT (CAMP, MORRIS, AND TITUS COUNTIES)
- Sec. 24.179. 77TH JUDICIAL DISTRICT (FREESTONE AND LIMESTONE COUNTIES)
- Sec. 24.180. 78TH JUDICIAL DISTRICT (WICHITA COUNTY)
- Sec. 24.181. 79TH JUDICIAL DISTRICT (BROOKS AND JIM WELLS COUNTIES)
- Sec. 24.182. 80TH JUDICIAL DISTRICT (HARRIS COUNTY)
- Sec. 24.183. 81ST JUDICIAL DISTRICT (ATASCOSA, FRIO, KARNES, LaSALLE, AND WILSON COUNTIES)
- Sec. 24.184. 82ND JUDICIAL DISTRICT (FALLS AND ROBERTSON COUNTIES)
- Sec. 24.185. 83RD JUDICIAL DISTRICT (BREWSTER, JEFF DAVIS, PECOS, PRESIDIO, REAGAN, AND UPTON COUNTIES)



- Sec. 24.186. 84TH JUDICIAL DISTRICT (HANSFORD, HUTCHINSON, AND OCHILTREE COUNTIES)
- Sec. 24.187. 85TH JUDICIAL DISTRICT (BRAZOS COUNTY)
- Sec. 24.188. 86TH JUDICIAL DISTRICT (KAUFMAN AND ROCKWALL COUNTIES)
- Sec. 24.189. 87TH JUDICIAL DISTRICT (ANDERSON, FREESTONE, LEON, AND LIMESTONE COUNTIES)
- Sec. 24.190. 88TH JUDICIAL DISTRICT (HARDIN AND TYLER COUNTIES)
- Sec. 24.191. 89TH JUDICIAL DISTRICT (WICHITA COUNTY)
- Sec. 24.192. 90TH JUDICIAL DISTRICT (STEPHENS AND YOUNG COUNTIES)
- Sec. 24.193. 91ST JUDICIAL DISTRICT (EASTLAND COUNTY)
- Sec. 24.194. 92ND JUDICIAL DISTRICT (HIDALGO COUNTY)
- Sec. 24.195. 93RD JUDICIAL DISTRICT (HIDALGO COUNTY)
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- Sec. 24.199. 97TH JUDICIAL DISTRICT (ARCHER, CLAY, AND MONTAGUE COUNTIES)
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- Sec. 24.205. 103RD JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES)
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- Sec. 24.212. 110TH JUDICIAL DISTRICT (BRISCOE, DICKENS, FLOYD, AND MOTLEY COUNTIES)
- Sec. 24.213. 111TH JUDICIAL DISTRICT (WEBB COUNTY)
- Sec. 24.214. 112TH JUDICIAL DISTRICT (CROCKETT, PECOS, REAGAN, SUTTON, AND UPTON COUNTIES)
- Sec. 24.215. 113TH JUDICIAL DISTRICT (HARRIS COUNTY)
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- Sec. 24.217. 115TH JUDICIAL DISTRICT (MARION AND UPSHUR COUNTIES)
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- Sec. 24.223. 121ST JUDICIAL DISTRICT (TERRY AND YOAKUM COUNTIES)
- Sec. 24.224. 122ND JUDICIAL DISTRICT (GALVESTON COUNTY)
- Sec. 24.225. 123RD JUDICIAL DISTRICT (PANOLA AND SHELBY COUNTIES)
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- Sec. 24.390. 211TH JUDICIAL DISTRICT (DENTON COUNTY)
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- Sec. 24.401. 223RD JUDICIAL DISTRICT (GRAY COUNTY)
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- Sec. 24.437. 260TH JUDICIAL DISTRICT (ORANGE COUNTY)
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- Sec. 24.444. 267TH JUDICIAL DISTRICT (CALHOUN, DeWITT, GOLIAD, JACKSON, REFUGIO, AND VICTORIA COUNTIES)
- Sec. 24.445. 268TH JUDICIAL DISTRICT (FORT BEND COUNTY)
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- Sec. 24.449. 272ND JUDICIAL DISTRICT (BRAZOS COUNTY)
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- Sec. 24.451. 274TH JUDICIAL DISTRICT (CALDWELL, COMAL, GUADALUPE, AND HAYS COUNTIES)
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- Sec. 24.454. 277TH JUDICIAL DISTRICT (WILLIAMSON COUNTY)
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- Sec. 24.472. 295TH JUDICIAL DISTRICT (HARRIS COUNTY)
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  - Sec. 24.488. 342ND JUDICIAL DISTRICT (TARRANT COUNTY)
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  - Sec. 24.491. 345TH JUDICIAL DISTRICT (TRAVIS COUNTY)
  - Sec. 24.492. 346TH JUDICIAL DISTRICT (EL PASO COUNTY)
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  - Sec. 24.503. 357TH JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES)
  - Sec. 24.504. 358TH JUDICIAL DISTRICT (ECTOR COUNTY)
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**SUBCHAPTER D. FAMILY DISTRICT COURTS**

- Sec. 24.601. JURISDICTION
- Sec. 24.602. TERMS
- Sec. 24.603. JUDGE
- Sec. 24.604. APPOINTMENT OF RETIRED JUDGE TO SIT FOR REGULAR JUDGE
- Sec. 24.605. COURT OFFICIALS, PERSONNEL, AND FACILITIES
- Sec. 24.606. COUNTY JUVENILE BOARD
- Sec. 24.607. COURT STYLE
- Sec. 24.608. 300TH JUDICIAL DISTRICT (BRAZORIA COUNTY)
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- Sec. 24.633. 325TH JUDICIAL DISTRICT (TARRANT COUNTY)
- Sec. 24.634. 326TH JUDICIAL DISTRICT (TAYLOR COUNTY)
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[Sections 24.640-24.900 reserved for expansion]

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- Sec. 24.901. CRIMINAL JUDICIAL DISTRICT OF DALLAS COUNTY
  - Sec. 24.902. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 2
  - Sec. 24.903. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 3
  - Sec. 24.904. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 4
  - Sec. 24.905. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 5
- [Sections 24.906-24.909 reserved for expansion]
- Sec. 24.910. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 1
  - Sec. 24.911. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 2
  - Sec. 24.912. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 3
  - Sec. 24.913. CRIMINAL JUDICIAL DISTRICT NO. 4 OF TARRANT COUNTY

[Sections 24.914-24.919 reserved for expansion]

- Sec. 24.920. CRIMINAL JUDICIAL DISTRICT OF JEFFERSON COUNTY

### CHAPTER 24. DISTRICT COURTS

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 24.001. AGE QUALIFICATION OF JUDGES. A district judge must be at least 25 years old. (V.A.C.S. Art. 1884 (part).)

Sec. 24.002. SUBSTITUTE JUDGES. A change of venue is not necessary because of the disqualification of a district judge in a case or proceeding pending in his court, but the judge shall immediately certify his disqualification to the governor. The governor shall designate a district



judge of another district to exchange benches with the disqualified judge to try the case. The governor shall notify both judges of his designation, and the judges shall exchange benches. If the judges are prevented from exchanging benches, the parties or their counsels may agree on an attorney of the court for the trial of the case. The district judge or special judge shall certify to the governor the fact of a failure of the parties or their counsels to agree on an attorney, and the governor shall appoint a person legally qualified to act as judge in the trial of the case. (V.A.C.S. Art. 1885.)

Sec. 24.003. **SUBSTITUTE JUDGES IN CERTAIN COUNTIES.** (a) This section applies only to civil cases in counties with five or more district courts.

(b) If a district judge is disqualified in a case pending in his court and his disqualification is certified to the governor, the governor may require any other district judge in the county to exchange benches with the disqualified judge.

(c) If a district judge is absent, sick, or disqualified, any of the district judges in the county may hold court for him or may transfer a pending case to the court of any other district judge in the county.

(d) If a district judge is absent, sick, or disqualified, the practicing lawyers of the court may elect a special judge in the manner provided by Section 24.005. The elected special judge has the powers and duties of the regular judge. (V.A.C.S. Art. 2092, Subdiv. 23.)

Sec. 24.004. **SPECIAL JUDGE BY AGREEMENT OF PARTIES.** If the parties agree on a special judge for the trial of a particular case, the clerk shall enter in the minutes of the court, as a part of the proceedings in the case, a record showing:

(1) that the judge of the court is disqualified to try the case;

(2) the name of the special judge and that the parties agreed on the selection of that judge for the trial of the case; and

(3) that the oath prescribed by law was administered to the special judge. (V.A.C.S. Art. 1886.)

Sec. 24.005. **SPECIAL JUDGE ELECTED BY LAWYERS.** (a) If the judge of a district court fails or refuses to hold the court, the practicing lawyers of the court who are present may elect one of their number special judge to hold the court and proceed with its business. The lawyers may hold additional elections at any time to supply a judge during the absence, failure, or inability of the regular judge or a special judge to perform the duties of the office.

(b) To conduct the election, the sheriff or constable shall publicly proclaim at the courthouse door that the practicing lawyers who are present are about to elect a special judge of the court. Following the proclamation, the clerk shall make a list of the practicing lawyers who are present, and the lawyers shall organize and hold the election. If the sheriff, constable, or clerk fails or refuses to act, the practicing lawyers who are present may organize themselves into an electoral body and appoint a sheriff and clerk pro tempore to perform the respective duties of the sheriff and clerk.

(c) Each practicing lawyer in attendance may participate in the election and cast one vote by ballot. A majority of the votes of the lawyers who participate is necessary to elect a special judge.

(d) The clerk shall enter a record of the election of the special judge in the minutes of the court. The record shall show:

(1) the names of all the practicing lawyers who were present and participated in the election;

(2) that a public proclamation that the election was about to take place was made at the courthouse door;

(3) the number of ballots cast at the election, the number of votes for each person, and the result of the election; and

(4) that the oath prescribed by law was administered to the special judge.

(e) A record of election proceedings that substantially comply with the requirements of the law is conclusive evidence of the election and qualification of a special judge. (V.A.C.S. Arts. 1887, 1888, 1889, 1890, 1891, 1892, 1893.)

Sec. 24.006. **SALARY OF SPECIAL JUDGE.** (a) This section applies to payment of salary to:

(1) a special judge commissioned by the governor as provided by Article V, Section 11, of the Texas Constitution;

(2) a special judge agreed on by the parties as provided by Section 24.004; and

(3) a special judge elected by the practicing lawyers as provided by Section 24.005.

(b) Each special judge is entitled to receive for each day served as a special judge the same daily salary that a district judge receives.

(c) A special judge commissioned by the governor is also entitled to receive the same daily salary that a district judge receives for each day necessary for the special judge to travel to and from the court.

(d) The daily salary is determined by dividing the annual salary of a district judge by 365.

(e) In order to obtain his salary, a special judge commissioned by the governor must present his sworn account to the comptroller showing the number of travel days that were necessary. The judge must also give the comptroller evidence that the judge was duly commissioned. The account must be certified as correct by the judge of the district or by the court clerk of the court in which he served.

(f) A special judge agreed on by the parties or elected by the practicing lawyers shall be paid on presenting to the comptroller the certificate of the clerk of the court in which he served and the judge's sworn account. The clerk's certificate must show the record of the judge's election or appointment and must show that the judge performed services in the court. The judge's sworn account must show the number of days that he served as the special judge. (V.A.C.S. Art. 6821.)

**Sec. 24.007. ORIGINAL CIVIL JURISDICTION.** In addition to the jurisdiction conferred by Article V, Section 8, of the Texas Constitution, the district court has original civil jurisdiction of cases of dissolution of marriage. (V.A.C.S. Art. 1906 (part).)

**Sec. 24.008. OTHER JURISDICTION.** The district court may hear and determine any cause that is cognizable by courts of law or equity and may grant any relief that could be granted by either courts of law or equity. (V.A.C.S. Art. 1913.)

**Sec. 24.009. JURISDICTIONAL AMOUNT IF PARTIES PROPERLY JOIN IN ONE SUIT.** If two or more persons originally and properly join in one suit, the suit for jurisdictional purposes is treated as if one party is suing for the aggregate amount of all their claims added together, excluding interest and costs. This section does not prevent jurisdiction from attaching on any other ground. (V.A.C.S. Art. 1906a.)

**Sec. 24.010. JURISDICTION OF FAILURE TO PAY OVER CERTAIN MONEY.** The district court may hear and determine:

(1) motions against sheriffs and other officers of the court for failure to pay over money collected under the process of the court or other defalcation of duty in connection with the process; and

(2) motions against attorneys for money collected by them and not paid over. (V.A.C.S. Art. 1910.)

**Sec. 24.011. WRIT POWER.** A judge of a district court may, either in termtime or vacation, grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari, and supersedeas and all other writs necessary to the enforcement of the court's jurisdiction. (V.A.C.S. Art. 1914.)

**Sec. 24.012. TERMS AND SESSIONS OF COURT.** (a) Each district and criminal district court holds at least two terms of court each year in each county in the district.

(b) Except as otherwise provided by this chapter, the terms of each district, family district, and criminal district court are continuous. Each term begins on a day fixed by law and continues until the day fixed by law for the beginning of the next succeeding term.

(c) The commencement of a term of court is not affected by the fact that the first day of the term falls on a legal holiday or the judge is absent from the county on the first day of the term.

(d) A district judge may hold as many sessions of court in a county as he considers proper and expedient for the dispatch of business and may adopt rules for that purpose as authorized by the statutes of this state and the Texas Rules of Civil Procedure. (V.A.C.S. Art. 199a, Sec. 2.001 (part); Art. 1919, Sec. 1; Art. 1926a, Sec. 1.04 (part).)

**Sec. 24.013. JUDGE'S POWERS IN VACATION.** (a) A judge may, in vacation with the consent of the parties to a case:

(1) exercise powers, issue orders, and perform acts as fully as in termtime; and

(2) try any civil case, except divorce cases, without a jury and enter final judgment.

(b) The right of appeal, writ of error, and rules of procedure apply to actions taken under this section as if done in termtime. (V.A.C.S. Art. 1915.)

**Sec. 24.014. SPECIAL TERMS.** (a) A district judge may set a time for and hold a special term in any county in his district.

(b) The judge may appoint jury commissioners who select and draw grand and petit jurors as provided by law. The jurors may be summoned to appear before the court at the time designated by the judge.

(c) The judge may determine whether or not to draw or empanel a grand jury.

(d) A new civil case may not be brought to a special term of the court. (V.A.C.S. Art. 1920.)

**Sec. 24.015. PROCEDURE AT SPECIAL TERM.** (a) Juries for special terms authorized by Section 24.014 shall be summoned in the manner provided by law for regular terms.

(b) Any proceeding in a case that may be held at a regular term may also be held at a special term.

(c) The following procedures in any civil or criminal case are the same and have the same force and effect when done at a special term as though done at a regular term:

- (1) the issuance of process, whether to a regular term or a special term;
- (2) the conduct of proceedings;
- (3) the issuance of an order, judgment, or decree; and
- (4) an appeal.

(d) A proceeding held at a special term may be appealed as if it were held at a regular term. (V.A.C.S. Art. 1921.)

Sec. 24.016. **APPOINTED COUNSEL.** A district judge may appoint counsel to attend to the cause of a party who makes an affidavit that he is too poor to employ counsel to attend to the cause. (V.A.C.S. Art. 1917.)

Sec. 24.017. **PROCEEDINGS IN MULTICOUNTY DISTRICTS.** (a) This section applies in judicial districts that are composed of more than one county.

(b) Except as provided by this section, the judge of a district court may, in any county in his judicial district:

- (1) hear and determine all preliminary and interlocutory matters in which a jury may not be demanded;
- (2) hear and determine uncontested or agreed cases and contests of elections pending in his district, unless a party to the suit objects; and
- (3) sign all necessary orders and judgments in those matters.

(c) The judge may sign an order or decree in any case pending for trial or on trial before him in any county in his district at a place that is convenient to the judge and forward the order or decree to the clerk for filing and entry.

(d) A district judge who is assigned to preside in a court of another judicial district or is presiding in exchange or at the request of the regular judge of the court may, in the manner provided by this section for the regular judge, hear, determine, and enter the orders, judgments, and decrees in a case that is pending for trial or has been tried before the visiting judge.

(e) All contested divorce cases, all default judgments, and all cases in which any of the parties are cited by publication must be tried in the county in which the case is filed unless other law authorizes the case to be tried in another county. (V.A.C.S. Art. 1919, Sec. 2.)

Sec. 24.018. **CERTAIN EFFECT OF DISTRICT REORGANIZATION.** If the counties that compose a judicial district or the time or place for holding terms of a district court are changed by law:

- (1) the process and writs issued from the district court and made returnable to a term of court fixed by the law at the time of the issuance are returnable to the next term of the court as fixed by the amended law and are as legal and valid as if they were made returnable to the term of the court as fixed by the amended law;
- (2) the grand and petit jurors selected or drawn under the prior law in any county in the judicial district are lawfully selected or drawn for the next term of the district court of the county as fixed by the amended law; and
- (3) the obligees in all appearance bonds and recognizances taken in and for the district court and the witnesses summoned to appear before the district court under the prior law are required to appear at the next term of the court as fixed by the amended law. (V.A.C.S. Art. 200.)

Sec. 24.019. **EXPENSES OF DISTRICT JUDGE.** (a) A district judge engaged in the discharge of official duties in a county other than the judge's county of residence is entitled to traveling and other necessary expenses, as provided by the Travel Regulations Act of 1959 (Article 6823a, Vernon's Texas Civil Statutes).

(b) A district judge is entitled to receive from the state the actual and necessary postage, telegraph, and telephone expenses incurred in the discharge of official duties.

(c) The expenses shall be paid by the state on a sworn itemized account showing the expenses. (V.A.C.S. Art. 6820 (part).)

[Sections 24.020-24.100 reserved for expansion]

## SUBCHAPTER B. CERTAIN JUDICIAL DISTRICTS

Sec. 24.101. **1ST JUDICIAL DISTRICT (JASPER, NEWTON, SABINE, AND SAN AUGUSTINE COUNTIES).** (a) The 1st Judicial District is composed of Jasper, Newton, Sabine, and San Augustine counties.

(b) In addition to other jurisdiction provided by law, the 1st District Court in Sabine and San Augustine counties has the civil jurisdiction of a county court.

(c) The terms of the 1st District Court begin:

(1) in Jasper County on the first Monday in January and the 22nd Monday after the first Monday in January;

(2) in Newton County on the 5th and 34th Mondays after the first Monday in January;

(3) in San Augustine County on the 11th and 40th Mondays after the first Monday in January; and

(4) in Sabine County on the 17th and 45th Mondays after the first Monday in January. (V.A.C.S. Art. 199(1); Acts 56th Legis., 2nd C.S., 1959, Ch. 7, Sec. 2 (part).)

Sec. 24.102. 2ND JUDICIAL DISTRICT (CHEROKEE COUNTY). (a) The 2nd Judicial District is composed of Cherokee County.

(b) The terms of the 2nd District Court begin on the first Mondays in March and September.

(c) The judge may take a vacation and not attend court for four weeks in each year. (V.A.C.S. Art. 199(2), Secs. 1, 2, 8.)

Sec. 24.103. 3RD JUDICIAL DISTRICT (ANDERSON, HENDERSON, AND HOUSTON COUNTIES). (a) The 3rd Judicial District is composed of Anderson, Henderson, and Houston counties.

(b) The terms of the 3rd District Court begin:

(1) in Anderson County on the first Mondays in April, July, and December;

(2) in Henderson County on the first Mondays in February, June, and September; and

(3) in Houston County on the first Mondays in March, August, and October. (V.A.C.S. Art. 199(3).)

Sec. 24.104. 4TH JUDICIAL DISTRICT (RUSK COUNTY). (a) The 4th Judicial District is composed of Rusk County.

(b) The terms of the 4th District Court begin on the first Mondays in January, March, May, July, September, and November. (V.A.C.S. Art. 199(4).)

Sec. 24.105. 5TH JUDICIAL DISTRICT (BOWIE AND CASS COUNTIES). (a) The 5th Judicial District is composed of Bowie and Cass counties.

(b) In addition to other jurisdiction provided by law, each district court in Bowie and Cass counties has the civil and criminal jurisdiction of a county court.

(c) In Bowie County, the 5th Judicial District has concurrent jurisdiction with the 102nd Judicial District. Either court, in term or in vacation, may transfer a pending civil or criminal case to the other court by an order entered on the minutes of the transferring court.

(d) The terms of the 5th District Court begin:

(1) in Bowie County on the first Mondays in January, April, July, and October; and

(2) in Cass County on the first Mondays in February, May, August, and November.

(e) The 5th and 102nd district courts may sit in Bowie County in Texarkana, in addition to Boston, to try, hear, and determine nonjury civil or criminal cases, motions, arguments, and other nonjury matters.

(f) When the courts sit in Texarkana, the Bowie County district clerk or the clerk's deputy shall serve as clerk of the courts and may transfer all necessary books, minutes, and records to Texarkana or Boston when necessary. The Bowie County sheriff or the sheriff's deputy shall attend the courts in Texarkana and perform all duties required by law or by the court.

(g) The Commissioners Court of Bowie County may provide suitable quarters for the 5th and 102nd district courts in Texarkana or may make an agreement with the City of Texarkana to provide quarters. (V.A.C.S. Art. 199(5), Secs. (1), (2), (3), (4), (6), (7); Art. 199(102), Secs. (2), (3), (4), (5), (7); Art. 1970-306, Sec. 2 (part); Acts 16th Legis., 1st C.S., 1879, G.L. Ch. 26, Sec. 2 (part).)

Sec. 24.106. 6TH JUDICIAL DISTRICT (FANNIN, LAMAR, AND RED RIVER COUNTIES). (a) The 6th Judicial District is composed of Fannin, Lamar, and Red River counties.

(b) In addition to other jurisdiction provided by law, each district court in Red River County has the civil and criminal jurisdiction of a county court.

(c) In Red River County, the 6th Judicial District has concurrent jurisdiction with the 102nd Judicial District. In Lamar County, the 6th Judicial District has concurrent jurisdiction with the 62nd Judicial District.

(d) In any county in the district in which there are two or more district courts, the judges of those courts may, in their discretion, either in termtime or in vacation, on motion of any party, on agreement of the parties, or on their own motion, transfer any civil or criminal case or proceeding on their dockets to the docket of one of the other district courts. In Lamar County,

the judges may transfer a case by an order entered in the minutes of the transferring court. The judges of the courts may, in their discretion, exchange benches or districts from time to time. Any of the judges may in his own courtroom try and determine any case or proceeding pending in any of the other courts without having the case transferred or may sit in any of the other courts and hear and determine any case or proceeding pending in one of those courts. Two or more judges may try different cases in the same court at the same time and each may occupy his own courtroom or the room of any other court. In case of absence, sickness, or disqualification of any of the judges, any other of the judges may hold court for him. Any of the judges may hear and determine any part or question of any case or proceeding pending in any of the courts, and any other of the judges may complete the hearing and render judgment in the proceeding. Any of the judges may hear and determine motions, petitions for injunction, applications for appointment of receivers, interventions, motions to transfer venue, pleas in abatement and all dilatory pleas, motions for new trials, and all preliminary matters, questions, and proceedings, and may enter judgment or order on them in the court in which the case or proceeding is pending without having the matter transferred to the court of the acting judge. The judge in whose court the matter is pending may proceed to hear, complete, and determine the matter or all or any part of any other matter and may render final judgment on it. Any of the judges of the courts may issue restraining orders and injunctions returnable to any of the other courts. This subsection does not limit the powers of the judges when acting for any other judge by exchange of benches or otherwise.

(e) The terms of the 6th District Court in each county in the district begin on the first Mondays in January and July. (V.A.C.S. Art. 199(6), Secs. 1, 3, 4, 7; Art. 199(62), Secs. 2 (part), 4 (part); Art. 1970-314a, Sec. 2 (part).)

Sec. 24.107. 7TH JUDICIAL DISTRICT (SMITH COUNTY). (a) The 7th Judicial District is composed of Smith County.

(b) The terms of the 7th District Court begin on the first Mondays in January and July. (V.A.C.S. Art. 199(7).)

Sec. 24.108. 8TH JUDICIAL DISTRICT (DELTA, FRANKLIN, HOPKINS, AND RAINS COUNTIES). (a) The 8th Judicial District is composed of Delta, Franklin, Hopkins, and Rains counties.

(b) In any county in the district in which there are two or more district courts, those district courts have concurrent jurisdiction in that county.

(c) In any county in the district in which there are two or more district courts, the judges of those courts may, in their discretion, either in termtime or in vacation, on motion of any party, on agreement of the parties, or on their own motion, transfer any civil or criminal case or proceeding on their dockets to the docket of one of the other district courts. The judges in Delta and Franklin counties may transfer a case by an order entered on the minutes of the transferring court. The judges of the courts may, in their discretion, exchange benches or districts from time to time. If a judge of one of the courts is disqualified, he may transfer the case or proceeding from his court to one of the other courts. Any of the judges may in his own courtroom try and determine any case or proceeding pending in any of the other courts without having the case transferred or may sit in any of the other courts and hear and determine any case or proceeding pending in one of those courts. Two or more judges may try different cases in the same court at the same time and each may occupy his own courtroom or the room of any other court. In case of absence, sickness, or disqualification of any of the judges, any other of the judges may hold court for him. Any of the judges may hear and determine any part or question of any case or proceeding pending in any of the courts, and any other of the judges may complete the hearing and render judgment in the proceeding. Any of the judges may hear and determine motions, petitions for injunction, applications for appointment of receivers, interventions, motions to transfer venue, pleas in abatement and all dilatory pleas, motions for new trials, and all preliminary matters, questions, and proceedings, and may enter judgment or order on them in the court in which the case or proceeding is pending without having the matter transferred to the court of the acting judge. The judge in whose court the matter is pending may proceed to hear, complete, and determine the matter or all or any part of any other matter and may render final judgment on it. Any of the judges of the courts may issue restraining orders and injunctions returnable to any of the other courts. This subsection does not limit the powers of the judges when acting for any other judge by exchange of benches or otherwise.

(d) The terms of the 8th District Court begin on the first Mondays in January and July. (V.A.C.S. Art. 199(8), Secs. 1, 2(a), 2(c) (part), 3; Art. 199(62), Sec. 4 (part).)

Sec. 24.109. 9TH JUDICIAL DISTRICT (MONTGOMERY, POLK, SAN JACINTO, AND WALLER COUNTIES). (a) The 9th Judicial District is composed of Montgomery, Polk, San Jacinto, and Waller counties.

(b) In Polk County, the 9th Judicial District has concurrent jurisdiction with the county court in all misdemeanor cases in which the county court has jurisdiction. Misdemeanor cases

may be filed in either the district or county court and may be transferred from one court to another. A misdemeanor case in which the courts have concurrent jurisdiction may not be transferred from one court to another without the consent of the judge of the court to which it is transferred.

(c) The 9th and 155th district courts have concurrent jurisdiction in Waller County.

(d) The terms of the 9th District Court begin:

(1) in Montgomery County on the 16th Monday after the first Monday in January and the 18th Monday after the first Monday in July;

(2) in Polk County on the first Monday in January and the third Monday in July;

(3) in San Jacinto County on the seventh Monday after the first Monday in January and the ninth Monday after the first Monday in July; and

(4) in Waller County on the 10th Monday after the first Monday in January and the 12th Monday after the first Monday in July. (V.A.C.S. Art. 199(9); Art. 199(155), Sec. 1 (part).)

Sec. 24.110. SECOND 9TH JUDICIAL DISTRICT (MONTGOMERY, POLK, SAN JACINTO, AND TRINITY COUNTIES). (a) The Second 9th Judicial District is composed of Montgomery, Polk, San Jacinto, and Trinity counties.

(b) In Polk County, the Second 9th Judicial District has concurrent jurisdiction with the county court in all misdemeanor cases in which the county court has jurisdiction. Misdemeanor cases may be filed in either the district or county court and may be transferred from one court to another. A misdemeanor case in which the courts have jurisdiction may not be transferred from one court to another without the consent of the judge of the court to which it is transferred.

(c) The terms of the Second 9th District Court begin:

(1) in Montgomery County on the third Monday in January, the eighth Monday after the first Monday in January, the third Monday in July, and the 10th Monday after the first Monday in July;

(2) in Polk County on the 18th Monday after the first Monday in January and the 20th Monday after the first Monday in July;

(3) in San Jacinto County on the 16th Monday after the first Monday in January and the 18th Monday after the first Monday in July; and

(4) in Trinity County on the first Monday in January and the 23rd Monday after the first Monday in January. (V.A.C.S. Art. 199(2nd 9), Secs. 1, 2, 10B.)

Sec. 24.111. 10TH JUDICIAL DISTRICT (GALVESTON COUNTY). (a) The 10th Judicial District is composed of Galveston County.

(b) The terms of the 10th and 56th district courts begin on the first Mondays in January and July.

(c) In all suits, actions, or proceedings in the district courts in Galveston County, it is sufficient for the address or designation to be the "District Court of Galveston County." (V.A.C.S. Art. 199(10) (part).)

Sec. 24.112. 11TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 11th Judicial District is composed of Harris County.

(b) The provisions of this section apply to the 11th, 55th, 61st, 80th, 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th, and 165th judicial districts.

(c) The terms of each of the district courts begin on the first Mondays in January and July. The first term is designated the January-June term and the second term is designated the July-December term.

(d) In all suits, actions, or proceedings in the district courts, it is sufficient for the address or designation to be "District Court of Harris County."

(e) The judge of each district court shall sign the minutes of each court term not later than the 30th day after the end of the term and shall also sign the minutes at the end of each volume of the minutes. Each judge sitting in the court shall sign the minutes of the proceedings that were held before him.

(f) The judge of each district court may take the same vacation as the other district court judges of Harris County at any time during the year. During the judge's vacation, the court term remains open, and the judge of any other district court may hold court during the judge's vacation. The practicing lawyers of the court may not elect a special judge as provided by Section 24.005 because of the absence of the judge on vacation unless another district court judge is not in the county. The judges of the district courts shall, by agreement among themselves, take their vacations alternately so that there are at all times at least six district court judges in the county. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3; Art. 199(80), Sec. 1.)

Sec. 24.113. 12TH JUDICIAL DISTRICT (GRIMES, LEON, MADISON, AND WALKER COUNTIES). (a) The 12th Judicial District is composed of Grimes, Leon, Madison, and Walker counties.

(b) The terms of the 12th District Court in each county of the district begin on the first Mondays in January and July. (V.A.C.S. Art. 199(12).)

Sec. 24.114. 13TH JUDICIAL DISTRICT (NAVARRO COUNTY). (a) The 13th Judicial District is composed of Navarro County.

(b) In addition to other jurisdiction provided by law, each district court in Navarro County has the civil jurisdiction of a county court.

(c) The terms of the 13th District Court begin on the first Mondays in January, April, July, and October.

(d) The judge of the 13th District Court shall impanel grand juries at the April and October terms and at any other terms as ordered by the judge. (V.A.C.S. Art. 199(13) (part); Art. 1970-326, Sec. 2 (part).)

Sec. 24.115. 14TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 14th Judicial District is composed of Dallas County.

(b) The terms of the 14th District Court begin on the second Mondays in January, April, July, and October.

(c) Except for Subsection (b), which applies only to the 14th District Court, this section applies to the 14th, 44th, 68th, 95th, 101st, 116th, 134th, 160th, and 162nd district courts, the Criminal Judicial District of Dallas County, and the Criminal Judicial Districts Nos. 2, 3, 4, and 5 of Dallas County.

(d) The district courts and criminal district courts having jurisdiction in Dallas County have concurrent jurisdiction.

(e) The judges of the district and criminal district courts of Dallas County shall, by agreement among themselves, take vacations so that there are at all times at least three judges of those courts in the county.

(f) During the absence of a judge of a district or criminal district court of Dallas County for any reason except disqualification, the practicing lawyers of the courts may not elect a special judge, as provided by law, until the lawyers have requested the presiding judge of the First Administrative Judicial District to assign a judge to preside over the court during the absence. If the presiding judge does not make an assignment within four days after receipt of the request, the practicing lawyers may elect a special judge to preside over the court as provided by Section 24.005.

(g) The Dallas County sheriff or the sheriff's deputy shall attend the courts when required by law or by the judge. (V.A.C.S. Art. 199(14) (part); Art. 199(160), Secs. 2, 9 (part); Art. 199(162), Subsecs. (C), (J) (part), (L); Art. 1692-15, Secs. B, I (part), K, L (part); Acts 35th Legis., Reg. Sess., 1917, G.L., Ch. 70, Sec. 5 (part); Acts 55th Legis., Reg. Sess., 1957, Ch. 510, Sec. 11 (part).)

Sec. 24.116. 15TH JUDICIAL DISTRICT (GRAYSON COUNTY). (a) The 15th Judicial District is composed of Grayson County.

(b) The 15th and 59th judicial districts have concurrent jurisdiction in Grayson County.

(c) The terms of the 15th District Court begin on the first Mondays in January, April, July, and October. (V.A.C.S. Art. 199(15), Secs. 1 (part), 2 (part).)

Sec. 24.117. 16TH JUDICIAL DISTRICT (DENTON COUNTY). (a) The 16th Judicial District is composed of Denton County.

(b) The terms of the 16th District Court begin on the eighth Monday after the first Mondays in January and September and the 22nd Monday after the first Monday in January. (V.A.C.S. Art. 199(16).)

Sec. 24.118. 17TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 17th Judicial District is composed of Tarrant County.

(b) The 17th, 48th, 67th, 96th, and 153rd district courts have concurrent jurisdiction in Tarrant County.

(c) The terms of the 17th and 96th district courts begin on the first Mondays in January, April, July, and October. (V.A.C.S. Art. 199(17) (part); Art. 199(153), Sec. 2.)

Sec. 24.119. 18TH JUDICIAL DISTRICT (JOHNSON AND SOMERVELL COUNTIES). (a) The 18th Judicial District is composed of Johnson and Somervell counties.

(b) In addition to other jurisdiction provided by law, the district court in Johnson County has concurrent jurisdiction with the County Court of Johnson County in all civil and criminal matters over which the county court would have original or appellate jurisdiction. The district courts have control over the assignment of the cases as prescribed by Section 26.226.

(c) The terms of the 18th District Court in each county in the district begin on the first Mondays in January and July. (V.A.C.S. Art. 199(18), Sec. (a) (part); Art. 1970-335, Sec. 2 (part).)

Sec. 24.120. 19TH JUDICIAL DISTRICT (McLENNAN COUNTY). (a) The 19th Judicial District is composed of McLennan County.

(b) The 19th, 54th, 74th, and 170th district courts have concurrent jurisdiction in McLennan County.

(c) The terms of the 19th District Court begin on the second Mondays in January, March, May, July, September, and November. (V.A.C.S. Art. 199(19), Secs. 1, 4 (part).)

Sec. 24.121. 20TH JUDICIAL DISTRICT (MILAM COUNTY). (a) The 20th Judicial District is composed of Milam County.

(b) The terms of the 20th District Court begin on the third Mondays in January, May, and September. (V.A.C.S. Art. 199(20).)

Sec. 24.122. 21ST JUDICIAL DISTRICT (BASTROP, BURLESON, LEE, AND WASHINGTON COUNTIES). (a) The 21st Judicial District is composed of Bastrop, Burleson, Lee, and Washington counties.

(b) The terms of the 21st District Court begin:

(1) in Bastrop County on the second Tuesday in January and the 15th Tuesday after the first Tuesday in March;

(2) in Burleson County on the 10th Tuesdays after the first Tuesdays in March and September;

(3) in Lee County on the sixth Tuesdays after the first Tuesdays in March and September; and

(4) in Washington County on the first Tuesdays in March and September. (V.A.C.S. Art. 199(21), Sec. 1 (part).)

Sec. 24.123. 22ND JUDICIAL DISTRICT (CALDWELL, COMAL, AND HAYS COUNTIES). (a) The 22nd Judicial District is composed of Caldwell, Comal, and Hays counties.

(b) In addition to other jurisdiction provided by law, each district court in Comal County has the civil and criminal jurisdiction of a county court.

(c) The terms of the 22nd District Court begin:

(1) in Caldwell County on the first Mondays in March, June, September, and December;

(2) in Comal County on the first Mondays in April, July, October, and January; and

(3) in Hays County on the first Mondays in February, May, August, and November. (V.A.C.S. Art. 199(22), Sec. 1; Acts 18th Legis., Reg. Sess., 1883, G.L., Ch. 35, Sec. 2 (part).)

Sec. 24.124. 23RD JUDICIAL DISTRICT (BRAZORIA, MATAGORDA, AND WHARTON COUNTIES). (a) The 23rd Judicial District is composed of Brazoria, Matagorda, and Wharton counties.

(b) The terms of the 23rd District Court begin:

(1) in Brazoria County on the first Mondays in April and October, and the terms are designated the April-September and October-March terms;

(2) in Matagorda County on the first Mondays in June and December, and the terms are designated the June-November and December-May terms; and

(3) in Wharton County on the first Mondays in July and January, and the terms are designated the July-December and January-June terms.

(c) There is one general docket for the 23rd and 130th district courts in Matagorda County. All suits and proceedings within the jurisdiction of the courts in Matagorda County shall be addressed to the district court of Matagorda County. All citations, notices, restraining orders, and other process issued in Matagorda County by the clerk or judges of the courts are returnable to the district court of Matagorda County without reference to the court number. On return of the process the judge of either court may preside over the hearing or trial. The judges of the 23rd and 130th district courts in Matagorda County may hear and dispose of any matter on the courts' general docket without transferring the matter.

(d) The Matagorda County district clerk shall keep one set of minutes in which the clerk shall record all judgments and orders of the 23rd and 130th district courts in Matagorda County. Each of the judges of the 23rd and 130th district courts in Matagorda County shall sign the minutes of each term of those courts not later than the 30th day after the end of each term, shall sign the minutes at the end of each column of the minutes, and shall sign the minutes of the proceedings that were held before him.

(e) Each of the judges of the 23rd and 130th district courts may take a vacation and not attend court for six weeks in each year. The judges by agreement between themselves shall take their vacations alternately so that there are at all times at least one judge in his judicial district. (V.A.C.S. Art. 199(23) (part); Art. 199(130), Secs. 1a(a), 5, 8, 9.)

Sec. 24.125. 24TH JUDICIAL DISTRICT (CALHOUN, DeWITT, GOLIAD, JACKSON, REFUGIO, AND VICTORIA COUNTIES). (a) The 24th Judicial District is composed of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria counties.



(b) The terms of the 24th District Court begin:

- (1) in Calhoun County on the fourth Mondays in April and October;
- (2) in DeWitt County on the second Mondays in January and July;
- (3) in Goliad County on the first Mondays in February and August;
- (4) in Jackson County on the fourth Mondays in January and July;
- (5) in Refugio County on the third Mondays in April and October; and
- (6) in Victoria County on the second Mondays in March and September. (V.A.C.S. Art. 199(24).)

Sec. 24.126. 25TH JUDICIAL DISTRICT (COLORADO, GONZALES, GUADALUPE, AND LAVACA COUNTIES). (a) The 25th Judicial District is composed of Colorado, Gonzales, Guadalupe, and Lavaca counties.

(b) The 25th District Court has concurrent jurisdiction with the Second 25th District Court.

(c) The terms of the 25th District Court begin:

- (1) in Colorado County on the first Mondays in February and September;
- (2) in Gonzales County on the first Mondays in January and June;
- (3) in Guadalupe County on the first Mondays in March and October; and
- (4) in Lavaca County on the first Mondays in April and November.

(d) The judges of the 25th and Second 25th judicial districts may hear and dispose of any suit or proceeding on either court's docket without transferring the suit or proceeding. The judges may transfer cases from one court to the other by an order entered on the docket of the court from which the matter was transferred. A case may not be transferred without the permission of the judge of the court to which the case is to be transferred. (V.A.C.S. Art. 199(25) (part); Art. 199(2nd 25), Secs. 1 (part), 4 (part).)

Sec. 24.127. SECOND 25TH JUDICIAL DISTRICT (COLORADO, GONZALES, GUADALUPE, AND LAVACA COUNTIES). (a) The Second 25th Judicial District is composed of Colorado, Gonzales, Guadalupe, and Lavaca counties.

(b) The terms of the Second 25th District Court begin:

- (1) in Colorado County on the first Mondays in April and November;
- (2) in Gonzales County on the first Mondays in May and December;
- (3) in Guadalupe County on the first Mondays in February and September; and
- (4) in Lavaca County on the first Mondays in January and June.

(c) Section 24.126, relating to the 25th District Court, contains provisions applicable to both that court and the Second 25th District Court. (V.A.C.S. Art. 199(2nd 25), Secs. 1 (part), 2.)

Sec. 24.128. 26TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). (a) The 26th Judicial District is composed of Williamson County.

(b) The terms of the 26th District Court begin on the first Mondays in January, March, May, July, September, and November.

(c) The judge of the 26th District Court shall organize grand juries for Williamson County at the January, May, and September terms of the court. When the judge considers it necessary, the judge, by entering an order, may organize and impanel grand juries at any other term of the court. (V.A.C.S. Art. 199(26); Art. 1926-51, Sec. 11 (part).)

Sec. 24.129. 27TH JUDICIAL DISTRICT (BELL AND LAMPASAS COUNTIES). (a) The 27th Judicial District is composed of Bell and Lampasas counties.

(b) The 27th, 146th, and 169th judicial districts have concurrent jurisdiction in Bell County.

(c) The terms of the 27th District Court begin:

- (1) in Bell County on the first Mondays in January, April, July, and October; and

(2) in Lampasas County on the first Mondays in March and September and may continue in session until the Saturday night before the Monday on which the next session convenes.

(d) A grand jury may not be impaneled in the district courts in Bell County except by special order of the presiding judge.

(e) By order entered on the minutes of the court, the presiding judge of the district courts in Bell County may in his discretion, either in termtime or vacation, transfer any civil or criminal case to any of the other district courts. The order of transfer and all other orders made in the case shall be copied and certified by the clerk and the certified copies of the orders shall be filed with the papers of the transferred case. The additional fees caused by the transfer shall be taxed as part of the costs of the suit. When a cause is transferred, the clerk shall enter the cause on the docket of the court to which the transfer is made and the judge of that court shall try and dispose of the cause as if the cause had been filed in his court. Any of the judges may in his own courtroom try and determine any case or proceeding pending in any of the other courts without having the case transferred or may sit in any of the other courts and hear and determine any pending case. The judge hearing a transferred case shall indicate on the docket sheet and orders

that he is sitting for that district. Two or more judges may try different cases in the same court at the same time, and each may occupy his own courtroom or the room of any other court. In case of absence, sickness, or disqualification, any of the other judges may hold court for him. All bail bonds, recognizances, or other obligations taken for the appearance of the defendants, parties, or witnesses in any of the district courts or in any inferior court in Bell County shall be binding on all the defendants, parties, and witnesses, and their sureties, in any of the courts in which the case is pending or to which the case is transferred. If a case is transferred, all process, bonds, recognizances, and obligations extant at the time of transfer shall be returned to and filed in the court to which the case is transferred and shall be valid and binding as if originally issued out of that court. (V.A.C.S. Art. 199(27).)

**Sec. 24.130. 28TH JUDICIAL DISTRICT (KENEDY, KLEBERG, AND NUECES COUNTIES).** (a) The 28th Judicial District is composed of Kenedy, Kleberg, and Nueces counties.

(b) The 28th District Court has concurrent jurisdiction with the 94th and 117th district courts in Nueces County.

(c) The terms of the 28th District Court begin:

(1) in Kenedy County on the first Mondays in April and October;

(2) in Kleberg County on the first Mondays in March and September; and

(3) in Nueces County on the first Mondays in January and July and the terms are designated the January-July and July-January terms.

(d) The judge may devote as much time to court business in Kenedy and Kleberg counties as the docket requires and shall devote the remainder of his time to court business in Nueces County. (V.A.C.S. Art. 199(28).)

**Sec. 24.131. 29TH JUDICIAL DISTRICT (PALO PINTO COUNTY).** (a) The 29th Judicial District is composed of Palo Pinto County.

(b) The terms of the 29th District Court begin on the first Monday in March, the first Monday after the third Saturday in June, and the first Monday after the fourth Saturday in October. (V.A.C.S. Art. 199(29), Sec. 1.)

**Sec. 24.132. 30TH JUDICIAL DISTRICT (WICHITA COUNTY).** (a) The 30th Judicial District is composed of Wichita County.

(b) In addition to other jurisdiction prescribed by law, each district court in Wichita County has the civil jurisdiction of a county court.

(c) The terms of the 30th District Court begin on the first Mondays in January and July.

(d) The 30th, 78th, and 89th district courts in Wichita County have concurrent jurisdiction. (V.A.C.S. Art. 199(30) (part); Art. 1970-166b, Sec. 2 (part); Acts 36th Legis., 3rd C.S., 1920, G.L., Ch. 12, Sec. 2 (part).)

**Sec. 24.133. 31ST JUDICIAL DISTRICT (GRAY, HEMPHILL, LIPSCOMB, ROBERTS, AND WHEELER COUNTIES).** (a) The 31st Judicial District is composed of Gray, Hemphill, Lipscomb, Roberts, and Wheeler counties.

(b) The terms of the 31st District Court begin:

(1) in Gray County on the first Mondays in January and July;

(2) in Hemphill County on the second Monday in April and the first Monday in November;

(3) in Lipscomb County on the fourth Monday in March and the second Monday in September;

(4) in Roberts County on the second Monday in March and the fourth Monday in August; and

(5) in Wheeler County on the fourth Mondays in April and November. (V.A.C.S. Art. 199(31).)

**Sec. 24.134. 32ND JUDICIAL DISTRICT (FISHER, MITCHELL, AND NOLAN COUNTIES).** (a) The 32nd Judicial District is composed of Fisher, Mitchell, and Nolan counties.

(b) The terms of the 32nd District Court begin:

(1) in Nolan County on the second Monday in January, the third Monday in April, and the second Monday in September;

(2) in Mitchell County on the third Mondays in February, May, and October; and

(3) in Fisher County on the second Mondays in March, June, and November. (V.A.C.S. Art. 199(32).)

**Sec. 24.135. 33RD JUDICIAL DISTRICT (BLANCO, BURNET, LLANO, MASON, AND SAN SABA COUNTIES).** (a) The 33rd Judicial District is composed of Blanco, Burnet, Llano, Mason, and San Saba counties.

(b) In addition to other jurisdiction provided by law, each district court in Mason County has the civil and criminal jurisdiction of a county court.

(c) *The terms of the 33rd District Court begin:*

- (1) in Blanco County on the first Mondays in February and September;
- (2) in Burnet County on the fourth Mondays in April and November;
- (3) in Llano County on the first Mondays in April and November;
- (4) in Mason County on the second Mondays in January and June; and
- (5) in San Saba County on the second Mondays in March and October. (V.A.C.S. Art. 199(33) (part); Acts 20th Legis., Reg. Sess., 1887, G.L., Ch. 73, Sec. 2 (part).)

Sec. 24.136. 34TH JUDICIAL DISTRICT (CULBERSON, EL PASO, AND HUDSPETH COUNTIES). (a) The 34th Judicial District is composed of Culberson, El Paso, and Hudspeth counties.

(b) In El Paso County, the 34th, 41st, 65th, 120th, and 171st district courts have concurrent jurisdiction.

(c) *The terms of the 34th District Court begin:*

- (1) in Culberson County on the third Monday in October and the first Monday in April;
- (2) in El Paso County on the third Mondays in April and September and the first Mondays in January, July, and November; and
- (3) in Hudspeth County on the third Monday in March and the first Monday in September.

(d) A grand jury may not be impaneled in any district court in El Paso County except the 34th District Court unless the judge of another district court in the county calls for a grand jury by special order. (V.A.C.S. Art. 199(34) (part); Art. 199(120), Sec. 1 (part); Art. 199(171), Sec. A(b) (part).)

Sec. 24.137. 35TH JUDICIAL DISTRICT (BROWN, COLEMAN, AND MILLS COUNTIES). (a) The 35th Judicial District is composed of Brown, Coleman, and Mills counties.

(b) In addition to other jurisdiction provided by law, each district court in Mills County has the civil jurisdiction of a county court.

(c) *The terms of the 35th District Court begin:*

- (1) in Brown County on the first Mondays in February, June, and November;
- (2) in Coleman County on the first Mondays in April and September; and
- (3) in Mills County on the first Mondays in January, May, and October. (V.A.C.S. Art. 199(35); Acts 21st Legis., Reg. Sess., 1889, G.L., Ch. 97, Sec. 2 (part); Acts 30th Legis., Reg. Sess., 1907, G.L., Ch. 101, Secs. 1, 4 (part).)

Sec. 24.138. 36TH JUDICIAL DISTRICT (ARANSAS, BEE, LIVE OAK, McMULLEN, AND SAN PATRICIO COUNTIES). (a) The 36th Judicial District is composed of Aransas, Bee, Live Oak, McMullen, and San Patricio counties.

(b) *The terms of the 36th District Court begin:*

- (1) in Aransas County on the second Monday in February and the first Monday in September;
- (2) in Bee County on the first Mondays in April and November;
- (3) in Live Oak County on the third Monday in January and the fourth Monday in May;
- (4) in McMullen County on the first Monday in January and the third Monday in June; and
- (5) in San Patricio County on the fourth Monday in February and the third Monday in September.

(c) Each of the judges of the district courts in Aransas, Bee, Live Oak, McMullen, and San Patricio counties shall sign the minutes of each term of his court in each of the counties not later than the 30th day after the end of the term and shall also sign the minutes of the other courts covering the proceedings that were held before him. (V.A.C.S. Art. 199(36) (part); Art. 199(156), Sec. 4.)

Sec. 24.139. 37TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 37th Judicial District is composed of Bexar County.

(b) This section applies to the 37th, 45th, 57th, 73rd, 131st, 144th, 150th, 166th, 175th, 186th, 187th, 224th, 225th, 226th, 227th, 285th, 288th, 289th, and 290th district courts in Bexar County.

(c) The district courts in Bexar County have concurrent jurisdiction.

(d) The 144th, 175th, 186th, 187th, 226th, 227th, 289th, and 290th district courts shall give preference to criminal cases. The terms of those courts begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court has disposed of the business for that term.

(e) The terms of the 37th, 45th, 57th, 73rd, 131st, 150th, 166th, 224th, 225th, 285th, and 288th district courts begin on the first Mondays in January and July.

(f) The district clerk shall docket successively on the dockets of the courts that do not give preference to criminal cases all civil cases and proceedings so that the civil cases and proceedings are docketed in rotation and equally distributed among the courts.

(g) The district clerk may consolidate the minutes of the district courts. If the clerk decides not to consolidate the minutes, the judge of each district court shall sign the minutes of each court term not later than the 30th day after the end of the term and shall also sign at the end of each volume of the minutes. Each judge sitting in a court shall sign the minutes of the proceedings held before him. If the clerk decides to consolidate the minutes, each judge may accept responsibility for the proceedings held before him by signing at the end of the minutes or at the end of the volume.

(h) All bonds taken for the appearance of defendants, parties, or witnesses in any district court or in any inferior court in Bexar County are binding on all defendants, parties, or witnesses, and their sureties, in any of the courts in which the case is pending or to which the case may be transferred. If a case is transferred, all process, bonds, recognizances, and obligations extant at the time of transfer shall be returned and filed in the court to which the case is transferred and are valid and binding as if originally issued out of that court.

(i) The judge of each district court may take a vacation at any time during the year. During a judge's vacation, the court term remains open, and the judge of any other district court may hold court during the judge's vacation. The practicing lawyers of the court may not elect a special judge because of the absence of the judge on vacation unless a Bexar County district judge is not present in the county. The judges of the district courts shall, by agreement among themselves, take their vacations so that there are district court judges in the county at all times.

(j) The Bexar County sheriff or the sheriff's deputy shall attend each court as required by law or by the judge.

(k) The judges of the courts that give preference to criminal cases may impanel special and general grand juries as needed or by agreement between the judges.

(l) By a majority vote, the judges of the courts that give preference to criminal cases may jointly appoint not more than four grand jury bailiffs. The bailiffs serve at the will of the judges and may be removed by a majority vote of the judges. (V.A.C.S. Art. 199(37), Subsecs. (B), (D), (E), (G)(2), (H) (part), (J), (K), (M) (part), (Q).)

Sec. 24.140. 38TH JUDICIAL DISTRICT (MEDINA, REAL, AND UVALDE COUNTIES). (a) The 38th Judicial District is composed of Medina, Real, and Uvalde counties.

(b) The terms of the 38th District Court begin:

(1) in Medina County on the first Mondays in January and June;

(2) in Real County on the first Mondays in April and November; and

(3) in Uvalde County on the first Mondays in February and September. (V.A.C.S. Art. 199(38).)

Sec. 24.141. 39TH JUDICIAL DISTRICT (HASKELL, KENT, STONEWALL, AND THROCKMORTON COUNTIES). (a) The 39th Judicial District is composed of Haskell, Kent, Stonewall, and Throckmorton counties.

(b) The terms of the 39th District Court begin:

(1) in Haskell County on the first Monday in January, the 15th Monday after the first Monday in January, and the third Monday after the first Monday in September;

(2) in Kent County on the ninth Monday after the first Monday in January and the first Monday in September;

(3) in Stonewall County on the 6th and 20th Mondays after the first Monday in January and the ninth Monday after the first Monday in September; and

(4) in Throckmorton County on the 12th and 23rd Mondays after the first Monday in January and the 12th Monday after the first Monday in September. (V.A.C.S. Art. 199(39).)

Sec. 24.142. 40TH JUDICIAL DISTRICT (ELLIS COUNTY). (a) The 40th Judicial District is composed of Ellis County.

(b) The terms of the 40th District Court begin on the first Mondays in March, June, September, and December. (V.A.C.S. Art. 199(40).)

Sec. 24.143. 41ST JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 41st Judicial District is composed of El Paso County.

(b) The terms of the 41st District Court begin on the first Mondays in January, March, May, September, and November.

(c) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 41st District Court. (V.A.C.S. Art. 199(34) (part).)

Sec. 24.144. 42ND JUDICIAL DISTRICT (CALLAHAN, COLEMAN, AND TAYLOR COUNTIES). (a) The 42nd Judicial District is composed of Callahan, Coleman, and Taylor counties.

(b) The 42nd District Court has concurrent jurisdiction with the 104th District Court in Taylor County.

(c) The terms of the 42nd District Court begin:

(1) in Callahan County on the 8th and 22nd Mondays after the first Monday in January and on the eighth Monday after the first Monday in September;

(2) in Coleman County on the first Mondays in January and July; and

(3) in Taylor County on the first Monday in January, on the 15th Monday after the first Monday in January, and on the first Monday in September. (V.A.C.S. Art. 199(42); Art. 199(104), Sec. 5 (part).)

Sec. 24.145. 43RD JUDICIAL DISTRICT (PARKER COUNTY). (a) The 43rd Judicial District is composed of Parker County.

(b) The terms of the 43rd District Court begin on the first Mondays in January and July. (V.A.C.S. Art. 199(43), Secs. (a), (c).)

Sec. 24.146. 44TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 44th Judicial District is composed of Dallas County.

(b) The terms of the 44th District Court begin on the first Mondays in January, April, June, and October.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 44th District Court. (V.A.C.S. Art. 199(14) (part); Acts 21st Legis., Reg. Sess., 1889, G.L., Ch. 128, Sec. 2 (part).)

Sec. 24.147. 45TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 45th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 45th District Court. (V.A.C.S. Art. 199(37), Sec. (B) (part).)

Sec. 24.148. 46TH JUDICIAL DISTRICT (FOARD, HARDEMAN, AND WILBARGER COUNTIES). (a) The 46th Judicial District is composed of Foard, Hardeman, and Wilbarger counties.

(b) The terms of the 46th District Court begin:

(1) in Foard County on the 6th, 17th, and 36th Mondays after the first Monday in January;

(2) in Hardeman County on the 8th, 19th, 38th, and 47th Mondays after the first Monday in January; and

(3) in Wilbarger County on the first Monday in January and the 11th, 22nd, and 41st Mondays after the first Monday in January. (V.A.C.S. Art. 199(46).)

Sec. 24.149. 47TH JUDICIAL DISTRICT (ARMSTRONG, POTTER, AND RANDALL COUNTIES). (a) The 47th Judicial District is composed of Armstrong, Potter, and Randall counties.

(b) The 47th District Court has concurrent jurisdiction with the 181st District Court in Randall and Potter counties. The 47th District Court has concurrent jurisdiction with the 108th District Court in Potter County.

(c) The terms of the 47th District Court begin:

(1) in Armstrong County on the 10th Monday after the fourth Monday in January, and the 11th Monday after the first Monday in August;

(2) in Potter County on the fourth Monday in January, the 15th Monday after the fourth Monday in January, the first Monday in August, and the 14th Monday after the first Monday in August; and

(3) in Randall County on the first Monday in January, the 16th Monday after the first Monday in January, and the eighth Monday after the first Monday in August.

(d) The judge may, in any county in the 47th Judicial District:

(1) hear and determine all preliminary and interlocutory matters in which a jury may not be demanded, regardless of whether the case is filed in the county in which the hearing is held; and

(2) unless objection is filed by a party to the suit, hear any nonjury case, including divorces, adoptions, default judgments, and matters where citation was by publication, regardless of whether the case is filed in the county in which the hearing is held.

(e) The judge of the 47th District Court may transfer a case to the docket of any district court that has jurisdiction over the case with the approval of the judge of the court to which the case is transferred. If a case is transferred, all process and writs issued out of the transferring court are returnable to the court to which the case is transferred. All bonds executed and recognizances

entered into in a transferring court shall bind the parties for their appearance or to fulfill the obligations of the bonds and recognizances at the terms of the court to which the transfer is made.

(f) Each sheriff of the counties in the district shall perform the duties prescribed by law in connection with the cases from that sheriff's county. (V.A.C.S. Art. 199(47), Secs. 1, 3, 4, 5, 7, 9.)

Sec. 24.150. 48TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 48th Judicial District is composed of Tarrant County.

(b) The terms of the 48th District Court begin on the first Mondays in February, May, August, and November.

(c) Section 24.118, relating to the 17th District Court, contains provisions applicable to both that court and the 48th District Court. (V.A.C.S. Art. 199(17) (part).)

Sec. 24.151. 49TH JUDICIAL DISTRICT (WEBB AND ZAPATA COUNTIES). (a) The 49th Judicial District is composed of Webb and Zapata counties.

(b) In addition to other jurisdiction provided by law, each district court in Webb County has the civil and criminal jurisdiction of a county court.

(c) The 49th District Court has concurrent jurisdiction with the 111th District Court in Webb County.

(d) The terms of the 49th District Court begin:

(1) in Webb County on the third Mondays in March, June, and October; and

(2) in Zapata County on the fourth Mondays in February, May, and September.

(e) In Webb County, the clerk of the district courts shall file all civil cases, except tax suits, on the Clerk's Civil File Docket and shall number the cases consecutively. Each civil case, except tax suits, shall be assigned and docketed in the court designated by the attorney filing the case. The clerk shall keep a separate file docket, known as the Clerk's Criminal File Docket, for criminal cases and a separate file docket, known as the Clerk's Tax Suit Docket, for tax suits. Each criminal case and tax suit shall be assigned and docketed in the 49th District Court. The clerk shall number the cases on the Clerk's Tax Suit Docket consecutively with a separate series of numbers and shall number the cases on the Clerk's Criminal File Docket consecutively with a separate series of numbers. (V.A.C.S. Art. 199(49); Art. 199(111), Secs. 2 (part), 5; Acts 23rd Legis., Reg. Sess., 1893, G.L., Ch. 9, Sec. 2 (part).)

Sec. 24.152. 50TH JUDICIAL DISTRICT (BAYLOR, COTTLE, KING, AND KNOX COUNTIES). (a) The 50th Judicial District is composed of Baylor, Cottle, King, and Knox counties.

(b) Except for the jurisdiction each county court retains to receive and enter guilty pleas in misdemeanor cases, the district court in Baylor, Cottle, King, and Knox counties has, in addition to other jurisdiction provided by law, the civil and criminal jurisdiction of a county court.

(c) The terms of the 50th District Court begin:

(1) in Baylor County on the first Mondays in January and September;

(2) in Cottle County on the first Mondays in April and December;

(3) in King County on the first Mondays in March and November; and

(4) in Knox County on the first Mondays in February and October. (V.A.C.S. Art. 199(50), Subsec. (a); Acts 67th Legis., Reg. Sess., 1981, Ch. 794, Secs. 1, 3.)

Sec. 24.153. 51ST JUDICIAL DISTRICT (COKE, IRION, SCHLEICHER, STERLING, AND TOM GREEN COUNTIES). (a) The 51st Judicial District is composed of Coke, Irion, Schleicher, Sterling, and Tom Green counties.

(b) The terms of the 51st District Court begin:

(1) in Coke County on the first Mondays in February and August;

(2) in Irion County on the first Mondays in March and September;

(3) in Schleicher County on the first Mondays in April and October;

(4) in Sterling County on the first Mondays in May and November; and

(5) in Tom Green County on the first Mondays in January and June.

(c) The judges of the 51st, 119th, and 340th district courts may, in their discretion, exchange benches and sit for each other without formal order in each county in those districts, including counties in which the districts do not overlap. Any of the judges may, in his own courtroom, try and determine any case or proceeding pending in any of the other courts without having the case transferred, or may sit in any of the other courts and hear and determine any case pending in one of those courts. The judges may try different cases filed in the same court at the same time, and each may occupy his own courtroom or the room of any other court. In case of absence, sickness, or disqualification of any of the judges, any of the other judges may hold court for him. Any of the judges may hear and determine any part or question of a case or proceeding pending in any

of the courts, and any of the other judges may complete the hearing and render judgment in the case. Any of the judges may hear and determine motions, petitions for injunction, applications for appointment of receivers, interventions, motions to transfer venue, pleas in abatement, all dilatory pleas, motions for new trials, and all preliminary matters, questions, and proceedings, and may enter judgment or order thereon in the court in which the case is pending without having the case transferred to the court of the acting judge. The judge in whose court the case is pending may proceed to hear, complete, and determine any part or all of the case or other matter and render final judgment. Any of the judges may issue restraining orders and injunctions returnable to any of the other judges or courts. (V.A.C.S. Art. 199(51), Secs. 1, 2 (part); Art. 1916a.)

Sec. 24.154. 52ND JUDICIAL DISTRICT (CORYELL COUNTY). (a) The 52nd Judicial District is composed of Coryell County.

(b) The terms of the 52nd District Court begin on the first Mondays in January and June. (V.A.C.S. Art. 199(52).)

Sec. 24.155. 53RD JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 53rd Judicial District is composed of Travis County.

(b) The 53rd, 98th, and 126th district courts have concurrent jurisdiction.

(c) The terms of the 53rd District Court begin on the first Mondays in January, March, May, and October.

(d) The judges of the district courts other than the 147th District Court in Travis County do not have a duty to impanel grand juries but may impanel grand juries when they consider it necessary. (V.A.C.S. Art. 199(53), Secs. 1, 4; Art. 199(147), Sec. 5 (part).)

Sec. 24.156. 54TH JUDICIAL DISTRICT (MCLENNAN COUNTY). (a) The 54th Judicial District is composed of McLennan County.

(b) The terms of the 54th District Court begin on the first Mondays in January, March, May, July, September, and November.

(c) Section 24.120, relating to the 19th District Court, contains provisions applicable to both that court and the 54th District Court. (V.A.C.S. Art. 199(19), Sec. 4 (part).)

Sec. 24.157. 55TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 55th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 55th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., Reg. Sess., 1963, Ch. 507, Sec. 3.)

Sec. 24.158. 56TH JUDICIAL DISTRICT (GALVESTON COUNTY). (a) The 56th Judicial District is composed of Galveston County.

(b) Section 24.111, relating to the 10th District Court, contains provisions applicable to both that court and the 56th District Court. (V.A.C.S. Art. 199(10) (part).)

Sec. 24.159. 57TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 57th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 57th District Court. (V.A.C.S. Art. 199(37), Sec. (B) (part).)

Sec. 24.160. 58TH JUDICIAL DISTRICT (JEFFERSON COUNTY). (a) The 58th Judicial District is composed of Jefferson County.

(b) The 58th, 60th, and 136th district courts have concurrent jurisdiction.

(c) The terms of the 58th and 60th district courts begin on the first Mondays in January and July. The first term is designated the January-June term, and the second term is designated the July-December term.

(d) In all suits, actions, and proceedings, it is sufficient for the address or designation to be "District Court of Jefferson County."

(e) The 58th, 60th, and 136th district courts may sit at the City of Port Arthur, in addition to Beaumont, to try, hear, and determine nonjury cases and to hear and determine motions, arguments, and the other nonjury matters that are within the jurisdiction of the courts. The district clerk or his deputy serves as clerk of a court when it sits in Port Arthur and may transfer all necessary books, minutes, records, and papers to Port Arthur while the court is in session there and transfer them from Port Arthur to Beaumont at the end of each session in Port Arthur. The Commissioners Court of Jefferson County may provide suitable quarters in the subcourthouse in Port Arthur for a court while it sits in Port Arthur. The Jefferson County sheriff or the sheriff's deputy shall attend the courts in Port Arthur and perform all duties required by law or court order. (V.A.C.S. Art. 199(58) (part); Art. 199(136), Secs. 2, 4.)

Sec. 24.161. 59TH JUDICIAL DISTRICT (GRAYSON COUNTY). (a) The 59th Judicial District is composed of Grayson County.

(b) The terms of the 59th District Court begin on the first Mondays in January, April, July, and October.

(c) The judge of the 59th District Court may impanel the grand jury in Grayson County as provided by law for any terms of his court that he considers proper.

(d) Section 24.116, relating to the 15th District Court, contains provisions applicable to both that court and the 59th District Court. (V.A.C.S. Art. 199(15), Secs. 1 (part), 2.)

Sec. 24.162. 60TH JUDICIAL DISTRICT (JEFFERSON COUNTY). (a) The 60th Judicial District is composed of Jefferson County.

(b) Section 24.160, relating to the 58th District Court, contains provisions applicable to both that court and the 60th District Court. (V.A.C.S. Art. 199(58) (part).)

Sec. 24.163. 61ST JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 61st Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 61st District Court. (V.A.C.S. Art. 199(11) (part), as amended by Sec. 3, Ch. 507, Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.164. 62ND JUDICIAL DISTRICT (DELTA, FRANKLIN, HOPKINS, AND LAMAR COUNTIES). (a) The 62nd Judicial District is composed of Delta, Franklin, Hopkins, and Lamar counties.

(b) In any county in the district in which there are two or more district courts, those district courts have concurrent jurisdiction in that county.

(c) The terms of the 62nd District Court in each county begin on the first Mondays in January and July.

(d) The judge of the 62nd District Court is not required to impanel a grand jury in that court in any county of the district unless the judge considers it necessary.

(e) Section 24.108, relating to the 8th District Court, contains provisions applicable to both that court and the 62nd District Court in Delta, Franklin, and Hopkins counties.

(f) Section 24.106, relating to the 6th District Court, contains provisions applicable to both that court and the 62nd District Court in Lamar County. (V.A.C.S. Art. 199(62), Secs. 1(a), (b), (c), (f); Art. 199(8), Sec. 2(c) (part).)

Sec. 24.165. 63RD JUDICIAL DISTRICT (EDWARDS, KINNEY, TERRELL, AND VAL VERDE COUNTIES). (a) The 63rd Judicial District is composed of Edwards, Kinney, Terrell, and Val Verde counties.

(b) The terms of the 63rd District Court begin:

(1) in Edwards County on the first Monday in May and the third Monday in October;

(2) in Kinney County on the first Mondays in April and October;

(3) in Terrell County on the first Monday in February and the third Monday in August; and

(4) in Val Verde County on the first Mondays in January and June. (V.A.C.S. Art. 199(63), Sec. 1 (part).)

Sec. 24.166. 64TH JUDICIAL DISTRICT (CASTRO, HALE, AND SWISHER COUNTIES). (a) The 64th Judicial District is composed of Castro, Hale, and Swisher counties.

(b) The terms of the 64th District Court in each county of the district begin on the first Mondays in January and July and are designated the January and July terms. (V.A.C.S. Art. 199(64), Secs. 2, 6.)

Sec. 24.167. 65TH JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 65th Judicial District is composed of El Paso County.

(b) The terms of the 65th District Court begin on the first Mondays in February, April, June, September, October, and December.

(c) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 65th District Court. (V.A.C.S. Art. 199(34) (part).)

Sec. 24.168. 66TH JUDICIAL DISTRICT (HILL COUNTY). (a) The 66th Judicial District is composed of Hill County.

(b) In addition to other jurisdiction provided by law, the 66th District Court has concurrent jurisdiction with the County Court of Hill County in all civil and criminal matters over which the county court would have original or appellate jurisdiction. The district court has control over the assignment of cases as prescribed by Section 26.209.

(c) The terms of the 66th District Court begin on the first Mondays in January, March, May, July, September, and November. (V.A.C.S. Art. 199(66); Art. 1970-333, Sec. 2 (part).)

Sec. 24.169. 67TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 67th Judicial District is composed of Tarrant County.



(b) The terms of the 67th District Court begin on the first Mondays in March, June, September, and December.

(c) Section 24.118, relating to the 17th District Court, contains provisions applicable to both that court and the 67th District Court. (V.A.C.S. Art. 199(17) (part).)

Sec. 24.170. 68TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 68th Judicial District is composed of Dallas County.

(b) The terms of the 68th District Court begin on the first Mondays in February, May, September, and December.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 68th District Court. (V.A.C.S. Art. 199(14) (part); Acts 31st Legis., Reg. Sess., 1909, G.L., Ch. 5, Sec. 5 (part).)

Sec. 24.171. 69TH JUDICIAL DISTRICT (DALLAM, HARTLEY, MOORE, AND SHERMAN COUNTIES). (a) The 69th Judicial District is composed of Dallam, Hartley, Moore, and Sherman counties.

(b) The terms of the 69th District Court begin:

(1) in Dallam County on the 16th Monday after the second Mondays in January and July;

(2) in Hartley County on the 12th Monday after the second Mondays in January and July;

(3) in Moore County on the 10th Monday after the second Mondays in January and July; and

(4) in Sherman County on the 14th Monday after the second Mondays in January and July. (V.A.C.S. Art. 199(69).)

Sec. 24.172. 70TH JUDICIAL DISTRICT (ECTOR COUNTY). (a) The 70th Judicial District is composed of Ector County.

(b) The terms of the 70th District Court begin on the first Mondays in March and September.

(c) The judges of the 70th and 118th district courts may take a vacation and not attend court for six weeks in each year. The judges, by agreement, shall take their vacations alternately so that a judge is present in one of the courts at all times. (V.A.C.S. Art. 199(118), Sec. 15; Art. 199(142), Secs. 2, 4, 8.)

Sec. 24.173. 71ST JUDICIAL DISTRICT (HARRISON COUNTY). (a) The 71st Judicial District is composed of Harrison County.

(b) The terms of the 71st District Court begin on the first Mondays in January, March, May, July, September, and November and continue until the Saturday before the next succeeding term begins or until the court has disposed of the business for that term. (V.A.C.S. Art. 199(71).)

Sec. 24.174. 72ND JUDICIAL DISTRICT (CROSBY AND LUBBOCK COUNTIES). (a) The 72nd Judicial District is composed of Crosby and Lubbock counties.

(b) The terms of the 72nd District Court begin:

(1) in Crosby County on the second Mondays in May and November; and

(2) in Lubbock County on the second Mondays in February and August.

(c) The 72nd, 99th, 137th, and 140th district courts have concurrent jurisdiction in Lubbock County. (V.A.C.S. Art. 199(72); Art. 199(137), Sec. 2 (part); Art. 199(140), Sec. 2 (part).)

Sec. 24.175. 73RD JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 73rd Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 73rd District Court. (V.A.C.S. Art. 199(37), Sec. (B).)

Sec. 24.176. 74TH JUDICIAL DISTRICT (McLENNAN COUNTY). (a) The 74th Judicial District is composed of McLennan County.

(b) The terms of the 74th District Court begin on the second Mondays in February, April, June, August, October, and December.

(c) Section 24.120, relating to the 19th District Court, contains provisions applicable to both that court and the 74th District Court. (V.A.C.S. Art. 199(19), Sec. 4 (part).)

Sec. 24.177. 75TH JUDICIAL DISTRICT (LIBERTY COUNTY). (a) The 75th Judicial District is composed of Liberty County.

(b) The terms of the 75th District Court begin on the first Mondays in April and October. (V.A.C.S. Art. 199(75).)

Sec. 24.178. 76TH JUDICIAL DISTRICT (CAMP, MORRIS, AND TITUS COUNTIES). (a) The 76th Judicial District is composed of Camp, Morris, and Titus counties.

(b) In addition to other jurisdiction provided by law, each district court in Morris County has the civil jurisdiction of a county court.

(c) In Camp and Morris counties, the 76th District Court and the county court have concurrent jurisdiction over all original and appellate criminal matters over which the county court has jurisdiction under the constitution and laws of this state. In each county, matters and proceedings in the concurrent jurisdiction of the courts may be filed in or transferred between the 76th District Court and the county court. All writs and processes issued and bonds and recognizances made in transferred cases are returnable to the court to which the case is transferred as if originally issued in that court.

(d) In Camp, Morris, and Titus counties, the 76th District Court has concurrent jurisdiction with the 276th District Court. The judges of the courts may transfer any case to be tried in Camp County, Morris County, or Titus County with the consent of the court to which the case is to be transferred. Each judge may sit in the other court without transferring the case.

(e) The terms of the 76th District Court begin:

(1) in Camp County on the first Mondays in March and April;

(2) in Morris County on the first Mondays in January, May, July, and November and the third Monday in September; and

(3) in Titus County on the first Mondays in February, August, September, October, and December. (V.A.C.S. Art. 199(76), Secs. 1(a), 5(b), 5(c), 5(d); Acts 18th Legis., Reg. Sess., 1883, G.L., Ch. 11, Sec. 5 (part).)

Sec. 24.179. 77TH JUDICIAL DISTRICT (FREESTONE AND LIMESTONE COUNTIES). (a) The 77th Judicial District is composed of Freestone and Limestone counties.

(b) The 77th District Court has concurrent jurisdiction with the 87th District Court in Freestone and Limestone counties.

(c) The terms of the 77th District Court begin:

(1) in Freestone County on the first Mondays in February, May, August, and November; and

(2) in Limestone County on the first Mondays in December, March, June, and September.

(d) The judge of the 77th District Court shall impanel grand juries in Limestone County at the March and September terms and in Freestone County at the May and November terms and at any other terms of the court in each county as ordered by the judge.

(e) The clerk of the district courts in each of the counties of Limestone and Freestone shall prepare civil, criminal, divorce, and tax dockets for each district court and shall file each new case in the court in which the party filing the case directed the clerk to file it. Each criminal case shall be originally filed in the court to which the indictment or information is returned. The district clerk in each county shall place letters on the envelope containing the file papers in each case after the number of the case, designating by the letter "A" cases pending in the 77th District Court and by the letter "B" cases pending in the 87th District Court.

(f) The judges of the 77th and 87th judicial districts may, in their discretion, either in termtime or in vacation, on motion of any party, on agreement of the parties, or on their own motion to facilitate the administration of justice or to equalize the case load, transfer any civil or criminal cause on their dockets to the docket of the other court. The transfer shall be entered on the minutes of the court and the cause shall be tried and disposed of as if it had been originally filed in that court. The transferring court need not hold a formal proceeding to transfer a cause. The receiving court need not receive the transcript of the transferred cause to have jurisdiction over the cause. (V.A.C.S. Art. 199(77) (part).)

Sec. 24.180. 78TH JUDICIAL DISTRICT (WICHITA COUNTY). (a) The 78th Judicial District is composed of Wichita County.

(b) The terms of the 78th District Court begin on the first Mondays in March, June, September, and December.

(c) Section 24.132, relating to the 30th District Court, contains provisions applicable to both that court and the 78th District Court. (V.A.C.S. Art. 199(78).)

Sec. 24.181. 79TH JUDICIAL DISTRICT (BROOKS AND JIM WELLS COUNTIES). (a) The 79th Judicial District is composed of Brooks and Jim Wells counties.

(b) The terms of the 79th District Court begin:

(1) in Brooks County at 10 a.m. on the first Mondays in February and September; and

(2) in Jim Wells County at 10 a.m. on the first Mondays in March and October. (V.A.C.S. Art. 199(79).)

Sec. 24.182. 80TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 80th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 80th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., Reg. Sess., 1963, Ch. 507, Sec. 3.)

**Sec. 24.183. 81ST JUDICIAL DISTRICT (ATASCOSA, FRIO, KARNES, LaSALLE, AND WILSON COUNTIES).** (a) The 81st Judicial District is composed of Atascosa, Frio, Karnes, LaSalle, and Wilson counties.

(b) The terms of the 81st District Court begin:

- (1) in Atascosa County on the third Mondays in March and September;
- (2) in Frio County on the fourth Mondays in May and November;
- (3) in Karnes County on the first Mondays in May and November;
- (4) in LaSalle County on the first Mondays in March and September; and
- (5) in Wilson County on the second Mondays in April and October. (V.A.C.S. Art. 199(81) (part).)

**Sec. 24.184. 82ND JUDICIAL DISTRICT (FALLS AND ROBERTSON COUNTIES).** (a) The 82nd Judicial District is composed of Falls and Robertson counties.

(b) In addition to other jurisdiction provided by law, the 82nd District Court in Falls and Robertson counties has the civil and criminal jurisdiction of a county court.

(c) The terms of the 82nd District Court begin:

- (1) in Falls County on the first Mondays in January, March, May, September, and November; and
- (2) in Robertson County on the first Mondays in January and July.

(d) In Falls County, grand juries may be organized at the May and November terms and at any other terms as ordered by the judge. (V.A.C.S. Art. 199(82); Acts 35th Legis., Reg. Sess., 1917, G.L., Ch. 89, Secs. 2 (part), 3 (part); Acts 35th Legis., Reg. Sess., 1917, G.L., Ch. 96, Sec. 16 (part).)

**Sec. 24.185. 83RD JUDICIAL DISTRICT (BREWSTER, JEFF DAVIS, PECOS, PRESIDIO, REAGAN, AND UPTON COUNTIES).** (a) The 83rd Judicial District is composed of Brewster, Jeff Davis, Pecos, Presidio, Reagan, and Upton counties.

(b) The 83rd and 112th district courts have concurrent jurisdiction in Pecos and Upton counties.

(c) The terms of the 83rd District Court begin:

- (1) in Brewster County on the sixth Monday after the first Mondays in January and July;
- (2) in Jeff Davis County on the second Mondays in January and July;
- (3) in Pecos County on the ninth Monday after the first Mondays in January and July;
- (4) in Presidio County on the third Monday after the first Mondays in January and July;
- (5) in Reagan County on the 14th Monday after the first Mondays in January and July;

and

- (6) in Upton County on the 12th Monday after the first Mondays in January and July.

(d) In each of the counties of Pecos and Upton, a petition or other pleading filed in the district courts is sufficient if addressed "To The District Court of Pecos County, Texas," or "To The District Court of Upton County, Texas," respectively, without giving the number of the district court in the address. (V.A.C.S. Art. 199(83); Art. 199(112), Secs. 10, 11 (part).)

**Sec. 24.186. 84TH JUDICIAL DISTRICT (HANSFORD, HUTCHINSON, AND OCHILTREE COUNTIES).** (a) The 84th Judicial District is composed of Hansford, Hutchinson, and Ochiltree counties.

(b) The terms of the 84th District Court begin:

- (1) in Hansford County on the third Monday in March and the second Monday in September;
- (2) in Hutchinson County on the first Monday in June and the fourth Monday in November; and
- (3) in Ochiltree County on the fourth Monday in April and the second Monday in October.

(c) Each term provided by Subsection (b) begins at 10 a.m. on the first day of the term. (V.A.C.S. Art. 199(84).)

**Sec. 24.187. 85TH JUDICIAL DISTRICT (BRAZOS COUNTY).** (a) The 85th Judicial District is composed of Brazos County.

(b) The terms of the 85th District Court begin on the first Mondays in April and October. (V.A.C.S. Art. 199(85).)

**Sec. 24.188. 86TH JUDICIAL DISTRICT (KAUFMAN AND ROCKWALL COUNTIES).** (a) The 86th Judicial District is composed of Kaufman and Rockwall counties.

(b) The terms of the 86th District Court begin:

- (1) in Kaufman County on the first Mondays in February and July; and
- (2) in Rockwall County on the first Mondays in April and October. (V.A.C.S. Art. 199(86), Sec. 1 (part).)

Sec. 24.189. 87TH JUDICIAL DISTRICT (ANDERSON, FREESTONE, LEON, AND LIMESTONE COUNTIES). (a) The 87th Judicial District is composed of Anderson, Freestone, Leon, and Limestone counties.

(b) The terms of the 87th District Court begin:

- (1) in Anderson County on the first Mondays in February and August;
- (2) in Freestone County on the first Mondays in January, April, July, and October;
- (3) in Leon County on the fifth Monday after the first Mondays in May and November;

and

- (4) in Limestone County on the first Mondays in May and November.

(c) The judge of the 87th District Court shall impanel grand juries in Limestone County at the May and November terms and in Freestone County at the January and July terms and at any other terms of the court as ordered by the judge.

(d) Section 24.179, relating to the 77th District Court, contains provisions applicable to both that court and the 87th District Court in Freestone and Limestone counties. (V.A.C.S. Art. 199(87) (part); Art. 199(77) (part).)

Sec. 24.190. 88TH JUDICIAL DISTRICT (HARDIN AND TYLER COUNTIES). (a) The 88th Judicial District is composed of Hardin and Tyler counties.

(b) The terms of the 88th District Court begin:

- (1) in Hardin County on the first Mondays in April and October; and
- (2) in Tyler County on the first Mondays in June and December. (V.A.C.S. Art. 199(88), Secs. 3 (part), 4.)

Sec. 24.191. 89TH JUDICIAL DISTRICT (WICHITA COUNTY). (a) The 89th Judicial District is composed of Wichita County.

(b) The terms of the 89th District Court begin on the first Mondays in January, April, July, and October.

(c) A grand jury may not be impaneled in the 89th District Court unless the judge of that court calls for a grand jury by special order on the minutes of the court.

(d) Section 24.132, relating to the 30th District Court, contains provisions applicable to both that court and the 89th District Court. (Acts 36th Legis., 3rd C.S., 1920, G.L., Ch. 12, Secs. 1, 2 (part).)

Sec. 24.192. 90TH JUDICIAL DISTRICT (STEPHENS AND YOUNG COUNTIES). (a) The 90th Judicial District is composed of Stephens and Young counties.

(b) In addition to other jurisdiction provided by law, each district court in Stephens County has the civil and criminal jurisdiction of a county court.

(c) The terms of the 90th District Court begin:

- (1) in Stephens County on the first Mondays in January, April, July, and October; and
- (2) in Young County on the first Mondays in March, June, September, and December. (V.A.C.S. Art. 199(90); Art. 1970-321, Sec. 2 (part).)

Sec. 24.193. 91ST JUDICIAL DISTRICT (EASTLAND COUNTY). (a) The 91st Judicial District is composed of Eastland County.

(b) In addition to other jurisdiction provided by law, each district court in Eastland County has the civil jurisdiction of a county court. The district court has the criminal jurisdiction of a county court except for the jurisdiction the County Court of Eastland County retains to receive guilty pleas in misdemeanor cases.

(c) The terms of the 91st District Court begin on the first Mondays in February, April, June, August, October, and December.

(d) The 91st District Court may not impanel a grand jury except by special order of the judge. (V.A.C.S. Art. 199(91) (part); Art. 1970-141a, Sec. 2 (part).)

Sec. 24.194. 92ND JUDICIAL DISTRICT (HIDALGO COUNTY). (a) The 92nd Judicial District is composed of Hidalgo County.

(b) The 92nd, 93rd, and 139th district courts have concurrent jurisdiction.

(c) The terms of the 92nd District Court begin on the first Mondays in January and July. (V.A.C.S. Art. 199(92), Secs. 2(a) (part), (b); Art. 199(139), Sec. 1.)

Sec. 24.195. 93RD JUDICIAL DISTRICT (HIDALGO COUNTY). (a) The 93rd Judicial District is composed of Hidalgo County.

(b) The terms of the 93rd District Court begin on the first Mondays in January and July.

(c) Section 24.194, relating to the 92nd District Court, contains provisions applicable to both that court and the 93rd District Court. (V.A.C.S. Art. 199(93).)

Sec. 24.196. 94TH JUDICIAL DISTRICT (NUECES COUNTY). (a) The 94th Judicial District is composed of Nueces County.

(b) The terms of the 94th District Court begin on the first Mondays in January and July. The terms are designated the January-July and July-January terms.

(c) Section 24.130, relating to the 28th District Court, contains provisions applicable to both that court and the 94th District Court. (V.A.C.S. Art. 199(94), Secs. 1, 2, 3.)

Sec. 24.197. 95TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 95th Judicial District is composed of Dallas County.

(b) The terms of the 95th District Court begin on the first Mondays in March, June, September, and December.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 95th District Court. (V.A.C.S. Art. 199(14) (part); Acts 38th Legis., Reg. Sess., 1923, G.L., Ch. 63, Sec. 5.)

Sec. 24.198. 96TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 96th Judicial District is composed of Tarrant County.

(b) Section 24.118, relating to the 17th District Court, contains provisions applicable to both that court and the 96th Judicial District. (V.A.C.S. Art. 199(17) (part).)

Sec. 24.199. 97TH JUDICIAL DISTRICT (ARCHER, CLAY, AND MONTAGUE COUNTIES). (a) The 97th Judicial District is composed of Archer, Clay, and Montague counties.

(b) The terms of the 97th District Court begin:

(1) in Archer County on the first Mondays in January, April, July, and October;

(2) in Clay County on the first Mondays in February, May, August, and November; and

(3) in Montague County on the first Mondays in March, June, September, and December. (V.A.C.S. Art. 199(97), Sec. 1 (part).)

Sec. 24.200. 98TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 98th Judicial District is composed of Travis County.

(b) The terms of the 98th District Court begin on the first Mondays in February, April, June, October, and December.

(c) Section 24.155, relating to the 53rd District Court, contains provisions applicable to both that court and the 98th District Court. (V.A.C.S. Art. 199(53), Sec. 2.)

Sec. 24.201. 99TH JUDICIAL DISTRICT (LUBBOCK COUNTY). (a) The 99th Judicial District is composed of Lubbock County.

(b) The terms of the 99th District Court begin on the first Mondays in January and July.

(c) Section 24.174, relating to the 72nd District Court, contains provisions applicable to both that court and the 99th District Court. (V.A.C.S. Art. 199(99).)

Sec. 24.202. 100TH JUDICIAL DISTRICT (CARSON, CHILDRESS, COLLINGSWORTH, DONLEY, AND HALL COUNTIES). (a) The 100th Judicial District is composed of Carson, Childress, Collingsworth, Donley, and Hall counties.

(b) The terms of the 100th District Court begin:

(1) in Carson County on the first Mondays in January and August;

(2) in Childress County on the first Mondays in May and December;

(3) in Collingsworth County on the first Mondays in April and November;

(4) in Donley County on the first Mondays in March and October; and

(5) in Hall County on the first Mondays in February and September.

(c) Each term provided by Subsection (b) begins at 10 a.m. on the first day of the term. (V.A.C.S. Art. 199(100).)

Sec. 24.203. 101ST JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 101st Judicial District is composed of Dallas County.

(b) The terms of the 101st District Court begin on the first Mondays in March, June, September, and December.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 101st District Court. (V.A.C.S. Art. 199(101), Secs. 1, 2, 3.)

Sec. 24.204. 102ND JUDICIAL DISTRICT (BOWIE AND RED RIVER COUNTIES). (a) The 102nd Judicial District is composed of Bowie and Red River counties.

(b) The terms of the 102nd District Court begin:

(1) in Bowie County on the first Mondays in January, April, July, and October; and

(2) in Red River County on the first Mondays in February, May, August, and November.

(c) Section 24.105, relating to the 5th District Court, contains provisions applicable to both that court and the 102nd District Court in Bowie County.

(d) Section 24.106, relating to the 6th District Court, contains provisions applicable to both that court and the 102nd District Court in Red River County. (V.A.C.S. Art. 199(102), Sec. (1).)

Sec. 24.205. 103RD JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES). (a) The 103rd Judicial District is composed of Cameron and Willacy counties. The court shall give preference to civil cases.

(b) The 103rd, 107th, and 138th district courts have concurrent jurisdiction.

(c) The terms of the 103rd District Court begin:

- (1) in Cameron County on the first Mondays in February and July; and
- (2) in Willacy County on the first Mondays in January and June.

(d) The judges of the 103rd and 107th district courts need not impanel grand juries except in cases of emergency. (V.A.C.S. Art. 199(103), Sec. (a) (part); Art. 199(107), Sec. 1 (part); Art. 199(138), Secs. 1 (part), 3 (part).)

Sec. 24.206. 104TH JUDICIAL DISTRICT (TAYLOR COUNTY). (a) The 104th Judicial District is composed of Taylor County.

(b) The terms of the 104th District Court begin on the 11th and 24th Mondays after the first Monday in January and the ninth Monday after the first Monday in September.

(c) The commissioners court shall provide suitable quarters in the county courthouse for the court and the officers of the court.

(d) Section 24.144, relating to the 42nd District Court, contains provisions applicable to both that court and the 104th District Court. (V.A.C.S. Art. 199(104), Secs. 1, 2, 3.)

Sec. 24.207. 105TH JUDICIAL DISTRICT (KENEDY, KLEBERG, AND NUECES COUNTIES). (a) The 105th Judicial District is composed of Kenedy, Kleberg, and Nueces counties. The court shall give preference to criminal cases.

(b) The terms of the 105th District Court begin:

- (1) in Kenedy County on the first Mondays in June and December;
- (2) in Kleberg County on the first Mondays in April and October; and
- (3) in Nueces County on the first Mondays in February and August.

(c) The judge, with the approval of the commissioners court, may appoint an official interpreter of the court in Nueces County who serves at the will of the judge. The official interpreter shall take both the constitutional oath of office and an oath that he will faithfully interpret all testimony in the district court as official interpreter. The oath is sufficient for his service as official interpreter in all cases in the court in Nueces County during the interpreter's term of office. The judge may also assign the official interpreter to assist the court's probation officer in the discharge of the probation officer's duties. (V.A.C.S. Art. 199(105), Secs. 1, 2 (part), 4 (part), 5b.)

Sec. 24.208. 106TH JUDICIAL DISTRICT (DAWSON, GAINES, GARZA, AND LYNN COUNTIES). (a) The 106th Judicial District is composed of Dawson, Gaines, Garza, and Lynn counties.

(b) The terms of the 106th District Court begin:

- (1) in Dawson County on the third Monday in February and the second Monday in September;
- (2) in Gaines County on the first Mondays in April and October;
- (3) in Garza County on the first Monday in March and the fourth Monday in September; and
- (4) in Lynn County on the first Monday in February and the third Monday in September. (V.A.C.S. Art. 199(106).)

Sec. 24.209. 107TH JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES). (a) The 107th Judicial District is composed of Cameron and Willacy counties. The court shall give preference to criminal cases.

(b) The terms of the 107th District Court begin on the first Mondays in January and July.

(c) Section 24.205, relating to the 103rd District Court, contains provisions applicable to both that court and the 107th District Court. (V.A.C.S. Art. 199(107), Secs. 1 (part), 5 (part).)

Sec. 24.210. 108TH JUDICIAL DISTRICT (POTTER COUNTY). (a) The 108th Judicial District is composed of Potter County.

(b) The terms of the 108th District Court begin on the first Mondays in January, May, and September.

(c) Section 24.149, relating to the 47th District Court, contains provisions applicable to both that court and the 108th District Court in Potter County. (V.A.C.S. Art. 199(108), Secs. 1, 3, 4.)

Sec. 24.211. 109TH JUDICIAL DISTRICT (ANDREWS, CRANE, AND WINKLER COUNTIES). (a) The 109th Judicial District is composed of Andrews, Crane, and Winkler counties.

(b) The terms of the 109th District Court begin:

- (1) in Andrews County on the second Monday in January and the first Monday in July;

(2) in Crane County on the first Mondays in February and August; and

(3) in Winkler County on the first Monday in March and the second Monday in September. (V.A.C.S. Art. 199(109), Sec. 1.)

Sec. 24.212. 110TH JUDICIAL DISTRICT (BRISCOE, DICKENS, FLOYD, AND MOTLEY COUNTIES). (a) The 110th Judicial District is composed of Briscoe, Dickens, Floyd, and Motley counties.

(b) The terms of the 110th District Court begin:

(1) in Briscoe County on the first Mondays in January and June;

(2) in Dickens County on the first Mondays in April and November;

(3) in Floyd County on the first Mondays in February and July; and

(4) in Motley County on the first Mondays in March and August. (V.A.C.S. Art. 199(110), Sec. (a).)

Sec. 24.213. 111TH JUDICIAL DISTRICT (WEBB COUNTY). (a) The 111th Judicial District is composed of Webb County.

(b) The terms of the 111th District Court begin on the first Mondays in January, March, May, July, September, and November.

(c) The judge of the 111th District Court may not impanel grand juries unless he considers it necessary.

(d) Section 24.151, relating to the 49th District Court, contains provisions applicable to both that court and the 111th District Court in Webb County. (V.A.C.S. Art. 199(111), Secs. 1, 2 (part), 3.)

Sec. 24.214. 112TH JUDICIAL DISTRICT (CROCKETT, PECOS, REAGAN, SUTTON, AND UPTON COUNTIES). (a) The 112th Judicial District is composed of Crockett, Pecos, Reagan, Sutton, and Upton counties.

(b) The terms of the 112th District Court begin:

(1) in Crockett County on the first Monday in April and the third Monday in September;

(2) in Pecos County on the first Mondays in January, May, and November and the second Monday in July;

(3) in Reagan County on the first Mondays in March and October;

(4) in Sutton County on the third Monday in March and the first Monday in September; and

(5) in Upton County on the first Monday in February and the second Monday in June.

(c) Section 24.185, relating to the 83rd District Court, contains provisions applicable to both that court and the 112th District Court. (V.A.C.S. Art. 199(112), Sec. 1.)

Sec. 24.215. 113TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 113th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 113th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.216. 114TH JUDICIAL DISTRICT (SMITH AND WOOD COUNTIES). (a) The 114th Judicial District is composed of Smith and Wood counties.

(b) The terms of the 114th District Court in each county of the district begin on the first Mondays in January and July. (V.A.C.S. Art. 199(114), Sec. (l).)

Sec. 24.217. 115TH JUDICIAL DISTRICT (MARION AND UPSHUR COUNTIES). (a) The 115th Judicial District is composed of Marion and Upshur counties.

(b) In addition to other jurisdiction provided by law, the 115th District Court has the civil and criminal jurisdiction of a county court in Marion County. The County Court of Marion County has concurrent jurisdiction to receive guilty pleas in misdemeanor cases. Matters within the courts' concurrent jurisdiction may be filed in either court and may be transferred between the district court and county court.

(c) The 115th District Court has concurrent jurisdiction with the 276th District Court in Marion County. The judges of the courts may transfer any case on their dockets in Marion County with the consent of the judge to which the case is transferred. Each judge may sit in the other court to hear a case without transferring the case.

(d) All writs and processes issued and bonds and recognizances made in transferred cases are returnable to the court to which transferred, as if originally issued there.

(e) The terms of the 115th District Court begin:

(1) in Marion County on the first Mondays in March and September; and

(2) in Upshur County on the first Mondays in January and June.

(f) The court terms continue until and including the Saturday immediately before the Monday on which the next term will convene.

(g) The officers serving the 276th District Court in Marion County shall also serve the 115th District Court in Marion County. (V.A.C.S. Art. 199(115); Art. 1970-322a, Sec. 1(a); Acts 25th Legis., Reg. Sess., 1897, G.L., Ch. 36, Sec. 2 (part).)

Sec. 24.218. 116TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 116th Judicial District is composed of Dallas County.

(b) The terms of the 116th District Court begin on the first Mondays in January, April, July, and October.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 116th District Court. (V.A.C.S. Art. 199(116), Sec. 3.)

Sec. 24.219. 117TH JUDICIAL DISTRICT (NUECES COUNTY). (a) The 117th Judicial District is composed of Nueces County.

(b) The terms of the 117th District Court begin on the first Mondays in January and July. The terms are designated the January-July and July-January terms.

(c) Section 24.130, relating to the 28th District Court, contains provisions applicable to both that court and the 117th District Court. (V.A.C.S. Art. 199(117), Secs. 1, 2, 3.)

Sec. 24.220. 118TH JUDICIAL DISTRICT (GLASSCOCK, HOWARD, AND MARTIN COUNTIES). (a) The 118th Judicial District is composed of Glasscock, Howard, and Martin counties.

(b) In addition to other jurisdiction provided by law, each district court in Glasscock County has the civil jurisdiction of a county court.

(c) The terms of the 118th District Court begin:

(1) in Glasscock County on the first Mondays in February and September;

(2) in Howard County on the fourth Mondays in January, June, August, and October; and

(3) in Martin County on the first Mondays in January, June, and October.

(d) The judges of the 70th and 118th district courts may take a vacation and not attend court for six weeks in each year. The judges, by agreement, shall take their vacations alternately so that a judge is present in one of the courts at all times. (V.A.C.S. Art. 199(118), Secs. 6, 7, 15; Art. 1970-320, Sec. 2 (part); Acts 55th Legis., Reg. Sess., 1957, Ch. 196, Sec. 2.)

Sec. 24.221. 119TH JUDICIAL DISTRICT (CONCHO, RUNNELS, AND TOM GREEN COUNTIES). (a) The 119th Judicial District is composed of Concho, Runnels, and Tom Green counties.

(b) The terms of the 119th District Court begin:

(1) in Concho County on the first Mondays in February and July;

(2) in Runnels County on the first Mondays in March and October; and

(3) in Tom Green County on the first Mondays in April and November.

(c) Section 24.153, relating to the 51st District Court, contains provisions applicable to both that court and the 119th District Court. (V.A.C.S. Art. 199(119), Sec. (a).)

Sec. 24.222. 120TH JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 120th Judicial District is composed of El Paso County.

(b) The terms of the 120th District Court begin on the first Mondays in January and July.

(c) The El Paso County sheriff or the sheriff's deputy shall attend the court when required by law or by the judge.

(d) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 120th District Court. (V.A.C.S. Art. 199(120), Secs. 1 (part), 3 (part), 7 (part).)

Sec. 24.223. 121ST JUDICIAL DISTRICT (TERRY AND YOAKUM COUNTIES). (a) The 121st Judicial District is composed of Terry and Yoakum counties.

(b) The terms of the 121st District Court begin:

(1) in Terry County on the second Mondays in May and November; and

(2) in Yoakum County on the second Mondays in June and December. (V.A.C.S. Art. 199(121).)

Sec. 24.224. 122ND JUDICIAL DISTRICT (GALVESTON COUNTY). (a) The 122nd Judicial District is composed of Galveston County.

(b) The 122nd District Court has concurrent jurisdiction with the 10th and 56th district courts.

(c) The terms of the 122nd District Court begin on the first Mondays in January and July.

(d) Section 24.111, relating to the 10th District Court, contains provisions applicable to both that court and the 122nd District Court. (V.A.C.S. Art. 199(122), Secs. 1, 2 (part), 3.)

Sec. 24.225. 123RD JUDICIAL DISTRICT (PANOLA AND SHELBY COUNTIES). (a) The 123rd Judicial District is composed of Panola and Shelby counties.



(b) The terms of the 123rd District Court begin:

(1) in Panola County on the first Mondays in January, May, and September; and

(2) in Shelby County on the first Mondays in March, July, and November. (V.A.C.S. Art. 199(123), Secs. 4, 5.)

Sec. 24.226. 124TH JUDICIAL DISTRICT (GREGG COUNTY). (a) The 124th Judicial District is composed of Gregg County.

(b) The terms of the 124th District Court begin on the first Mondays in January, March, May, July, September, and November. (V.A.C.S. Art. 199(124), Secs. 1, 2.)

Sec. 24.227. 125TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 125th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 125th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.228. 126TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 126th Judicial District is composed of Travis County.

(b) The terms of the 126th District Court begin on the first Mondays in September and November and the third Mondays in January, March, and June.

(c) Section 24.155, relating to the 53rd District Court, contains provisions applicable to both that court and the 126th District Court. (V.A.C.S. Art. 199(53), Sec. 3.)

Sec. 24.229. 127TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 127th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 127th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.230. 128TH JUDICIAL DISTRICT (ORANGE COUNTY). (a) The 128th Judicial District is composed of Orange County.

(b) The 128th and 163rd district courts have concurrent jurisdiction in Orange County.

(c) The terms of the 128th District Court begin on the first Mondays in January, May, and September. (V.A.C.S. Art. 199(128), Secs. 1, 2; Art. 199(163), Sec. (B) (part).)

Sec. 24.231. 129TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 129th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 129th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.232. 130TH JUDICIAL DISTRICT (MATAGORDA COUNTY). (a) The 130th Judicial District is composed of Matagorda County.

(b) The terms of the 130th District Court begin on the first Mondays in March and September and are designated as the March-August and September-February terms.

(c) Section 24.124, relating to the 23rd District Court, contains provisions applicable to both that court and the 130th District Court. (V.A.C.S. Art. 199(130), Secs. 1a(a), 3 (part).)

Sec. 24.233. 131ST JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 131st Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 131st District Court. (V.A.C.S. Art. 199(131), Sec. 1.)

Sec. 24.234. 132ND JUDICIAL DISTRICT (BORDEN AND SCURRY COUNTIES). (a) The 132nd Judicial District is composed of Borden and Scurry counties.

(b) The terms of the 132nd District Court begin:

(1) in Borden County on the first Mondays in January, March, May, July, September, and November; and

(2) in Scurry County on the first Mondays in February, April, June, August, October, and December. (V.A.C.S. Art. 199(132).)

Sec. 24.235. 133RD JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 133rd Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 133rd District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.236. 134TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 134th Judicial District is composed of Dallas County.

(b) The terms of the 134th District Court begin on the first Mondays in January and July.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 134th District Court. (V.A.C.S. Art. 199(14) (part); Acts 51st Legis., Reg. Sess., 1949, Ch. 432, Sec. 3.)

Sec. 24.237. 135TH JUDICIAL DISTRICT (CALHOUN, DeWITT, GOLIAD, JACKSON, REFUGIO, AND VICTORIA COUNTIES). (a) The 135th Judicial District is composed of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria counties.

(b) The terms of the 135th District Court in each county of the district begin on the first Mondays in January and July. (V.A.C.S. Art. 199(135), Secs. 1, 3.)

Sec. 24.238. 136TH JUDICIAL DISTRICT (JEFFERSON COUNTY). (a) The 136th Judicial District is composed of Jefferson County.

(b) The terms of the 136th District Court begin on the first Mondays in January and July. The terms are designated the January-June and July-December terms.

(c) The Jefferson County sheriff or the sheriff's deputy shall attend the court as required by law or by the judge.

(d) Section 24.160, relating to the 58th District Court, contains provisions applicable to both that court and the 136th District Court. (V.A.C.S. Art. 199(136), Secs. 1, 3, 9 (part).)

Sec. 24.239. 137TH JUDICIAL DISTRICT (LUBBOCK COUNTY). (a) The 137th Judicial District is composed of Lubbock County.

(b) The terms of the 137th District Court begin on the first Mondays in January and July.

(c) Section 24.174, relating to the 72nd District Court, contains provisions applicable to both that court and the 137th District Court. (V.A.C.S. Art. 199(137), Secs. 1, 2 (part), 3.)

Sec. 24.240. 138TH JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES). (a) The 138th Judicial District is composed of Cameron and Willacy counties. The court shall give preference to criminal cases.

(b) The terms of the 138th District Court begin:

- (1) in Cameron County on the first Mondays in March, July, and November; and
- (2) in Willacy County on the first Mondays in January, May, and September.

(c) The judge of the 138th District Court shall impanel grand juries at all times required by law.

(d) Section 24.205, relating to the 103rd District Court, contains provisions applicable to both that court and the 138th District Court. (V.A.C.S. Art. 199(138), Secs. 1 (part), 2, 3 (part).)

Sec. 24.241. 139TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) The 139th Judicial District is composed of Hidalgo County.

(b) The terms of the 139th District Court begin on the first Mondays in January and July.

(c) Section 24.194, relating to the 92nd District Court, contains provisions applicable to both that court and the 139th District Court. (V.A.C.S. Art. 199(139), Secs. 1 (part), 2.)

Sec. 24.242. 140TH JUDICIAL DISTRICT (LUBBOCK COUNTY). (a) The 140th Judicial District is composed of Lubbock County.

(b) The terms of the 140th District Court begin on the first Mondays in January and July.

(c) Section 24.174, relating to the 72nd District Court, contains provisions applicable to both that court and the 140th District Court. (V.A.C.S. Art. 199(140), Secs. 1, 2 (part), 3.)

Sec. 24.243. 142ND JUDICIAL DISTRICT (MIDLAND COUNTY). (a) The 142nd Judicial District is composed of Midland County.

(b) The terms of the 142nd District Court begin on the first Mondays in March and September. (V.A.C.S. Art. 199(142), Secs. 1, 3.)

Sec. 24.244. 143RD JUDICIAL DISTRICT (LOVING, REEVES, AND WARD COUNTIES). (a) The 143rd Judicial District is composed of Loving, Reeves, and Ward counties.

(b) The terms of the 143rd District Court begin:

(1) in Loving County on the first Mondays in April and August and the third Monday in December;

(2) in Reeves County on the first Monday in January and the third Mondays in May, August, and October; and

(3) in Ward County on the third Monday in February, the first Monday in June, the third Monday in September, and the first Monday in December.

(c) The terms provided by Subsection (b) begin at 10 a.m. on the first day of the term. (V.A.C.S. Art. 199(143).)

Sec. 24.245. 144TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 144th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 144th District Court. (V.A.C.S. Art. 199(144), Sec. 1.)

Sec. 24.246. 145TH JUDICIAL DISTRICT (NACOGDOCHES COUNTY). (a) The 145th Judicial District is composed of Nacogdoches County.

(b) The terms of the 145th District Court begin on the first Mondays in March and September.

(c) The judge may take a vacation and not attend court for four weeks in each year. (V.A.C.S. Art. 199(145), Secs. 1, 2, 8.)

Sec. 24.247. 146TH JUDICIAL DISTRICT (BELL COUNTY). (a) The 146th Judicial District is composed of Bell County.

(b) The terms of the 146th District Court begin on the first Mondays in January, April, July, and October.

(c) Section 24.129, relating to the 27th District Court, contains provisions applicable to both that court and the 146th District Court. (V.A.C.S. Art. 199(146), Secs. 1, 3.)

Sec. 24.248. 147TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 147th Judicial District is composed of Travis County. The court shall give preference to criminal cases.

(b) The terms of the 147th District Court begin on the first Mondays in January, April, July, and October.

(c) The judge of the 147th District Court shall impanel a grand jury for each court term in the manner provided by general law and may impanel grand juries at any time that he considers it necessary by an order entered in the minutes of the court.

(d) Section 24.155, relating to the 53rd District Court, contains provisions applicable to both that court and the 147th District Court. (V.A.C.S. Art. 199(147), Secs. 1, 2, 5 (part).)

Sec. 24.249. 150TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 150th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 150th District Court. (V.A.C.S. Art. 199(150), Sec. 1.)

Sec. 24.250. 151ST JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 151st Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 151st District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.251. 152ND JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 152nd Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 152nd District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.252. 153RD JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 153rd Judicial District is composed of Tarrant County.

(b) The terms of the 153rd District Court begin on the first Mondays in February, May, August, and November.

(c) The Tarrant County sheriff or the sheriff's deputy shall attend the court as required by law or by the judge.

(d) Section 24.118, relating to the 17th District Court, contains provisions applicable to both that court and the 153rd District Court. (V.A.C.S. Art. 199(153), Secs. 1, 3, 8 (part).)

Sec. 24.253. 154TH JUDICIAL DISTRICT (LAMB COUNTY). (a) The 154th Judicial District is composed of Lamb County.

(b) The terms of the 154th District Court begin on the first Mondays in January and July and are designated as the January and July terms. (V.A.C.S. Art. 199(154), Secs. 1, 8.)

Sec. 24.254. 155TH JUDICIAL DISTRICT (AUSTIN, FAYETTE, AND WALLER COUNTIES). (a) The 155th Judicial District is composed of Austin, Fayette, and Waller counties.

(b) The terms of the 155th District Court begin:

- (1) in Austin County on the first Mondays in April and November;
- (2) in Fayette County on the first Mondays in February and September; and
- (3) in Waller County on the first Mondays in January and June.

(c) The sheriff of each county or the sheriff's deputy shall attend the court as required by law or by the judge.

(d) Section 24.109, relating to the 9th District Court, contains provisions applicable to both that court and the 155th District Court. (V.A.C.S. Art. 199(155), Secs. 1 (part), 3, 7 (part).)

Sec. 24.255. 156TH JUDICIAL DISTRICT (ARANSAS, BEE, LIVE OAK, McMULLEN, AND SAN PATRICIO COUNTIES). (a) The 156th Judicial District is composed of Aransas, Bee, Live Oak, McMullen, and San Patricio counties.

(b) The terms of the 156th District Court in each county begin on the first Mondays in January and July.

(c) Section 24.138, relating to the 36th District Court, contains provisions applicable to both that court and the 156th District Court. (V.A.C.S. Art. 199(156), Secs. 1, 2.)

Sec. 24.256. 157TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 157th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 157th District Court. (V.A.C.S. Art. 199(11) (part), as amended by Acts 58th Legis., 1963, Ch. 507, Sec. 3.)

Sec. 24.257. 160TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 160th Judicial District is composed of Dallas County.

(b) The terms of the 160th District Court begin on the first Mondays in January and July.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 160th District Court. (V.A.C.S. Art. 199(160), Secs. 1, 3.)

Sec. 24.258. 161ST JUDICIAL DISTRICT (ECTOR COUNTY). (a) The 161st Judicial District is composed of Ector County.

(b) The 161st District Court has concurrent jurisdiction with the other district courts in Ector County.

(c) The terms of the 161st District Court begin on the first Mondays in March and September.

(d) The Ector County sheriff or the sheriff's deputy shall attend the court as required by law or by the judge. (V.A.C.S. Art. 199(161), Secs. 1, 2, 3, 10 (part).)

Sec. 24.259. 162ND JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 162nd Judicial District is composed of Dallas County.

(b) The terms of the 162nd District Court begin on the first Mondays in January and July.

(c) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the 162nd District Court. (V.A.C.S. Art. 199(162), Secs. (A), (D) (part).)

Sec. 24.260. 163RD JUDICIAL DISTRICT (ORANGE COUNTY). (a) The 163rd Judicial District is composed of Orange County.

(b) The terms of the 163rd District Court begin on the first Mondays in January, May, and September.

(c) The Orange County sheriff or the sheriff's deputy shall attend the court as required by law or by the judge.

(d) Section 24.230, relating to the 128th District Court, contains provisions applicable to both that court and the 163rd District Court. (V.A.C.S. Art. 199(163), Secs. (A), (C), (J) (part).)

Sec. 24.261. 164TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 164th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 164th District Court. (V.A.C.S. Art. 199(164) (part).)

Sec. 24.262. 165TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 165th Judicial District is composed of Harris County.

(b) Section 24.112, relating to the 11th District Court, contains provisions applicable to both that court and the 165th District Court. (V.A.C.S. Art. 199(164) (part).)

Sec. 24.263. 166TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 166th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 166th District Court. (V.A.C.S. Art. 199(166).)

Sec. 24.264. 167TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 167th Judicial District is composed of Travis County.

(b) The terms of the 167th District Court begin on the first Mondays in March and September.

(c) Section 24.155, relating to the 53rd District Court, contains provisions applicable to both that court and the 167th District Court. (V.A.C.S. Art. 199(167), Secs. (A), (C).)

Sec. 24.265. 170TH JUDICIAL DISTRICT (McLENNAN COUNTY). (a) The 170th Judicial District is composed of McLennan County.

(b) The terms of the 170th District Court begin on the second Mondays in February, April, June, August, October, and December.

(c) Section 24.120, relating to the 19th District Court, contains provisions applicable to both that court and the 170th District Court. (V.A.C.S. Art. 199(19), Sec. 4 (part); Art. 199(170), Sec. 2 (part).)

Sec. 24.266. 171ST JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 171st Judicial District is composed of El Paso County.

(b) The terms of the 171st District Court begin on the first Mondays in January and July.

(c) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 171st District Court. (V.A.C.S. Art. 199(171), Secs. A(a), A(b) (part), B.)

Sec. 24.267. 174TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 174th Judicial District is composed of Harris County.

(b) Subsections (c), (e), and (f) apply to the 174th, 176th, 177th, 178th, and 179th district courts.

(c) Each of the district courts has concurrent jurisdiction with the other district courts in Harris County.

(d) The terms of the 174th District Court begin on the first Mondays in February, May, August, and November.

(e) The judges of the district courts shall, by agreement among themselves, take their vacations alternately so that there are at all times at least six district court judges in the county.

(f) The Harris County sheriff or the sheriff's deputy shall attend the courts as required by law or by the judges. (V.A.C.S. Art. 199(11) (part), as amended by Acts 56th Legis., Reg. Sess., 1959, Ch. 414; Art. 199(174), Sec. 11; Acts 60th Legis., Reg. Sess., 1967, Ch. 774, Sec. 1.)

Sec. 24.268. 175TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 175th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 175th District Court. (V.A.C.S. Art. 199(144), Sec. 2.)

Sec. 24.269. 176TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 176th Judicial District is composed of Harris County.

(b) The terms of the 176th District Court begin on the first Mondays in February, May, August, and November.

(c) Section 24.267, relating to the 174th District Court, contains provisions applicable to both that court and the 176th District Court. (V.A.C.S. Art. 199(176), Sec. 6 (part); Acts 60th Legis., Reg. Sess., 1967, Ch. 774, Sec. 1.)

Sec. 24.270. 177TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 177th Judicial District is composed of Harris County.

(b) The terms of the 177th District Court begin on the first Mondays in February, May, August, and November.

(c) Section 24.267, relating to the 174th District Court, contains provisions applicable to both that court and the 177th District Court. (V.A.C.S. Art. 199(177), Sec. 6 (part); Acts 60th Legis., Reg. Sess., 1967, Ch. 774, Sec. 1.)

Sec. 24.271. 178TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 178th Judicial District is composed of Harris County.

(b) The terms of the 178th District Court begin on the first Mondays in February, May, August, and November.

(c) Section 24.267, relating to the 174th District Court, contains provisions applicable to both that court and the 178th District Court. (V.A.C.S. Art. 199(178), Sec. 6 (part); Acts 60th Legis., Reg. Sess., 1967, Ch. 774, Sec. 1.)

Sec. 24.272. 179TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 179th Judicial District is composed of Harris County.

(b) The terms of the 179th District Court begin on the first Mondays in February, May, August, and November.

(c) Section 24.267, relating to the 174th District Court, contains provisions applicable to both that court and the 179th District Court. (V.A.C.S. Art. 199(178), Sec. 6 (part); Acts 60th Legis., Reg. Sess., 1967, Ch. 774, Sec. 1.)

Sec. 24.273. 180TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 180th Judicial District is composed of Harris County.

(b) The 180th District Court has concurrent jurisdiction with the other district courts in Harris County.

(c) The terms of the 180th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199(180), Secs. A, G (part); Acts 60th Legis., Reg. Sess., 1967, Ch. 774, Sec. 1.)

Sec. 24.274. 186TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 186th Judicial District is composed of Bexar County.

(b) Section 24.139, relating to the 37th District Court, contains provisions applicable to both that court and the 186th District Court. (V.A.C.S. Art. 199(186), Sec. 1.)

Sec. 24.275. 216TH JUDICIAL DISTRICT (BANDERA, GILLESPIE, KENDALL, AND KERR COUNTIES). (a) The 216th Judicial District is composed of Bandera, Gillespie, Kendall, and Kerr counties.

(b) The terms of the 216th District Court begin:

(1) in Bandera County on the first Mondays in February and September;

- (2) in Gillespie County on the second Mondays in April and November;
- (3) in Kendall County on the fourth Mondays in February and September; and
- (4) in Kerr County on the first Mondays in January and June. (V.A.C.S. Art. 199(216).)

Sec. 24.276. 229TH JUDICIAL DISTRICT (DUVAL, JIM HOGG, AND STARR COUNTIES). (a) The 229th Judicial District is composed of Duval, Jim Hogg, and Starr counties.

(b) The terms of the 229th District Court begin:

- (1) in Duval County on the first Mondays in February and August;
- (2) in Jim Hogg County on the first Mondays in June and December; and
- (3) in Starr County on the first Mondays in April and October. (V.A.C.S. Art. 199(229), Secs. 1, 3.)

[Sections 24.277-24.300 reserved for expansion]

### SUBCHAPTER C. JUDICIAL DISTRICTS ACT OF 1969

Sec. 24.301. APPLICATION OF SUBCHAPTER. Except as otherwise indicated by the context, this subchapter applies only to judicial districts listed in this subchapter. (V.A.C.S. Art. 199a, Sec. 1.002.)

Sec. 24.302. TERMS OF COURT. Each district court holds in each county within its jurisdiction terms that commence on the first Mondays in January and July of each year. (V.A.C.S. Art. 199a, Sec. 2.001 (part).)

Sec. 24.303. TRANSFER OF CASES; EXCHANGE OF BENCHES. (a) In any county in which there are two or more district courts, the judges of those courts may, in their discretion, either in termtime or vacation, on motion of any party or on agreement of the parties, or on their own motion, transfer any civil or criminal case or proceeding on their dockets to the docket of one of those other district courts. The judges of those courts may, in their discretion, exchange benches or districts from time to time.

(b) If a judge of one of the courts is disqualified, he shall transfer the case or proceeding from his court to one of the other courts, and any of the judges may in his own courtroom try and determine any case or proceeding pending in any of the other courts without having the case transferred, or may sit in any of the other courts and hear and determine any case or proceeding pending in one of those courts. Each judgment and order shall be entered in the minutes of the court in which the case is pending, and two or more judges may try different cases in the same court at the same time and each may occupy his own courtroom or the room of any other court.

(c) In case of absence, sickness, or disqualification of any of the judges, any other of the judges may hold court for him. Any of the judges may hear and determine any part or question of any case or proceeding pending in any of the courts, and any other of the judges may complete the hearing and render judgment in the case or proceeding. Any of the judges may hear and determine motions, petitions for injunction, applications for appointment of receivers, interventions, pleas of privilege, pleas in abatement, and all dilatory pleas, motions for new trials, and all preliminary matters, questions, and proceedings, and may enter judgment or order on them in the court in which the case or proceeding is pending without transferring the case or proceeding. The judge in whose court the matter is pending may proceed to hear, complete, and determine that matter or all or any part of any other matter and render a final judgment. Any of the judges of the courts may issue restraining orders and injunctions returnable to any of the other courts.

(d) This section does not limit the powers of the judge when acting for any other judge by exchange of benches or otherwise. (V.A.C.S. Art. 199a, Sec. 2.002.)

Sec. 24.304. FILING AND DOCKETING CASES. In a county in which there are two or more district courts, the judges of the courts may adopt rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the courts as in their discretion they consider necessary or desirable for the orderly dispatch of the business of the courts. (V.A.C.S. Art. 199a, Sec. 2.003.)

Sec. 24.305. PROCESS; BONDS. (a) When a case is transferred from one court to another, all process and writs issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

(b) The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a district court from which a case is transferred, are required to appear before the district court to which the case is transferred as if originally issued by that court. (V.A.C.S. Art. 199a, Sec. 2.004.)

Sec. 24.306. JUVENILE BOARDS. The district judge of any district listed in this subchapter is a member of the juvenile board in each county within his district in which a juvenile board exists. (V.A.C.S. Art. 199a, Sec. 2.006 (part).)

Sec. 24.307. **SUPPLEMENTAL COMPENSATION.** (a) The judge receives the same amount of supplemental compensation for his services on the juvenile board as is received by other judges on the board.

(b) Unless otherwise provided by this subchapter, the judge receives the same amount in other supplemental compensation from the county as the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part).)

Sec. 24.308. **COURT OFFICERS.** The prosecuting attorney, the sheriff, the district clerk, the bailiffs, and the other officers serving the other district courts of the county shall serve in their respective capacities for the courts listed in this subchapter. (V.A.C.S. Art. 199a, Sec. 2.007.)

Sec. 24.309. **JURISDICTION.** Each court listed in this subchapter has the jurisdiction provided by the constitution and the general laws of this state for district courts. (V.A.C.S. Art. 199a, Sec. 2.009.)

Sec. 24.310. **SPECIAL DISTRICT COURTS.** Each court listed in this subchapter that is directed to give preference to specific matters or types of cases shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts that are similarly directed within that county. (V.A.C.S. Art. 199a, Sec. 2.010.)

Sec. 24.311. **APPOINTMENT OF INITIAL JUDGE.** When a judicial district is created by amendment to this subchapter, the governor shall appoint a qualified person to the office of district judge. The appointee serves until the next succeeding general election. (V.A.C.S. Art. 199a, Sec. 6.001 (part).)

Sec. 24.312. **GRAND AND PETIT JURORS.** All grand and petit jurors selected in a county before the creation of a district court under this subchapter are considered to be lawfully selected for the district court created for the county by this subchapter. (V.A.C.S. Art. 199a, Sec. 6.002.)

Sec. 24.313. **CASES TRANSFERRED.** Except as otherwise provided by this subchapter, when an amendment to this subchapter transfers a county from one judicial district to another, or creates a new judicial district within a county and removes the county from one or more existing judicial districts, all cases and proceedings pending in the district courts of that county are transferred by operation of law to the new judicial district or the judicial district to which the county is transferred. The judges of the district courts affected shall sign the proper orders in connection with the transfer. (V.A.C.S. Art. 199a, Sec. 6.003.)

Sec. 24.314. **PROCESS AND WRITS REMAIN VALID.** (a) If an amendment to this subchapter transfers a county to a different judicial district, creates a new judicial district within the county and removes the county from one or more existing judicial districts, or prescribes a different time or place for the court to hold terms of court, all process and writs issued from that court before the effective date of the amendment are returnable to the court as provided by this subsection. All process and writs issued from that court and made returnable to the court as constituted at the time of issuance are returnable to the district court for that county as the court is constituted under this subchapter at the time the court directs but not at a time earlier than originally returnable. The writs and process are legal and valid as if they had been made returnable to the court as constituted under this subchapter.

(b) All grand and petit jurors lawfully selected in a county before the effective date of an amendment to this subchapter are lawfully selected for the district court for that county as constituted under this subchapter.

(c) The obligees in all appearance bonds and recognizances taken in and for a district court of a county before the effective date of an amendment to this subchapter, and all witnesses summoned to appear before that district court under laws existing before the effective date of an amendment to this subchapter, are required to appear at the district court for that county as constituted under this subchapter at the time that court directs but not at a time earlier than originally required. (V.A.C.S. Art. 199a, Sec. 6.004.)

[Sections 24.315-24.350 reserved for expansion]

Sec. 24.351. **JUDICIAL DISTRICT 1-A (JASPER, NEWTON, AND TYLER COUNTIES).** (a) Judicial District 1-A is composed of Jasper, Newton, and Tyler counties.

(b) The jurisdiction of the court of Judicial District 1-A is concurrent with the jurisdiction of the other district courts in Jasper, Newton, and Tyler counties. (V.A.C.S. Art. 199a, Sec. 3.075.)

Sec. 24.352. **141ST JUDICIAL DISTRICT (TARRANT COUNTY).** The 141st Judicial District is composed of Tarrant County. (V.A.C.S. Art. 199a, Sec. 3.002.)

Sec. 24.353. **148TH JUDICIAL DISTRICT (NUECES COUNTY).** (a) The 148th Judicial District is composed of Nueces County.

(b) The 148th District Court shall give first preference to family law matters and second preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.001.)

Sec. 24.354. 149TH JUDICIAL DISTRICT (BRAZORIA COUNTY). The 149th Judicial District is composed of Brazoria County. (V.A.C.S. Art. 3.027(a).)

Sec. 24.355. 158TH JUDICIAL DISTRICT (DENTON COUNTY). The 158th Judicial District is composed of Denton County. (V.A.C.S. Art. 199a, Sec. 3.004.)

Sec. 24.356. 159TH JUDICIAL DISTRICT (ANGELINA COUNTY). The 159th Judicial District is composed of Angelina County. (V.A.C.S. Art. 199a, Sec. 3.005(a).)

Sec. 24.357. 168TH JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 168th Judicial District is composed of El Paso County.

(b) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 168th District Court. (V.A.C.S. Art. 199a, Sec. 3.006.)

Sec. 24.358. 169TH JUDICIAL DISTRICT (BELL COUNTY). (a) The 169th Judicial District is composed of Bell County.

(b) The terms of the 169th District Court begin on the first Mondays in January, April, July, and October. (V.A.C.S. Art. 199a, Sec. 3.003.)

Sec. 24.359. 172ND JUDICIAL DISTRICT (JEFFERSON COUNTY). The 172nd Judicial District is composed of Jefferson County. (V.A.C.S. Art. 199a, Sec. 3.007.)

Sec. 24.360. 173RD JUDICIAL DISTRICT (HENDERSON COUNTY). The 173rd Judicial District is composed of Henderson County. (V.A.C.S. Art. 199a, Sec. 3.008.)

Sec. 24.361. 181ST JUDICIAL DISTRICT (POTTER AND RANDALL COUNTIES). (a) The 181st Judicial District is composed of Potter and Randall counties.

(b) The 181st District Court may hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury may not be demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing is held. Unless there is an objection filed by a party to the suit, the 181st District Court may hear, in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in which citation was by publication, regardless of whether the case was filed in the county in which the hearing is held.

(c) Section 24.149, relating to the 47th District Court, contains provisions applicable to both that court and the 181st District Court. (V.A.C.S. Art. 199a, Sec. 3.009.)

Sec. 24.362. 182ND JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 182nd Judicial District is composed of Harris County.

(b) The 182nd District Court shall give preference to criminal cases.

(c) The terms of the 182nd District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.010.)

Sec. 24.363. 183RD JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 183rd Judicial District is composed of Harris County.

(b) The 183rd District Court shall give preference to criminal cases.

(c) The terms of the 183rd District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.011.)

Sec. 24.364. 184TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 184th Judicial District is composed of Harris County.

(b) The 184th District Court shall give preference to criminal cases.

(c) The terms of the 184th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.012.)

Sec. 24.365. 185TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 185th Judicial District is composed of Harris County.

(b) The 185th District Court shall give preference to criminal cases.

(c) The terms of the 185th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.013.)

Sec. 24.366. 187TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 187th Judicial District is composed of Bexar County.

(b) The 187th District Court shall give preference to criminal cases.

(c) The terms of the 187th District Court begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.014.)



Sec. 24.367. 188TH JUDICIAL DISTRICT (GREGG COUNTY). The 188th Judicial District is composed of Gregg County. (V.A.C.S. Art. 199a, Sec. 3.015(a).)

Sec. 24.368. 189TH JUDICIAL DISTRICT (HARRIS COUNTY). The 189th Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.016.)

Sec. 24.369. 190TH JUDICIAL DISTRICT (HARRIS COUNTY). The 190th Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.017.)

Sec. 24.370. 191ST JUDICIAL DISTRICT (DALLAS COUNTY). The 191st Judicial District is composed of Dallas County. (V.A.C.S. Art. 199a, Sec. 3.018.)

Sec. 24.371. 192ND JUDICIAL DISTRICT (DALLAS COUNTY). The 192nd Judicial District is composed of Dallas County. (V.A.C.S. Art. 199a, Sec. 3.019.)

Sec. 24.372. 193RD JUDICIAL DISTRICT (DALLAS COUNTY). The 193rd Judicial District is composed of Dallas County. (V.A.C.S. Art. 199a, Sec. 3.020.)

Sec. 24.373. 194TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 194th Judicial District is composed of Dallas County.

(b) The 194th District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.021.)

Sec. 24.374. 195TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 195th Judicial District is composed of Dallas County.

(b) The 195th District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.022.)

Sec. 24.375. 196TH JUDICIAL DISTRICT (HUNT COUNTY). The 196th Judicial District is composed of Hunt County. (V.A.C.S. Art. 199a, Sec. 3.023.)

Sec. 24.376. 197TH JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES). (a) The 197th Judicial District is composed of Cameron and Willacy counties.

(b) The 197th District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.024.)

Sec. 24.377. 198TH JUDICIAL DISTRICT (CONCHO, KERR, KIMBLE, McCULLOCH, AND MENARD COUNTIES). (a) The 198th Judicial District is composed of Concho, Kerr, Kimble, McCulloch, and Menard counties.

(b) The judge of the 198th District Court may select jury commissioners and impanel grand juries in each county. The judge of the 198th District Court may alternate the drawing of grand juries with the judge of any other district court in each county within his district and may order grand and petit juries to be drawn for any term of his court as in his judgment is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county. (V.A.C.S. Art. 199a, Sec. 3.026.)

Sec. 24.378. 199TH JUDICIAL DISTRICT (COLLIN COUNTY). The 199th Judicial District is composed of Collin County. (V.A.C.S. Art. 199a, Sec. 3.028(a), as added by Acts 62nd Legis., Reg. Sess., 1971, Ch. 621.)

Sec. 24.379. 200TH JUDICIAL DISTRICT (TRAVIS COUNTY). The 200th Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.029(a) (part).)

Sec. 24.380. 201ST JUDICIAL DISTRICT (TRAVIS COUNTY). The 201st Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.029(a) (part).)

Sec. 24.381. 202ND JUDICIAL DISTRICT (BOWIE COUNTY). (a) The 202nd Judicial District is composed of Bowie County.

(b) The 202nd District Court shall give preference to criminal cases.

(c) The jurisdiction of the 202nd District Court in Bowie County is concurrent and coextensive with the 5th and 102nd district courts.

(d) The terms of the 202nd District Court begin on the first Mondays in January, April, July, and October. During each term of court in Bowie County, the court may sit in Texarkana to try, hear, and determine any civil nonjury case, may hear and determine motions, agreements, and other nonjury civil matters that come before the court, and may hear and determine any criminal nonjury matters, including pleas of guilty, both felony and misdemeanor, when a jury has been waived. This subsection does not limit the court's power to hear those matters in Boston.

(e) The clerk of the district court of Bowie County serves as the clerk of the 202nd District Court. The district clerk of Bowie County or his deputy shall serve the court when it is sitting in Texarkana and may transfer all necessary books, minutes, and records to Texarkana while the court is in session there, and may transfer all necessary books, minutes, records, and papers from Texarkana to Boston at the end of each session in Texarkana.

(f) The sheriff of Bowie County or his deputy shall attend the court while it is sitting in Texarkana and shall perform the duties required by law or under the order of the court.

(g) Section 24.105, relating to the 5th District Court, contains provisions applicable to both that court and the 202nd District Court. (V.A.C.S. Art. 199a, Secs. 3.033(a), (b), (c), (d), (f).)

Sec. 24.382. 203RD JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 203rd Judicial District is composed of Dallas County.

(b) The 203rd District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.030.)

Sec. 24.383. 204TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 204th Judicial District is composed of Dallas County.

(b) The 204th District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.031.)

Sec. 24.384. 205TH JUDICIAL DISTRICT (CULBERSON, EL PASO, AND HUDSPETH COUNTIES). (a) The 205th Judicial District is composed of Culberson, El Paso, and Hudspeth counties.

(b) The 205th District Court shall give preference to criminal cases.

(c) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 205th District Court. (V.A.C.S. Art. 199a, Sec. 3.032.)

Sec. 24.385. 206TH JUDICIAL DISTRICT (HIDALGO COUNTY). The 206th Judicial District is composed of Hidalgo County. (V.A.C.S. Art. 199a, Sec. 3.034.)

Sec. 24.386. 207TH JUDICIAL DISTRICT (CALDWELL, COMAL, AND HAYS COUNTIES). (a) The 207th Judicial District is composed of Caldwell, Comal, and Hays counties.

(b) The 207th District Court has the same jurisdiction in Comal County as the 22nd District Court has in Comal County and shall give preference to criminal cases in Caldwell, Comal, and Hays counties.

(c) In addition to the jurisdiction prescribed by the constitution and laws of this state for district courts, the 207th District Court has concurrent jurisdiction with the County Court of Caldwell County over all matters of original and appellate criminal jurisdiction in cases over which the County Court of Caldwell County has jurisdiction under the constitution and laws of this state.

(d) The terms of the 207th District Court begin:

(1) in Hays County on the first Mondays in February, May, August, and November;

(2) in Caldwell County on the first Mondays in March, June, September, and December; and

(3) in Comal County on the first Mondays in January, April, July, and October.

(e) Section 24.123, relating to the 22nd District Court, contains provisions applicable to both that court and the 207th District Court. (V.A.C.S. Art. 199a, Sec. 3.035.)

Sec. 24.387. 208TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 208th Judicial District is composed of Harris County.

(b) The 208th District Court shall give preference to criminal cases.

(c) The terms of the 208th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Secs. 3.036(a), (b), (c) (part).)

Sec. 24.388. 209TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 209th Judicial District is composed of Harris County.

(b) The 209th District Court shall give preference to criminal cases.

(c) The terms of the 209th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Secs. 3.037(a), (b), (c) (part).)

Sec. 24.389. 210TH JUDICIAL DISTRICT (CULBERSON, EL PASO, AND HUDSPETH COUNTIES). (a) The 210th Judicial District is composed of Culberson, El Paso, and Hudspeth counties.

(b) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 210th District Court. (V.A.C.S. Art. 199a, Sec. 3.038.)

Sec. 24.390. 211TH JUDICIAL DISTRICT (DENTON COUNTY). The 211th Judicial District is composed of Denton County. (V.A.C.S. Art. 199a, Sec. 3.039.)

Sec. 24.391. 212TH JUDICIAL DISTRICT (GALVESTON COUNTY). (a) The 212th Judicial District is composed of Galveston County.

(b) Section 24.111, relating to the 10th District Court, contains provisions applicable to both that court and the 212th District Court. (V.A.C.S. Art. 199a, Sec. 3.040.)

Sec. 24.392. 213TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 213th Judicial District is composed of Tarrant County.

(b) The terms of the 213th District Court begin on the first Mondays in January, April, July, and October. (V.A.C.S. Art. 199a, Sec. 3.041.)

Sec. 24.393. 214TH JUDICIAL DISTRICT (NUECES COUNTY). (a) The 214th Judicial District is composed of Nueces County.

(b) The 214th District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.042.)

Sec. 24.394. 215TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 215th Judicial District is composed of Harris County.

(b) The 215th District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.043.)

Sec. 24.395. 217TH JUDICIAL DISTRICT (ANGELINA COUNTY). The 217th Judicial District is composed of Angelina County. (V.A.C.S. Art. 199a, Sec. 3.044.)

Sec. 24.396. 218TH JUDICIAL DISTRICT (ATASCOSA, FRIO, KARNES, LaSALLE, AND WILSON COUNTIES). (a) The 218th Judicial District is composed of Atascosa, Frio, Karnes, LaSalle, and Wilson counties.

(b) The judge of the 218th District Court may select grand jury commissioners and impanel grand juries in each county in the district but is not required to impanel a grand jury in any county except when he considers it necessary. The judge may alternate the impaneling of grand juries in each county with the judge of any other district court in that county, or the judges may by agreement determine which one of the courts will impanel the grand juries. Indictments within each county may be returned to any district court within that county. All grand and petit juries drawn for one district court in each county are interchangeable with any other district court in that county as if the jury had been drawn for the court in which it is used. (V.A.C.S. Art. 199a, Sec. 3.045.)

Sec. 24.397. 219TH JUDICIAL DISTRICT (COLLIN COUNTY). The 219th Judicial District is composed of Collin County. (V.A.C.S. Art. 199a, Sec. 3.046.)

Sec. 24.398. 220TH JUDICIAL DISTRICT (BOSQUE, COMANCHE, AND HAMILTON COUNTIES). The 220th Judicial District is composed of Bosque, Comanche, and Hamilton counties. (V.A.C.S. Art. 199a, Sec. 3.047.)

Sec. 24.399. 221ST JUDICIAL DISTRICT (MONTGOMERY COUNTY). The 221st Judicial District is composed of Montgomery County. (V.A.C.S. Art. 199a, Sec. 3.048.)

Sec. 24.400. 222ND JUDICIAL DISTRICT (DEAF SMITH AND OLDHAM COUNTIES). The 222nd Judicial District is composed of Deaf Smith and Oldham counties. (V.A.C.S. Art. 199a, Sec. 3.049(a).)

Sec. 24.401. 223RD JUDICIAL DISTRICT (GRAY COUNTY). The 223rd Judicial District is composed of Gray County. (V.A.C.S. Art. 199a, Sec. 3.050.)

Sec. 24.402. 224TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 224th Judicial District is composed of Bexar County.

(b) The 224th District Court shall give preference to civil cases.

(c) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.051.)

Sec. 24.403. 225TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 225th Judicial District is composed of Bexar County.

(b) The 225th District Court shall give preference to civil cases.

(c) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.052.)

Sec. 24.404. 226TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 226th Judicial District is composed of Bexar County.

(b) The 226th District Court shall give preference to criminal cases.

(c) The terms of the 226th District Court begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court has disposed of the business for that term.

(d) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.053.)

Sec. 24.405. 227TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 227th Judicial District is composed of Bexar County.

(b) The 227th District Court shall give preference to criminal cases.

(c) The terms of the 227th District Court begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court has disposed of the business for that term.

(d) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.054.)

Sec. 24.406. 228TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 228th Judicial District is composed of Harris County.

(b) The 228th District Court shall give preference to criminal cases.

(c) The terms of the 228th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.055.)

Sec. 24.407. 230TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 230th Judicial District is composed of Harris County.

(b) The 230th District Court shall give preference to criminal cases.

(c) The terms of the 230th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.056.)

Sec. 24.408. 231ST JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 231st Judicial District is composed of Tarrant County.

(b) The 231st District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.057.)

Sec. 24.409. 232ND JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 232nd Judicial District is composed of Harris County.

(b) The 232nd District Court shall give preference to criminal cases.

(c) The terms of the 232nd District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.058.)

Sec. 24.410. 233RD JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 233rd Judicial District is composed of Tarrant County.

(b) The 233rd District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.059.)

Sec. 24.411. 234TH JUDICIAL DISTRICT (HARRIS COUNTY). The 234th Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.060.)

Sec. 24.412. 235TH JUDICIAL DISTRICT (COOKE COUNTY). The 235th Judicial District is composed of Cooke County. (V.A.C.S. Art. 199a, Sec. 3.028, as added by Acts 62nd Legis., Reg. Sess., 1971, Ch. 535.)

Sec. 24.413. 236TH JUDICIAL DISTRICT (TARRANT COUNTY). The 236th Judicial District is composed of Tarrant County. (V.A.C.S. Art. 199a, Sec. 3.061.)

Sec. 24.414. 237TH JUDICIAL DISTRICT (LUBBOCK COUNTY). The 237th Judicial District is composed of Lubbock County. (V.A.C.S. Art. 199a, Sec. 3.062.)

Sec. 24.415. 238TH JUDICIAL DISTRICT (MIDLAND COUNTY). The 238th Judicial District is composed of Midland County. (V.A.C.S. Art. 199a, Sec. 3.063.)

Sec. 24.416. 239TH JUDICIAL DISTRICT (BRAZORIA COUNTY). The 239th Judicial District is composed of Brazoria County. (V.A.C.S. Art. 199a, Sec. 3.064.)

Sec. 24.417. 240TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 240th Judicial District is composed of Fort Bend County. (V.A.C.S. Art. 199a, Sec. 3.065.)

Sec. 24.418. 241ST JUDICIAL DISTRICT (SMITH COUNTY). The 241st Judicial District is composed of Smith County. (V.A.C.S. Art. 199a, Sec. 3.066.)

Sec. 24.419. 242ND JUDICIAL DISTRICT (CASTRO, HALE, AND SWISHER COUNTIES). The 242nd Judicial District is composed of Castro, Hale, and Swisher counties. (V.A.C.S. Art. 199a, Sec. 3.067.)

Sec. 24.420. 243RD JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 243rd Judicial District is composed of El Paso County.

(b) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 243rd District Court. (V.A.C.S. Art. 199a, Sec. 3.068.)

Sec. 24.421. 244TH JUDICIAL DISTRICT (ECTOR COUNTY). The 244th Judicial District is composed of Ector County. (V.A.C.S. Art. 199a, Sec. 3.069.)

Sec. 24.422. 245TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 245th Judicial District is composed of Harris County.

(b) The 245th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.070.)

Sec. 24.423. 246TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 246th Judicial District is composed of Harris County.

(b) The 246th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.071.)

Sec. 24.424. 247TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 247th Judicial District is composed of Harris County.

(b) The 247th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.072.)

Sec. 24.425. 248TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 248th Judicial District is composed of Harris County.

(b) The 248th District Court shall give preference to criminal cases.

(c) The terms of the 248th District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.073.)

Sec. 24.426. 249TH JUDICIAL DISTRICT (JOHNSON AND SOMERVELL COUNTIES). The 249th Judicial District is composed of Johnson and Somervell counties. (V.A.C.S. Art. 199a, Sec. 3.074.)

Sec. 24.427. 250TH JUDICIAL DISTRICT (TRAVIS COUNTY). The 250th Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.076.)

Sec. 24.428. 251ST JUDICIAL DISTRICT (POTTER AND RANDALL COUNTIES). (a) The 251st Judicial District is composed of Potter and Randall counties.

(b) The 251st District Court may hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury may not be demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing is held. Unless there is an objection filed by a party to the suit, the 251st District Court may hear, in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in which citation was by publication, regardless of whether the case was filed in the county in which the hearing is held.

(c) Section 24.149, relating to the 47th District Court, contains provisions applicable to both that court and the 251st District Court. (V.A.C.S. Art. 199a, Sec. 3.077.)

Sec. 24.429. 252ND JUDICIAL DISTRICT (JEFFERSON COUNTY). (a) The 252nd Judicial District is composed of Jefferson County.

(b) The 252nd District Court shall give preference to criminal cases.

(c) The terms of the 252nd District Court begin on the first Mondays in January, April, July, and October. Each term continues until the term ends by operation of law or the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.078.)

Sec. 24.430. 253RD JUDICIAL DISTRICT (CHAMBERS AND LIBERTY COUNTIES). (a) The 253rd Judicial District is composed of Chambers and Liberty counties.

(b) The terms of the 253rd District Court begin in Liberty County on the first Mondays in April and October and in Chambers County on the first Mondays in June and December. (V.A.C.S. Art. 199a, Sec. 3.079.)

Sec. 24.431. 254TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 254th Judicial District is composed of Dallas County.

(b) The 254th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.080.)

Sec. 24.432. 255TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 255th Judicial District is composed of Dallas County.

(b) The 255th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.081.)

Sec. 24.433. 256TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 256th Judicial District is composed of Dallas County.

(b) The 256th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Secs. 3.082(a), (b).)

Sec. 24.434. 257TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 257th Judicial District is composed of Harris County.

(b) The 257th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.083.)

Sec. 24.435. 258TH JUDICIAL DISTRICT (POLK, SAN JACINTO, AND TRINITY COUNTIES). (a) The 258th Judicial District is composed of Polk, San Jacinto, and Trinity counties.

(b) The 258th District Court has concurrent jurisdiction in Polk County with the county court over all misdemeanor cases over which the county court has jurisdiction under the constitution and laws of this state. Cases in the concurrent misdemeanor jurisdiction may be

filed in either court, and all cases of concurrent misdemeanor jurisdiction may be transferred between the 258th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred. (V.A.C.S. Art. 199a, Sec. 3.084.)

Sec. 24.436. 259TH JUDICIAL DISTRICT (JONES AND SHACKELFORD COUNTIES). (a) The 259th Judicial District is composed of Jones and Shackelford counties.

(b) In addition to the jurisdiction prescribed by the constitution and general laws of the state for district courts, the 259th District Court in Jones and Shackelford counties has all original and appellate civil and criminal jurisdiction normally exercised by county courts under the constitution and general laws of this state. (V.A.C.S. Art. 199a, Sec. 3.085.)

Sec. 24.437. 260TH JUDICIAL DISTRICT (ORANGE COUNTY). The 260th Judicial District is composed of Orange County. (V.A.C.S. Art. 199a, Sec. 3.086.)

Sec. 24.438. 261ST JUDICIAL DISTRICT (TRAVIS COUNTY). The 261st Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.087.)

Sec. 24.439. 262ND JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 262nd Judicial District is composed of Harris County.

(b) The 262nd District Court shall give preference to criminal cases.

(c) The terms of the 262nd District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.088.)

Sec. 24.440. 263RD JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 263rd Judicial District is composed of Harris County.

(b) The 263rd District Court shall give preference to criminal cases.

(c) The terms of the 263rd District Court begin on the first Mondays in February, May, August, and November. Each term continues until the court has disposed of the business for that term. (V.A.C.S. Art. 199a, Sec. 3.089.)

Sec. 24.441. 264TH JUDICIAL DISTRICT (BELL COUNTY). The 264th Judicial District is composed of Bell County. (V.A.C.S. Art. 199a, Sec. 3.090(a).)

Sec. 24.442. 265TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 265th Judicial District is composed of Dallas County.

(b) The 265th District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Secs. 3.091(a), (b).)

Sec. 24.443. 266TH JUDICIAL DISTRICT (ERATH COUNTY). The 266th Judicial District is composed of Erath County. (V.A.C.S. Art. 199a, Sec. 3.092.)

Sec. 24.444. 267TH JUDICIAL DISTRICT (CALHOUN, DeWITT, GOLIAD, JACKSON, REFUGIO, AND VICTORIA COUNTIES). The 267th Judicial District is composed of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria counties. (V.A.C.S. Art. 199a, Sec. 3.093.)

Sec. 24.445. 268TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 268th Judicial District is composed of Fort Bend County. (V.A.C.S. Art. 199a, Sec. 3.094.)

Sec. 24.446. 269TH JUDICIAL DISTRICT (HARRIS COUNTY). The 269th Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.095.)

Sec. 24.447. 270TH JUDICIAL DISTRICT (HARRIS COUNTY). The 270th Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.096.)

Sec. 24.448. 271ST JUDICIAL DISTRICT (JACK AND WISE COUNTIES). The 271st Judicial District is composed of Jack and Wise counties. (V.A.C.S. Art. 199a, Sec. 3.097.)

Sec. 24.449. 272ND JUDICIAL DISTRICT (BRAZOS COUNTY). (a) The 272nd Judicial District is composed of Brazos County.

(b) The terms of the 272nd District Court begin on the first Mondays in April and October. (V.A.C.S. Art. 199a, Sec. 3.098.)

Sec. 24.450. 273RD JUDICIAL DISTRICT (SABINE, SAN AUGUSTINE, AND SHELBY COUNTIES). (a) The 273rd Judicial District is composed of Sabine, San Augustine, and Shelby counties.

(b) The jurisdiction of the 273rd District Court is concurrent with the jurisdiction of the other district courts in Sabine, San Augustine, and Shelby counties. (V.A.C.S. Art. 199a, Sec. 3.099.)

Sec. 24.451. 274TH JUDICIAL DISTRICT (CALDWELL, COMAL, GUADALUPE, AND HAYS COUNTIES). (a) The 274th Judicial District is composed of Caldwell, Comal, Guadalupe, and Hays counties.

(b) The terms of the 274th District Court begin on the second Tuesdays in February and August in Caldwell and Comal counties, on the second Tuesdays in May and November in Guadalupe County, and on the second Tuesdays in June and December in Hays County.

(c) The jurisdiction of the 274th District Court is concurrent with the jurisdiction of the 22nd and the 207th district courts in Caldwell, Comal, and Hays counties and with the 25th and Second 25th district courts in Guadalupe County.

(d) Section 24.123, relating to the 22nd District Court, contains provisions applicable to both that court and the 274th District Court. (V.A.C.S. Art. 199a, Sec. 3.100.)

Sec. 24.452. 275TH JUDICIAL DISTRICT (HIDALGO COUNTY). The 275th Judicial District is composed of Hidalgo County. (V.A.C.S. Art. 199a, Sec. 3.101.)

Sec. 24.453. 276TH JUDICIAL DISTRICT (CAMP, MARION, MORRIS, AND TITUS COUNTIES). (a) The 276th Judicial District is composed of Camp, Marion, Morris, and Titus counties.

(b) The terms of the 276th District Court begin:

- (1) in Marion County on the first Mondays in January, May, and July;
- (2) in Morris County on the first Mondays in February, March, and September;
- (3) in Titus County on the first Mondays in April, June, and November; and
- (4) in Camp County on the first Mondays in October and December.

(c) The jurisdiction of the 276th District Court is concurrent with the jurisdiction of the 115th District Court in Marion County and with the 76th District Court in Camp, Morris, and Titus counties.

(d) The 276th District Court has concurrent jurisdiction with the county courts in Camp, Marion, and Morris counties over all matters of criminal jurisdiction, original and appellate, in cases over which the particular county court has jurisdiction under the constitution and laws of this state. In each of the counties, matters and proceedings in the concurrent jurisdiction may be transferred between the 276th District Court and the county court.

(e) Section 24.178, relating to the 76th District Court, has provisions applicable to both that court and the 276th District Court. (V.A.C.S. Art. 199a, Sec. 3.102.)

Sec. 24.454. 277TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). (a) The 277th Judicial District is composed of Williamson County.

(b) The terms of the 277th District Court begin on the first Mondays in January, March, May, July, September, and November.

(c) The judge of the 277th District Court shall organize and impanel grand juries for Williamson County at the March, July, and November terms of the court and may, when considered necessary, enter an order to organize and impanel grand juries at any other term of the court. (V.A.C.S. Art. 199a, Sec. 3.103.)

Sec. 24.455. 278TH JUDICIAL DISTRICT (GRIMES, LEON, MADISON, AND WALKER COUNTIES). The 278th Judicial District is composed of Grimes, Leon, Madison, and Walker counties. (V.A.C.S. Art. 199a, Sec. 3.104.)

Sec. 24.456. 279TH JUDICIAL DISTRICT (JEFFERSON COUNTY). (a) The 279th Judicial District is composed of Jefferson County.

(b) The 279th District Court shall give preference to family law matters. (V.A.C.S. Art. 199a, Sec. 3.105.)

Sec. 24.457. 280TH JUDICIAL DISTRICT (HARRIS COUNTY). The 280th Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.106.)

Sec. 24.458. 281ST JUDICIAL DISTRICT (HARRIS COUNTY). The 281st Judicial District is composed of Harris County. (V.A.C.S. Art. 199a, Sec. 3.107.)

Sec. 24.459. 282ND JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 282nd Judicial District is composed of Dallas County.

(b) The 282nd District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.108.)

Sec. 24.460. 283RD JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 283rd Judicial District is composed of Dallas County.

(b) The 283rd District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.109.)

Sec. 24.461. 284TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). The 284th Judicial District is composed of Montgomery County. (V.A.C.S. Art. 199a, Sec. 3.110.)

Sec. 24.462. 285TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 285th Judicial District is composed of Bexar County.

(b) The 285th District Court shall give preference to civil cases.

(c) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.111.)

Sec. 24.463. 286TH JUDICIAL DISTRICT (COCHRAN AND HOCKLEY COUNTIES). The 286th Judicial District is composed of Cochran and Hockley counties. (V.A.C.S. Art. 199a, Sec. 3.112.)

Sec. 24.464. 287TH JUDICIAL DISTRICT (BAILEY AND PARMER COUNTIES). (a) The 287th Judicial District is composed of Bailey and Parmer counties.

(b) The terms of the 287th District Court begin in Bailey County on the first Mondays in February and August and in Parmer County on the first Mondays in March and September. (V.A.C.S. Art. 199a, Sec. 3.113.)

Sec. 24.465. 288TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 288th Judicial District is composed of Bexar County.

(b) The 288th District Court shall give preference to civil cases.

(c) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.114.)

Sec. 24.466. 289TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 289th Judicial District is composed of Bexar County.

(b) The 289th District Court shall give preference to criminal cases.

(c) The terms of the 289th District Court begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court has disposed of the business for that term.

(d) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.115.)

Sec. 24.467. 290TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 290th Judicial District is composed of Bexar County.

(b) The 290th District Court shall give preference to criminal cases.

(c) The terms of the 290th District Court begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court has disposed of the business for that term.

(d) Section 24.139, relating to the 37th District Court, contains provisions applicable to all the district courts in Bexar County. To the extent that this subchapter is inconsistent with those provisions, Section 24.139 prevails. (V.A.C.S. Art. 199a, Sec. 3.116.)

Sec. 24.468. 291ST JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 291st Judicial District is composed of Dallas County.

(b) The 291st District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.117.)

Sec. 24.469. 292ND JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 292nd Judicial District is composed of Dallas County.

(b) The 292nd District Court shall give preference to criminal cases. (V.A.C.S. Art. 199a, Sec. 3.118.)

Sec. 24.470. 293RD JUDICIAL DISTRICT (DIMMIT, MAVERICK, AND ZAVALA COUNTIES). The 293rd Judicial District is composed of Dimmit, Maverick, and Zavala counties. (V.A.C.S. Art. 199a, Sec. 3.119.)

Sec. 24.471. 294TH JUDICIAL DISTRICT (VAN ZANDT AND WOOD COUNTIES). (a) The 294th Judicial District is composed of Van Zandt and Wood counties.

(b) The 294th District Court has concurrent jurisdiction with the county court in Wood and Van Zandt counties over all matters of civil and criminal jurisdiction, original and appellate, in cases over which the county court has jurisdiction under the constitution and laws of this state. In each of the counties, matters and proceedings in the concurrent jurisdiction of the 294th District Court and the county court may be filed in either court and all cases of concurrent jurisdiction may be transferred between the 294th District Court and the county court. However, a case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred. (V.A.C.S. Art. 199a, Sec. 3.120.)

Sec. 24.472. 295TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 295th Judicial District is composed of Harris County.

(b) The 295th District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.121.)

Sec. 24.473. 296TH JUDICIAL DISTRICT (COLLIN COUNTY). The 296th Judicial District is composed of Collin County. (V.A.C.S. Art. 199a, Sec. 3.122.)

Sec. 24.474. 297TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 297th Judicial District is composed of Tarrant County.



(b) The 297th District Court shall give preference to criminal cases.

(c) The terms of the 297th District Court begin on the first Mondays in January, April, July, and October. (V.A.C.S. Art. 199a, Sec. 3.123.)

Sec. 24.475. 298TH JUDICIAL DISTRICT (DALLAS COUNTY). (a) The 298th Judicial District is composed of Dallas County.

(b) The 298th District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.124.)

Sec. 24.476. 299TH JUDICIAL DISTRICT (TRAVIS COUNTY). The 299th Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.125.)

Sec. 24.477. 331ST JUDICIAL DISTRICT (TRAVIS COUNTY). The 331st Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.126.)

Sec. 24.478. 332ND JUDICIAL DISTRICT (HIDALGO COUNTY). The 332nd Judicial District is composed of Hidalgo County. (V.A.C.S. Art. 199a, Sec. 3.127.)

Sec. 24.479. 333RD JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 333rd Judicial District is composed of Harris County.

(b) The 333rd District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.128.)

Sec. 24.480. 334TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 334th Judicial District is composed of Harris County.

(b) The 334th District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.129.)

Sec. 24.481. 335TH JUDICIAL DISTRICT (BASTROP, BURLESON, LEE, AND WASHINGTON COUNTIES). The 335th Judicial District is composed of Bastrop, Burleson, Lee, and Washington counties. (V.A.C.S. Art. 199a, Sec. 3.130.)

Sec. 24.482. 336TH JUDICIAL DISTRICT (FANNIN AND GRAYSON COUNTIES). The 336th Judicial District is composed of Fannin and Grayson counties. (V.A.C.S. Art. 199a, Sec. 3.131.)

Sec. 24.483. 337TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 337th Judicial District is composed of Harris County.

(b) The 337th District Court shall give preference to criminal cases.

(c) The terms of the 337th District Court begin on the first Mondays in February, May, August, and November. (V.A.C.S. Art. 199a, Sec. 3.132.)

Sec. 24.484. 338TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 338th Judicial District is composed of Harris County.

(b) The 338th District Court shall give preference to criminal cases.

(c) The terms of the 338th District Court begin on the first Mondays in February, May, August, and November. (V.A.C.S. Art. 199a, Sec. 3.133.)

Sec. 24.485. 339TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 339th Judicial District is composed of Harris County.

(b) The 339th District Court shall give preference to criminal cases.

(c) The terms of the 339th District Court begin on the first Mondays in February, May, August, and November. (V.A.C.S. Art. 199a, Sec. 3.134.)

Sec. 24.486. 340TH JUDICIAL DISTRICT (TOM GREEN COUNTY). (a) The 340th Judicial District is composed of Tom Green County.

(b) The terms of the 340th District Court begin on the first Mondays in March and September.

(c) Indictments within Tom Green County issued by any district court in the county may be returned to the 340th District Court.

(d) Section 24.153, relating to the 51st District Court, contains provisions applicable to both that court and the 340th District Court. (V.A.C.S. Art. 199a, Sec. 3.135.)

Sec. 24.487. 341ST JUDICIAL DISTRICT (WEBB COUNTY). (a) The 341st Judicial District is composed of Webb County.

(b) The judge of the 341st District Court may select jury commissioners and impanel grand juries in Webb County. The judge of the 341st District Court may alternate the drawing of grand juries with the judge of any other district court in the county. By order entered on the minutes, for any term that the judge considers it necessary, the judge may order grand and petit juries to be drawn. Indictments returned in Webb County may also be returned to the 49th District Court or the 111th District Court. The 341st District Court has concurrent jurisdiction with the 49th District Court in all tax suits and cases.

(c) The terms of the 341st District Court begin on the first Mondays in January, March, May, July, September, and November. Each term continues until the court disposes of its business. (V.A.C.S. Art. 199a, Sec. 3.136.)

Sec. 24.488. 342ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 342nd Judicial District is composed of Tarrant County.

(b) The 342nd District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.137.)

Sec. 24.489. 343RD JUDICIAL DISTRICT (ARANSAS, BEE, LIVE OAK, McMULLEN, AND SAN PATRICIO COUNTIES). (a) The 343rd Judicial District is composed of Aransas, Bee, Live Oak, McMullen, and San Patricio counties.

(b) Section 24.138, relating to the 36th District Court, contains provisions applicable to both that court and the 343rd District Court. (V.A.C.S. Art. 199a, Sec. 3.138.)

Sec. 24.490. 344TH JUDICIAL DISTRICT (CHAMBERS COUNTY). The 344th Judicial District is composed of Chambers County. (V.A.C.S. Art. 199a, Sec. 3.139.)

Sec. 24.491. 345TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 345th Judicial District is composed of Travis County.

(b) The 345th District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.140.)

Sec. 24.492. 346TH JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 346th Judicial District is composed of El Paso County.

(b) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 346th District Court. (V.A.C.S. Art. 199a, Sec. 3.141.)

Sec. 24.493. 347TH JUDICIAL DISTRICT (NUECES COUNTY). The 347th Judicial District is composed of Nueces County. (V.A.C.S. Art. 199a, Sec. 3.142.)

Sec. 24.494. 348TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 348th Judicial District is composed of Tarrant County.

(b) The 348th District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.143.)

Sec. 24.495. 349TH JUDICIAL DISTRICT (ANDERSON AND HOUSTON COUNTIES). The 349th Judicial District is composed of Anderson and Houston counties. (V.A.C.S. Art. 199a, Sec. 3.144.)

Sec. 24.496. 350TH JUDICIAL DISTRICT (TAYLOR COUNTY). The 350th Judicial District is composed of Taylor County. (V.A.C.S. Art. 199a, Sec. 3.145.)

Sec. 24.497. 351ST JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 351st Judicial District is composed of Harris County.

(b) The 351st District Court shall give preference to criminal cases.

(c) The terms of the 351st District Court begin on the first Mondays in February, May, August, and November. (V.A.C.S. Art. 199a, Sec. 3.146.)

Sec. 24.498. 352ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 352nd Judicial District is composed of Tarrant County.

(b) The 352nd District Court shall give preference to civil matters. (V.A.C.S. Art. 199a, Sec. 3.147.)

Sec. 24.499. 353RD JUDICIAL DISTRICT (TRAVIS COUNTY). The 353rd Judicial District is composed of Travis County. (V.A.C.S. Art. 199a, Sec. 3.148.)

Sec. 24.500. 354TH JUDICIAL DISTRICT (HUNT AND RAINS COUNTIES). (a) The 354th Judicial District is composed of Hunt and Rains counties.

(b) Section 24.108, relating to the 8th District Court, contains provisions applicable to both that court and the 354th District Court. (V.A.C.S. Art. 199a, Sec. 3.149(a).)

Sec. 24.501. 355TH JUDICIAL DISTRICT (HOOD COUNTY). The 355th Judicial District is composed of Hood County. (V.A.C.S. Art. 199a, Sec. 3.150.)

Sec. 24.502. 356TH JUDICIAL DISTRICT (HARDIN COUNTY). (a) The 356th Judicial District is composed of Hardin County.

(b) The 356th District Court has concurrent jurisdiction over all matters of civil and criminal jurisdiction, original and appellate, in cases over which the county court has jurisdiction under the constitution and laws of this state. Matters and proceedings in the concurrent jurisdiction of the 356th District Court and the county court may be filed in either court, and all cases of concurrent jurisdiction may be transferred between the 356th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(c) The terms of the 356th District Court begin on the first Mondays in April and October. (V.A.C.S. Art. 199a, Secs. 3.151(a), (b), (d).)

Sec. 24.503. 357TH JUDICIAL DISTRICT (CAMERON AND WILLACY COUNTIES). The 357th Judicial District is composed of Cameron and Willacy counties. (V.A.C.S. Art. 199a, Sec. 3.152.)

Sec. 24.504. 358TH JUDICIAL DISTRICT (ECTOR COUNTY). The 358th Judicial District is composed of Ector County. (V.A.C.S. Art. 199a, Sec. 3.153.)

Sec. 24.505. 359TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). The 359th Judicial District is composed of Montgomery County. (V.A.C.S. Art. 199a, Sec. 3.154.)

[Sections 24.506-24.600 reserved for expansion]

#### SUBCHAPTER D. FAMILY DISTRICT COURTS

Sec. 24.601. JURISDICTION. (a) A family district court has the jurisdiction and power provided for district courts by the constitution and laws of this state. Its jurisdiction is concurrent with that of other district courts in the county in which it is located.

(b) A family district court has primary responsibility for cases involving family law matters. These matters include:

- (1) adoptions;
- (2) birth records;
- (3) divorce and marriage annulment;
- (4) child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency;
- (5) parent and child; and
- (6) husband and wife.

(c) This subchapter does not limit the jurisdiction of other district courts nor relieve them of responsibility for handling cases involving family law matters. (V.A.C.S. Art. 1926a, Sec. 1.03.)

Sec. 24.602. TERMS. The terms of a family district court begin on the first Monday in January and the first Monday in July. (V.A.C.S. Art. 1926a, Sec. 1.04 (part).)

Sec. 24.603. JUDGE. (a) A family district court judge's qualifications and term of office are the same as those prescribed by the constitution and laws of this state for district judges. A family district court judge is elected in the same manner as a district judge.

(b) A family district court judge is entitled to the same compensation and allowances provided by the state and county for the other district judges in his county. (V.A.C.S. Art. 1926a, Sec. 1.05.)

Sec. 24.604. APPOINTMENT OF RETIRED JUDGE TO SIT FOR REGULAR JUDGE. (a) If the regular judge of a family district court is absent or is for any cause disabled or disqualified from presiding, a retired judge of a special juvenile court or a domestic relations court may be appointed by the presiding judge of the administrative judicial district in which the appointed judge resides to sit for the absent, disabled, or disqualified judge of a family district court within the geographic limits of the respective administrative judicial district. To be eligible for the appointment, the retired judge must have voluntarily retired from office and must certify his willingness to serve.

(b) When the docket of a family district court becomes so excessive that the presiding judge of the administrative judicial district in which that court is located considers it an emergency, a retired judge of a special juvenile court or a domestic relations court residing within the geographic limits of the respective administrative judicial district, who meets the qualifications set out in Subsection (a), may be appointed by the presiding judge to sit for the regular judge as long as the emergency exists.

(c) A presiding judge may, with the consent of a retired judge of a special juvenile court or a domestic relations court within his district, make an assignment outside his judicial district with the specific authorization of the presiding judge of the district in which that assignment is made.

(d) A retired judge appointed to sit for a regular judge under this section shall execute the bond and take the oath of office that is required by law for the regular judge for whom he is sitting.

(e) A retired judge appointed under this section has all the power and jurisdiction of the court and the regular judge for whom he is sitting and may sign orders, judgments, decrees, or other process of any kind as presiding judge when acting for the regular judge.

(f) A retired judge appointed to sit for the regular judge under this section shall receive for the services actually performed the same salary that the regular judge is entitled to receive for those services. The amount to be paid for the services shall be paid in the same manner as the regular judge is paid on certification by the presiding judge of the administrative judicial district that the retired judge has rendered the services and is entitled to receive the salary. The payment shall be made from the item in the judiciary section, comptroller's department, of the appropriations act providing for payment of salaries of district judges and criminal district judges. This section does not entitle the retired judge of a special juvenile court or a domestic relations court to participate in the state judicial retirement system. None of the salary paid to a retired judge sitting for the regular judge may be deducted or paid out of the salary of the regular judge. (V.A.C.S. Art. 2338-1c, Secs. 1, 2, 3, 4.)

Sec. 24.605. COURT OFFICIALS, PERSONNEL, AND FACILITIES. (a) The prosecuting attorney, the sheriff, and the district clerk shall serve each family district court in their county in the same manner they serve the district courts of their county.

(b) The commissioners court of the county in which a family district court is located shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate the family district court. (V.A.C.S. Art. 1926a, Secs. 1.06(b), (c).)

Sec. 24.606. COUNTY JUVENILE BOARD. When a family district court is created in a county, the county's juvenile board composition and the additional compensation of the board members is as provided by Article 5139.2, Revised Statutes. (V.A.C.S. Art. 1926a, Sec. 1.07(a) (part), New.)

Sec. 24.607. COURT STYLE. A district court for a judicial district listed in this chapter is a family district court and may be called the "Family District Court for the (*number of district*) Judicial District." (V.A.C.S. Art. 1926a, Secs. 2.01 (part), 2.02 (part), 2.03 (part), 2.04 (part), 2.05 (part), 2.06 (part), 2.07 (part) as amended by Acts 66th Legis., 1979, Ch. 686, 2.08 (part), 2.09 (part), 2.10 (part), 2.11 (part), 2.12 (part), 2.13 (part), 2.14 (part), 2.15 (part), 2.16 (part), 2.17 (part), 2.18 (part), 2.19 (part), 2.20 (part), 2.21 (part), 2.22 (part), 2.23 (part), 2.24 (part), 2.25 (part), 2.26 (part), 2.27 (part), 2.28 (part), 2.29 (part), 2.30 (part), 2.31 (part), 2.32 (part).)

Sec. 24.608. 300TH JUDICIAL DISTRICT (BRAZORIA COUNTY). The 300th Judicial District is composed of Brazoria County. (V.A.C.S. Art. 1926a, Sec. 2.01 (part).)

Sec. 24.609. 301ST JUDICIAL DISTRICT (DALLAS COUNTY). The 301st Judicial District is composed of Dallas County. (V.A.C.S. Art. 1926a, Sec. 2.02 (part).)

Sec. 24.610. 302ND JUDICIAL DISTRICT (DALLAS COUNTY). The 302nd Judicial District is composed of Dallas County. (V.A.C.S. Art. 1926a, Sec. 2.03 (part).)

Sec. 24.611. 303RD JUDICIAL DISTRICT (DALLAS COUNTY). The 303rd Judicial District is composed of Dallas County. (V.A.C.S. Art. 1926a, Sec. 2.04 (part).)

Sec. 24.612. 304TH JUDICIAL DISTRICT (DALLAS COUNTY). The 304th Judicial District is composed of Dallas County. (V.A.C.S. Art. 1926a, Sec. 2.05 (part).)

Sec. 24.613. 305TH JUDICIAL DISTRICT (DALLAS COUNTY). The 305th Judicial District is composed of Dallas County. (V.A.C.S. Art. 1926a, Sec. 2.06 (part).)

Sec. 24.614. 306TH JUDICIAL DISTRICT (GALVESTON COUNTY). (a) The 306th Judicial District is composed of Galveston County.

(b) All juvenile matters and proceedings in Galveston County shall be filed originally with the district clerk on the docket of the 306th District Court.

(c) The district clerk shall transfer juvenile matters and proceedings to the other courts so that the County Court No. 1, the County Court No. 2, the Probate and County Court, and the 306th District Court rotate trying all juvenile cases and holding detention hearings and associated matters during a three-month period each year, beginning with the County Court No. 1 during the first quarter of the year, the County Court No. 2 during the second quarter, the Probate and County Court during the third quarter, and the 306th District Court during the fourth quarter. However, the judge of the 306th District Court may on his own order retain jurisdiction of any of those cases, or transfer the case to one of the other named courts, as he may determine serves the needs of justice.

(d) Whenever possible, the court that presides over the initial hearing shall maintain exclusive jurisdiction over the case until final disposition. (V.A.C.S. Art. 1926a, Sec. 2.07 (part), as amended by Acts 66th Legis., 1979, Ch. 686.)

Sec. 24.615. 307TH JUDICIAL DISTRICT (GREGG COUNTY). The 307th Judicial District is composed of Gregg County. (V.A.C.S. Art. 1926a, Sec. 2.08 (part).)

Sec. 24.616. 308TH JUDICIAL DISTRICT (HARRIS COUNTY). The 308th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.09 (part).)

Sec. 24.617. 309TH JUDICIAL DISTRICT (HARRIS COUNTY). The 309th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.10 (part).)

Sec. 24.618. 310TH JUDICIAL DISTRICT (HARRIS COUNTY). The 310th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.11 (part).)

Sec. 24.619. 311TH JUDICIAL DISTRICT (HARRIS COUNTY). The 311th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.12 (part).)

Sec. 24.620. 312TH JUDICIAL DISTRICT (HARRIS COUNTY). The 312th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.13 (part).)

Sec. 24.621. 313TH JUDICIAL DISTRICT (HARRIS COUNTY). The 313th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.14 (part).)

Sec. 24.622. 314TH JUDICIAL DISTRICT (HARRIS COUNTY). The 314th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.15 (part).)

Sec. 24.623. 315TH JUDICIAL DISTRICT (HARRIS COUNTY). The 315th Judicial District is composed of Harris County. (V.A.C.S. Art. 1926a, Sec. 2.16 (part).)

Sec. 24.624. 316TH JUDICIAL DISTRICT (HUTCHINSON COUNTY). The 316th Judicial District is composed of Hutchinson County. (V.A.C.S. Art. 1926a, Sec. 2.17 (part).)

Sec. 24.625. 317TH JUDICIAL DISTRICT (JEFFERSON COUNTY). The 317th Judicial District is composed of Jefferson County. (V.A.C.S. Art. 1926a, Sec. 2.18 (part).)

Sec. 24.626. 318TH JUDICIAL DISTRICT (MIDLAND COUNTY). The 318th Judicial District is composed of Midland County. (V.A.C.S. Art. 1926a, Sec. 2.19 (part).)

Sec. 24.627. 319TH JUDICIAL DISTRICT (NUECES COUNTY). The 319th Judicial District is composed of Nueces County. (V.A.C.S. Art. 1926a, Sec. 2.20 (part).)

Sec. 24.628. 320TH JUDICIAL DISTRICT (POTTER COUNTY). The 320th Judicial District is composed of Potter County. (V.A.C.S. Art. 1926a, Sec. 2.21 (part).)

Sec. 24.629. 321ST JUDICIAL DISTRICT (SMITH COUNTY). The 321st Judicial District is composed of Smith County. (V.A.C.S. Art. 1926a, Sec. 2.22 (part).)

Sec. 24.630. 322ND JUDICIAL DISTRICT (TARRANT COUNTY). The 322nd Judicial District is composed of Tarrant County. (V.A.C.S. Art. 1926a, Sec. 2.23 (part).)

Sec. 24.631. 323RD JUDICIAL DISTRICT (TARRANT COUNTY). The 323rd Judicial District is composed of Tarrant County. (V.A.C.S. Art. 1926a, Sec. 2.24 (part).)

Sec. 24.632. 324TH JUDICIAL DISTRICT (TARRANT COUNTY). The 324th Judicial District is composed of Tarrant County. (V.A.C.S. Art. 1926a, Sec. 2.25 (part).)

Sec. 24.633. 325TH JUDICIAL DISTRICT (TARRANT COUNTY). The 325th Judicial District is composed of Tarrant County. (V.A.C.S. Art. 1926a, Sec. 2.26 (part).)

Sec. 24.634. 326TH JUDICIAL DISTRICT (TAYLOR COUNTY). The 326th Judicial District is composed of Taylor County. (V.A.C.S. Art. 1926a, Sec. 2.27 (part).)

Sec. 24.635. 327TH JUDICIAL DISTRICT (EL PASO COUNTY). The 327th Judicial District is composed of El Paso County. (V.A.C.S. Art. 1926a, Sec. 2.28 (part).)

Sec. 24.636. 328TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 328th Judicial District is composed of Fort Bend County. (V.A.C.S. Art. 1926a, Sec. 2.29 (part).)

Sec. 24.637. 329TH JUDICIAL DISTRICT (WHARTON COUNTY). The 329th Judicial District is composed of Wharton County. (V.A.C.S. Art. 1926a, Sec. 2.30 (part).)

Sec. 24.638. 330TH JUDICIAL DISTRICT (DALLAS COUNTY). The 330th Judicial District is composed of Dallas County. (V.A.C.S. Art. 1926a, Sec. 2.31 (part).)

Sec. 24.639. 360TH JUDICIAL DISTRICT (TARRANT COUNTY). The 360th Judicial District is composed of Tarrant County. (V.A.C.S. Art. 1926a, Sec. 2.32 (part).)

[Sections 24.640-24.900 reserved for expansion]

#### SUBCHAPTER E. CRIMINAL DISTRICT COURTS

Sec. 24.901. CRIMINAL JUDICIAL DISTRICT OF DALLAS COUNTY. (a) The Criminal Judicial District of Dallas County is composed of Dallas County.

(b) The terms of the criminal district court begin on the first Mondays in January, April, July, and October.

(c) The criminal district courts in Dallas County have concurrent original misdemeanor jurisdiction with the county courts in Dallas County that have criminal jurisdiction.

(d) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the Criminal District Court of Dallas County. (V.A.C.S. Art. 199(14) (part); Art. 199(162), Sec. C (part); Art. 1926-11, Secs. 1 (part), 6 (part); Art. 1926-21, Sec. 1 (part); Art. 1926-26 (part); Art. 199(162), Sec. C (part); Art. 1926-15, Sec. B (part).)

Sec. 24.902. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 2. (a) The Dallas County Criminal Judicial District No. 2 is composed of Dallas County.

(b) The terms of the criminal district court no. 2 begin on the first Mondays in January, April, July, and October.

(c) Section 24.901, relating to the Criminal District Court of Dallas County, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 2.

(d) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 2. (V.A.C.S. Art. 199(14) (part); Art. 1926-13, Secs. 1, 6 (part).)

Sec. 24.903. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 3. (a) The Dallas County Criminal Judicial District No. 3 is composed of Dallas County.

(b) The terms of the criminal district court no. 3 begin on the first Mondays in January, April, July, and October.

(c) Section 24.901, relating to the Criminal District Court of Dallas County, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 3.

(d) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 3. (V.A.C.S. Art. 199(14) (part); Art. 1926-14, Sec. 1.)

Sec. 24.904. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 4. (a) The Dallas County Criminal Judicial District No. 4 is composed of Dallas County.

(b) The terms of the criminal district court no. 4 begin on the first Mondays in January, April, July, and October.

(c) Section 24.901, relating to the Criminal District Court of Dallas County, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 4.

(d) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 4. (V.A.C.S. Art. 199(162), Secs. (B), (D) (part).)

Sec. 24.905. DALLAS COUNTY CRIMINAL JUDICIAL DISTRICT NO. 5. (a) The Dallas County Criminal Judicial District No. 5 is composed of Dallas County.

(b) The terms of the criminal district court no. 5 begin on the first Mondays in January, April, July, and October.

(c) Section 24.901, relating to the Criminal District Court of Dallas County, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 5.

(d) Section 24.115, relating to the 14th District Court, contains provisions applicable to both that court and the Dallas County Criminal District Court No. 5. (V.A.C.S. Art. 1926-15, Secs. A, C.)

[Sections 24.906-24.909 reserved for expansion]

Sec. 24.910. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 1. (a) The Tarrant County Criminal Judicial District No. 1 is composed of Tarrant County.

(b) This section applies to the Tarrant County Criminal District Courts Nos. 1, 2, and 3.

(c) The criminal district courts have jurisdiction of criminal cases within the jurisdiction of a district court. The criminal district courts also have concurrent original jurisdiction with the county criminal courts over misdemeanor cases. The criminal district courts do not have appellate misdemeanor jurisdiction.

(d) The terms of the criminal district courts begin on the first Mondays in January, April, July, and October.

(e) The judge of each criminal district court or county criminal court may, on motion of the judge or the criminal district attorney, transfer misdemeanor cases between the courts by an order entered in the minutes of the transferring court. The clerk of the transferring court shall certify the style and number of the case to the clerk of the court to which it is transferred and include the papers of the case with the certification. The receiving clerk shall promptly docket the transferred case. The receiving court shall dispose of the case as if it had been originally instituted in that court.

(f) The criminal district courts nos. 1 and 2 shall have a seal similar to the seal of a district court with "Criminal District Court No. — of Tarrant County" engraved in the margin. (V.A.C.S. Art. 1926-41, Secs. 1, 2, 4, 9 (part); Art. 1926-42, Sec. 1; Art. 1926-42a; Art. 1926-43, Secs. 2 (part), 3, 6, 9 (part); Art. 1926-44, Secs. A (part), B.)

Sec. 24.911. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 2. (a) The Tarrant County Criminal Judicial District No. 2 is composed of Tarrant County.

(b) Section 24.910, relating to the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the Tarrant County Criminal District Court No. 2. (V.A.C.S. Art. 1926-43, Sec. 1.)

Sec. 24.912. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 3. (a) The Tarrant County Criminal Judicial District No. 3 is composed of Tarrant County.

(b) Section 24.910, relating to the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the Tarrant County Criminal District Court No. 3. (V.A.C.S. Art. 1926-44, Sec. A (part).)

Sec. 24.913. CRIMINAL JUDICIAL DISTRICT NO. 4 OF TARRANT COUNTY. (a) The Criminal Judicial District No. 4 of Tarrant County is composed of Tarrant County.

(b) The court shall give preference to criminal cases.

(c) The terms of court begin on the first Mondays in January, April, July, and October of each year.

(d) Subchapter C applies to the Tarrant County Criminal District Court No. 4 of Tarrant County. (V.A.C.S. Art. 1926-45.)

[Sections 24.914-24.919 reserved for expansion]

Sec. 24.920. CRIMINAL JUDICIAL DISTRICT OF JEFFERSON COUNTY. (a) The Criminal Judicial District of Jefferson County is composed of Jefferson County.

(b) The terms of the criminal district court begin on the first Mondays in April, July, October, and January.

(c) The criminal district court has:

- (1) original jurisdiction of criminal cases within the jurisdiction of a district court;
- (2) concurrent original and appellate jurisdiction with the county courts at law of misdemeanor cases normally within the exclusive jurisdiction of the county courts at law; and
- (3) civil jurisdiction in cases of:
  - (A) divorce, as provided by Chapter 3, Family Code;
  - (B) dependent and delinquent children, as provided by Section 23.001, by the Family Code, and by Title 43, Revised Statutes;
  - (C) adoption, as provided by the Family Code; and
  - (D) habeas corpus proceedings.

(d) The judge of the criminal district court or of a county court at law may, on motion of the judge or the criminal district attorney, transfer misdemeanor cases between the courts by an order entered in the minutes of the transferring court. The clerk of the transferring court shall certify the style and number of the case to the clerk of the receiving court and include the papers of the case with the certification. The receiving clerk shall promptly docket the transferred case. The receiving court shall dispose of the case as if it had been originally instituted in that court.

(e) The court shall have a seal similar to the seal of a district court with "Criminal District Court of Jefferson County" engraved on the seal.

(f) The court may sit at the City of Port Arthur in addition to Beaumont to try, hear, and determine nonjury civil cases and to hear and determine motions, arguments, and the other nonjury civil matters that are within the court's jurisdiction. The district clerk or the clerk's deputy serves as clerk of the court when it sits in Port Arthur and may transfer all necessary books, minutes, records, and papers to Port Arthur while the court is in session there, and transfer them from Port Arthur to Beaumont at the end of each session in Port Arthur. The Commissioners Court of Jefferson County may provide suitable quarters for the court in the subcourthouse while it sits in Port Arthur. The Jefferson County sheriff or the sheriff's deputy shall attend the court in Port Arthur and perform all required duties. (V.A.C.S. Art. 1926-61, Secs. 1, 2, 4, 9 (part); Art. 1926-62, Secs. 1, 5 (part); Art. 1926-63, Sec. 1.)

[Chapter 25 reserved for Statutory County Courts]

CHAPTER 26. CONSTITUTIONAL COUNTY COURTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 26.001. BOND

Sec. 26.002. TERMS

Sec. 26.003. ADJOURNMENT OF COURT BY SHERIFF OR CONSTABLE

Sec. 26.004. MINUTES OF COURT

Sec. 26.005. SEAL

[Sections 26.006-26.010 reserved for expansion]

SUBCHAPTER B. APPOINTMENT OR ELECTION OF SPECIAL JUDGE

Sec. 26.011. DISQUALIFICATION OF COUNTY JUDGE

Sec. 26.012. DISQUALIFICATION IN PROBATE MATTERS

Sec. 26.013. DISQUALIFICATION OF SPECIAL JUDGE

Sec. 26.014. ELECTION OF SPECIAL JUDGE

[Sections 26.015-26.020 reserved for expansion]

SUBCHAPTER C. APPOINTMENT OF SPECIAL JUDGES IN CERTAIN  
COUNTIES

- Sec. 26.021. APPLICATION OF SUBCHAPTER
- Sec. 26.022. APPOINTMENT FOR PARTICULAR MATTERS
- Sec. 26.023. APPOINTMENT FOR ABSENCE OF JUDGE
- Sec. 26.024. APPOINTMENT TO SHARE BENCH
- Sec. 26.025. QUALIFICATIONS OF RETIRED JUDGE
- Sec. 26.026. COMPENSATION OF SPECIAL JUDGE
- Sec. 26.027. NO ADMINISTRATIVE POWERS
- Sec. 26.028. ATTORNEY RECOMMENDATIONS

[Sections 26.029-26.040 reserved for expansion]

SUBCHAPTER D. JURISDICTION AND POWERS

- Sec. 26.041. GENERAL JURISDICTION; CHANGES
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## CHAPTER 26. CONSTITUTIONAL COUNTY COURTS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 26.001. BOND. (a) Before entering the duties of the office, the county judge must execute a bond that:

(1) is payable to the treasurer of the county;

(2) is in the amount set by the commissioners court of not less than \$1,000 nor more than \$10,000; and

(3) is conditioned that the judge will:

(A) pay all money that comes into his hands as county judge to the person or officer entitled to it;

(B) pay to the county all money illegally paid to the judge out of county funds; and

(C) not vote or consent to pay out county funds for other than lawful purposes.

(b) The bond must be approved by the commissioners court. (V.A.C.S. Art. 1928.)

Sec. 26.002. TERMS. (a) By order entered on its records, the commissioners court may fix the number of court terms, may set the times at which the terms shall be held, including the four terms required by the constitution, and may set the length of each term.

(b) Notwithstanding Subsection (a), the court must be open at all times for the transaction of probate business. (V.A.C.S. Arts. 1961 (part); 1962 (part).)

Sec. 26.003. ADJOURNMENT OF COURT BY SHERIFF OR CONSTABLE. If the county judge fails to appear at the time appointed for holding court and a special judge is not elected, the sheriff shall adjourn the court from day to day for three days. If the sheriff fails to adjourn the court, a constable shall do so. If the judge does not appear on the fourth day and no special judge is elected, the sheriff or constable shall adjourn the court until the next regular term. (V.A.C.S. Art. 1964.)

Sec. 26.004. MINUTES OF COURT. (a) Each morning, the minutes of the proceedings of the preceding day shall be read in open court. On the last day of the session, the minutes shall be read, corrected if necessary, and signed in open court by the county judge.

(b) A special judge shall sign the minutes of the proceedings before him.

(c) The presiding judge shall approve and sign the probate minutes of the court on the first day of each month. If the first day falls on a Sunday, the presiding judge shall approve and sign the probate minutes on the preceding day. (V.A.C.S. Art. 1965.)

Sec. 26.005. SEAL. (a) Each county court shall be provided with a seal that has a star with five points engraved in the center. The seal must also have "County Court of \_\_\_\_\_ County, Texas" engraved on it.

(b) The impress of the seal shall be attached to all process other than subpoenas issued out of the court and shall be used to authenticate the official acts of the county clerk and county judge. (V.A.C.S. Art. 1966.)

[Sections 26.006-26.010 reserved for expansion]

## SUBCHAPTER B. APPOINTMENT OR ELECTION OF SPECIAL JUDGE

Sec. 26.011. DISQUALIFICATION OF COUNTY JUDGE. If a county judge is disqualified in a civil case and the parties fail to agree on a special judge at the first term of court, the county judge shall certify to the governor the disqualification and the failure of the parties to agree on a special judge. The governor shall then appoint a person who is learned in the law as special judge to try the case. (V.A.C.S. Art. 1931.)

Sec. 26.012. DISQUALIFICATION IN PROBATE MATTERS. (a) If the county judge is disqualified to act in a probate matter, the judge shall immediately certify the disqualification to the governor and the governor shall appoint a person to act as special judge in the case. The special judge shall act from term to term until the disqualification ends.

(b) The special judge is entitled to the same compensation provided for the regular county judge. Each fiscal year, the commissioners court shall budget a sufficient sum for the payment of special judges appointed under this section. (V.A.C.S. Art. 1932.)

Sec. 26.013. DISQUALIFICATION OF SPECIAL JUDGE. (a) If the special judge selected to act for a disqualified county judge is himself disqualified, the parties by agreement may appoint an attorney as special judge. If the parties fail to agree on another special judge who is qualified, the judge presiding shall immediately certify that fact to the governor. The governor shall appoint a special judge to try the case.

(b) The governor may make the appointment by telegram or any other method.

(c) The special judge appointed by the governor is entitled to the same compensation for his services as is provided for the county judge. (V.A.C.S. Art. 1933.)

Sec. 26.014. ELECTION OF SPECIAL JUDGE. (a) If the county judge fails to appear at the time appointed for holding court, or if the county judge is absent during the term or unable or unwilling to hold court, a special county judge may be elected in the manner provided for election of a special district judge.

(b) The elected special judge has the authority to try and dispose of any case pending during the absence, inability, or refusal of the county judge.

(c) A similar election may be held to supply another special judge during the absence, failure, or inability of the first elected special judge to perform the duties of the office.

(d) The county clerk shall note the election of the special judge in the minutes of the court in the same manner as that provided for similar cases in the district court. (V.A.C.S. Art. 1934.)

[Sections 26.015-26.020 reserved for expansion]

## SUBCHAPTER C. APPOINTMENT OF SPECIAL JUDGES IN CERTAIN COUNTIES

Sec. 26.021. APPLICATION OF SUBCHAPTER. This subchapter applies only to a county in which:

(1) there is no statutory county court at law or statutory probate court; and

(2) all duties of the county court devolve on the county judge. (V.A.C.S. Art. 1933a, Sec. 1 (part).)

Sec. 26.022. APPOINTMENT FOR PARTICULAR MATTERS. (a) The county judge for good cause may at any time appoint a special judge with respect to any pending civil or criminal matter.

(b) The special judge may be appointed on motion of the court or on motion of any counsel of record in the matter. Each counsel of record is entitled to notice and hearing on the matter.

(c) To be appointed a special judge, a person must be:

(1) a licensed attorney; and

(2) agreed on by the counsels of record, if the counsels are able to agree.

(d) The motion for appointment and the order appointing the special judge shall be noted on the docket. A written motion or order may be filed among the papers of the case.

(e) The special judge has the powers of the county judge in relation to the matter involved. (V.A.C.S. Art. 1933a, Sec. 2 (part).)

Sec. 26.023. **APPOINTMENT FOR ABSENCE OF JUDGE.** (a) The county judge may appoint a retired judge as a special judge when the county judge is absent from the county or absent because of physical incapacity.

(b) The special judge shall sit in all matters that are docketed on any of the county court's dockets and has the powers of the county judge in relation to the matter involved.

(c) Without the consent of the commissioners court, special judges appointed under this section may not sit for more than 15 working days during a calendar year.

(d) The order appointing the special judge shall be noted in the docket of the court. (V.A.C.S. Art. 1933a, Secs. 3(a), (c).)

Sec. 26.024. **APPOINTMENT TO SHARE BENCH.** (a) The county judge may appoint a retired judge as a special judge to share the bench if the county judge finds that the dockets of the county court reflect a case load that the county judge considers to be in excess of that which can be disposed of properly in a manner consistent with the efficient administration of justice.

(b) The special judge may share the bench for periods authorized by the commissioners court.

(c) The special judge shall sit in those matters authorized by the county judge and has the powers of the county judge in relation to those matters.

(d) The order appointing the special judge shall be noted on the docket of the court. (V.A.C.S. Art. 1933a, Secs. 3(b), (c).)

Sec. 26.025. **QUALIFICATIONS OF RETIRED JUDGE.** To be appointed a special judge under Section 26.023 or 26.024, a retired judge must:

(1) be a former judge who has:

(A) served at least eight years as a county judge in this state; or

(B) served as a district judge in this state; and

(2) have qualified for judicial retirement. (V.A.C.S. Art. 1933a, Sec. 3(d).)

Sec. 26.026. **COMPENSATION OF SPECIAL JUDGE.** A special judge appointed under this subchapter is entitled to compensation from the commissioners court for each day he sits as special judge at the rate of 1/365 of the county judge's annual salary. (V.A.C.S. Art. 1933a, Sec. 4.)

Sec. 26.027. **NO ADMINISTRATIVE POWERS.** A special judge appointed under this subchapter does not have the powers of the county judge as a member and presiding officer of the commissioners court or the powers of the county judge relating to the general administration of county business. (V.A.C.S. Art. 1933a, Sec. 5.)

Sec. 26.028. **ATTORNEY RECOMMENDATIONS.** The county judge shall consider the recommendations of attorneys of the court as to the implementation of this subchapter and the accomplishment of its purposes. (V.A.C.S. Art. 1933a, Sec. 2 (part).)

[Sections 26.029-26.040 reserved for expansion]

## SUBCHAPTER D. JURISDICTION AND POWERS

Sec. 26.041. **GENERAL JURISDICTION; CHANGES.** Except as otherwise provided by law, a county court has the jurisdiction conferred by Article V, Section 16, of the Texas Constitution and by this subchapter.

Sec. 26.042. **ORIGINAL CIVIL JURISDICTION CONCURRENT WITH JUSTICE COURTS; JUVENILE JURISDICTION.** (a) A county court has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$1,000, exclusive of interest.

(b) A county court has juvenile jurisdiction as provided by Section 23.001.

(c) If under Subchapter E a county court has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction, an appeal or writ of error may not be taken to the court of appeals from a final judgment of the county court in a civil case in which:

(1) the county court has appellate or original concurrent jurisdiction with the justice courts; and

(2) the judgment or amount in controversy does not exceed \$100, exclusive of interest and costs. (V.A.C.S. Art. 1949; New.)

Sec. 26.043. **CIVIL MATTERS IN WHICH COUNTY COURT IS WITHOUT JURISDICTION.** A county court does not have jurisdiction in:

(1) a suit to recover damages for slander or defamation of character;

(2) a suit for the enforcement of a lien on land;

(3) a suit in behalf of the state for escheat;

(4) a suit for divorce;

(5) a suit for the forfeiture of a corporate charter;



(6) a suit for the trial of the right to property valued at \$500 or more and levied on under a writ of execution, sequestration, or attachment; or

(7) an eminent domain case. (V.A.C.S. Arts. 1951, 1960 (part).)

Sec. 26.044. **CERTIORARI JURISDICTION.** A county court has jurisdiction in cases brought from justice court by certiorari. (V.A.C.S. Art. 1953.)

Sec. 26.045. **ORIGINAL CRIMINAL JURISDICTION.** (a) A county court has exclusive original jurisdiction of misdemeanors other than misdemeanors involving official misconduct and cases in which the highest fine that may be imposed is \$200 or less.

(b) A county court has jurisdiction in the forfeiture and final judgment of bonds and recognizances taken in criminal cases within the court's jurisdiction. (V.A.C.S. Arts. 1960-1, 1960-2.)

Sec. 26.046. **APPELLATE CRIMINAL JURISDICTION.** A county court has appellate jurisdiction in criminal cases of which justice courts and other inferior courts have original jurisdiction. (V.A.C.S. Art. 1960-4.)

Sec. 26.047. **HABEAS CORPUS.** (a) A county court may issue a writ of habeas corpus in any case in which the constitution has not conferred the power on the district courts.

(b) On return of a writ of habeas corpus, the court may remand to custody, admit to bail, or discharge the person imprisoned or detained, as the law and nature of the case require. (V.A.C.S. Art. 1960-3.)

Sec. 26.048. **MOTIONS AGAINST COURT OFFICERS.** A county court may hear and determine any motion against the sheriff or another officer of the court for failure to pay money collected under process of the court or for other defalcation of duty in connection with a process of the court. (V.A.C.S. Art. 1954.)

Sec. 26.049. **APPOINTMENT OF COUNSEL.** The county judge may appoint counsel to represent a party who makes an affidavit that he is too poor to employ counsel. (V.A.C.S. Art. 1958.)

Sec. 26.050. **POWERS OF LAW AND EQUITY.** Subject to the limitations stated in this chapter and in the constitution, a county court may hear and determine any cause in law or equity that a court of law or equity recognizes and may grant any relief that may be granted by a court of law or equity. (V.A.C.S. Art. 1956.)

[Sections 26.051-26.100 reserved for expansion]

## SUBCHAPTER E. PROVISIONS RELATING TO PARTICULAR COUNTIES

[Section 26.101 reserved for Anderson County]

[Section 26.102 reserved for Andrews County]

Sec. 26.103. **ANGELINA COUNTY.** (a) The terms of the County Court of Angelina County begin on the second Mondays in January, April, July, and October and may continue for three weeks.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 27th Legis., Reg. Sess., 1901, G.L., Ch. 83, Sec. 10.)

[Section 26.104 reserved for Aransas County]

[Section 26.105 reserved for Archer County]

Sec. 26.106. **ARMSTRONG COUNTY.** In addition to other jurisdiction provided by law, the County Court of Armstrong County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-190.)

Sec. 26.107. **ATASCOSA COUNTY.** In addition to other jurisdiction provided by law, the County Court of Atascosa County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1 (part).)

[Section 26.108 reserved for Austin County]

Sec. 26.109. **BAILEY COUNTY.** In addition to other jurisdiction provided by law, the County Court of Bailey County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-209.)

[Section 26.110 reserved for Bandera County]

[Section 26.111 reserved for Bastrop County]

Sec. 26.112. BAYLOR COUNTY. The County Court of Baylor County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except to receive and enter guilty pleas in misdemeanor cases. (Acts 67th Legis., Reg. Sess., 1981, Ch. 794, Secs. 1, 2.)

Sec. 26.113. BEE COUNTY. *In addition to other jurisdiction provided by law, the County Court of Bee County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law.* (Acts 28th Legis., Reg. Sess., 1903, G.L., Ch. 62, Sec. 1.)

[Section 26.114 reserved for Bell County]

Sec. 26.115. BEXAR COUNTY. The County Court of Bexar County has the general jurisdiction of a probate court and of a juvenile court as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-65 (part); Art. 1970-301g, Sec. 3 (part).)

Sec. 26.116. BLANCO COUNTY. (a) *In addition to other jurisdiction provided by law, the County Court of Blanco County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law.*

(b) *The terms of the county court begin on the first Mondays in January, May, August, and November and continue for six weeks or until the court has disposed of its business. The commissioners court may change the court terms under Section 26.002.* (V.A.C.S. Art. 1970-337, Secs. 4, 8.)

[Section 26.117 reserved for Borden County]

[Section 26.118 reserved for Bosque County]

Sec. 26.119. BOWIE COUNTY. The County Court of Bowie County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-306, Sec. 1 (part).)

[Section 26.120 reserved for Brazoria County]

Sec. 26.121. BRAZOS COUNTY. The County Court of Brazos County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 56th Legis., Reg. Sess., 1959, Ch. 2, Sec. 1 (part).)

Sec. 26.122. BREWSTER COUNTY. (a) *The terms of the County Court of Brewster County begin on the third Mondays in February, May, August, and November and continue until the court has disposed of its business.*

(b) *The commissioners court may change the court terms under Section 26.002.* (Acts 31st Legis., Reg. Sess., 1909, G.L., Ch. 6, Sec. 10.)

[Section 26.123 reserved for Briscoe County]

[Section 26.124 reserved for Brooks County]

[Section 26.125 reserved for Brown County]

Sec. 26.126. BURLESON COUNTY. *In addition to other jurisdiction provided by law, the County Court of Burleson County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law.* (V.A.C.S. Art. 1970-242.)

[Section 26.127 reserved for Burnet County]

[Section 26.128 reserved for Caldwell County]

[Section 26.129 reserved for Calhoun County]

[Section 26.130 reserved for Callahan County]

Sec. 26.131. CAMERON COUNTY. The County Court of Cameron County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-305, Sec. 5(d) (part); Art. 1970-305c, Sec. 2(e) (part).)

[Section 26.132 reserved for Camp County]

[Section 26.133 reserved for Carson County]

Sec. 26.134. CASS COUNTY. The County Court of Cass County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except juvenile jurisdiction as provided by Section 26.042(b) and criminal jurisdiction to receive and enter guilty pleas in misdemeanor cases. (Acts 16th Legis., 1st C.S., 1879, G.L., Ch. 26, Sec. 1; Acts 68th Legis., Reg. Sess., 1983, Ch. 847.)

Sec. 26.135. CASTRO COUNTY. (a) The terms of the County Court of Castro County begin on the fourth Mondays in February, May, August, and November and continue until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-204.)

[Section 26.136 reserved for Chambers County]

[Section 26.137 reserved for Cherokee County]

[Section 26.138 reserved for Childress County]

[Section 26.139 reserved for Clay County]

Sec. 26.140. COCHRAN COUNTY. In addition to other jurisdiction provided by law, the County Court of Cochran County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-205.)

[Section 26.141 reserved for Coke County]

[Section 26.142 reserved for Coleman County]

Sec. 26.143. COLLIN COUNTY. The County Court of Collin County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-362, Sec. 2(b) (part); Art. 1970-362a, Sec. 2(b) (part).)

Sec. 26.144. COLLINGSWORTH COUNTY. In addition to other jurisdiction provided by law, the County Court of Collingsworth County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-315, Sec. 1.)

Sec. 26.145. COLORADO COUNTY. In addition to other jurisdiction provided by law, the County Court of Colorado County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-205.)

Sec. 26.146. COMAL COUNTY. The County Court of Comal County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 18th Legis., Reg. Sess., 1883, G.L., Ch. 35, Sec. 1 (part).)

[Section 26.147 reserved for Comanche County]

[Section 26.148 reserved for Concho County]

[Section 26.149 reserved for Cooke County]

[Section 26.150 reserved for Coryell County]

Sec. 26.151. COTTLE COUNTY. The County Court of Cottle County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except to receive and enter guilty pleas in misdemeanor cases. (Acts 67th Legis., Reg. Sess., 1981, Ch. 794, Secs. 1, 2.)

[Section 26.152 reserved for Crane County]

[Section 26.153 reserved for Crockett County]

Sec. 26.154. CROSBY COUNTY. In addition to other jurisdiction provided by law, the County Court of Crosby County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-317, Sec. 1.)

[Section 26.155 reserved for Culberson County]

[Section 26.156 reserved for Dallam County]

Sec. 26.157. DALLAS COUNTY. The County Court of Dallas County has no appellate criminal jurisdiction. (New.)

Sec. 26.158. DAWSON COUNTY. In addition to other jurisdiction provided by law, the County Court of Dawson County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)

Sec. 26.159. DEAF SMITH COUNTY. In addition to other jurisdiction provided by law, the County Court of Deaf Smith County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-209.)

[Section 26.160 reserved for Delta County]

[Section 26.161 reserved for Denton County]

[Section 26.162 reserved for DeWitt County]

Sec. 26.163. DICKENS COUNTY. In addition to other jurisdiction provided by law, the County Court of Dickens County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 59, Sec. 1.)

Sec. 26.164. DIMMIT COUNTY. (a) The terms of the County Court of Dimmit County begin on the second Mondays in January, April, July, and October and may continue for three weeks.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 29th Legis., Reg. Sess., 1905, G.L., Ch. 92, Sec. 10.)

[Section 26.165 reserved for Donley County]

[Section 26.166 reserved for Duval County]

Sec. 26.167. EASTLAND COUNTY. The County Court of Eastland County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except juvenile jurisdiction as provided by Section 26.042(b) and criminal jurisdiction to receive and enter guilty pleas in misdemeanor cases. (V.A.C.S. Art. 1970-141a, Sec. 1 (part).)

[Section 26.168 reserved for Ector County]

Sec. 26.169. EDWARDS COUNTY. (a) In addition to other jurisdiction provided by law, the County Court of Edwards County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law.

(b) The terms of the county court begin on the first Mondays in January, May, August, and November and continue until the Saturday before the Monday on which the next term begins. The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-300a, Secs. 4, 8.)

[Section 26.170 reserved for Ellis County]

Sec. 26.171. EL PASO COUNTY. The County Court of El Paso County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-129 (part).)

[Section 26.172 reserved for Erath County]

Sec. 26.173. FALLS COUNTY. The County Court of Falls County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 35th Legis., Reg. Sess., 1917, G.L., Ch. 89, Sec. 1 (part), as amended by Acts 64th Legis., Reg. Sess., 1975, Ch. 39, Sec. 1.)

[Section 26.174 reserved for Fannin County]

[Section 26.175 reserved for Fayette County]

Sec. 26.176. FISHER COUNTY. In addition to other jurisdiction provided by law, the County Court of Fisher County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-317, Sec. 1.)

[Section 26.177 reserved for Floyd County]

[Section 26.178 reserved for Foard County]

[Section 26.179 reserved for Fort Bend County]

Sec. 26.180. FRANKLIN COUNTY. (a) The terms of the County Court of Franklin County begin on the second Mondays in January, April, July, and October and continue until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 29th Legis., Reg. Sess., 1905, G.L., Ch. 10, Sec. 11.)

[Section 26.181 reserved for Freestone County]

[Section 26.182 reserved for Frio County]

Sec. 26.183. GAINES COUNTY. In addition to other jurisdiction provided by law, the County Court of Gaines County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)

[Section 26.184 reserved for Galveston County]

Sec. 26.185. GARZA COUNTY. In addition to other jurisdiction provided by law, the County Court of Garza County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)

Sec. 26.186. GILLESPIE COUNTY. (a) In addition to other jurisdiction provided by law, the County Court of Gillespie County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law.

(b) The terms of the county court begin on the first Mondays in January, May, August, and November and continue for six weeks or until the court has disposed of its business. The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-318a, Secs. 4, 8.)

Sec. 26.187. GLASSCOCK COUNTY. The County Court of Glasscock County has the general jurisdiction of a probate court, general criminal jurisdiction, and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil jurisdiction. (V.A.C.S. Art. 1970-320, Sec. 1 (part); Acts 55th Legis., Reg. Sess., 1957, Ch. 196, Sec. 1.)

Sec. 26.188. GOLIAD COUNTY. In addition to other jurisdiction provided by law, the County Court of Goliad County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 24th Legis., Reg. Sess., 1895, G.L., Ch. 45, Sec. 1.)

Sec. 26.189. GONZALES COUNTY. In addition to other jurisdiction provided by law, the County Court of Gonzales County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 55th Legis., Reg. Sess., 1957, Ch. 127, Sec. 1.)

[Section 26.190 reserved for Gray County]

Sec. 26.191. GRAYSON COUNTY. The County Court of Grayson County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-332, Sec. 6 (part); Art. 1970-332a, Sec. 2 (part).)

Sec. 26.192. GREGG COUNTY. (a) The terms of the County Court of Gregg County begin on the second Mondays in January, April, July, and October and continue until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 24th Legis., Reg. Sess., 1895, G.L., Ch. 8, Sec. 10.)

[Section 26.193 reserved for Grimes County]

[Section 26.194 reserved for Guadalupe County]

[Section 26.195 reserved for Hale County]

[Section 26.196 reserved for Hall County]

[Section 26.197 reserved for Hamilton County]

[Section 26.198 reserved for Hansford County]

[Section 26.199 reserved for Hardeman County]

Sec. 26.200. **HARDIN COUNTY.** (a) The terms of the County Court of Hardin County continue until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 25th Legis., Reg. Sess., 1897, G.L., Ch. 31, Sec. 10.)

Sec. 26.201. **HARRIS COUNTY.** The County Court of Harris County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-81 (part).)

[Section 26.202 reserved for Harrison County]

[Section 26.203 reserved for Hartley County]

Sec. 26.204. **HASKELL COUNTY.** In addition to other jurisdiction provided by law, the County Court of Haskell County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 36th Legis., Reg. Sess., 1919, G.L., Ch. 33, Sec. 1.)

[Section 26.205 reserved for Hays County]

Sec. 26.206. **HEMPHILL COUNTY.** In addition to other jurisdiction provided by law, the County Court of Hemphill County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 125, Sec. 1.)

[Section 26.207 reserved for Henderson County]

Sec. 26.208. **HIDALGO COUNTY.** The County Court of Hidalgo County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-341, Sec. 4 (part); Art. 1970-341a, Sec. 4 (part); Art. 1970-341b, Sec. 2(d) (part).)

Sec. 26.209. **HILL COUNTY.** (a) The County Court of Hill County has the general jurisdiction of a probate court and has concurrent original and appellate jurisdiction with the 66th District Court over civil and criminal matters within the jurisdiction of the county court.

(b) All civil and criminal matters within the jurisdiction of the county court must be filed with the district clerk in the district court.

(c) The judge of the 66th District Court shall act as presiding judge between the district and county courts and may assign to the county court original or appellate cases that are within the county court's jurisdiction. The assignment shall be made by docket notation.

(d) The district clerk of Hill County shall perform all clerical functions of the county court as to matters within the concurrent jurisdiction of the county and district courts. The district clerk shall charge the fees set by law for county courts in any case within the courts' concurrent jurisdiction. (V.A.C.S. Art. 1970-333, Secs. 1 (part), 2, 3.)

Sec. 26.210. **HOCKLEY COUNTY.** In addition to other jurisdiction provided by law, the County Court of Hockley County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-224.)

[Section 26.211 reserved for Hood County]

[Section 26.212 reserved for Hopkins County]

[Section 26.213 reserved for Houston County]

[Section 26.214 reserved for Howard County]

[Section 26.215 reserved for Hudspeth County]

[Section 26.216 reserved for Hunt County]

[Section 26.217 reserved for Hutchinson County]

Sec. 26.218. IRION COUNTY. (a) In addition to other jurisdiction provided by law, the County Court of Irion County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law.

(b) The terms of the county court begin on the first Mondays in January, May, August, and November and continue for six weeks or until the court has disposed of its business. The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-304, Secs. 4, 8.)

[Section 26.219 reserved for Jack County]

[Section 26.220 reserved for Jackson County]

[Section 26.221 reserved for Jasper County]

[Section 26.222 reserved for Jeff Davis County]

Sec. 26.223. JEFFERSON COUNTY. (a) The County Court of Jefferson County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction.

(b) The terms of the county court continue until the court has disposed of its business. The commissioners court may change the court terms under Section 26.002. (Acts 25th Legis., Reg. Sess., 1897, G.L., Ch. 66, Sec. 10; V.A.C.S. Art. 1970-113 (part).)

[Section 26.224 reserved for Jim Hogg County]

[Section 26.225 reserved for Jim Wells County]

Sec. 26.226. JOHNSON COUNTY. (a) The County Court of Johnson County has the general jurisdiction of a probate court and has concurrent original and appellate jurisdiction with the district court in Johnson County over civil and criminal matters within the jurisdiction of the county court.

(b) All civil and criminal matters within the jurisdiction of the county court must be filed with the district clerk in the district court.

(c) The judge of the district court shall act as presiding judge between the district and county courts and may assign to the county court original or appellate cases that are within the county court's jurisdiction. The assignment shall be made by docket notation.

(d) The district clerk of Johnson County shall perform all clerical functions of the county court as to matters within the concurrent jurisdiction of the county and district courts. The district clerk shall charge the fees set by law for county courts in any case within the courts' concurrent jurisdiction. (V.A.C.S. Art. 1970-335, Secs. 1 (part), 2, 3.)

Sec. 26.227. JONES COUNTY. The County Court of Jones County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 65th Legis., Reg. Sess., 1977, Ch. 860, Sec. 10(a).)

Sec. 26.228. KARNES COUNTY. In addition to other jurisdiction provided by law, the County Court of Karnes County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 28th Legis., Reg. Sess., 1903, G.L., Ch. 14, Sec. 1.)

[Section 26.229 reserved for Kaufman County]

[Section 26.230 reserved for Kendall County]

[Section 26.231 reserved for Kenedy County]

Sec. 26.232. KENT COUNTY. In addition to other jurisdiction provided by law, the County Court of Kent County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-334, Sec. 1.)

Sec. 26.233. KERR COUNTY. (a) The terms of the County Court of Kerr County continue for three weeks or until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-307, Sec. 10.)

Sec. 26.234. KIMBLE COUNTY. In addition to other jurisdiction provided by law, the County Court of Kimble County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law. (Acts 42nd Legis., Reg. Sess., 1931, G.L., Ch. 320, Sec. 3.)

Sec. 26.235. KING COUNTY. The County Court of King County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except to receive and enter guilty pleas in misdemeanor cases. (Acts 67th Legis., Reg. Sess., 1981, Ch. 794, Secs. 1, 2.)

[Section 26.236 reserved for Kinney County]

[Section 26.237 reserved for Kleberg County]

Sec. 26.238. KNOX COUNTY. The County Court of Knox County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except to receive and enter guilty pleas in misdemeanor cases. (Acts 67th Legis., Reg. Sess., 1981, Ch. 794, Secs. 1, 2.)

[Section 26.239 reserved for Lamar County]

Sec. 26.240. LAMB COUNTY. In addition to other jurisdiction provided by law, the County Court of Lamb County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-209.)

Sec. 26.241. LAMPASAS COUNTY. (a) The terms of the County Court of Lampasas County begin on the second Mondays in January, April, July, and October and continue until the business is completed.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 25th Legis., Reg. Sess., 1897, G.L., Ch. 127, Sec. 10.)

[Section 26.242 reserved for LaSalle County]

[Section 26.243 reserved for Lavaca County]

Sec. 26.244. LEE COUNTY. In addition to other jurisdiction provided by law, the County Court of Lee County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-242.)

[Section 26.245 reserved for Leon County]

[Section 26.246 reserved for Liberty County]

[Section 26.247 reserved for Limestone County]

[Section 26.248 reserved for Lipscomb County]

[Section 26.249 reserved for Live Oak County]

[Section 26.250 reserved for Llano County]

[Section 26.251 reserved for Loving County]

Sec. 26.252. LUBBOCK COUNTY. The County Court of Lubbock County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-340, Sec. 6 (part); Art. 1970-340.1, Sec. 7 (part).)

Sec. 26.253. LYNN COUNTY. In addition to other jurisdiction provided by law, the County Court of Lynn County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)

[Section 26.254 reserved for McCulloch County]

[Section 26.255 reserved for McLennan County]

Sec. 26.256. McMULLEN COUNTY. In addition to other jurisdiction provided by law, the County Court of McMullen County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)



## [Section 26.257 reserved for Madison County]

Sec. 26.258. MARION COUNTY. The County Court of Marion County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction except juvenile jurisdiction as provided by Section 26.042(b) and criminal jurisdiction to receive and enter guilty pleas in misdemeanor cases. (Acts 25th Legis., Reg. Sess., 1897, G.L., Ch. 36, Sec. 1 (part); V.A.C.S. Art. 1970-322a, Sec. 1(a).)

## [Section 26.259 reserved for Martin County]

Sec. 26.260. MASON COUNTY. The County Court of Mason County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 20th Legis., Reg. Sess., 1887, G.L., Ch. 73, Sec. 1 (part).)

Sec. 26.261. MATAGORDA COUNTY. (a) The terms of the County Court of Matagorda County begin on the third Mondays in February, May, August, and November and continue until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 28th Legis., Reg. Sess., 1903, G.L., Ch. 5, Sec. 10.)

## [Section 26.262 reserved for Maverick County]

## [Section 26.263 reserved for Medina County]

Sec. 26.264. MENARD COUNTY. (a) In addition to other jurisdiction provided by law, the County Court of Menard County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law.

(b) The terms of the county court begin on the first Mondays in January, May, August, and November and continue for six weeks or until the business is completed. The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-302, Secs. 4, 8.)

## [Section 26.265 reserved for Midland County]

## [Section 26.266 reserved for Milam County]

Sec. 26.267. MILLS COUNTY. The County Court of Mills County has the general jurisdiction of a probate court, general criminal jurisdiction, and juvenile jurisdiction as provided by Section 26.042(b), but has no other civil jurisdiction. (Acts 21st Legis., Reg. Sess., 1889, G.L., Ch. 97, Sec. 1 (part); Acts 30th Legis., Reg. Sess., 1907, G.L., Ch. 101, Secs. 1, 2, 3.)

Sec. 26.268. MITCHELL COUNTY. In addition to other jurisdiction provided by law, the County Court of Mitchell County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 36th Legis., Reg. Sess., 1919, G.L., Ch. 11, Sec. 1.)

## [Section 26.269 reserved for Montague County]

## [Section 26.270 reserved for Montgomery County]

## [Section 26.271 reserved for Moore County]

Sec. 26.272. MORRIS COUNTY. The County Court of Morris County has the general jurisdiction of a probate court, general criminal jurisdiction, and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil jurisdiction. (Acts 18th Legis., Reg. Sess., 1883, G.L., Ch. 11, Sec. 1; Acts 55th Legis., Reg. Sess., 1957, Ch. 37, Sec. 2.)

## [Section 26.273 reserved for Motley County]

Sec. 26.274. NACOGDOCHES COUNTY. The County Court of Nacogdoches County has no probate, criminal, or civil jurisdiction except juvenile jurisdiction as provided by Section 26.042(b). (V.A.C.S. Art. 1970-361, Sec. 2(a) (part).)

Sec. 26.275. NAVARRO COUNTY. The County Court of Navarro County has the general jurisdiction of a probate court, general criminal jurisdiction, and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil jurisdiction. (V.A.C.S. Art. 1970-326, Sec. 1 (part).)

## [Section 26.276 reserved for Newton County]

## [Section 26.277 reserved for Nolan County]

Sec. 26.278. NUECES COUNTY. The County Court of Nueces County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-339, Sec. 4 (part); Art. 1970-339A, Sec. 4 (part); Art. 1970-339C, Sec. 2 (part); Art. 1970-339D, Sec. 3 (part).)

[Section 26.279 reserved for Ochiltree County]

Sec. 26.280. **OLDHAM COUNTY.** (a) The terms of the County Court of Oldham County begin on the fourth Mondays in February, May, August, and November and continue until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-255.)

[Section 26.281 reserved for Orange County]

[Section 26.282 reserved for Palo Pinto County]

[Section 26.283 reserved for Panola County]

[Section 26.284 reserved for Parker County]

Sec. 26.285. **PARMER COUNTY.** In addition to other jurisdiction provided by law, the County Court of Parmer County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-209.)

[Section 26.286 reserved for Pecos County]

[Section 26.287 reserved for Polk County]

[Section 26.288 reserved for Potter County]

[Section 26.289 reserved for Presidio County]

[Section 26.290 reserved for Rains County]

Sec. 26.291. **RANDALL COUNTY.** In addition to other jurisdiction provided by law, the County Court of Randall County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-209.)

Sec. 26.292. **REAGAN COUNTY.** In addition to other jurisdiction provided by law, the County Court of Reagan County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-259.)

[Section 26.293 reserved for Real County]

Sec. 26.294. **RED RIVER COUNTY.** (a) The County Court of Red River County has:

- (1) the general jurisdiction of a probate court;
- (2) jurisdiction to enter orders providing for the support of deserted wives or children, pendente lite, and to punish violations of those orders;
- (3) juvenile jurisdiction as provided by Section 26.042(b); and
- (4) original criminal jurisdiction.

(b) The county court has no other civil jurisdiction or appellate criminal jurisdiction. (V.A.C.S. Art. 1970-314a, Sec. 1 (part).)

Sec. 26.295. **REEVES COUNTY.** The County Court of Reeves County has juvenile jurisdiction as provided by Section 26.042(b) but has no other probate, criminal, or civil jurisdiction. (V.A.C.S. Art. 1970-372, Sec. 3 (part).)

[Section 26.296 reserved for Refugio County]

[Section 26.297 reserved for Roberts County]

Sec. 26.298. **ROBERTSON COUNTY.** The County Court of Robertson County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 35th Legis., Reg. Sess., 1917, G.L., Ch. 96, Sec. 15 (part).)

[Section 26.299 reserved for Rockwall County]

[Section 26.300 reserved for Runnels County]

[Section 26.301 reserved for Rusk County]

Sec. 26.302. **SABINE COUNTY.** (a) The County Court of Sabine County has the general jurisdiction of a probate court, general criminal jurisdiction, and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil jurisdiction.

(b) The terms of the County Court of Sabine County begin on the second Mondays in January, April, July, and October and may continue for three weeks. The commissioners court may change the court terms under Section 26.002. (Acts 56th Legis., 2nd C.S., 1959, Ch. 7, Sec. 1; Acts 29th Legis., Reg. Sess., 1905, G.L., Ch. 98, Sec. 10.)

Sec. 26.303. SAN AUGUSTINE COUNTY. The County Court of San Augustine County has the general jurisdiction of a probate court, general criminal jurisdiction, and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil jurisdiction. (Acts 56th Legis., 2nd C.S., 1959, Ch. 7, Sec. 1.)

[Section 26.304 reserved for San Jacinto County]

[Section 26.305 reserved for San Patricio County]

[Section 26.306 reserved for San Saba County]

Sec. 26.307. SCHLEICHER COUNTY. In addition to other jurisdiction provided by law, the County Court of Schleicher County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law. (Acts 42nd Legis., Reg. Sess., 1931, G.L., Ch. 298, Sec. 3.)

Sec. 26.308. SCURRY COUNTY. In addition to other jurisdiction provided by law, the County Court of Scurry County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 36th Legis., 1st C.S., 1919, G.L., Ch. 13, Sec. 1.)

Sec. 26.309. SHACKELFORD COUNTY. The County Court of Shackelford County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (Acts 65th Legis., Reg. Sess., 1977, Ch. 860, Sec. 10(a).)

[Section 26.310 reserved for Shelby County]

[Section 26.311 reserved for Sherman County]

[Section 26.312 reserved for Smith County]

[Section 26.313 reserved for Somervell County]

Sec. 26.314. STARR COUNTY. In addition to other jurisdiction provided by law, the County Court of Starr County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 28th Legis., Reg. Sess., 1903, G.L., Ch. 62, Sec. 1.)

Sec. 26.315. STEPHENS COUNTY. The County Court of Stephens County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other criminal or civil jurisdiction. (V.A.C.S. Art. 1970-321, Sec. 1.)

Sec. 26.316. STERLING COUNTY. In addition to other jurisdiction provided by law, the County Court of Sterling County has original concurrent jurisdiction with the justice courts in all civil and criminal matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-316, Sec. 4.)

Sec. 26.317. STONEWALL COUNTY. (a) In addition to other jurisdiction provided by law, the County Court of Stonewall County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law.

(b) *The terms of the county court continue until the court has disposed of its business. The commissioners court may change the court terms under Section 26.002.* (V.A.C.S. Art. 1970-262; Acts 27th Legis., Reg. Sess., 1901, G.L., Ch. 7, Sec. 10 (part).)

[Section 26.318 reserved for Sutton County]

[Section 26.319 reserved for Swisher County]

Sec. 26.320. TARRANT COUNTY. The County Court of Tarrant County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other criminal or civil jurisdiction. (V.A.C.S. Arts. 1970-35 (part), 1970-48 (part).)

Sec. 26.321. TAYLOR COUNTY. The County Court of Taylor County has the general jurisdiction of a probate court but has no other criminal or civil jurisdiction. (V.A.C.S. Art. 1970-343, Sec. 3 (part).)

[Section 26.322 reserved for Terrell County]

Sec. 26.323. TERRY COUNTY. In addition to other jurisdiction provided by law, the County Court of Terry County has original concurrent jurisdiction with the justice courts in all

civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)

[Section 26.324 reserved for Throckmorton County]

[Section 26.325 reserved for Titus County]

[Section 26.326 reserved for Tom Green County]

Sec. 26.327. TRAVIS COUNTY. The County Court of Travis County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-324, Sec. 3 (part); Art. 1970-324a, Sec. 3 (part); Art. 1970-324a.1, Sec. 3 (part); Art. 1970-324a.2, Sec. 3 (part); Art. 1970-324d, Sec. 1 (part).)

Sec. 26.328. TRINITY COUNTY. (a) The terms of the County Court of Trinity County begin on the first Mondays in January, April, July, and October and may continue for three weeks.

(b) The commissioners court may change the court terms under Section 26.002. (Acts 29th Legis., Reg. Sess., 1905, G.L., Ch. 6, Sec. 11.)

[Section 26.329 reserved for Tyler County]

[Section 26.330 reserved for Upshur County]

[Section 26.331 reserved for Upton County]

[Section 26.332 reserved for Uvalde County]

[Section 26.333 reserved for Val Verde County]

[Section 26.334 reserved for Van Zandt County]

[Section 26.335 reserved for Victoria County]

Sec. 26.336. WALKER COUNTY. The County Court of Walker County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-367, Sec. 5 (part).)

Sec. 26.337. WALLER COUNTY. The County Court of Waller County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-381, Sec. 2(f) (part).)

[Section 26.338 reserved for Ward County]

Sec. 26.339. WASHINGTON COUNTY. In addition to other jurisdiction provided by law, the County Court of Washington County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (V.A.C.S. Art. 1970-308, Sec. 1.)

Sec. 26.340. WEBB COUNTY. The County Court of Webb County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil or criminal jurisdiction. (V.A.C.S. Art. 1970-360, Sec. 4 (part).)

[Section 26.341 reserved for Wharton County]

Sec. 26.342. WHEELER COUNTY. In addition to other jurisdiction provided by law, the County Court of Wheeler County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 125, Sec. 1.)

Sec. 26.343. WICHITA COUNTY. (a) The County Court of Wichita County has general criminal jurisdiction, the general jurisdiction of a probate court, and juvenile jurisdiction as provided by Section 26.042(b) but has no other civil jurisdiction except as prescribed by Subsection (b).

(b) The county court has jurisdiction over cases involving child neglect or dependency proceedings and may punish contempt growing out of or ancillary to those cases if the county judge:

(1) has the qualifications required of a district judge; and

(2) is designated by the Wichita County Juvenile Board as judge of the juvenile court.

(c) With the county judge's approval a district court in Wichita County may transfer to the county court a case involving juvenile delinquency, child neglect, or dependency proceedings. (V.A.C.S. Art. 1970-166b, Sec. 1; Art. 1970-166c.)

- [Section 26.344 reserved for Wilbarger County]
- [Section 26.345 reserved for Willacy County]
- [Section 26.346 reserved for Williamson County]
- [Section 26.347 reserved for Wilson County]
- [Section 26.348 reserved for Winkler County]
- [Section 26.349 reserved for Wise County]
- [Section 26.350 reserved for Wood County]

Sec. 26.351. YOAKUM COUNTY. In addition to other jurisdiction provided by law, the County Court of Yoakum County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. (Acts 34th Legis., Reg. Sess., 1915, G.L., Ch. 88, Sec. 1.)

[Section 26.352 reserved for Young County]

Sec. 26.353. ZAPATA COUNTY. (a) The terms of the County Court of Zapata County begin on the third Mondays in February, May, September, and November and continue for three weeks or until the court has disposed of its business.

(b) The commissioners court may change the court terms under Section 26.002. (V.A.C.S. Art. 1970-295.)

[Section 26.354 reserved for Zavala County]

**CHAPTER 27. JUSTICE COURTS**  
**SUBCHAPTER A. GENERAL PROVISIONS**

- Sec. 27.001. BOND
- Sec. 27.002. COMMISSION; NOTARY
- Sec. 27.003. EFFECT OF PRECINCT BOUNDARY CHANGES
- Sec. 27.004. RECORDS
- Sec. 27.005. EDUCATIONAL REQUIREMENTS
- [Sections 27.006-27.030 reserved for expansion]

**SUBCHAPTER B. JURISDICTION AND POWERS**

- Sec. 27.031. JURISDICTION
- Sec. 27.032. EXTRAORDINARY REMEDIES
- Sec. 27.033. OTHER POWERS
- [Sections 27.034-27.050 reserved for expansion]

**SUBCHAPTER C. CONDUCTING COURT**

- Sec. 27.051. TERMS OF COURT; PLACE FOR HOLDING COURT
- Sec. 27.052. VACANCY OR ABSENCE
- Sec. 27.053. DISQUALIFICATION
- Sec. 27.054. EXCHANGE OF BENCHES
- Sec. 27.055. SPECIAL AND TEMPORARY JUSTICES

**CHAPTER 27. JUSTICE COURTS**  
**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 27.001. BOND. Each justice of the peace must give a bond payable to the county judge, in an amount of not more than \$5,000, and conditioned that the justice will:

- (1) faithfully and impartially discharge the duties required by law; and
- (2) promptly pay to the entitled party all money that comes into the justice's hands during the term of office. (V.A.C.S. Art. 2373, Sec. 1 (part).)

Sec. 27.002. COMMISSION; NOTARY. Each justice of the peace shall be commissioned as justice of the peace of the applicable precinct and ex officio notary public of the county. (V.A.C.S. Art. 2376.)

Sec. 27.003. **EFFECT OF PRECINCT BOUNDARY CHANGES.** A person who has served as justice of the peace of a precinct for 10 or more consecutive years preceding a change in boundaries of the precinct is not ineligible for reelection in the precinct because of residence outside the precinct as long as the justice's residence is within the boundaries of the precinct as they existed before the change. (V.A.C.S. Art. 2373, Sec. 2.)

Sec. 27.004. **RECORDS.** (a) Each justice shall arrange and safely keep all dockets, books, and papers transmitted to the justice by the justice's predecessors in office, and all papers filed in a case in justice court, subject to the inspection of any interested party at reasonable times.

(b) A person who has possession of dockets, books, or papers belonging to the office of any justice of the peace shall deliver them to the justice on demand. If the person refuses to deliver them, on motion he may be attached and imprisoned by the order of the county judge until the person makes delivery. The county judge may issue the order in termtime or vacation. The motion must be supported by affidavit. The person against whom the motion is made must be given three days' notice of the motion. (V.A.C.S. Arts. 2383, 2384.)

Sec. 27.005. **EDUCATIONAL REQUIREMENTS.** (a) For purposes of removal under Title 100, Revised Statutes, "incompetency" in the case of a justice of the peace who is not a licensed attorney includes failure to successfully complete:

(1) within one year after the date he is first elected, a 40-hour course in the performance of his duties; and

(2) each following year, a 20-hour course.

(b) The courses must be completed in an accredited state-supported school of higher education. (V.A.C.S. Art. 5972(b).)

[Sections 27.006-27.030 reserved for expansion]

#### SUBCHAPTER B. JURISDICTION AND POWERS

Sec. 27.031. **JURISDICTION.** (a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$1,000, exclusive of interest;

(2) cases of forcible entry and detainer; and

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction.

(b) A justice court does not have jurisdiction of:

(1) a suit in behalf of the state to recover a penalty, forfeiture, or escheat;

(2) a suit for divorce;

(3) a suit to recover damages for slander or defamation of character;

(4) a suit for trial of title to land; or

(5) a suit for the enforcement of a lien on land. (V.A.C.S. Arts. 2385, 2387.)

Sec. 27.032. **EXTRAORDINARY REMEDIES.** A justice of the peace may issue writs of attachment, garnishment, and sequestration within the justice's jurisdiction in the same manner as judges and clerks of the district and county courts. (V.A.C.S. Art. 2386 (part).)

Sec. 27.033. **OTHER POWERS.** A justice of the peace may:

(1) exercise jurisdiction over other matters cognizable before a justice of the peace under any law of this state; and

(2) proceed with all unfinished business of the office as if the business had been originally begun before that justice. (V.A.C.S. Art. 2386 (part).)

[Sections 27.034-27.050 reserved for expansion]

#### SUBCHAPTER C. CONDUCTING COURT

Sec. 27.051. **TERMS OF COURT; PLACE FOR HOLDING COURT.** (a) Each justice shall hold a term of court for civil business once each month and may transact such business out of termtime as is authorized by law.

(b) Each justice shall hold the regular term of court at the justice's office at times prescribed by the commissioners court. The commissioners court shall set the time and place for holding justice court.

(c) A justice may hold court from day to day until all business is disposed of or may adjourn the court or trial of a case to a particular day.

(d) If the regular term does not begin on the day set by law, the court is considered adjourned until its next regular term.

(e) If the justice precinct in which the courthouse is located has more than 75,000 inhabitants, the commissioners court shall provide and furnish a suitable place in the courthouse for the justice of that precinct to hold court. (V.A.C.S. Arts. 2351 (part), 2379, 2380.)

Sec. 27.052. VACANCY OR ABSENCE. If the office of justice of the peace is vacant in a precinct or if the justice is absent or unable or unwilling to perform his duties, the nearest justice in the county may temporarily perform the duties of the office. (V.A.C.S. Art. 2377.)

Sec. 27.053. DISQUALIFICATION. A justice of the peace may not sit in a case in which he is interested or is related to either party within the third degree by consanguinity or affinity. (V.A.C.S. Art. 2378.)

Sec. 27.054. EXCHANGE OF BENCHES. (a) A justice of the peace may hold court for any other justice in the county.

(b) The justices of a county may exchange benches if they consider it expedient. (V.A.C.S. Art. 2393a.)

Sec. 27.055. SPECIAL AND TEMPORARY JUSTICES. (a) If a justice of the peace is disqualified from a civil case, is sick, or is absent from the precinct, the parties may agree on a person to try the case. If the parties fail to agree at the first term of the court after service is perfected, the county judge shall, on application of the justice or either party, appoint a qualified person to try the case. The disqualification, absence, or illness of the justice and the selection by agreement or appointment of another person to try the case shall be noted on the docket of the justice.

(b) If a justice is temporarily unable to perform official duties because of illness, injury, or other disability, the county judge may appoint a qualified person to serve as temporary justice for the duration of the disability. The commissioners court shall compensate the temporary justice by the day, week, or month in an amount equal to the compensation of the regular justice. (V.A.C.S. Art. 2399.)

## CHAPTER 28. SMALL CLAIMS COURTS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 28.001. SMALL CLAIMS COURT

Sec. 28.002. JUDGE

Sec. 28.003. JURISDICTION

Sec. 28.004. FEES

Sec. 28.005. SUPPLIES

[Sections 28.006-28.010 reserved for expansion]

### SUBCHAPTER B. INSTITUTION OF CLAIM

Sec. 28.011. VENUE

Sec. 28.012. INSTITUTION OF ACTION

Sec. 28.013. CITATION

Sec. 28.014. PLEA OF PRIVILEGE

[Sections 28.015-28.030 reserved for expansion]

### SUBCHAPTER C. HEARING

Sec. 28.031. FAILURE TO APPEAR

Sec. 28.032. POSTPONEMENT

Sec. 28.033. HEARING

Sec. 28.034. DUTY OF JUDGE TO DEVELOP CASE

Sec. 28.035. JURY TRIAL

[Sections 28.036-28.050 reserved for expansion]

### SUBCHAPTER D. JUDGMENT; APPEAL; EXECUTION

Sec. 28.051. JUDGMENT

Sec. 28.052. RIGHT TO APPEAL

Sec. 28.053. HEARING ON APPEAL

Sec. 28.054. EXECUTION

Sec. 28.055. JUDGMENT NOT CLAIMED BY PLAINTIFF

CHAPTER 28. SMALL CLAIMS COURTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 28.001. SMALL CLAIMS COURT. In each county, there is a court of inferior jurisdiction known as the small claims court. (V.A.C.S. Art. 2460a, Sec. 1 (part).)

Sec. 28.002. JUDGE. Each justice of the peace sits as judge of the small claims court and exercises the jurisdiction provided by this chapter. (V.A.C.S. Art. 2460a, Sec. 1 (part).)

Sec. 28.003. JURISDICTION. (a) The small claims court has concurrent jurisdiction with the justice court in actions by any person for the recovery of money in which the amount involved, exclusive of costs, does not exceed \$1,000.

(b) An action may not be brought in small claims court by:

- (1) an assignee of the claim or other person seeking to bring an action on an assigned claim;
(2) a person primarily or secondarily engaged in the business of lending money at interest;
or
(3) a collection agency or collection agent.

(c) A person may be represented by an attorney in small claims court.

(d) This section does not prevent a legal heir from bringing an action on a claim or account otherwise within the jurisdiction of the court. (V.A.C.S. Art. 2460a, Sec. 2.)

Sec. 28.004. FEES. Fees in small claims court are the same as those for cases in justice courts. (V.A.C.S. Art. 2460a, Sec. 5a.)

Sec. 28.005. SUPPLIES. The commissioners court shall furnish to the justices of the peace a reasonable number of blank forms, docket books, and other supplies necessary for the small claims court. (V.A.C.S. Art. 2460a, Sec. 14.)

[Sections 28.006-28.010 reserved for expansion]

SUBCHAPTER B. INSTITUTION OF CLAIM

Sec. 28.011. VENUE. An action in small claims court must be brought in the county and precinct in which the defendant resides, except that:

- (1) an action on an obligation that the defendant has contracted to perform in a certain county may be brought in that county; and
(2) an action for which venue is proper under Article 2392, Revised Statutes, may be brought as provided by that article. (V.A.C.S. Art. 2460a, Sec. 3.)

Sec. 28.012. INSTITUTION OF ACTION. (a) To institute an action in small claims court, the claimant or a personal representative of the claimant must appear before the judge and file a statement of the claim under oath.

(b) The statement must be in substantially the following form:

In the Small Claims Court of \_\_\_\_\_ County, Texas

A. B., Plaintiff

vs.

C. D., Defendant

State of Texas

County of \_\_\_\_\_

A. B., whose post office address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,
Street and Number City

\_\_\_\_\_ County, Texas, being duly sworn, on his oath deposes and says
that C. D., whose post office address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_ County, Texas, is justly indebted to him in the sum of \_\_\_\_\_
Street and Number City

Dollars and \_\_\_\_\_ Cents (\$ \_\_\_\_\_), for \_\_\_\_\_

(here the nature of the claim should be stated in concise form and without technicality, including all pertinent dates), and that there are no counterclaims existing in favor of the defendant and against the plaintiff, except \_\_\_\_\_

Plaintiff

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Judge

(V.A.C.S. Art. 2460a, Sec. 4.)



Sec. 28.013. CITATION. (a) On filing the statement and payment of the filing fee, the judge shall issue process in the manner provided for a case in justice court.

(b) Citation is served by an officer of the state authorized to serve other citations.

(c) Citation may be served in any manner authorized for service of citation in a district court, county court, or justice court. (V.A.C.S. Art. 2460a, Sec. 5.)

Sec. 28.014. PLEA OF PRIVILEGE. The defendant may file a written plea of privilege as provided by the rules of civil procedure. The final ruling of the judge on the plea may be appealed to the county court for trial de novo. (V.A.C.S. Art. 2460a, Sec. 8.)

[Sections 28.015-28.030 reserved for expansion]

### SUBCHAPTER C. HEARING

Sec. 28.031. FAILURE TO APPEAR. (a) If a defendant who has been served with citation fails to appear at the time and place specified in the citation, the judge shall enter judgment for the plaintiff in the amount proved to be due.

(b) If the plaintiff does not appear, the judge may enter an order dismissing the action. (V.A.C.S. Art. 2460a, Sec. 6 (part).)

Sec. 28.032. POSTPONEMENT. The judge may grant a postponement or continuance only for good cause shown. (V.A.C.S. Art. 2460a, Sec. 6 (part).)

Sec. 28.033. HEARING. (a) If both parties appear, the judge shall proceed to hear the case.

(b) Formal pleading other than the statement is not required.

(c) The judge shall hear the testimony of the parties and the witnesses that the parties produce and shall consider the other evidence offered.

(d) The hearing is informal, with the sole objective being to dispense speedy justice between the parties. (V.A.C.S. Art. 2460a, Sec. 7.)

Sec. 28.034. DUTY OF JUDGE TO DEVELOP CASE. The judge shall develop the facts of the case, and for that purpose may question a witness or party and may summon any party to appear as a witness as the judge considers necessary to a correct judgment and speedy disposition of the case. (V.A.C.S. Art. 2460a, Sec. 9.)

Sec. 28.035. JURY TRIAL. (a) A party is entitled to a jury trial if the requesting party files a request with the court not later than one day before the date on which the hearing is to be held and at the same time pays the jury fee to the judge.

(b) The jury is provided as in other civil cases in justice court. (V.A.C.S. Art. 2460a, Sec. 11.)

[Sections 28.036-28.050 reserved for expansion]

### SUBCHAPTER D. JUDGMENT; APPEAL; EXECUTION

Sec. 28.051. JUDGMENT. (a) On conclusion of the hearing, the judge shall render judgment as the justice of the case requires.

(b) If the judgment is against the defendant, the defendant shall pay the judgment immediately. (V.A.C.S. Art. 2460a, Sec. 10 (part).)

Sec. 28.052. RIGHT TO APPEAL. (a) If the amount in controversy, exclusive of costs, exceeds \$20, a dissatisfied party may appeal the final judgment to the county court or county court at law.

(b) Appeal is in the manner provided by law for appeal from justice court to county court. (V.A.C.S. Art. 2460a, Sec. 12.)

Sec. 28.053. HEARING ON APPEAL. (a) The county court or county court at law shall dispose of small claims appeals with all convenient speed.

(b) Trial on appeal is de novo. No further pleadings are required and the procedure is the same as in small claims court.

(c) All costs not previously paid by the parties accrue until judgment is rendered on the appeal.

(d) Judgment of the county court or county court at law on the appeal is final. (V.A.C.S. Art. 2460a, Sec. 13.)

Sec. 28.054. EXECUTION. If the defendant fails to make immediate payment on the judgment, execution may issue as in justice court. (V.A.C.S. Art. 2460a, Sec. 10 (part).)

Sec. 28.055. JUDGMENT NOT CLAIMED BY PLAINTIFF. (a) If a defendant has not paid a judgment in favor of the plaintiff and the plaintiff's whereabouts are unknown, the defendant shall use due diligence to locate the plaintiff. The defendant must send a letter by registered or certified mail, return receipt requested, to the plaintiff's last known address and to the address appearing in the plaintiff's statement of his claim or other court record.

(b) If the plaintiff is not located after the use of due diligence, the defendant may pay to the court the amount owed under the judgment. The judge shall immediately execute a release of the judgment on behalf of the plaintiff and deliver the release to the defendant.

(c) The amount paid to the court is held in trust for the plaintiff, and at least once a month the court shall pay those trust funds to the county clerk. The clerk shall deposit the trust funds in the county clerk's trust fund account in the county treasury. The funds shall be deposited, and may be withdrawn, in the same manner as trust funds deposited in district or county court to abide the result of a legal proceeding. (V.A.C.S. Art. 2460a, Sec. 10a.)

## CHAPTER 29. MUNICIPAL COURTS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 29.001. DEFINITION

Sec. 29.002. CREATION

Sec. 29.003. JURISDICTION

Sec. 29.004. JUDGE

Sec. 29.005. TERM OF OFFICE

Sec. 29.006. TEMPORARY REPLACEMENT IN GENERAL-LAW MUNICIPALITIES

Sec. 29.007. MUNICIPAL COURT PANELS OR DIVISIONS; TEMPORARY JUDGES

Sec. 29.008. CONTINUING JUDICIAL EDUCATION

Sec. 29.009. MUNICIPAL COURT JUDGES AND PERSONNEL TRAINING FUND

Sec. 29.010. CLERK

Sec. 29.011. VACANCY

[Sections 29.012-29.100 reserved for expansion]

### SUBCHAPTER B. MUNICIPAL COURTS IN CERTAIN CITIES

Sec. 29.101. MUNICIPALITY OF MORE THAN 250,000

Sec. 29.102. MUNICIPALITY OF 130,001 TO 285,000

Sec. 29.103. MUNICIPAL COURTS IN EL PASO

Sec. 29.104. MUNICIPAL COURT PROCEEDINGS OUTSIDE CORPORATE LIMITS

## CHAPTER 29. MUNICIPAL COURTS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 29.001. DEFINITION. In this chapter, "municipality" means an incorporated city, town, or village. (New.)

Sec. 29.002. CREATION. A municipal court is created in each municipality. A reference in state law to a "corporation court" means a "municipal court." (V.A.C.S. Arts. 1194, 1194A.)

Sec. 29.003. JURISDICTION. (a) A municipal court has exclusive original jurisdiction within the territorial limits of the municipality in all criminal cases that:

- (1) arise under the ordinances of the municipality; and
- (2) are punishable only by a fine not to exceed:

- (A) \$1,000 in all cases arising under municipal ordinances that govern fire safety, zoning, and public health and sanitation other than vegetation and litter violations; or
- (B) \$200 in all other cases.

(b) The municipal court has concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that:

- (1) arise within the territorial limits of the municipality; and
- (2) are punishable only by a fine not to exceed \$200. (V.A.C.S. Art. 1195.)

Sec. 29.004. JUDGE. (a) The judge and alternate judges of the municipal court in a home-rule city are selected under the municipality's charter provisions relating to the election or appointment of judges. The judge shall be known as the "judge of the municipal court" unless the municipality by charter provides for another title.

(b) In a general-law city, the mayor is ex officio judge of the municipal court unless the municipality by ordinance authorizes the election of the judge or provides for the appointment and qualifications of the judge. If the municipality authorizes an election, the judge shall be elected in the manner and for the same term as the mayor. If the municipality authorizes the appointment, the mayor ceases to be judge on the enactment of the ordinance. The first elected or appointed judge serves until the expiration of the mayor's term.

(c) If a general-law municipality changes the method of judicial selection from election to appointment, the first appointee takes office on the expiration of the term of the previously elected judge.

(d) A reference in the laws of this state to a "recorder" means a "judge of the municipal court." (V.A.C.S. Arts. 1196, 1196(a) (part), 1197, 1197a (part), 1198 (part).)

Sec. 29.005. **TERM OF OFFICE.** The judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution. (V.A.C.S. Arts. 1197 (part), 1197a (part), 1198 (part).)

Sec. 29.006. **TEMPORARY REPLACEMENT IN GENERAL-LAW MUNICIPALITIES.** If a municipal judge of a municipality incorporated under the general laws of this state is temporarily unable to act, the governing body may appoint one or more persons meeting the qualifications for the position to sit for the regular municipal judge. The appointee has all powers and duties of the office and is entitled to compensation as set by the governing body. (V.A.C.S. Art. 1199a.)

Sec. 29.007. **MUNICIPAL COURT PANELS OR DIVISIONS; TEMPORARY JUDGES.** (a) A home-rule city by charter or by ordinance may divide the municipal court into two or more panels or divisions, one of which shall be presided over by a presiding judge. Each additional panel or division shall be presided over by an associate judge, who is a magistrate with the same powers as the presiding judge.

(b) The panels or divisions may hold concurrent or continuous sessions either day or night.

(c) Each panel or division may exercise municipal court jurisdiction and has concurrent jurisdiction with the other panels or divisions.

(d) Except as otherwise provided by the charter, the municipality by ordinance may establish:

(1) the qualifications for appointment as a judge;

(2) the ability of a judge to transfer cases, exchange benches, and preside over any of the panels or divisions;

(3) the office of the municipal court clerk, who shall serve as clerk of all the panels or divisions with the assistance of deputy clerks as needed; and

(4) a system for the filing of complaints with the municipal court clerk so that the case load is equally distributed among the panels or divisions.

(e) Except as modified by this section, procedure before a panel or division and appeal from the decision of a panel or division is governed by general law applicable to municipal courts.

(f) If the municipality has established the office of municipal court clerk, the clerk shall keep minutes of the proceedings of the municipal court and its panels or divisions, administer oaths, issue process, and generally perform the duties for the municipal court that a county clerk performs for a county court.

(g) The municipality may provide by charter or by ordinance for the appointment of one or more temporary judges to serve if the regular judge, the presiding judge, or an associate judge is temporarily unable to act. A temporary judge must have the same qualifications as the judge he replaces and has the same powers and duties as that judge. (V.A.C.S. Art. 1200e.)

Sec. 29.008. **CONTINUING JUDICIAL EDUCATION.** (a) Each municipal court judge who is not an attorney licensed in this state must successfully complete a 24-hour course on the duties of the office not later than one year after the date on which the judge is first elected or appointed and must complete a minimum of 12 hours of instruction each calendar year following the calendar year in which the initial course was taken.

(b) Each municipal court judge who is a licensed attorney in good standing with the state bar association of this state must successfully complete a 12-hour course on the duties of the office not later than one year after the date on which the judge is first elected or appointed and must complete an additional 12 hours of instruction each calendar year following the calendar year in which the initial course was taken.

(c) The Texas Judicial Council has general supervisory authority over the administration of this section and Section 29.009. The council shall accredit courses, seminars, and programs that satisfy the requirements of this section. The council may adopt rules governing the conduct of business and the performance of its duties consistent with this section.

(d) Not later than the 60th day after the day on which an accredited course is completed, each judge successfully completing the course shall make a written report of that fact to the

Texas Judicial Council in the manner and form prescribed by the council. In individual cases, the council may on proper application grant waivers or extensions of the minimum educational requirements or the reporting requirement.

(e) The Texas Judicial Council shall prepare an annual report containing a list of all accredited courses for the previous year, a list of all municipal court judges who attended the courses, and a list of all municipal court judges who did not attend the courses. The council shall submit the report to the chief justice of the supreme court, the attorney general, and the mayor of each municipality in which a judge who did not attend a course presides. (V.A.C.S. Art. 1200f, Secs. 1, 2, 3, 4, 5.)

Sec. 29.009. MUNICIPAL COURT JUDGES AND PERSONNEL TRAINING FUND. (a) The municipal court judges and personnel training fund is in the state treasury and shall be administered by the criminal justice division of the governor's office. The fund shall be used to provide grants to statewide professional associations of municipal court judges and municipal court personnel to provide continuing education courses or seminars for those judges and personnel. A course or seminar for municipal court judges for which funds are granted under this section must conform to Sections 29.008(a) and (b) and must be approved by the Texas Judicial Council.

(b) In addition to other court costs, a person shall pay 50 cents as a court cost on conviction of any criminal offense in a municipal court. A conviction that arises under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), or a conviction under the Uniform Act Regulating Traffic on Highways (Article 670Id, Vernon's Texas Civil Statutes) is included, except that a conviction arising under any law that regulates pedestrians or the parking of motor vehicles is not included.

(c) Court costs due under this section shall be collected in the same manner as other fines or costs are collected in the case.

(d) The officer collecting the costs shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the municipal treasury.

(e) Each officer collecting court costs under this section shall file the reports required under Articles 944 and 945, Code of Criminal Procedure, 1925 (Articles 1001 and 1002, Part II, Vernon's Texas Code of Criminal Procedure, 1965). If no funds due as costs under this section have been collected in any quarter, the report required for each quarter shall be filed in the regular manner, and the report must state that no funds due under this section were collected.

(f) The custodian of a municipal treasury shall keep records of the amount of funds on deposit collected under this section and shall send to the comptroller of public accounts not later than the last day of the month following each calendar quarter the funds collected under this section during the preceding quarter. The municipality may retain as a collection fee 10 percent of the funds collected under this section. Funds collected are subject to audit by the comptroller, and funds expended are subject to audit by the state auditor and by the governor's division of planning coordination.

(g) The comptroller shall deposit the funds received under this section in the municipal court judges and personnel training fund.

(h) On requisition of the criminal justice division of the governor's office, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a grant authorized by Subsection (a). A warrant may not exceed the amount in the fund at the time the requisition is made. At the end of each state fiscal year, any unexpended balance in the fund shall be paid into the general revenue fund. (V.A.C.S. Art. 1200f, Sec. 6.)

Sec. 29.010. CLERK. (a) In a municipality that provides for the election of a municipal judge, the municipal court clerk is elected in the same manner unless by ordinance the city secretary serves as clerk. A city secretary who serves as clerk may be authorized to appoint a deputy clerk.

(b) The clerk serves a two-year term of office unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution. If the city secretary serves as clerk, that person serves as clerk during the term as city secretary.

(c) The clerk shall keep minutes of the proceedings of the court, issue process, and generally perform the duties for the municipal court that a county clerk performs for a county court. (V.A.C.S. Art. 1200.)

Sec. 29.011. VACANCY. The governing body of the municipality shall by appointment fill a vacancy in the office of municipal judge or clerk for the remainder of the unexpired term of office only. (V.A.C.S. Art. 1199.)

[Sections 29.012-29.100 reserved for expansion]

## SUBCHAPTER B. MUNICIPAL COURTS IN CERTAIN CITIES

Sec. 29.101. MUNICIPALITY OF MORE THAN 250,000. (a) A municipality with a population of more than 250,000 may by ordinance establish two municipal courts. With the confirmation of the governing body of the municipality, the mayor may appoint two or more judges for the courts and may designate the seniority of the judges.

(b) Either or both of the courts may hold concurrent or continuous sessions either day or night.

(c) Each court may exercise municipal court jurisdiction and has concurrent jurisdiction with the other municipal courts.

(d) The municipality by ordinance may establish:

(1) the qualifications for appointment as a municipal judge;

(2) the ability of a judge to transfer cases, exchange benches, and preside over any of the municipal courts;

(3) the office of the municipal court clerk, who shall serve as clerk of all the municipal courts with the assistance of deputy clerks as needed; and

(4) a system for the filing of complaints with the municipal court clerk so that the case load is equally distributed among the courts.

(e) Except as modified by this section, procedure before each of the courts and appeal from a decision of either of the courts are governed by general law applicable to municipal courts.

(f) This section supersedes any municipal charter provision that conflicts with this section. (V.A.C.S. Art. 1200a, Secs. 1, 2, 3, 4, and 5 (part).)

Sec. 29.102. MUNICIPALITY OF 130,001 TO 285,000. (a) An incorporated municipality with a population of 130,001 to 285,000 by ordinance may establish up to four additional municipal courts. The judge of each additional court must meet the same qualifications and be selected in the same manner as provided in the city charter for the judges of the existing municipal courts. If the charter provides for the election of municipal judges, the governing body of the municipality may appoint a person to serve as judge in each newly created court until the next regular city election.

(b) The courts may hold concurrent or continuous sessions either day or night.

(c) Each court may exercise municipal court jurisdiction and has concurrent jurisdiction with the other municipal courts.

(d) Except as otherwise provided by the charter, the governing body by ordinance may establish:

(1) the qualifications for appointment as a municipal judge;

(2) the ability of a judge to transfer cases, exchange benches, and preside over any of the municipal courts;

(3) the office of the municipal court clerk, who shall serve as clerk of all the municipal courts with the assistance of deputy clerks as needed; and

(4) a system for the filing of complaints with the municipal court clerk so that the case load is equally distributed among the courts.

(e) Except as modified by this section, procedure before each of the courts and appeal from a decision of any of the courts are governed by general law applicable to municipal courts. (V.A.C.S. Art. 1200d.)

Sec. 29.103. MUNICIPAL COURTS IN EL PASO. (a) The City of El Paso by ordinance may establish additional municipal courts as needed. The judge of each additional court must meet the same qualifications and be selected in the same manner as provided in the city charter for the judges of the existing municipal courts. If the charter provides for the election of municipal judges, the governing body of the municipality may appoint a person to serve as judge in each newly created court until the next regular city election.

(b) The courts may hold concurrent or continuous sessions either day or night.

(c) Each court may exercise municipal court jurisdiction and has concurrent jurisdiction with the other municipal courts.

(d) Except as otherwise provided by the charter, the governing body may by ordinance establish:

(1) the qualifications for appointment as a municipal judge;

(2) the ability of a judge to transfer cases, exchange benches, and preside over any of the municipal courts;

(3) the office of the municipal court clerk, who shall serve as clerk of all the municipal courts with the assistance of deputy clerks as needed; and

(4) a system for the filing of complaints with the municipal court clerk so that the case load is equally distributed among the courts.

(e) Except as modified by this section, procedure before each of the courts and appeal from a decision of any of the courts are governed by general law applicable to municipal courts. (V.A.C.S. Art. 1200ee.)

Sec. 29.104. MUNICIPAL COURT PROCEEDINGS OUTSIDE CORPORATE LIMITS. The municipal court of a municipality with a population of 700 or less may conduct its proceedings within the corporate limits of a contiguous incorporated municipality. (V.A.C.S. Art. 1200g.)

## CHAPTER 30. MUNICIPAL COURTS OF RECORD

### SUBCHAPTER A. LUBBOCK

- Sec. 30.001. APPLICATION; DEFINITION
- Sec. 30.002. CREATION OF ADDITIONAL MUNICIPAL COURTS OF RECORD
- Sec. 30.003. JURISDICTION
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- Sec. 30.013. TRANSCRIPT; BILLS OF EXCEPTION
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[Sections 30.023-30.030 reserved for expansion]

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  - Sec. 30.065. DOCKETING OF APPEAL
  - Sec. 30.066. DISMISSAL FOR FAILURE TO PROSECUTE
  - Sec. 30.067. APPELLANT'S BRIEF
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  - Sec. 30.069. BRIEFS AND STATEMENTS OF FACT IN GENERAL
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  - Sec. 30.072. DISPOSITION ON APPEAL; PRESUMPTIONS; DECISION
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- [Sections 30.075-30.080 reserved for expansion]

**SUBCHAPTER C. SAN ANTONIO**

- Sec. 30.081. APPLICATION; DEFINITION
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- [Sections 30.103-30.110 reserved for expansion]

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  - Sec. 30.119. COMPLAINT; PROSECUTION; PLEADING
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- [Sections 30.163-30.170 reserved for expansion]

**SUBCHAPTER F. SWEETWATER**

- Sec. 30.171. APPLICATION
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  - Sec. 30.173. APPLICATION OF OTHER LAWS
  - Sec. 30.174. JUDGE
  - Sec. 30.175. CLERK; OTHER PERSONNEL
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**SUBCHAPTER G. LONGVIEW**

- Sec. 30.201. APPLICATION
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- Sec. 30.265. CLERK; OTHER PERSONNEL
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**SUBCHAPTER J. MARSHALL**

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  - Sec. 30.304. PROCEDURE; DISPOSITION ON APPEAL
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**SUBCHAPTER K. AUSTIN**

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- Sec. 30.329. PROSECUTIONS BY CITY ATTORNEY
- Sec. 30.330. FILING OF ORIGINAL PAPERS
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- Sec. 30.332. APPEAL
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- Sec. 30.344. APPEALS TO COURT OF APPEALS
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**SUBCHAPTER L. ODESSA**

- Sec. 30.351. APPLICATION
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- Sec. 30.374. APPEALS TO COURT OF APPEALS
- [Sections 30.375-30.380 reserved for expansion]

**SUBCHAPTER M. DALLAS**

- Sec. 30.381. APPLICATION
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CHAPTER 30. MUNICIPAL COURTS OF RECORD

SUBCHAPTER A. LUBBOCK

Sec. 30.001. APPLICATION; DEFINITION. (a) This subchapter applies to the City of Lubbock.

(b) In this subchapter, "appellate courts" means the county courts at law of Lubbock County. (New; V.A.C.S. Art. 1200gg, Sec. 12(a).)

Sec. 30.002. CREATION OF ADDITIONAL MUNICIPAL COURTS OF RECORD. The governing body of the city may by ordinance create additional municipal courts of record if it finds that additional courts are necessary to properly dispose of the cases arising in the city. (V.A.C.S. Art. 1200gg, Sec. 1.)

Sec. 30.003. JURISDICTION. (a) A municipal court of record has jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city.

(b) The court has concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:

- (1) arise within the territorial limits of the city; and
- (2) are punishable only by a fine not to exceed \$200.

(c) The court has jurisdiction over cases arising outside the territorial limits of the city under the ordinances authorized by Subdivision 19 of Article 1175, Revised Statutes. (V.A.C.S. Art. 1200gg, Sec. 2(a).)

Sec. 30.004. JUDGE. (a) A municipal court of record is presided over by one or more municipal judges as provided by ordinance.

(b) A municipal judge is elected by the 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 appoint a person with the qualifications required of a municipal judge to serve in a newly created municipal court of record until the next regular city election.

(c) A municipal judge must be a licensed attorney in good standing, must have practiced law in this state for five years, and must be a citizen of the United States and of this state. The judge must satisfy the residency requirements pertaining to a member of the city council. A person may not serve as a municipal judge while the person holds other office or employment with the city government. A municipal judge who takes such an office or employment vacates the judicial office.

(d) The judge shall take judicial notice of the ordinances of the city. The judge may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

(e) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge. If the city has only one municipal judge or only one permanent, full-time municipal judge, that judge is the presiding municipal judge.

(f) The presiding municipal judge shall:

(1) maintain a central docket for cases filed within the territorial limits of the city over which the municipal courts of record have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;

(3) request the jurors needed for cases that are set for trial by jury;

(4) temporarily assign judges or substitute judges to exchange benches and to sit and act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts;

(5) cause the records of the courts to be permanently kept and made available for inspection by interested parties at all reasonable times;

(6) maintain as part of the records of the courts an index of judgments similar to the index maintained by county clerks for criminal cases arising in county courts; and

(7) if necessary for the proper functioning of the courts, provide for microfilm preservation of the records of the courts under the same requirements provided by law for microfilm preservation of records in the custody of a county clerk.

(g) The judges or substitute judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(h) The governing body of the city shall appoint a person with the qualifications required of a municipal judge to fill a vacancy in the office of municipal judge. The appointee serves for the unexpired term. If a judge is temporarily unable to act for any reason, the governing body may appoint a person with the qualifications required of a municipal judge to serve during the regular judge's absence and shall provide for the person's compensation.

(i) A municipal judge may be removed for cause under the provisions applicable to removal of a judge of a county court at law. A municipal judge is answerable to the governing body of the city only on budgetary matters.

(j) A municipal judge shall comply with the financial statement requirements under Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes).

(k) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during the term of office. (V.A.C.S. Art. 1200gg, Secs. 2(b), 2(c), 3, 4, 5.)

**Sec. 30.005. CLERK; OTHER PERSONNEL.** (a) The governing body of the city shall provide a clerk of the municipal courts of record. The clerk shall keep the records of the municipal courts of record, issue process, and generally perform the duties for the courts that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(b) The governing body of the city shall provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the courts.

(c) The clerk and other court personnel perform their duties under the control and direction of the presiding municipal judge. (V.A.C.S. Art. 1200gg, Sec. 7.)

**Sec. 30.006. COURT REPORTER.** (a) The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The person selected as court reporter must meet the qualifications provided by law for official court reporters. The chief administrative officer of the city shall set the compensation of the court reporter on the recommendation of the presiding municipal judge.

(b) The court reporter may preserve the record through written notes, transcribing equipment, recording equipment, or any combination of those methods. The reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. (V.A.C.S. Art. 1200gg, Sec. 8.)

**Sec. 30.007. COURT FACILITIES.** The governing body of the city shall provide court-rooms, jury rooms, offices, office furniture, libraries, law books, and other facilities and supplies

that the governing body determines are necessary for the proper operation of the municipal courts of record. (V.A.C.S. Art. 1200gg, Sec. 6.)

Sec. 30.008. SEAL. The governing body of the city shall provide each municipal court of record with a seal to be used to authenticate the official acts of the clerk and the municipal judge. The impress of the seal must be attached to all papers issued by the court except subpoenas. The seal must include a five-pointed star and must be engraved with the words "Municipal Court in Lubbock, Texas." (V.A.C.S. Art. 1200gg, Sec. 29.)

Sec. 30.009. COMPLAINT; PROSECUTION; PLEADING. (a) A proceeding in a municipal court of record commences with a complaint. The complaint must begin "In the name and by the authority of the State of Texas" and must conclude "Against the peace and dignity of the State." If the offense is only covered by an ordinance, it may also conclude "Contrary to the said ordinance."

(b) A complaint before the court may be sworn to before an officer authorized to administer oaths or before the municipal judge, clerk, city secretary, or city attorney, or the assistant or deputy of the judge, clerk, city secretary, or city attorney, each of whom may administer oaths for that purpose.

(c) A complaint must be in writing and must state:

- (1) the name of the accused, if known;
- (2) an accurate description of the accused, if the name is unknown;
- (3) in plain and intelligible words, the offense with which the accused is charged;
- (4) the place where the offense was committed, which must appear to be within the jurisdiction of the court; and
- (5) the date on which the offense was committed, which must show that the offense is not barred by limitations.

(d) A prosecution in a court shall be conducted by the city attorney or an assistant or deputy city attorney.

(e) All pleadings must be in writing and must be filed with the clerk. (V.A.C.S. Art. 1200gg, Secs. 9, 10(a) (part), 10(b).)

Sec. 30.010. JURY. (a) A person who is brought before a municipal court of record and who is charged with an offense is entitled to be tried by a jury of six persons unless that right is waived according to law. The jury shall decide all questions of fact and credibility of witnesses. The court shall determine all matters of law and shall charge the jury on the law.

(b) If requested by the clerk of the municipal courts of record, the county official who draws the names of jurors from the county jury wheel for the county's central jury system shall draw the names of jurors to serve in the courts. The official shall draw the names from the county jury wheel in the manner provided for county courts and shall draw the number of names required to compose the requested number of lists for service. The official shall deliver the lists to the clerk of the court.

(c) The governing body of the city shall establish procedures for summoning and impaneling jury panels for the courts and for the compensation of the jurors. A juror who serves in a municipal court of record is entitled to the same compensation for each day or portion of a day served as provided for other jurors of Lubbock County under Section 61.001.

(d) A juror who serves in the municipal courts of record must meet the qualifications provided by Subchapter A, Chapter 62, and must also be a registered voter of the city. A juror in the courts is subject to the laws relating to exemption and excuse from jury service that are applicable to the other courts in the county. (V.A.C.S. Art. 1200gg, Secs. 10(a) (part), 11.)

Sec. 30.011. APPEAL. (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The appellate courts have jurisdiction over the appeal. Any appeal from a municipal court of record conviction shall be prosecuted by the city attorney or an assistant or deputy city attorney.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court, for good cause, may extend for not more than 90 days the time for filing or amending the motion. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion for new trial, the defendant may give the notice of appeal orally in open court on the overruling of the motion for new trial. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion for new trial is overruled. The court, for good cause, may extend that time period for not more than 90 days. (V.A.C.S. Art. 1200gg, Secs. 12(b), 13, 14, 15.)

Sec. 30.012. **APPEAL BOND; RECORD ON APPEAL.** (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$50 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed and must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. The court reporter shall prepare the record from the reporter's record of the proceedings or mechanical or videotape recordings of the proceedings. If the court finds that the defendant is unable to pay or give security for the record on appeal after a hearing in response to an affidavit by the defendant, the court shall order the reporter to prepare the record without charge to the defendant. (V.A.C.S. Art. 1200gg, Secs. 16, 17.)

Sec. 30.013. **TRANSCRIPT; BILLS OF EXCEPTION.** (a) On the written request of the defendant or the defendant's attorney, the clerk of the municipal court of record shall prepare under his hand and the seal of the court a transcript of the court proceedings. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court;
- (9) any bills of exception filed with the court; and
- (10) the appeal bond.

(b) The clerk may include in the transcript additional portions of the proceedings in the court prepared by mechanical or videotape recordings.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals. The bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200gg, Secs. 18, 19.)

Sec. 30.014. **STATEMENT OF FACTS.** To be included in the record on appeal, a statement of facts must contain:

(1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;

(2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney;

(3) a partial transcription and the agreed statement of the facts of the case; or

(4) a transcription of all or part of the court proceedings in the case that is prepared from mechanical or videotape recordings of the proceedings. (V.A.C.S. Art. 1200gg, Sec. 20.)

Sec. 30.015. **COMPLETION, APPROVAL, AND TRANSFER OF RECORD.** (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

(1) the statement of facts;

(2) a written description of material to be included in the transcript in addition to the material required by Section 30.013; and

(3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of appeals.



(c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200gg, Sec. 21.)

Sec. 30.016. **NEW TRIAL.** The trial court shall decide from the briefs of the parties whether the defendant should be permitted to withdraw the notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time before the record is filed with the appellate court clerk. (V.A.C.S. Art. 1200gg, Sec. 22.)

Sec. 30.017. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The defendant or the defendant's attorney must certify that the brief has been properly mailed to the prosecuting attorney.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party and to the municipal judge. (V.A.C.S. Art. 1200gg, Sec. 23.)

Sec. 30.018. **COURT RULES.** (a) Except as modified by this subchapter, the Code of Criminal Procedure, 1965, applies to the trial of cases before the municipal courts of record. The courts may make and enforce all rules of practice and procedure that are necessary to expedite the trial of cases before the courts and that are not inconsistent with law.

(b) The appellate courts may make and enforce all rules of practice and procedure that are not inconsistent with law and are necessary to expedite the dispatch of appeals from the municipal courts of record. (V.A.C.S. Art. 1200gg, Sec. 24.)

Sec. 30.019. **DISPOSITION ON APPEAL.** (a) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(b) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court shall set forth the reasons for its decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200gg, Sec. 25.)

Sec. 30.020. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of capias for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200gg, Sec. 26.)

Sec. 30.021. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200gg, Sec. 27.)

Sec. 30.022. **APPEAL TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county court or a district court to the court of appeals apply to the appeal, except that:

- (1) the record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200gg, Sec. 28.)

[Sections 30.023-30.030 reserved for expansion]

### SUBCHAPTER B. EL PASO

Sec. 30.031. **SHORT TITLE; APPLICATION.** (a) This subchapter may be cited as the El Paso Courts Act.

(b) This subchapter applies to the City of El Paso. (V.A.C.S. Art. 1200ee-2, Sec. 1.01; New.)

Sec. 30.032. **DEFINITION.** In this subchapter, "appellate court" means the El Paso Municipal Court of Appeals. (V.A.C.S. Art. 1200ee-2, Sec. 1.02.)

Sec. 30.033. **MARRIAGE CEREMONIES.** The judge of the appellate court and each municipal judge may conduct marriage ceremonies in the city. (V.A.C.S. Art. 1200ee-2, Sec. 1.04.)

Sec. 30.034. **CREATION OF ADDITIONAL MUNICIPAL COURTS OF RECORD.** The governing body of the city may by ordinance create additional municipal courts as it deems necessary, but each subsequent court must be a municipal court of record. (V.A.C.S. Art. 1200ee-2, Sec. 2.01.)

Sec. 30.035. **JURISDICTION.** (a) A municipal court of record created under this subchapter has jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city.

(b) The court has concurrent jurisdiction with a justice of the peace in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:

- (1) arise within the territorial limits of the city; and
- (2) are punishable only by fine not to exceed \$200.

(c) The court has jurisdiction over cases arising outside the territorial limits of the city under ordinances authorized by Subdivision 19, Article 1175, Revised Statutes. (V.A.C.S. Art. 1200ee-2, Sec. 2.02.)

Sec. 30.036. **WRIT POWER.** The judge of a municipal court of record created under this subchapter may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court. (V.A.C.S. Art. 1200ee-2, Sec. 2.03.)

Sec. 30.037. **APPLICATION OF OTHER LAWS REGARDING MUNICIPAL COURTS.** The general law regarding municipal courts and justice courts and the valid charter provisions and ordinances of the city relating to the municipal courts of record apply to a municipal court of record created under this subchapter, unless the law, charter provision, or ordinance is in conflict or inconsistent with this subchapter. Except as modified by this subchapter, the Code of Criminal Procedure, 1965, applies to the trial of a case before a municipal court of record. (V.A.C.S. Art. 1200ee-2, Sec. 2.04.)

Sec. 30.038. **JUDGE.** (a) A municipal court of record created under this subchapter is presided over by a municipal judge and one or more associate municipal judges. A municipal judge or an associate municipal judge must be a licensed attorney in good standing, have had two or more years of experience in the practice of law in this state, and be a citizen of this state.

(b) A municipal judge is elected by the 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.

(c) A vacancy in the office of judge is filled by appointment of the governing body of the city, and the person appointed serves until the next regular municipal election, at which time his successor shall be elected. An appointee may succeed himself.

(d) Each associate municipal judge is appointed by the governing body of the city for a two-year term.

(e) The municipal judges shall select by a majority vote of those judges a presiding judge of the municipal courts of record.

(f) The presiding municipal judge may, when necessary for the expeditious disposition of the business of the courts and with the approval of the governing body of the city, divide a municipal court of record into one or more divisions. A division is presided over by an associate municipal judge. A division has concurrent jurisdiction with the other divisions and municipal courts of record. Divisions of the courts may be in concurrent and continuous session, either day or night, at the discretion of the presiding judge. The presiding judge may assign and transfer any case pending in any of the courts or divisions to any other of the courts or divisions. The presiding judge may direct the manner in which cases are filed and docketed. He may assign a case or proceeding pending in any of the courts to the judge of another court or division. He may assign

the judge of any of the courts or divisions to try a case or hear a proceeding pending in another court or division.

(g) A municipal judge or an associate municipal judge is entitled to compensation from the city to be set by the governing body of the city. The compensation may not be diminished but may be increased during a judge's term of office. The compensation may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during his term of office. The salary of the presiding judge must be set at an amount that is at least 20 percent more than the salary of the regular municipal judges.

(h) A municipal judge or an associate municipal judge may not be removed from office during the term for which he was elected or appointed except for cause to the same extent and under the same rules that the county judge may be removed from office.

(i) The judges or associate judges may at any time exchange benches and may at any time sit and act for or with each other in any case, matter, or proceeding pending in any court or division. An act performed by a judge sitting for another judge is valid and binding on all parties to the case, matter, or proceeding.

(j) Each municipal judge and associate municipal judge must take the oath of office as required of city officials.

(k) A municipal judge or an associate municipal judge is a magistrate as that term is defined by the Code of Criminal Procedure, 1965. (V.A.C.S. Art. 1200ee-2, Sec. 2.05.)

Sec. 30.039. COURT CLERK; OTHER PERSONNEL. The governing body of the city shall provide a clerk of the municipal courts of record, deputy clerks, and other municipal court personnel, including at least one bailiff for each court, as necessary for the proper operation of the municipal courts. The clerk shall keep the records of proceedings of the municipal courts of record, issue all processes, and perform the duties prescribed by law for clerks of the county courts at law exercising criminal jurisdiction to the extent that law applies. The clerk and other personnel shall perform the duties of their office under the direction and control of the presiding municipal judge. (V.A.C.S. Art. 1200ee-2, Sec. 2.06.)

Sec. 30.040. COURT REPORTER; USE OF TRANSCRIPTS. (a) To preserve a record in cases tried before the municipal courts of record, the city shall provide a court reporter. The governing body of the city shall determine the qualifications and compensation of the court reporter.

(b) The court reporter may preserve the record of proceedings by written notes, transcribing equipment, recording equipment, or any combination of those methods. The court reporter is not required to take or record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it.

(c) Testimony, exhibits, and evidence given by a witness in a proceeding in a municipal court of record are solely for the purposes of that proceeding or an appeal from that proceeding, and in any civil proceeding, evidence relating to the testimony, exhibits, evidence, or reproductions of testimony, exhibits, or evidence is privileged and not admissible except for impeachment purposes. (V.A.C.S. Art. 1200ee-2, Sec. 2.07.)

Sec. 30.041. SEAL. The governing body of the city shall provide each municipal court of record with a seal with a star of five points in the center and the words "Municipal Court in El Paso, Texas." The impress of the seal shall be attached to papers, except subpoenas, issued out of the courts and shall be used by each municipal judge and the clerk or deputy clerk of the court to authenticate all official acts of the judge and the clerk. (V.A.C.S. Art. 1200ee-2, Sec. 2.12.)

Sec. 30.042. PROSECUTIONS BY CITY ATTORNEY. The city attorney or his assistant shall conduct all prosecutions in the municipal courts of record. (V.A.C.S. Art. 1200ee-2, Sec. 2.08.)

Sec. 30.043. COMPLAINT; FORM; PLEADING. (a) Proceedings in municipal courts of record must be commenced by a complaint that begins: "In the name and by authority of the State of Texas," and concludes: "Against the peace and dignity of the State of Texas." Complaints before the courts may be signed by any credible person on information and belief sworn to before an officer authorized to administer oaths or before a municipal judge, an associate municipal judge, the city attorney, an assistant city attorney, or the clerk or any deputy clerk of the court, each of whom has authority to administer the oath for that purpose. The complaint must be in writing and is sufficient if it contains the following:

- (1) the name of the accused, if known, or if unknown, an accurate description of the accused;
- (2) the offense with which the accused is charged stated in plain and intelligible words;
- (3) a statement that the place where the offense is charged to have been committed is within the jurisdiction of the courts; and
- (4) a statement showing that the offense is not barred by limitations.

(b) All pleadings in the courts must be in writing and filed with the clerk. (V.A.C.S. Art. 1200ee-2, Sec. 2.09.)

Sec. 30.044. **RIGHT TO JURY TRIAL.** (a) A person brought before the municipal courts of record and charged with an offense is entitled to be tried by a jury of six persons unless that right is waived according to law.

(b) A juror in the municipal courts of record must have the same qualifications as jurors in the other courts in El Paso County as provided by Chapter 62 and must be a registered voter in the city. Jurors in the municipal courts of record are subject to the law governing exemption and excuse from jury service as are the jurors in the other courts in the county.

(c) The laws that govern the drawing, selection, service, and pay of jurors for county courts apply to the municipal courts of record. A general panel of jurors or jurors impaneled for a week by a district court in El Paso County or summoned for the county court or county court at law may, on request of any municipal court judge, be made available in the requested numbers for service in the municipal court of record and shall serve in that court as if summoned for the court to which they are transferred. The city shall pay the jurors on the jury panel and the petit jury who are transferred to the municipal court of record under this section. El Paso County is not responsible for the pay of the transferred jurors. (V.A.C.S. Art. 1200ee-2, Sec. 2.10.)

Sec. 30.045. **JUDICIAL NOTICE.** The municipal court of record and the appellate court shall take judicial notice of city ordinances and of the corporate limits of the city. The courts of appeals shall take judicial notice of the city charter and of ordinances that created municipal courts but may not take judicial notice of other ordinances of the city. In appeals from the appellate court to a court of appeals, the appellate court shall supplement the record on appeal with all city ordinances that relate to the conviction and punishment in the municipal court of record. The prosecutor and appellant shall be given notice of the supplementation of the record under rules set by the appellate court so that each party to the appeal is afforded due process of law. If a record on appeal before a court of appeals does not contain a city ordinance that may be necessary for a proper decision on the appeal, the court of appeals may abate the appeal and direct the appellate court to supplement the record on appeal with the city ordinance. The appellate court, the courts of appeals, and the court of criminal appeals shall presume that judicial notice of all ordinances of the city was taken in the court below unless the matter was made an issue in the court below or unless it otherwise affirmatively appears to the contrary from the record. (V.A.C.S. Art. 1200ee-2, Sec. 2.11.)

Sec. 30.046. **CONTINUATION OF MUNICIPAL COURT OF APPEALS.** (a) The El Paso Municipal Court of Appeals continues in existence as long as a municipal court of record exists in the city.

(b) If the municipal court of record ordinance is repealed, the appellate court continues in existence as long as there are appeals before it. A reversal and remand for new trial or other order returning a case to the trial court shall be to the municipal court that replaces the municipal courts of record. (V.A.C.S. Art. 1200ee-2, Sec. 4.02 (part).)

Sec. 30.047. **APPELLATE COURT JURISDICTION.** (a) The appellate court has exclusive jurisdiction over all appeals from the municipal courts of record of the city. The county courts at law of El Paso County have no jurisdiction over appeals from municipal courts.

(b) The appellate court and the judge of that court have the power in criminal law matters to issue to the municipal courts and judges of those courts the writs of mandamus, procedendo, prohibition, injunction, and other writs necessary to protect the appellate court's jurisdiction or enforce its judgments.

(c) The appellate court has the power on affidavit or otherwise to ascertain matters of fact necessary to the exercise of its jurisdiction.

(d) The judge of the appellate court is a magistrate within the meaning of the Code of Criminal Procedure, 1965. (V.A.C.S. Art. 1200ee-2, Sec. 3.02.)

Sec. 30.048. **TERM OF COURT.** The appellate court may sit for the transaction of business at any time during the year, and each term begins and ends with the calendar year. The appellate court may use the city council chambers or other appropriate location as its courtroom for argument of cases and other court matters. (V.A.C.S. Art. 1200ee-2, Sec. 3.03.)

Sec. 30.049. **APPELLATE COURT CLERK.** In addition to other duties, the city clerk serves as the appellate court clerk. (V.A.C.S. Art. 1200ee-2, Sec. 3.04.)

Sec. 30.050. **APPELLATE COURT JUDGE.** (a) The appellate judge shall be elected by the 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 appellate judge must be a citizen of the United States and of this state and must have been a practicing attorney of this state for at least five years immediately preceding his election or appointment.

(b) A vacancy in the appellate court shall be filled by appointment by the governing body of the city. The appointee serves until the next regular municipal election, and at that election the vacancy for the unexpired or full term shall be filled by election by the qualified voters of the city.

(c) The appellate judge shall take the oath of office required for a municipal judge.

(d) An appointed or elected appellate judge may not be removed from office except in the same manner and for the same causes as provided by law for county judges and as provided by Article V, Section 1-a, of the Texas Constitution.

(e) The appellate judge is entitled to compensation from the city as set by the governing body of the city. The judge's compensation may not be diminished but may be increased during his term of office.

(f) The city shall provide the appellate court with necessary clerical help. The appellate judge and the city may agree that the judge will provide for his own clerical help, and in that event the judge is entitled to additional reasonable compensation by agreement with the city. (V.A.C.S. Art. 1200ee-2, Sec. 3.05.)

Sec. 30.051. APPELLATE COURT SEAL. The seal of the appellate court is the same as that provided by law for municipal courts of record, except that the seal must contain the words "Municipal Court of Appeals of the City of El Paso," and the seal shall be judicially noticed. (V.A.C.S. Art. 1200ee-2, Sec. 3.06.)

Sec. 30.052. SPECIAL APPELLATE JUDGE. (a) If the appellate judge is unable to act, the governing body of the city may appoint a person, or the appellant and the city attorney in a particular case may agree on a person, to serve as the special appellate judge. The special appellate judge has the powers and duties of the office and is entitled to receive the same compensation as the regular appellate judge for serving as a special appellate judge.

(b) A municipal judge or associate municipal judge may not be appointed or selected as a special appellate judge.

(c) Except as provided by Subsection (d), an appointment of a special appellate judge automatically terminates when the regular appellate judge returns to duty.

(d) If an appellate judge is disqualified from hearing a particular case, the governing body of the city may appoint a person, or the appellant and the city attorney may agree on a person, to serve as the special appellate judge. A special appellate judge appointed or selected under this subsection is entitled to receive the same daily compensation as the regular appellate judge for each day he works on the case he was appointed or selected to hear. An appointment automatically terminates at the time the mandate or mandates issue in the case he was appointed to hear.

(e) A special appellate judge must have the qualifications required of the regular appellate judge and shall, before he begins serving as a special appellate judge, take the oath of office required for a municipal judge. (V.A.C.S. Art. 1200ee-2, Sec. 3.07.)

Sec. 30.053. RULES. The appellate judge may make and publish rules of appellate criminal procedure not inconsistent with this subchapter or other law. (V.A.C.S. Art. 1200ee-2, Sec. 3.08.)

Sec. 30.054. NEW TRIAL. (a) A motion for new trial is not necessary to authorize an appeal.

(b) If a motion for new trial is made, it must be filed not later than the 10th day after the date of the rendition of the judgment of conviction.

(c) One or more amended motions for new trial may be filed without leave of court before any preceding motion for new trial filed by the movant is overruled if the motion is filed not later than 15 days after the date of the rendition of the judgment of conviction.

(d) If an original or amended motion for new trial is not determined by written order signed not later than 20 days after the date of the rendition of the judgment of conviction, the motion is overruled by operation of law. (V.A.C.S. Art. 1200ee-2, Sec. 3.09.)

Sec. 30.055. RIGHT OF APPEAL. A defendant has the right of appeal from a judgment of conviction in the municipal court of record under the rules prescribed by this subchapter. The El Paso Municipal Court of Appeals has jurisdiction over appeals from the municipal courts of record, and all appeals from convictions in the municipal court of record must be prosecuted in the appellate court, the court of appeals, or the court of criminal appeals by the city attorney or an assistant city attorney. (V.A.C.S. Art. 1200ee-2, Sec. 3.10.)

Sec. 30.056. NO DE NOVO APPEALS. An appeal from the municipal court of record may not be taken to a trial de novo in the appellate court. (V.A.C.S. Art. 1200ee-2, Sec. 3.11.)

Sec. 30.057. PERFECTING APPEAL. (a) A defendant, as a condition of perfecting an appeal to the appellate court, must file an appeal bond, unless the defendant is in custody. An appeal may be perfected by timely filing with the municipal court clerk an appeal bond that meets the requirements of this subchapter. It is not necessary to file a notice of appeal. If the

defendant is in custody, the appeal is perfected when notice of appeal is given as provided by Article 44.08, Code of Criminal Procedure, 1965.

(b) At the same time the defendant files the appeal bond, the defendant must pay to the municipal court clerk a \$25 appellate court docket fee. The clerk collects the fee on behalf of the appellate court.

(c) The appeal bond must be filed not later than the 10th day after overruling of the motion or amended motion for new trial, or if there is no motion or amended motion for new trial, not later than the 10th day after the rendition of the judgment of conviction.

(d) For good cause shown, not later than the 100th day after the date of rendition of the judgment of conviction, the appellate court or the court of appeals may permit the filing of an appeal bond or the giving of notice of appeal in the municipal court of record even though the time limits set under this section have expired.

(e) Except for the limitation contained in Subsection (d), the appellate court may, for good cause shown, extend any time limits set in this subchapter for the appellate process.

(f) In a case in which an appellant or the prosecutor files a motion in the appellate court, the opposite party shall be given an opportunity to answer the motion under time limits and conditions set by the appellate court rules.

(g) The appellate court shall waive the \$25 appellate court docket fee if the appellate court finds after hearing that the defendant is unable to pay the fee. The defendant must file and personally sign an affidavit that he is unable to pay. The defendant must file the affidavit not later than the 10th day after the record on appeal is filed in the appellate court. The affidavit of inability to pay must contain reasonable information as the appellate court may require by rules. The prosecutor may controvert, under time limits and conditions set by the appellate court rules, the affidavit of inability to pay the docket fee and may call the appellant as a witness on that issue. (V.A.C.S. Art. 1200ee-2, Sec. 3.12.)

Sec. 30.058. **APPEAL BONDS AND FORFEITURES.** (a) If the defendant is not in custody, an appeal is not perfected unless an appeal bond is filed within the time limits set by Section 30.057 or any extension of a time limit as provided by Section 30.057. The trial court has no jurisdiction to grant extensions of any time limits set by this subchapter.

(b) The appeal bond must be set in an amount that is at least \$50, but not more than double the amount of the fine and costs adjudged against the defendant.

(c) The appeal bond is sufficient if:

(1) it is made payable to the State of Texas;

(2) the defendant and his sureties bind themselves that the defendant will appear before any court or magistrate before whom the case is pending at any time and place where his presence may be required by the Code of Criminal Procedure, 1965, or by the court or magistrate;

(3) the bond is signed by name or mark by the principal personally and any sureties;

(4) the defendant's name and full residential mailing address and the name and residence or business mailing address of any sureties are printed or typed legibly on the appeal bond; and

(5) it meets the requirements of a bail bond under the Code of Criminal Procedure, 1965, except as otherwise provided by this subchapter.

(d) The rules governing forfeitures of bail govern appeal bonds. The forfeiture and collection of the appeal bonds are in the municipal court of record and not in the appellate court. The municipal court clerk shall issue citation in appeal bond forfeiture cases under rules that govern citation in the county court. The clerk shall charge the same court costs as are charged in county court for bond forfeitures.

(e) Appeal bonds payable to the State of Texas and costs in connection with the appeal bond forfeiture that are collected in a municipal court of record shall be paid into the municipal treasury for the use and benefit of the city.

(f) The city attorney or his assistant shall represent the state in all appeal bond forfeiture cases in a municipal court of record, and the municipal court of record has jurisdiction over matters in connection with appeal bond forfeitures taken in a municipal court of record. (V.A.C.S. Art. 1200ee-2, Sec. 3.13.)

Sec. 30.059. **EFFECT OF APPEAL.** On the filing of the appeal bond in the municipal court of record, all further proceedings in the trial court, except as to any matter ordered to be heard by the appellate court in the trial court, and the transmission of the record on appeal to the appellate court are suspended until the mandate of the appellate court is received by the trial court. (V.A.C.S. Art. 1200ee-2, Sec. 3.14.)

Sec. 30.060. **RECORD ON APPEAL.** (a) All original papers, orders, and exhibits filed in the municipal court of record, the transcript of proceedings or statement of facts, if any, a copy

of the judgment of conviction, the appeal bond or notice of appeal, and a certificate from the municipal court clerk as to whether the appellate court docket fee was paid constitute the record on appeal.

(b) On the filing of the appeal bond or notice of appeal, the clerk shall immediately prepare the record on appeal under his hand and seal of the court. The record on appeal shall be assembled and its pages shall be numbered consecutively. The clerk shall prepare an index showing the location of each document in the record on appeal. In making the record on appeal all proceedings shall be entered in the order of time in which they occurred, except that any statement of fact shall be contained in a separate volume. (V.A.C.S. Art. 1200ee-2, Sec. 3.15.)

Sec. 30.061. TRANSMISSION OF RECORD. (a) Immediately after the filing of the appeal bond or the notice of appeal if notice of appeal is required under Section 30.057, the municipal court clerk shall prepare and transmit the record on appeal to the appellate court.

(b) If the clerk fails to transmit any matter as part of the record on appeal, the appellate court may at any time require the clerk to transmit that matter in a supplemental record on appeal. (V.A.C.S. Art. 1200ee-2, Sec. 3.16.)

Sec. 30.062. STATEMENT OF FACTS. (a) If the defendant wants all or any portion of a transcription of the court reporter's notes included in the record, he must file with the municipal court clerk at the time he files his appeal bond a written notice requesting the inclusion. The defendant shall serve the prosecutor with a copy of the notice. The defendant has the responsibility of obtaining the transcription from the court reporter and furnishing it to the appellate court clerk in duplicate not later than the 30th day after the appeal bond is filed. The appellate court shall order the reporter to make the transcription without charge to the appellant if the appellate court finds after a hearing in response to an affidavit by the appellant that he is unable to pay or give security for the transcription. The affidavit must be signed by the appellant, must be filed with the appellate court not later than the 10th day after the appeal bond is filed, and must contain information as reasonably required by appellate court rules. The prosecutor may controvert, under time limits and conditions set by the appellate court rules, the affidavit of inability to pay for the statement of facts and may call the appellant as a witness on that issue. On certificate of the appellate court that this service has been rendered, the city shall pay for the transcription from the city's general fund.

(b) The appellant or the prosecutor may file an objection to the record on appeal in the appellate court at the time the briefs on appeal are filed. An objection to the record on appeal must show with particularity how the objection is relevant to the issues on appeal. The appellate court shall set by rule the time limits and conditions for any response to an objection to the record on appeal. If the appellate court finds from the objections to the record, after consideration of any response, that a supplemental record or any other modification of the record is necessary to make the record correct, with or without objection from either party, and whether or not on the appellate court's own motion, the appellate court shall order the trial court to:

(1) hear the objections and make findings of fact under time limits and conditions that the appellate court considers just; and

(2) forward the findings of fact to the appellate court for inclusion in the record on appeal.

(c) Original papers transmitted in the record on appeal shall be returned to the municipal court clerk on final disposition of the case. The appellate court clerk shall preserve copies of briefs and other papers originally filed in the appellate court, except that the clerk shall return the statement of facts to the municipal court clerk. (V.A.C.S. Art. 1200ee-2, Sec. 3.17.)

Sec. 30.063. BILL OF EXCEPTION. A party desiring to have the record disclose some action, testimony, evidence proceeding, objection, exception, or other event or occurrence not otherwise shown by the record may use a bill of exception under time limits and conditions set by the appellate court rules. Subsections (b), (c), and (d), Section 6, Article 40.09, Code of Criminal Procedure, 1965, govern bills of exception and statements of fact in the municipal court of record and appellate court. The appellate court may order the trial court to:

(1) hear any matter in connection with a bill of exception under time limits and conditions the appellate court considers just; and

(2) forward the matter to the appellate court for inclusion in the record on appeal. (V.A.C.S. Art. 1200ee-2, Sec. 3.18.)

Sec. 30.064. AGREED STATEMENT. The parties may agree on a brief statement of the case and of the facts proven or the evidence presented at the trial to the truth of fact that will enable the appellate court to determine whether there is error in the trial. The agreed statement shall be filed with the appellate court in lieu of the statement of facts. (V.A.C.S. Art. 1200ee-2, Sec. 3.19.)

Sec. 30.065. **DOCKETING OF APPEAL.** (a) *On receipt of the appeal bond and record on appeal, transmitted by the municipal court clerk under Section 30.061, the appellate court clerk shall enter the appeal on the appellate docket.*

(b) *The appellate court shall examine all appeal bonds filed with the record on appeal immediately after an appeal is placed on the appellate court docket and shall approve the appeal bond if it is not defective in form or substance and if the surety or sureties are sufficient under the Code of Criminal Procedure, 1965. If the appellate court does not approve the appeal bond, the appellate court shall allow the appellant to amend the bond by filing a new bond under time limits and conditions set by the appellate court. (V.A.C.S. Art. 1200ee-2, Sec. 3.20.)*

Sec. 30.066. **DISMISSAL FOR FAILURE TO PROSECUTE.** (a) *If an appellant fails to pay the appellate court docket fee, fails to file his brief within the time provided by this subchapter, or within the time as extended, files an appeal bond that is defective as to form or substance, files an appeal bond that has an insufficient surety or sureties, or otherwise fails to comply with this subchapter or the rules of the appellate court, the prosecutor may move for dismissal of the appeal or the appellate court may give notice of intent to dismiss on its own motion. The appellate court shall issue a notice to the appellant and his counsel, if any, that on the expiration of 10 days from the date specified in the notice, the appeal may be dismissed for want of prosecution unless before that date the default is remedied. If the default is remedied within the time period, the appellate court may not dismiss the appeal. If the default is not remedied within the time period, the appellate court may enter an order dismissing the appeal for want of prosecution.*

(b) *The appellate court shall dismiss an appeal if the appeal bond is not filed within the time limits set in this subchapter or within an extension of the time limits and shall adjudge all costs against the appellant.*

(c) *A copy of an order dismissing an appeal for want of prosecution shall be sent to the municipal court clerk as the mandate and must include the amount of costs adjudged against the appellant. (V.A.C.S. Art. 1200ee-2, Sec. 3.21.)*

Sec. 30.067. **APPELLANT'S BRIEF.** *Not later than the 10th day after the filing of the appeal bond in the municipal court of record, the appellant shall file with the appellate court clerk the original of his appellate brief and as many copies of the brief as are required by the rules of the appellate court. The appellant's brief must conform to the requirements for an appellant's brief filed under Section 9, Article 40.09, Code of Criminal Procedure, 1965. However, if the appellant timely files a notice of his request for the record on appeal to contain a statement of facts, his appellant brief is due not later than the 10th day after the date the statement of facts is filed in the appellate court. If the appellant fails to file the statement of facts within the time limits of Section 30.062, the appellant's brief is due not later than the 30th day after the appeal bond is filed with the municipal court of record. (V.A.C.S. Art. 1200ee-2, Sec. 3.22.)*

Sec. 30.068. **PROSECUTOR'S BRIEF.** *Not later than the 10th day after the appellant files his brief with the appellate court, the prosecutor shall file with the appellate court clerk the original of his appellant brief and as many copies as are required by the rules of the appellate court. (V.A.C.S. Art. 1200ee-2, Sec. 3.23.)*

Sec. 30.069. **BRIEFS AND STATEMENTS OF FACT IN GENERAL.** (a) *Each party shall deliver to the opposing party or the opposing party's counsel a true copy of each of the party's briefs at the time each is filed with the appellate court clerk.*

(b) *The appellant's and the state's briefs and the statement of facts must conform to the requirement of Texas Rules of Post Trial and Appellate Procedure in Criminal Cases for briefs and statements of facts in the courts of appeals, unless the rules of the Court of Appeals of the Eighth Supreme Judicial District or the rules of the court of criminal appeals provide otherwise. (V.A.C.S. Art. 1200ee-2, Sec. 3.24.)*

Sec. 30.070. **ORAL ARGUMENT.** (a) *Oral argument is allowed in all cases unless under appellate court rules, after examination of the briefs and record, the appellate court makes a written finding that oral argument is not necessary.*

(b) *An appellate court rule providing a method for the court to find that oral argument is not necessary must provide each party with an opportunity to file a statement setting forth the reasons why oral argument should be heard.*

(c) *The appellate court shall allow oral argument unless:*

(1) *the appeal is frivolous;*

(2) *the dispositive issue or set of issues has been recently authoritatively decided; or*

(3) *the facts and legal arguments are adequately presented in the briefs and record and the decision process would not be significantly aided by oral argument. (V.A.C.S. Art. 1200ee-2, Sec. 3.25.)*

Sec. 30.071. **COSTS.** *If an appeal is dismissed for failure to pay the appellate court docket fee or for any other reason, the costs, including the \$25 appellate court docket fee, shall be taxed*



against the appellant unless otherwise ordered by the appellate court. If a judgment of conviction is affirmed, costs shall be taxed against the appellant. If a judgment is reversed, the \$25 appellate court docket fee paid by the appellant shall be returned by the city to the appellant, but in all other cases costs may not be awarded against the city. The costs shall be set out in the mandate of the appellate court and collected in the same manner the fine is collected. (V.A.C.S. Art. 1200ee-2, Sec. 3.26.)

Sec. 30.072. DISPOSITION ON APPEAL; PRESUMPTIONS; DECISION. (a) The appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case;
- (4) reform and correct the judgment;
- (5) abate the appeal or dismiss the appeal; or
- (6) enter any other appropriate order, as the law and the nature of the case require.

(b) Unless the following matters were made an issue in the trial court or it affirmatively appears to the contrary from the transcript or statement of the facts, the appellate court shall presume that:

- (1) venue was proven in the court below;
- (2) the jury was properly impaneled and sworn;
- (3) the defendant was arraigned;
- (4) the defendant pleaded to the complaint; and
- (5) the court's charge was certified by the municipal court judge before it was read to the

jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented and a judgment shall be entered on the opinion or order. If an assignment of error is overruled, no reason need be given by the appellate court, but cases relied on by the court may be cited. If an assignment of error is sustained, the appellate court shall set forth the reasons for the decision and precedent if it exists. The appellate court clerk shall mail copies of the decision and judgment of the appellate court to the parties and to the municipal court clerk as soon as the decision is rendered by the appellate court.

(d) After the decision of the appellate court is delivered, a party desiring a rehearing must present, not later than the 10th day after the date the decision is delivered, to the court a motion for rehearing. The motion must distinctly specify the grounds relied on for rehearing and must be accompanied by written argument in behalf of the motion. Oral argument in support of the motion is not permitted. A reply to a motion for rehearing need not be filed unless requested by the court. If a motion for rehearing is granted, the court may make final disposition of the case without reargument, may order the case resubmitted, with or without oral argument, or may issue other orders appropriate under the circumstances of the particular case. A second motion for rehearing may not be filed by the losing party unless permitted by appellate court rules.

(e) Immediately after a decision of the appellate court becomes final, the clerk of that court shall issue a mandate and a bill of costs in the case to the trial court unless directed to withhold the mandate by the appellate court.

(f) If a decision of the appellate court is appealed to a court of appeals, the appellate court on receipt of the mandate or other order from the court of appeals shall immediately comply with the order or mandate by issuing its own order or mandate and bill of costs, as the case may be. When a decision of a court of appeals becomes final, the clerk of that court shall issue a mandate in the case to the appellate court. A decision of a court of appeals is final as provided by Article 42.04a, Code of Criminal Procedure, 1965.

(g) Original papers transmitted as the record on appeal to the court of appeals, on final disposition of the case in the court of appeals or the court of criminal appeals, shall be returned to the court clerk from which they were received. The clerk of each court shall preserve copies of briefs and papers originally filed in that court.

(h) The municipal court clerk and the appellate court clerk shall keep a copy of each decision of the appellate court in a volume or volumes with an index so that the public can inspect the decisions of the appellate court without the necessity of inspecting individual records of each case.

(i) When the mandate of the appellate court is received by the municipal court clerk, the clerk shall file it with the papers in the case and note it on the docket. If the judgment has been affirmed or the appeal is dismissed, a proceeding is not necessary after filing the appellate court mandate in the municipal court of record to enforce the judgment of the court, except to forfeit the bond of the defendant, to issue a capias for the defendant, or to issue an execution against the defendant's property.

(j) If the appellate court awards a new trial to the defendant, the cause stands as if a new trial had been granted by the municipal court of record, and the defendant shall continue on his appeal bond and shall appear for trial on notification mailed to his address on the appeal bond. (V.A.C.S. Art. 1200ee-2, Sec. 3.27.)

Sec. 30.073. APPEALS TO COURT OF APPEALS; RECORDS. (a) If a judgment is affirmed or an appeal is dismissed by the appellate court, the appellant may appeal to the court of appeals if the fine assessed against the appellant in the municipal court of record exceeds \$100 or if the appellant has placed in issue in his brief filed in the appellate court the constitutionality of the statute or ordinance on which his conviction is based. If the constitutionality of a statute or an ordinance is in issue, the court of appeals may consider only that issue and not other issues that were before the appellate court.

(b) To perfect an appeal from a decision of the appellate court to the court of appeals, an appellant must file a written notice of appeal in the appellate court:

(1) *not later than the 10th day after the final ruling on a motion for rehearing; or*

(2) if there is no motion for rehearing, not later than the 10th day after the rendition of the decision.

(c) A decision of the appellate court becomes final on the 15th day after the ruling on the final motion for rehearing or after the rendition of the decision if no motion for rehearing is filed.

(d) The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from county and district courts to the court of appeals apply to the appeal, except that:

(1) on the filing of a notice of appeal to the court of appeals, the appellate court clerk shall immediately prepare under his hand and the seal of the appellate court a transcript of all papers originally filed in the appellate court and a copy of the opinion and judgment of the appellate court; and

(2) immediately on completion of his transcript, the clerk shall transmit the record on appeal, briefs on appeal, and his transcript to the court of appeals.

(e) Unless the rules of the court of criminal appeals or the court of appeals provide otherwise, the record on appeal to the court of appeals consists of those documents described in Subdivision (2) of Subsection (d).

(f) For good cause shown, the court of appeals may extend the 10-day period under Subsection (b) for giving written notice of appeal. (V.A.C.S. Art. 1200ee-2, Sec. 3.28.)

Sec. 30.074. ALTERNATE APPELLATE PROCEDURE. (a) If the El Paso Municipal Court of Appeals created by this subchapter is held unconstitutional or invalid, all appeals under this subchapter shall be considered as taken to the county courts at law of El Paso County. Those appeals shall be docketed as provided by county court at law rules. The county courts at law of El Paso County have jurisdiction over those appeals and this subchapter applies to those appeals. One county court at law of El Paso County shall act as the appellate court. That court shall be designated from time to time as the appellate court by the majority vote of the judges of the county courts at law of El Paso County. All appeals pending in the appellate court on the date that any decision becomes final holding the municipal court of appeals unconstitutional or invalid shall be transferred by the appellate court to the county courts at law of El Paso County, and all decisions of the appellate court that have become final on or before that date are valid.

(b) If appeals are taken to the county courts at law of El Paso County under Subsection (a), a reference to "appellate court" in this subchapter means the county court at law of El Paso County that is designated as the appellate court under this section, except that a provision of this subchapter that is inconsistent with the laws, statutes, and rules applicable to creation and organization of the county courts at law of El Paso County will not apply, and an appeal is not tried de novo in the county court at law. (V.A.C.S. Art. 1200ee-2, Sec. 4.05.)

[Sections 30.075-30.080 reserved for expansion]

### SUBCHAPTER C. SAN ANTONIO

Sec. 30.081. APPLICATION; DEFINITION. (a) This subchapter applies to the City of San Antonio.

(b) In this subchapter, "appellate courts" means the county courts at law of Bexar County. (New; V.A.C.S. Art. 1200ii, Sec. 12(a).)

Sec. 30.082. CREATION. The governing body of the city may by ordinance establish the city's existing municipal courts as municipal courts of record. The governing body may by ordinance create additional municipal courts of record if it finds that additional courts are necessary to properly dispose of the cases arising in the city. (V.A.C.S. Art. 1200ii, Sec. 1.)

Sec. 30.083. JURISDICTION. (a) A municipal court of record created under this subchapter has jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city.

(b) The court has concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases that:

- (1) arise within the territorial limits of the city; and
- (2) are punishable only with a fine not to exceed \$200.

(c) The court has jurisdiction over cases arising outside the territorial limits of the city under the ordinances authorized by Subdivision 19 of Article 1175, Revised Statutes.

(d) Unless the law, charter provision, or ordinance is in conflict with or inconsistent with this subchapter, the following apply to this subchapter:

- (1) the general law regarding municipal courts;
- (2) the general law regarding justice courts if there is no applicable law for municipal courts;
- (3) the charter of the City of San Antonio; and
- (4) each city ordinance relating to municipal courts. (V.A.C.S. Art. 1200ii, Secs. 2(a), (d).)

Sec. 30.084. JUDGE. (a) A municipal court of record is presided over by one or more municipal judges as provided by ordinance.

(b) A municipal judge is elected by the qualified voters of the city for a term of two years notwithstanding a city ordinance or charter provision to the contrary. The governing body of the city may appoint a person with the qualifications required of a municipal judge to serve in a newly created municipal court of record until the next regular city election.

(c) A municipal judge must be a licensed attorney in good standing, must have had two or more years of experience in the practice of law in this state, and must be a citizen of the United States and of this state. A person may not serve as a municipal judge while the person holds other office or employment with the city government. A municipal judge who takes such an office or employment vacates the judicial office.

(d) The judge shall take judicial notice of the ordinances of the city. The judge may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

(e) If there is more than one municipal judge, the judges shall determine which judge shall serve as presiding municipal judge. If the judges are unable to decide, they shall notify the governing body of the city, and the governing body shall appoint one of the judges to be the presiding municipal judge. If the city has only one municipal judge or only one permanent, full-time municipal judge, that judge is the presiding municipal judge.

(f) The presiding municipal judge shall:

- (1) maintain a central docket for cases filed within the territorial limits of the city over which the courts have jurisdiction;
- (2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;
- (3) request the jurors needed for cases that are set for trial by jury;
- (4) temporarily assign judges or substitute judges to exchange benches and to sit and act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts;

(5) cause the records of the courts to be permanently kept and made available for inspection by interested parties at all reasonable times;

(6) maintain as part of the records of the courts an index of judgments analogous to the index maintained by county clerks for criminal cases arising in county courts; and

(7) if necessary for the proper functioning of the courts, provide for microfilm preservation of the records of the courts under the same requirements provided by law for microfilm preservation of records in the custody of a county clerk.

(g) The judges or substitute judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(h) The governing body of the city shall appoint a person with the qualifications required of a municipal judge to fill a vacancy in the office of municipal judge. The appointee serves for the unexpired term. If a judge is temporarily unable to act for any reason, the governing body may appoint a person with the qualifications required of a municipal judge to serve during the regular judge's absence.

(i) A municipal judge may be removed for cause under the provisions applicable to removal of a judge of a county court. A municipal judge is answerable to the governing body of the city only on budgetary matters.

(j) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during the term of office. (V.A.C.S. Art. 1200ii, Secs. 2(b), 2(c), 3, 4, 5.)

Sec. 30.085. CLERK; OTHER PERSONNEL. (a) The governing body of the city shall provide a clerk of the municipal courts of record. The clerk shall keep the records of the municipal courts of record and shall generally perform the duties for the municipal courts that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(b) The governing body of the city shall provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the courts.

(c) The clerk and other court personnel shall perform their duties under the control and direction of the presiding municipal judge. (V.A.C.S. Art. 1200ii, Sec. 7.)

Sec. 30.086. COURT REPORTER. (a) The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The person selected as court reporter must meet the qualifications provided by law for official court reporters. The chief administrative officer of the city shall set the compensation of the court reporter on the recommendation of the presiding municipal judge.

(b) The court reporter may preserve the record through written notes, transcribing equipment, recording equipment, or any combination of those methods. The reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. (V.A.C.S. Art. 1200ii, Sec. 8.)

Sec. 30.087. COURT FACILITIES. The governing body of the city shall provide courtrooms, jury rooms, offices, office furniture, libraries, law books, and other facilities and supplies that the governing body determines are necessary for the proper operation of the municipal courts of record. (V.A.C.S. Art. 1200ii, Sec. 6.)

Sec. 30.088. SEAL. The governing body of the city shall provide each municipal court of record with a seal to be used to authenticate the official acts of the clerk and the municipal judge. The impress of the seal must be attached to all papers issued by the court except subpoenas. The seal must include a five-pointed star and must be engraved with the words "Municipal Court of San Antonio, Texas." (V.A.C.S. Art. 1200ii, Sec. 30.)

Sec. 30.089. COMPLAINT; PROSECUTION; PLEADING. (a) A proceeding in a municipal court of record commences with a complaint. The complaint must begin "In the name and by the authority of the State of Texas" and must conclude "Against the peace and dignity of the State." If the offense is only covered by an ordinance, it may also conclude "Contrary to the said ordinance."

(b) A complaint before the court may be sworn to before an officer authorized to administer oaths or before the municipal judge, clerk, city secretary, or city attorney, or the assistant or deputy of the judge, clerk, city secretary, or city attorney, each of whom may administer oaths for that purpose.

(c) A complaint must be in writing and must state:

- (1) the name of the accused, if known;
- (2) an accurate description of the accused, if the name is unknown;
- (3) in plain and intelligible words, the offense with which the accused is charged;
- (4) the place where the offense was committed, which must appear to be within the jurisdiction of the court; and
- (5) the date on which the offense was committed, which must show that the offense is not barred by limitations.

(d) A prosecution in a municipal court of record must be conducted by the city attorney or an assistant or deputy city attorney.

(e) All pleadings in a municipal court of record must be in writing and must be filed with the clerk. (V.A.C.S. Art. 1200ii, Secs. 9, 10(a) (part), 10(b).)

Sec. 30.090. JURY. (a) A person who is brought before a municipal court of record and who is charged with an offense is entitled to be tried by a jury of six persons unless that right is waived according to law. The jury shall decide all questions of fact or credibility of witnesses. The court shall determine all matters of law and shall charge the jury on the law.

(b) A juror who serves in the municipal courts of record must be a city resident. (V.A.C.S. Art. 1200ii, Secs. 10(a) (part), 11.)

Sec. 30.091. APPEAL. (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The appellate courts have jurisdiction over the appeal. Any appeal from a municipal court of record conviction shall be prosecuted by the city attorney or an assistant or deputy city attorney.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court, for good cause, may extend for not more than 90 days the time for filing or amending the motion. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion for new trial, the defendant may give the notice of appeal orally in open court on the overruling of the motion for new trial. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion for new trial is overruled. The court, for good cause, may extend that time period for not more than 90 days. (V.A.C.S. Art. 1200ii, Secs. 12(b), 13, 14, 15.)

**Sec. 30.092. APPEAL BOND; RECORD ON APPEAL.** (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$50 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed and must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. The court reporter shall prepare the record from the reporter's record of the proceedings or mechanical or videotape recordings of the proceedings. The defendant shall pay for the transcription. If the court finds that the defendant is unable to pay or give security for the transcription on appeal after a hearing in response to an affidavit by the defendant, the court shall order the reporter to prepare the transcription without charge to the defendant. If the case is reversed on appeal, the court shall refund the cost to the defendant. (V.A.C.S. Art. 1200ii, Secs. 16, 17.)

**Sec. 30.093. TRANSCRIPT; BILLS OF EXCEPTION.** (a) On the written request of the defendant or the defendant's attorney, the clerk of the municipal court of record shall prepare the transcript of the proceedings in the municipal court of record. The defendant must pay a \$50 transcript fee, subject to Section 30.092, at the time of the request. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court;
- (9) any bills of exception filed with the court; and
- (10) the appeal bond.

(b) The clerk may include in the transcript additional portions of the proceedings in the court prepared by mechanical or videotape recordings.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals. The bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200ii, Secs. 18, 19, 21.)

**Sec. 30.094. STATEMENT OF FACTS.** To be included in the record on appeal, a statement of facts must contain:

- (1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if such a transcription is requested by the defendant;

(2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney;

(3) a partial transcription and the agreed statement of the facts of the case; or

(4) a transcription of all or part of the court proceedings in the case that is prepared from mechanical or videotape recordings of the proceedings. (V.A.C.S. Art. 1200ii, Sec. 20.)

Sec. 30.095. COMPLETION, APPROVAL, AND TRANSFER OF RECORD. (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

(1) the statement of facts;

(2) a written description of material to be included in the transcript in addition to the material required by Section 30.093; and

(3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of criminal appeals.

(c) After the court approves the record, the clerk shall promptly forward the record to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200ii, Sec. 22.)

Sec. 30.096. NEW TRIAL. The trial court shall decide from the briefs of the parties whether the defendant should be permitted to withdraw the notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time before the record is filed with the appellate court clerk. (V.A.C.S. Art. 1200ii, Sec. 23.)

Sec. 30.097. BRIEF ON APPEAL. (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The clerk shall notify the prosecuting attorney of the filing.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party and to the municipal judge. (V.A.C.S. Art. 1200ii, Sec. 24.)

Sec. 30.098. COURT RULES. (a) Except as modified by this subchapter, the Code of Criminal Procedure, 1965, applies to the trial of cases before the municipal courts of record. The courts may make and enforce all rules of practice and procedure that are necessary to expedite the trial of cases before the courts and that are not inconsistent with law.

(b) The appellate courts may make and enforce all rules of practice and procedure that are not inconsistent with law and are necessary to expedite the dispatch of appeals from the municipal courts of record. (V.A.C.S. Art. 1200ii, Sec. 25.)

Sec. 30.099. DISPOSITION ON APPEAL. (a) According to the law and the nature of the case, the appellate court may:

(1) affirm the judgment of the municipal court of record;

(2) reverse and remand for a new trial;

(3) reverse and dismiss the case; or

(4) reform and correct the judgment.

(b) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

(1) venue was proven in the trial court;

(2) the jury, if any, was properly impaneled and sworn;

(3) the defendant was arraigned and pleaded to the complaint; and

(4) the municipal judge certified the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200ii, Sec. 26.)

Sec. 30.100. CERTIFICATE OF APPELLATE PROCEEDINGS. When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of *habeas corpus* for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200ii, Sec. 27.)

Sec. 30.101. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200ii, Sec. 28.)

Sec. 30.102. **APPEAL TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal except that:

- (1) the record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and
- (2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200ii, Sec. 29.)

[Sections 30.103-30.110 reserved for expansion]

#### SUBCHAPTER D. WICHITA FALLS

Sec. 30.111. **APPLICATION.** This subchapter applies to the City of Wichita Falls. (New.)

Sec. 30.112. **CREATION.** The governing body of the city may by ordinance create a municipal court of record if it finds that the conditions of the dockets of the other courts of the county require the formation of the court in order to dispose properly of the cases arising in the city. The governing body may by ordinance determine the number of municipal courts of record that are required to dispose of the cases and may establish as many as are needed. The ordinance establishing the courts shall give each court a numerical designation, beginning with "Municipal Court No. 1." A municipal court of record has no terms and may sit at any time for the transaction of business. (V.A.C.S. Art. 1200aa, Secs. 1, 2(c).)

Sec. 30.113. **JURISDICTION.** A municipal court of record created under this subchapter has jurisdiction in a criminal case arising under the charter or the ordinances of the city and in a criminal case that occurs within the territorial limits of the city, arises under the laws of this state, and is punishable only by a fine not to exceed \$200. (V.A.C.S. Art. 1200aa, Sec. 2(a).)

Sec. 30.114. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge. The judge shall be selected and appointed to office by the board of aldermen.

(b) A municipal judge must be a licensed attorney in good standing, must have had two or more years of experience in the practice of law in this state, and must be a citizen of the United States and of this state. The judge must maintain residence in the city during the tenure of office but need not be a resident of the city at the time of the appointment. The judge may not engage in the private practice of law while in office. The judge must execute a bond and take the oath of office required of a county judge.

(c) The judge shall take judicial notice of the city ordinances and the corporate limits of the city in a case tried before a municipal court of record. The judge may grant writs of *mandamus*, *injunction*, *attachment*, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of *habeas corpus* in cases in which the offense charged is within the jurisdiction of the court.

(d) If there is more than one municipal court in the city, the judges of the courts may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(e) A municipal judge is entitled to a salary set by the governing body of the city. The salary may not be diminished during the judge's term of office.

(f) A municipal judge may be removed for cause under the provisions applicable to the removal of a judge of a county court.

(g) A municipal judge serves a two-year term and is eligible for reappointment. At the end of a term, the governing body of the city may declare the office to be vacant. An office vacant for any reason is filled in the manner provided for initial appointments.

(h) The mayor of the city with the consent of the governing body may appoint a person with judicial qualifications to serve as a municipal judge pending an initial appointment or during a period when the regular judge is temporarily unable to serve. The appointee has the same powers and duties and is entitled to receive the same salary as the regular judge. (V.A.C.S. Art. 1200aa, Secs. 2(b), 2(d), 4, 14.)

Sec. 30.115. **CLERK.** The governing body of the city shall appoint a clerk of the municipal courts of record. The clerk or the clerk's deputies shall keep the records of the municipal courts

of record, issue process, and generally perform the duties for the courts that a clerk of a county court at law exercising criminal jurisdiction performs for that court. The clerk shall perform the duties under the direction and control of the municipal judge. The clerk holds office at the pleasure of the governing body. (V.A.C.S. Art. 1200aa, Sec. 7.)

Sec. 30.116. COURT REPORTER. The governing body of the city shall appoint an official court reporter for the purpose of preserving a record in cases tried before the municipal courts of record. The reporter holds office at the pleasure of the governing body and is entitled to a salary set by the governing body. The governing body may appoint more than one reporter for each court if necessary to dispose of the business of the court without delay. A reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. The reporter shall perform the duties of office under the direction and control of the municipal judge. (V.A.C.S. Art. 1200aa, Sec. 8.)

Sec. 30.117. COURT FACILITIES; SALARIES. (a) In the ordinance establishing a municipal court of record, the governing body of the city shall provide for places within the city limits at which court shall be held.

(b) The governing body shall provide suitable courtrooms and office space for the court and shall pay all costs incident to the provision of courtroom and office space.

(c) The governing body shall pay the salaries of the judges, clerks, court reporters, and other employees of the municipal courts of record. (V.A.C.S. Art. 1200aa, Sec. 41.)

Sec. 30.118. CIVIL SERVICE ORDINANCE; VACATION OF COURT. (a) The judges, clerk and deputy clerks, and court reporters of the municipal courts are not classified employees under the city civil service ordinance. The governing body of the city may provide by ordinance that all other employees of the courts may be hired and paid as classified employees under the city civil service ordinance. The judges, clerk and deputy clerks, and court reporters are entitled to receive the same vacation, sick leave, and other benefits that are provided for other nonclassified employees under regulations provided by the governing body by ordinance and may be authorized or required by the governing body to participate in the city retirement program.

(b) If after the establishment of a municipal court of record the governing body finds by ordinance that the condition of the dockets of the other courts of the county does not require the existence of the court to dispose properly of the cases arising in the city, the governing body shall declare the offices of the municipal judge, clerk, court reporter, and other employees of the court to be vacated at the end of the term for which the judge was last appointed. Any case then pending shall be transferred to a court with proper jurisdiction of the offense. (V.A.C.S. Art. 1200aa, Secs. 43, 44.)

Sec. 30.119. COMPLAINT; PROSECUTION; PLEADING. (a) A proceeding in a municipal court of record commences with the filing of a complaint with the court clerk. The complaint must be prepared under the direction of and approved by the city attorney, an assistant city attorney, or a deputy city attorney before filing. A complaint may be signed by any credible person on information and belief sworn to before the city attorney, assistant city attorney, court clerk, or deputy clerk, each of whom may administer oaths for that purpose. A complaint must begin "In the name and by authority of the State of Texas" and must conclude "Against the peace and dignity of the State." The city attorney, an assistant city attorney, or a deputy city attorney need not sign a parking ticket, including a red meter ticket, unless the complaint is tried in court.

(b) A complaint must be in writing and must state:

(1) the name of the accused, if known;

(2) an accurate description of the accused, if the name is unknown;

(3) in plain, intelligible words, the offense with which the accused is charged;

(4) the place where the offense was committed, which must appear to be within the jurisdiction of the municipal court; and

(5) the date on which the offense was committed, which must show that the offense is not barred by limitations.

(c) Prosecution in a municipal court of record shall be conducted by the city attorney or an assistant or deputy city attorney.

(d) The chief of police of the city shall in person or by deputy attend the court and perform the duties of bailiff.

(e) All pleadings in a municipal court of record must be in writing and must be filed with the clerk. (V.A.C.S. Art. 1200aa, Secs. 5, 11, 12.)

Sec. 30.120. FILING OF ORIGINAL PAPERS. (a) The clerk of the municipal courts of record shall file the original complaint and the original of other papers and proceedings in each case under the direction of the presiding judge. The filed original papers constitute the records of the courts and a separate record book is not required. Records that are over one year old may



be preserved by the clerk on microfilm, and those records are admissible in evidence in civil cases as provided by the Texas Rules of Evidence relating to the admissibility of contents of writing, recordings, and photographs.

(b) The clerk shall keep a separate folder for each case, and shall note on the outside of the folder:

- (1) the style of the case;
- (2) the nature of the charged offense;
- (3) the dates that the warrant was issued and returned;
- (4) the date the examination or trial was held;
- (5) whether trial was held by jury or before a judge;
- (6) trial settings;
- (7) any verdict of the jury;
- (8) any judgment of the court;
- (9) any motion for a new trial and the decision on the motion;
- (10) whether an appeal was taken; and
- (11) the date and the manner in which the judgment and sentence were enforced. (V.A.C.S. Art. 1200aa, Sec. 6 (part).)

Sec. 30.121. JURY. (a) A person who is brought before a municipal court of record and who is charged with an offense is entitled to be tried by a jury of six persons. The municipal judge may set certain days of each week or month for the jury trials.

(b) The clerk of the municipal courts of record or a deputy clerk and the city clerk or a deputy city clerk shall meet between the 1st and 15th days of August of each year to select qualified jurors for the ensuing year from the voter registration list of the city. The clerks shall write the names of persons who are qualified to serve as jurors on separate cards of uniform size and color and shall include each prospective juror's post office address if possible. The name cards shall be deposited in a jury wheel provided by the governing body. The wheel must be constructed of a durable material, must freely revolve on its axle, and may be equipped with a motor to revolve the wheel in order to mix the cards thoroughly. The clerks shall keep the wheel locked when not in use for the selection of jurors through a system of two separate locks arranged in a manner that the key of one lock will not open the other lock. Both locks must be opened to unlock the wheel. The city clerk shall keep one key and the clerk of the municipal court shall keep the other key. The wheel may be unlocked only in the manner provided by this section. The city clerk shall keep the wheel in a secure, tamper-proof location when not in use.

(c) Twice each year (once not later than December 21 and once not later than June 20) the clerk of the municipal court or a deputy clerk and the city clerk or a deputy city clerk shall draw from the jury wheel the names of jurors to serve for the succeeding six months beginning January 1 or July 1, as applicable. They shall draw the names in the presence and under the direction of the municipal judge after the wheel has been turned and the cards thoroughly mixed. The clerks shall draw the names one by one and shall record the names on a separate sheet of paper for each week for which jurors are required. Only the clerks and the judge may be present at the drawing. The names of the selected jurors shall not be released.

(d) If it appears that the jury list compiled during the drawing will be exhausted before the next scheduled drawing, the judge may direct additional lists to be drawn up in the same manner.

(e) The clerk of the municipal courts of record or the deputy clerk doing the drawing and the judge shall certify the jury lists for each six-month period. The lists shall be sealed in separate envelopes endorsed "List no. — of the petit jurors drawn on the — day of —, 19 —, for the Municipal Court of Wichita Falls, Texas." The clerk shall sign the seals of the envelopes, and after inspection by the municipal judge, the clerk shall secure them in a safe place in the clerk's office under lock and key.

(f) As names are drawn for jury service, the clerk shall seal the name cards in separate envelopes endorsed "Cards containing the names of jurors list no. — of the petit jurors drawn on the — day of —, 19 —, for the Municipal Court of Wichita Falls, Texas." The clerk shall keep the envelopes unopened until the jury selected from the corresponding list has been impaneled. After those jurors have served for more than three days, the clerk or his deputy shall open the envelope containing the names of jurors on that list and return to the wheel the names of those who have not served for more than three days and who have not been impaneled. The names of the jurors who have served for more than three days shall be placed in a separate box for the use of the officers who select the next jurors. If any of the jury lists compiled are not used, the names of the jurors on those lists shall be returned to the jury wheel at the expiration of the six-month period.

(g) The municipal judges in the city may adopt a jury selection plan that uses mechanical or electronic methods instead of the jury wheel system provided by this section. The alternative system must provide that:

- (1) the names used for jury purposes are those of registered city voters;
  - (2) the mechanical or electronic system results in a fair, impartial, and objective selection method;
  - (3) the clerk of the court is in charge of the system and has clearly defined duties; and
  - (4) the written list stating the names and addresses of persons summoned for jury duty at a particular date is filed for record with the clerk not later than the 10th day before the day the jurors are to begin service.
- (h) For each day or portion of a day served, a juror is entitled to a payment of not less than \$5 or the amount received for jury service in county court, whichever is greater. (V.A.C.S. Art. 1200aa, Sec. 13.)

Sec. 30.122. TRIAL. (a) Except as modified by this subchapter, the Code of Criminal Procedure, 1965, as applied to county courts, governs the trial of cases before a municipal court of record.

(b) A bond taken in a proceeding in the court must be payable to the state for the use and benefit of the city. The court may not assess court costs other than:

- (1) warrant fees or capias fees authorized for municipal courts by the Code of Criminal Procedure, 1965; and
- (2) fees for the criminal justice planning fund as authorized by Chapter 935, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1083, Part 2, Vernon's Texas Code of Criminal Procedure).

(c) Testimony, exhibits, or evidence given by a witness in a proceeding in the court is solely for that proceeding or its appeal. In any civil proceeding that material is privileged and inadmissible.

(d) A policeman of the city or any other peace officer may serve a process issued by a municipal court of record under the provisions applicable to service of county court process by a sheriff or constable.

(e) If the defendant is convicted of the offense, the judgment and sentence shall be in the name of the state and shall recover from the defendant the fines and costs for the use and benefit of the city. The court may require that the defendant remain in the custody of the chief of police until the fines and costs are paid and shall order that execution issue to collect the fines and penalties. Orders and judgments that are not tried in court and that show the disposition of parking tickets, including red meter tickets, need not be signed by the court.

(f) All fines, fees, costs, and cash bonds shall be paid to the clerk, who shall deposit them directly into the city general fund. (V.A.C.S. Art. 1200aa, Secs. 6 (part), 8a, 9, 10, 15, 16, 17, 42.)

Sec. 30.123. APPEAL. (a) A defendant has the right of appeal from a judgment of conviction in a municipal court of record as provided by this subchapter. The state has no right to an appeal or to a new trial. The county court shall hear the appeal except in cases in which the county court does not have jurisdiction of an appeal from a justice court, in which case the appeal shall be heard by the court that has jurisdiction of an appeal from the justice court.

(b) To perfect an appeal, the defendant must file a motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must be in writing and must be filed with the clerk of the municipal courts of record. The motion constitutes the assignments of error on appeal. A ground of error not set forth in the motion is waived.

(c) The defendant may take an appeal by giving notice of appeal in open court. The notice shall be noted on the docket of the court or embodied in the order overruling the motion for new trial. The defendant must give the open-court notice or file a written notice not later than the 10th day after the date on which the order overruling the motion for new trial is rendered. (V.A.C.S. Art. 1200aa, Secs. 18, 19, 20, 21, 22, 23 (part), 28.)

Sec. 30.124. APPEAL BOND; RECORD ON APPEAL. (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of fines and costs adjudged against the defendant, whichever is greater. The bond must be payable to the state for the use and benefit of the city and must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. Either party may designate the parts of the record, proceedings, and evidence to be included in the record on appeal by written stipulation filed with the clerk of the municipal courts of record. (V.A.C.S. Art. 1200aa, Secs. 23 (part), 24, 25, 27, 29.)

Sec. 30.125. **TRANSCRIPT.** (a) The clerk of the municipal court of record shall prepare under his hand and the seal of the court a transcript of the proceedings in the municipal court of record. The clerk shall prepare the transcript under written instructions from the defendant or the defendant's attorney. Unless otherwise agreed by the parties, the transcript must include a copy of:

- (1) the complaint;
- (2) court orders on any motions or exceptions;
- (3) the judgment;
- (4) the verdict of the jury;
- (5) findings of fact or conclusions of law made by the court;
- (6) the motion for new trial and the order of the court on the motion;
- (7) the notice of appeal;
- (8) any statement of the parties regarding material to be included in the record;
- (9) the appeal bond;
- (10) a certified bill of cost; and
- (11) any signed paper designated as material by either party.

(b) The defendant or the defendant's attorney may file a copy of the written instructions with the clerk and may deliver a copy to the city attorney.

(c) The city attorney may file a written direction to the clerk to include additional portions of the trial proceedings in the transcript. (V.A.C.S. Art. 1200aa, Sec. 30.)

Sec. 30.126. **STATEMENT OF FACTS.** (a) The defendant or the defendant's attorney must make a written request for a statement of facts to the court reporter of the municipal courts of record. The statement of facts may be in question and answer form rather than in narrative form. The defendant or the defendant's attorney may prepare a condensed statement of the testimony in narrative form to be filed with the clerk and delivered to the city attorney. If the city attorney is not satisfied with the narrative statement, the city attorney may require the testimony in question and answer form.

(b) Matters that are not essential to the decision or the questions presented in the motion for new trial may not be included in a statement of facts. Documents included must be abridged, and only one copy of any document appearing in the transcript may be included. Formal parts of exhibits may not be included. The judge does not need to approve the statement of facts if it is agreed to by the defendant or the defendant's attorney and the city attorney or assistant city attorney.

(c) The defendant or the defendant's attorney and the city attorney or assistant city attorney may agree on a brief statement of the case and the facts proven at trial for use by the appellate court. That statement must be included in the transcript instead of the proceedings at trial. (V.A.C.S. Art. 1200aa, Secs. 31, 32.)

Sec. 30.127. **TRANSFER OF RECORD; FEE.** (a) The parties must file the transcript and the statement of facts with the clerk of the municipal court of record not later than the 60th day after the date on which the order overruling the motion for new trial was issued. The clerk shall promptly forward the record to the appellate court clerk.

(b) The defendant shall pay a \$10 fee to the clerk of the municipal courts of record for the preparation of the transcript and the statement of facts. If the case is reversed on appeal, the \$10 fee shall be refunded to the defendant. (V.A.C.S. Art. 1200aa, Secs. 33, 34.)

Sec. 30.128. **BRIEF ON APPEAL.** (a) The defendant must file a brief on appeal with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The appellate court clerk shall notify the prosecuting attorney of the filing.

(b) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(c) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party.

(d) Because of the crowded conditions of the dockets, the record and briefs on appeal shall be limited as far as possible to the questions relied on for reversal. (V.A.C.S. Art. 1200aa, Secs. 26, 35.)

Sec. 30.129. **PROCEDURE; DISPOSITION ON APPEAL.** (a) The appellate court shall hear appeals from the municipal courts of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. The court may determine the

rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

(b) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(c) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge and the clerk filed the charge before it was read to the jury.

(d) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200aa, Secs. 36, 37.)

**Sec. 30.130. CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the clerk of the municipal court of record. When the clerk of the municipal court of record receives the record, the clerk shall file the record with the papers in the case and note the filing on the docket of the municipal court of record. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of capias for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200aa, Sec. 38.)

**Sec. 30.131. EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200aa, Sec. 39.)

**Sec. 30.132. APPEAL TO COURT OF APPEALS.** An appeal of the appellate court decision to the court of appeals is governed by the Code of Criminal Procedure, 1965, except that the transcript, briefs, and statement of facts filed in the appellate court constitute the transcript, briefs, and statement of facts on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise. (V.A.C.S. Art. 1200aa, Sec. 40.)

[Sections 30.133-30.140 reserved for expansion]

### SUBCHAPTER E. FORT WORTH

**Sec. 30.141. APPLICATION.** This subchapter applies to the City of Fort Worth. (New.)

**Sec. 30.142. CREATION.** (a) The governing body of the city may by ordinance create a municipal court of record if it finds that the conditions of the dockets of the other courts of the county require the formation of the court in order to dispose properly of the cases arising in the city. The governing body may by ordinance determine the number of municipal courts of record that are required to dispose of the cases and may establish as many as are needed. The ordinance establishing the courts shall give each court a numerical designation, beginning with "Municipal Court No. 1."

(b) A municipal court of record may not exist concurrently with municipal courts that are not courts of record in the city.

(c) A municipal court of record has no terms and may sit at any time for the transaction of the business of the court. (V.A.C.S. Art. 1200ff-1, Secs. 1, 2(c).)

**Sec. 30.143. JURISDICTION.** (a) A municipal court of record has jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city.

(b) The court has concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:

- (1) arise within the territorial limits of the city; and
- (2) are punishable only with a fine not to exceed \$200.

(c) The court has jurisdiction over cases arising outside the territorial limits of the city under the ordinances authorized by Subdivision 19 of Article 1175, Revised Statutes. (V.A.C.S. Art. 1200ff-1, Sec. 2(a).)

Sec. 30.144. JUDGE. (a) A municipal court of record is presided over by a municipal judge.

(b) A municipal judge is elected by the 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 appoint a qualified person as provided by Subsection (i) to serve in a newly created municipal court of record until the next regular city election.

(c) A municipal judge must be a licensed attorney in good standing and must have two or more years of experience in the practice of law in this state and in the county in which the court is located. The judge must be a citizen of the United States and of this state. The judge must maintain residence in the city during the tenure of office and must be a resident of the city at the time of the election.

(d) The municipal judge who is senior in length of continuous service is the chief judge of the municipal courts of record.

(e) If there is more than one municipal court of record in the city, the judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(f) A municipal judge is entitled to a salary set by the governing body of the city. The salary may not be diminished during the judge's term of office.

(g) A municipal judge may be removed only for cause and under the provisions applicable to the removal of a judge of a county court.

(h) The judge shall take judicial notice of the city ordinances and the corporate limits of the city in a case tried before a municipal court of record. The judge may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

(i) A majority of the governing body of the city shall appoint a qualified person to fill a vacancy in the office of municipal judge to serve until the next regular municipal election. An appointee may succeed himself if elected.

(j) A majority of the governing body may appoint one or more qualified persons to be available to serve for a judge who is temporarily absent due to illness, family death or illness, continuing legal or judicial education programs, or for other reasons. The chief judge shall select one of the persons appointed by the governing body to serve during an absence. The selected judge has all the powers and shall discharge all the duties of a municipal judge. The selected judge is entitled to the same compensation that the regular judge receives.

(k) A municipal judge must execute a bond and take the oath of office required by law for county judges. (V.A.C.S. Art. 1200ff-1, Secs. 2(b), 2(d), 4, 14.)

Sec. 30.145. CLERK. The city manager with the consent of the governing body of the city shall appoint a clerk of the municipal courts of record. The clerk or the clerk's deputies shall keep the records of the municipal courts of record, issue process, and generally perform the duties for the courts that a clerk of a county court exercising criminal jurisdiction is required by law to perform for that court. The clerk shall perform the duties in accordance with statutes, the city charter, and city ordinances. (V.A.C.S. Art. 1200ff-1, Sec. 7.)

Sec. 30.146. COURT REPORTER. Each municipal judge shall appoint an official court reporter for the purpose of preserving a record in cases tried before the municipal courts of record. The reporter holds office at the pleasure of the judge and is entitled to receive a salary set by the governing body. The judge may appoint more than one deputy reporter for each court if necessary to dispose of the business of the court without delay. A reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. The reporter shall perform the duties of office under the direction and control of the judge. (V.A.C.S. Art. 1200ff-1, Sec. 8(a).)

Sec. 30.147. COURT FACILITIES; SALARIES. (a) The governing body of the city shall designate places within the city limits at which court shall be held and shall provide suitable courtrooms and office space for the municipal courts of record. The governing body shall pay all costs incident to the provision of courtroom and office space.

(b) The governing body shall pay the salaries of the judges, clerks, court reporters, and other employees of the municipal courts of record. (V.A.C.S. Art. 1200ff-1, Sec. 41.)

Sec. 30.148. CIVIL SERVICE ORDINANCE; VACATION OF COURT. (a) The judges, clerk and deputy clerks, and court reporters of the municipal courts of record are not classified employees under civil service, charter, or ordinance provisions. The governing body of the city may provide by ordinance that all other employees of the courts may be hired and paid as classified employees under civil service, charter, or ordinance provisions. Judges, clerks, deputy clerks, and court reporters are entitled to receive the same vacation, sick leave, and other benefits that are provided for other nonclassified employees under regulations provided by the governing

body by ordinance and may be authorized or required by the governing body to participate in the city retirement program.

(b) If after the establishment of a municipal court of record the governing body finds by ordinance that the condition of the dockets of the other courts of the county does not require the existence of the court to properly dispose of the cases arising in the city, the governing body shall declare the offices of the municipal judge, clerk, court reporter, and other employees of the court to be vacated at the end of the term for which the judge was last appointed. Any case then pending shall be transferred to a court with proper jurisdiction of the offense. (V.A.C.S. Art. 1200ff-1, Secs. 43, 44.)

Sec. 30.149. COMPLAINT; PROSECUTION; PLEADING. (a) A proceeding in a municipal court of record commences with the filing of a complaint with the court clerk. The complaint must be prepared by the city attorney or an assistant city attorney and may be signed by any credible person on information and belief sworn to before a notary public, the city attorney, assistant city attorney, court clerk, or deputy clerk, each of whom may administer oaths for that purpose. A complaint must begin "In the name and by authority of the State of Texas" and must conclude "Against the peace and dignity of the State."

(b) A complaint must be in writing and must state:

- (1) the name of the accused, if known;
- (2) an accurate description of the accused, if the name is unknown;
- (3) in plain and intelligible words, the offense with which the accused is charged;
- (4) facts showing the place where the offense was committed, which must appear to be within the jurisdiction of the court; and
- (5) facts showing the date on which the offense was committed, which must show that the offense is not barred by limitations.

(c) A prosecution in a court shall be conducted by the city attorney or an assistant city attorney.

(d) The chief of police of the city shall in person or by deputy attend the court and perform the duties of bailiff.

(e) All pleadings in a municipal court of record must be in writing and must be filed with the clerk. (V.A.C.S. Art. 1200ff-1, Secs. 5, 11, 12.)

Sec. 30.150. FILING OF ORIGINAL PAPERS. (a) The clerk of the municipal courts of record shall file the original complaint and the original of other papers and proceedings in each case under the direction of the chief judge. The filed original papers constitute the records of the courts and a separate record book is not required.

(b) The clerk shall keep a separate folder for each case, and shall note on the outside of the folder:

- (1) the style of the case;
- (2) the nature of the charged offense;
- (3) the dates that the warrant was issued and returned;
- (4) the date the examination or trial was held;
- (5) whether trial was held by jury or before a judge;
- (6) trial setting;
- (7) any verdict of the jury;
- (8) any judgment of the court;
- (9) any motion for new trial and the decision on the motion;
- (10) whether an appeal was taken; and
- (11) the date and the manner in which the judgment and sentence were enforced. (V.A.C.S. Art. 1200ff-1, Sec. 6.)

Sec. 30.151. JURY. (a) A person who is brought before a municipal court of record and who is charged with an offense is entitled to be tried by a jury of six persons. The municipal judge may set certain days of each week or month for the jury trials.

(b) The city tax assessor-collector or a deputy and the city secretary or an assistant city secretary shall meet between the 1st and 15th days of August of each year to select qualified jurors for the ensuing year from the voter registration list of the city. They shall write the names of persons who are qualified to serve as jurors on separate cards of uniform size and color and shall include each prospective juror's post office address if possible. The name cards shall be deposited in a jury wheel provided by the governing body. The wheel must be constructed of a durable material, must freely revolve on its axle, and may be equipped with a motor to revolve the wheel in order to thoroughly mix the name cards. The wheel shall be kept locked when not in use for the selection of jurors through a system of two separate locks arranged in a manner that the key of one lock will not open the other lock. Both locks must be opened to unlock the wheel. The city secretary shall keep one key and the clerk of the municipal courts shall keep the

other key. The wheel may be unlocked only in the manner provided by this section. The city secretary and the clerk shall keep the wheel in a secure, tamper-proof location when not in use.

(c) Four times each year (not later than December 21, March 21, June 20, and September 20) the clerk or a deputy clerk and the city secretary or an assistant city secretary shall draw from the jury wheel the names of jurors to serve for the succeeding three months beginning January 1, April 1, July 1, or October 1, as applicable. They shall draw the names in the presence and under the direction of the judge after the wheel has been turned and the cards thoroughly mixed. They shall draw the names one by one and shall record the names on a separate sheet of paper for each week for which jurors are required. Only the clerk or deputy clerk, the city secretary or assistant city secretary, and the judge may be present at the drawing. The names of the selected jurors shall not be released.

(d) If it appears that the jury list compiled during the drawing will be exhausted before the next scheduled drawing, the judge may direct additional lists to be drawn up in the same manner.

(e) The clerk or the deputy clerk doing the drawing and the judge shall certify the jury lists for each three-month period. The lists shall be sealed in separate envelopes endorsed "List no. — of the petit jurors drawn on the \_\_\_\_\_ day of \_\_\_\_\_, 19 —, for the Municipal Courts of \_\_\_\_\_." The clerk shall sign the seals of the envelopes, and after inspection by the judge, the clerk shall secure them in a safe place in the clerk's office under lock and key.

(f) As names are drawn for jury service, the clerk shall seal the name cards in separate envelopes endorsed "Cards containing the names of jurors list no. — of the petit jurors drawn on the \_\_\_\_\_ day of \_\_\_\_\_, 19 —, for the Municipal Court of \_\_\_\_\_." The clerk shall keep the envelopes unopened until the jury selected from the corresponding list has been impaneled. After those jurors have served for more than three days, the clerk or the clerk's deputy shall open the envelope containing the names of jurors on that list and return to the wheel the names of those who have not served for more than three days and who have not been impaneled. The name cards of the jurors who have served more than three days shall be placed in a separate box for the use of the officers who select the next jurors. If any of the jury lists compiled are not used, the names of the jurors on those lists shall be returned to the jury wheel at the expiration of the three-month period.

(g) A majority of the municipal judges may adopt a binding plan for jury selection that uses mechanical or electronic methods instead of the jury wheel system provided by this section. The alternative system must provide that:

- (1) the names used for jury purposes are those of registered city voters;
- (2) the mechanical or electronic system results in a fair, impartial, and objective selection method;
- (3) the clerk is in charge of the system and has clearly defined duties; and
- (4) the written list stating the names and addresses of persons summoned for jury duty at a particular date is filed for record with the clerk not later than the 10th day before the date the jurors are to begin service.

(h) Instead of either of the selection methods provided by Subsections (f) and (g), a majority of the municipal judges may adopt a binding plan for jury selection from a central jury pool maintained by the county in which the city is located to provide petit juries for the district courts, county courts, county courts at law, and justice courts of the county, if a pool exists. A central jury pool system must provide that:

- (1) the names taken from the central jury pool are those of registered city voters;
- (2) the pool system results in a fair, impartial, and objective selection method;
- (3) the clerk is in charge of the system or may appoint the county employee in charge of the central jury pool as the clerk's deputy for this purpose with the permission of the county employee; and
- (4) the county is compensated for juror fees paid by the county to jury panel members selected from the central jury pool for service in the municipal courts of record.

(i) For each day or portion of a day served, a juror is entitled to \$10 or the amount received for service in county court, whichever is greater. (V.A.C.S. Art. 1200ff-1, Sec. 13.)

Sec. 30.152. TRIAL. (a) Except as modified by this subchapter, the Code of Criminal Procedure, 1965, as applied to county courts, governs the trial of cases before a municipal court of record.

(b) A bond taken in a proceeding in the court must be payable to the state for the use and benefit of the city. The court may not assess court costs other than warrant fees, capias fees, and other fees as authorized for municipal courts.

(c) Testimony, exhibits, or evidence given by a witness in a proceeding in the court is solely for that proceeding or its appeal. In any civil proceeding that material is privileged and inadmissible.

(d) A policeman of the city or any peace officer may serve a process issued by a municipal court of record under the provisions applicable to service of county court process by a sheriff or constable.

(e) If the defendant is convicted of the offense, the judgment and sentence shall be in the name of the state and shall recover from the defendant the fine and costs for the use and benefit of the city. The court may require that the defendant remain in the custody of the chief of police until the fines and costs are paid and shall order that execution issue to collect the fines and penalties.

(f) All fines, fees, costs, and cash bonds shall be paid to the clerk, who shall deposit them directly into the city general fund. (V.A.C.S. Art. 1200ff-1, Secs. 8(b), 9, 10, 15, 16, 17, 42.)

Sec. 30.153. APPEAL. (a) A defendant has the right of appeal from a judgment of conviction in a municipal court of record as provided by this subchapter. The state has no right to an appeal or to a new trial. The county court that has appellate criminal jurisdiction shall hear the appeal.

(b) To perfect an appeal, the defendant must file a motion for new trial not later than the fifth day after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the municipal courts of record. The motion constitutes the assignments of error on appeal. A ground of error not set forth in the motion is waived.

(c) After an order overruling a motion for new trial, the defendant may give notice of appeal by paying the \$10 transcript preparation fee not later than the 10th day after the date on which the motion is overruled. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant. (V.A.C.S. Art. 1200ff-1, Secs. 18, 19, 20, 21, 22, 23 (part), 28, 34.)

Sec. 30.154. APPEAL BOND; RECORD ON APPEAL. (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of fines and costs adjudged against the defendant, whichever is greater. The bond must be payable to the state for the use and benefit of the city and must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript. Either party may designate the parts of the record, proceedings, and evidence to be included in the record on appeal by written stipulation filed with the clerk of the municipal courts of record. (V.A.C.S. Art. 1200ff-1, Secs. 23 (part), 24, 25, 27, 29.)

Sec. 30.155. TRANSCRIPT. (a) The clerk of the municipal courts of record shall prepare under his hand and the seal of the court a transcript of the proceedings in the municipal court of record after payment of the preparation fee under Section 30.153. The clerk shall prepare the transcript under written instructions from the defendant or the defendant's attorney. Unless otherwise agreed by the parties, the transcript must include a copy of:

- (1) the complaint;
- (2) court orders on any motions or exceptions;
- (3) the judgment;
- (4) the verdict of the jury;
- (5) findings of fact or conclusions of law made by the court;
- (6) the motion for new trial and the order of the court on the motion;
- (7) the notice of appeal;
- (8) any statement of the parties regarding material to be included in the record;
- (9) the appeal bond;
- (10) a certified bill of cost;
- (11) any statement of facts; and
- (12) any signed paper designated as material by either party.

(b) The defendant or the defendant's attorney may file a copy of the written instructions with the clerk and may deliver a copy to the city attorney.

(c) The city attorney may file a written direction to the clerk to include additional portions of the trial proceedings in the transcript. (V.A.C.S. Art. 1200ff-1, Sec. 30.)

Sec. 30.156. STATEMENT OF FACTS. (a) The statement of facts consists of a transcription of the testimony of witnesses and bills of exception. The court reporter shall prepare a statement of facts at the request of the court or of any party and shall immediately notify all



parties in writing if a request is made. The reporter shall provide each party with a copy of the statement and shall file one copy with the clerk of the municipal court of record for immediate transmission to the appellate court clerk. The transcription shall be in narrative form unless a party gives written objection to the use of narrative form not later than the fifth day after receiving notice of the request for a statement of facts.

(b) The court reporter shall omit from the statement of facts matters that are not essential to the decision or the questions presented in the motion for new trial. The reporter may abridge any document by omitting or abbreviating a formal portion of the document and shall exclude formal parts of exhibits and more than one copy of any document.

(c) The judge does not need to approve the statement of facts if it is agreed to by the defendant or the defendant's attorney and the city attorney or assistant city attorney.

(d) The party requesting a statement of facts, other than the state or city, shall pay the cost of preparation of the statement of facts. The defendant recovers the costs he paid for the statement of facts if the case is overturned or dismissed on appeal.

(e) The defendant or the defendant's attorney and the city attorney or assistant city attorney may agree on a brief statement of the case and the facts proven at trial for use by the appellate court. That statement must be included in the transcript instead of the proceedings at trial. (V.A.C.S. Art. 1200ff-1, Secs. 31, 32.)

Sec. 30.157. **TRANSFER OF RECORD; FEE.** The parties must file the transcript and the statement of facts with the clerk of the municipal court of record not later than the 60th day after the date on which the transcript preparation fee was paid. The clerk shall promptly forward them to the appellate court clerk. (V.A.C.S. Art. 1200ff-1, Sec. 33.)

Sec. 30.158. **BRIEF ON APPEAL.** (a) A party must file a brief on appeal with the appellate court clerk not later than the 10th day after the date on which the transcript and statement of facts are filed with that clerk. On filing, each party shall deliver a copy of the brief to the opposing counsel.

(b) Because of the crowded conditions of the dockets, the record and briefs on appeal shall be limited as far as possible to the questions relied on for reversal. (V.A.C.S. Art. 1200ff-1, Secs. 26, 35.)

Sec. 30.159. **PROCEDURE; DISPOSITION ON APPEAL.** (a) The appellate court shall hear appeals from the municipal courts of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. The court may determine the rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

(b) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(c) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge and the clerk filed the charge before it was read to the jury.

(d) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200ff-1, Secs. 36, 37.)

Sec. 30.160. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the clerk of the municipal court of record. When the clerk of the municipal court of record receives the record, the clerk shall file the record with the papers in the case and note the filing on the docket of the municipal court of record. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of *habeas corpus* for the defendant; or

(3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200ff-1, Sec. 38.)

Sec. 30.161. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200ff-1, Sec. 39.)

Sec. 30.162. **APPEAL TO COURT OF APPEALS.** An appeal of the appellate court decision to the court of appeals is governed by the Code of Criminal Procedure, 1965, except that the transcript, briefs, and statement of facts filed in the appellate court constitute the transcript, briefs, and statement of facts on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise. (V.A.C.S. Art. 1200ff-1, Sec. 40.)

[Sections 30.163-30.170 reserved for expansion]

#### SUBCHAPTER F. SWEETWATER

Sec. 30.171. **APPLICATION.** This subchapter applies to the City of Sweetwater. (New.)

Sec. 30.172. **CREATION.** The governing body of the city may by ordinance create a municipal court of record if it determines that the formation of the court is necessary to provide a more efficient disposition of appeals from the municipal court. The municipal court of record shall be known as the "City of Sweetwater Municipal Court." The governing body may determine the number of municipal courts of record that are required to dispose of the cases arising in the city and may establish as many as are needed. (V.A.C.S. Art. 1200dd, Sec. 1 (part).)

Sec. 30.173. **APPLICATION OF OTHER LAWS.** The general law regarding municipal courts, the general law regarding justice courts on matters not covered by the law regarding municipal courts, and any charter provision or ordinance of the city relating to the municipal court apply to a municipal court of record unless the law, charter provision, or ordinance is in conflict or inconsistent with this subchapter. (V.A.C.S. Art. 1200dd, Sec. 2.)

Sec. 30.174. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge. The judge is appointed to office by the governing body of the city.

(b) A municipal judge must be a licensed attorney in good standing in this state. The judge must be a citizen of the United States and of this state. The judge must maintain residence in the city during the tenure of office but need not be a resident of the city at the time of the appointment.

(c) The judge shall take judicial notice of the ordinances of the city.

(d) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge. The judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the municipal judges is binding on all parties to the proceeding.

(e) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during the term of office. (V.A.C.S. Art. 1200dd, Secs. 1 (part), 3, 6.)

Sec. 30.175. **CLERK; OTHER PERSONNEL.** (a) The governing body of the city shall provide a clerk of the municipal courts. The clerk shall keep the records of the municipal courts of record, issue process, and generally perform the duties for the courts that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(b) The governing body of the city shall provide deputy clerks, warrant officers, and other personnel, including at least one bailiff for each court, as needed for the proper operation of the courts.

(c) The clerk and other court personnel shall perform their duties under the direction and control of the presiding municipal judge. (V.A.C.S. Art. 1200dd, Sec. 4.)

Sec. 30.176. **COURT REPORTER.** (a) The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The municipal judge shall appoint a court reporter, whose qualifications shall be determined by the judge or, if there is more than one municipal judge, by the presiding municipal judge. The governing body of the city shall set the compensation of the court reporter.

(b) The court reporter may preserve the record through written notes, transcribing equipment, recording equipment, or any combination of those methods. The reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. (V.A.C.S. Art. 1200dd, Sec. 5.)

Sec. 30.177. **APPEAL.** (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The County Court of Nolan County has jurisdiction over the appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the municipal court of record proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may extend the time for filing or amending for good cause. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law. The motion must set forth the points of error of which the defendant complains. A point of error that is not set forth in the motion is waived.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion for new trial, the defendant may give the notice of appeal orally in open court on the overruling of the motion. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. (V.A.C.S. Art. 1200dd, Secs. 7, 8, 9, 10.)

Sec. 30.178. APPEAL BOND; RECORD ON APPEAL. (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. The court reporter shall prepare the record. If the court finds that the defendant is unable to pay or give security for the record on appeal after a hearing in response to an affidavit by the defendant, the court shall order the reporter to prepare the record without charge to the defendant. (V.A.C.S. Art. 1200dd, Secs. 11, 12.)

Sec. 30.179. TRANSCRIPT; BILLS OF EXCEPTION. (a) On the written request of the defendant, the clerk of the municipal court of record shall prepare the transcript of the proceedings in the municipal court of record under his hand and the seal of the court. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court; and
- (9) any bills of exception filed with the court.

(b) The clerk may include in the transcript additional portions of the proceedings in the court if instructed in writing by the defendant or the prosecuting attorney.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals, except that the bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200dd, Secs. 13, 14.)

Sec. 30.180. STATEMENT OF FACTS. (a) A statement of facts included in the record on appeal must contain:

- (1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;
- (2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney; or
- (3) a partial transcription and the agreed statement of the facts of the case.

(b) At the request of the defendant, the court reporter shall transcribe any portion of the notes of the court proceedings. The defendant shall pay for the transcription, but if the court finds that the defendant is too poor to pay or give security for the transcription after a hearing in response to an affidavit by the defendant, the court shall order the court reporter to make the transcription without charge to the defendant. The transcription cost may not exceed the charge made by court reporters in the county for similar transcriptions. (V.A.C.S. Art. 1200dd, Sec. 15.)

Sec. 30.181. **COMPLETION, APPROVAL, AND TRANSFER OF RECORD.** (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

- (1) the statement of facts;
- (2) a written description of material to be included in the transcript in addition to the required material; and

(3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200dd, Sec. 16.)

Sec. 30.182. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals, except that the points are confined to those set forth in the motion for new trial.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The clerk shall notify the prosecuting attorney of the filing.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party. (V.A.C.S. Art. 1200dd, Sec. 17.)

Sec. 30.183. **PROCEDURE; DISPOSITION ON APPEAL.** (a) The appellate court shall hear appeals from the municipal courts of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. The court may not affirm or reverse a case based on mere technicalities or on technical errors in the preparation and filing of the record on appeal. The court may determine the rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

(b) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(c) Unless it was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge before it was read to the jury.

(d) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200dd, Secs. 18, 19.)

Sec. 30.184. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of *habeas corpus* for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200dd, Sec. 20.)

Sec. 30.185. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200dd, Sec. 21.)

Sec. 30.186. **APPEAL TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal except that:

(1) the record and briefs on appeal in the appellate court and the transcript of proceedings in that court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200dd, Sec. 22.)

[Sections 30.187-30.200 reserved for expansion]

### SUBCHAPTER G. LONGVIEW

Sec. 30.201. **APPLICATION.** This subchapter applies to the City of Longview. (New.)

Sec. 30.202. **CREATION.** The governing body of the city may by ordinance create a municipal court of record if it determines that the formation of the court is necessary to provide a more efficient disposition of appeals arising from the municipal court. The municipal court of record shall be known as the "City of Longview Municipal Court." The governing body may determine the number of municipal courts of record that are required to dispose of the cases arising in the city and may establish as many as are needed. (V.A.C.S. Art. 1200hh, Secs. 1(a), (b) (part).)

Sec. 30.203. **APPLICATION OF OTHER LAWS.** The general law regarding municipal courts, the general law regarding justice courts on matters not covered by the law regarding municipal courts, and any charter provision or ordinance of the city relating to the municipal court apply to a municipal court of record unless the law, charter provision, or ordinance is in conflict or inconsistent with this subchapter. (V.A.C.S. Art. 1200hh, Sec. 2.)

Sec. 30.204. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge appointed to office by the governing body of the city.

(b) A municipal judge must be a licensed attorney in good standing in this state. The judge must be a citizen of the United States and of this state but need not be a resident of the city. The judge shall devote as much time to the office as is necessary.

(c) The judge shall take judicial notice of the city ordinances.

(d) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge. The judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the municipal judges is binding on all parties to the proceeding.

(e) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court. (V.A.C.S. Art. 1200hh, Secs. 1(b) (part), 3, 7.)

Sec. 30.205. **CLERK; OTHER PERSONNEL.** (a) The governing body of the city shall provide a clerk of the municipal courts. The clerk shall keep the records of the municipal courts of record, issue process, and generally perform the duties for the courts that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(b) The governing body of the city shall provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the municipal courts of record.

(c) The clerk and other court personnel shall perform their duties under the direction and control of the municipal judge. (V.A.C.S. Art. 1200hh, Sec. 4.)

Sec. 30.206. **COURT REPORTER.** (a) The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The municipal judge shall appoint the court reporter, who must meet the qualifications provided by law for official court reporters. The governing body of the city shall set the compensation of the court reporter.

(b) The court reporter may preserve the record through written notes, transcribing equipment, recording equipment, or any combination of these methods. The reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. (V.A.C.S. Art. 1200hh, Sec. 5.)

Sec. 30.207. **JURY.** The names of prospective jurors for service in the municipal court of record shall be drawn from a jury wheel maintained by the district court of Gregg County or from a jury wheel maintained by the clerk of the municipal court of record with names from

Longview voter registration rolls in Gregg County and Harrison County. (V.A.C.S. Art. 1200hh, Sec. 6.)

Sec. 30.208. APPEAL. (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The County Court of Gregg County has jurisdiction over an appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the municipal court of record proceedings leading to the conviction. An appeal from the municipal court of record may not be by *trial de novo*.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. A point of error that is not set forth in the motion is waived. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion, the defendant may give the notice of appeal orally in open court on the overruling of the motion. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. (V.A.C.S. Art. 1200hh, Secs. 8, 9, 10, 11.)

Sec. 30.209. APPEAL BOND; RECORD ON APPEAL. (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed, and it must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. (V.A.C.S. Art. 1200hh, Secs. 12, 13.)

Sec. 30.210. TRANSCRIPT; BILLS OF EXCEPTION. (a) On the written request of the defendant, the clerk of the municipal court of record shall prepare under his hand and the seal of the court the transcript of the proceedings in the municipal court of record. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court; and
- (9) any bills of exception filed with the court.

(b) The clerk may include in the transcript additional portions of the proceedings in the court if instructed in writing by the defendant or the prosecuting attorney.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals, except that the bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200hh, Secs. 14, 15.)

Sec. 30.211. STATEMENT OF FACTS. (a) A statement of facts included in the record on appeal must contain:

- (1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;

(2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney; or

(3) a partial transcription and the agreed statement of the facts of the case.

(b) At the request of the defendant, the court reporter shall transcribe any portion of the notes of the court proceedings. The defendant shall pay for the transcription, but if the court finds that the defendant is too poor to pay or give security for the transcription after a hearing in response to an affidavit by the defendant, the court shall order the court reporter to make the transcription without charge to the defendant. The transcription cost may not exceed the charge made by court reporters in the county for similar transcriptions. (V.A.C.S. Art. 1200hh, Sec. 16.)

Sec. 30.212. **COMPLETION, APPROVAL, AND TRANSFER OF RECORD.** (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

(1) the statement of facts;

(2) a written description of material to be included in the transcript in addition to the required material; and

(3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200hh, Sec. 17.)

Sec. 30.213. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals, except that the points are confined to those set forth in the motion for new trial.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The clerk shall notify the prosecuting attorney of the filing.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party. (V.A.C.S. Art. 1200hh, Sec. 18.)

Sec. 30.214. **PROCEDURE; DISPOSITION ON APPEAL.** (a) The appellate court shall hear appeals from the municipal courts of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. The court may not affirm or reverse a case based on mere technicalities or on technical errors in the preparation and filing of the record on appeal. The court may determine the rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

(b) According to the law and the nature of the case, the appellate court may:

(1) affirm the judgment of the municipal court of record;

(2) reverse and remand for a new trial;

(3) reverse and dismiss the case; or

(4) reform and correct the judgment.

(c) Unless it was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

(1) venue was proven in the trial court;

(2) the jury, if any, was properly impaneled and sworn;

(3) the defendant was arraigned and pleaded to the complaint; and

(4) the municipal judge certified the charge before it was read to the jury.

(d) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200hh, Secs. 19, 20.)

Sec. 30.215. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

(1) forfeit the bond of the defendant;

(2) issue a writ of *capias* for the defendant; or

(3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200hh, Sec. 21.)

Sec. 30.216. EFFECT OF ORDER OF NEW TRIAL. If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200hh, Sec. 22.)

Sec. 30.217. APPEAL TO COURT OF APPEALS. The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

(1) the record and briefs on appeal in the appellate court and the transcript of proceedings in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200hh, Sec. 23.)

[Sections 30.218-30.230 reserved for expansion]

### SUBCHAPTER H. MIDLAND

Sec. 30.231. APPLICATION. This subchapter applies to the City of Midland. (New.)

Sec. 30.232. CREATION. The governing body of the city may by ordinance create a municipal court of record if it determines that the formation of the court is necessary to provide a more efficient disposition of appeals arising from the municipal court. The municipal court of record shall be known as the "City of Midland Municipal Court." The governing body may determine the number of municipal courts of record that are required to dispose of the cases arising in the city and may establish as many as are needed. (V.A.C.S. Art. 1200bb, Sec. 1 (part).)

Sec. 30.233. APPLICATION OF OTHER LAWS. The general law regarding municipal courts, the general law regarding justice courts on matters not covered by the law regarding municipal courts, and any charter provision or ordinance of the city relating to the municipal court apply to a municipal court of record unless the law, charter provision, or ordinance is in conflict or inconsistent with this subchapter. (V.A.C.S. Art. 1200bb, Sec. 2.)

Sec. 30.234. JUDGE. (a) A municipal court of record is presided over by a municipal judge appointed by the governing body of the city.

(b) A municipal judge must be a licensed attorney in good standing in this state. The judge must be a citizen of the United States and of this state. The judge must maintain residence in the city during the tenure of office but need not be a resident of the city at the time of the appointment. The judge shall serve full time and may not engage in the private practice of law while in office.

(c) The judge shall take judicial notice of the city ordinances.

(d) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge. The judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the municipal judges is binding on all parties to the proceeding.

(e) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city. The salary may not be based directly or indirectly on fines, fees, or costs collected by the municipal court of record. (V.A.C.S. Art. 1200bb, Secs. 1 (part), 3, 6.)

Sec. 30.235. CLERK; OTHER PERSONNEL. (a) The governing body of the city shall provide a clerk of the municipal courts. The clerk shall keep the records of the municipal courts of record, issue process, and generally perform the duties for the municipal courts of record that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(b) The governing body of the city shall provide deputy clerks, warrant officers, and other personnel, including at least one bailiff for each court, as needed for the proper operation of the municipal courts of record.

(c) The clerk and other court personnel shall perform their duties under the direction and control of the municipal judge. (V.A.C.S. Art. 1200bb, Sec. 4.)

Sec. 30.236. COURT REPORTER. (a) The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The municipal judge shall appoint the court reporter, who must meet qualifications determined by the judge or, if there is more than one judge, by the presiding municipal judge. The governing body of the city shall set the compensation of the court reporter on the recommendation of the presiding judge.



(b) The court reporter may preserve the record through written notes, transcribing equipment, recording equipment, or any combination of those methods. The reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. (V.A.C.S. Art. 1200bb, Sec. 5.)

Sec. 30.237. **APPEAL.** (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The County Court of Midland County has jurisdiction over an appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. A point of error that is not set forth in the motion is waived. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion, the defendant may give the notice of appeal orally in open court on the overruling of the motion. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. (V.A.C.S. Art. 1200bb, Secs. 7, 8, 9, 10.)

Sec. 30.238. **APPEAL BOND; RECORD ON APPEAL.** (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. (V.A.C.S. Art. 1200bb, Secs. 11, 12.)

Sec. 30.239. **TRANSCRIPT; BILLS OF EXCEPTION.** (a) On the written request of the defendant, the clerk of the municipal court of record shall prepare under his hand and the seal of the court the transcript of the proceedings in the municipal court of record. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court; and
- (9) any bills of exception filed with the court.

(b) The clerk may include in the transcript additional portions of the proceedings in the court if instructed in writing by the defendant or the prosecuting attorney.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals, except that the bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200bb, Secs. 13, 14.)

Sec. 30.240. **STATEMENT OF FACTS.** (a) A statement of facts included in the record on appeal must contain:

- (1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;

(2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney; or

(3) a partial transcription and the agreed statement of the facts of the case.

(b) At the request of the defendant, the court reporter shall transcribe any portion of the notes of the court proceedings. The defendant shall pay for the transcription, but if the court finds that the defendant is too poor to pay or give security for the transcription after a hearing in response to an affidavit by the defendant, the court shall order the reporter to make the transcriptions without charge to the defendant. The transcription cost may not exceed the charge made by court reporters in the county for similar transcriptions. (V.A.C.S. Art. 1200bb, Sec. 15.)

Sec. 30.241. **COMPLETION, APPROVAL, AND TRANSFER OF RECORD.** (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

(1) the statement of facts;

(2) a written description of material to be included in the transcript in addition to the required material; and

(3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200bb, Sec. 16.)

Sec. 30.242. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals, except that the points are confined to those set forth in the motion for new trial.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The clerk shall notify the prosecuting attorney of the filing.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party. (V.A.C.S. Art. 1200bb, Sec. 17.)

Sec. 30.243. **PROCEDURE; DISPOSITION ON APPEAL.** (a) The appellate court shall hear appeals from the municipal courts of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. The court may not affirm or reverse a case based on mere technicalities or technical errors in the preparation and filing of the record on appeal. The court may determine the rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

(b) According to the law and the nature of the case, the appellate court may:

(1) affirm the judgment of the municipal court of record;

(2) reverse and remand for a new trial;

(3) reverse and dismiss the case; or

(4) reform and correct the judgment.

(c) Unless it was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

(1) venue was proven in the trial court;

(2) the jury, if any, was properly impaneled and sworn;

(3) the defendant was arraigned and pleaded to the complaint; and

(4) the municipal judge certified the charge before it was read to the jury.

(d) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200bb, Secs. 18, 19.)

Sec. 30.244. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

(1) forfeit the bond of the defendant;

(2) issue a writ of *habeas corpus* for the defendant; or

(3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200bb, Sec. 20.)

Sec. 30.245. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200bb, Sec. 21.)

Sec. 30.246. **APPEAL TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

(1) the record and briefs on appeal in the appellate court and the transcript of proceedings in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200bb, Sec. 22.)

[Sections 30.247-30.260 reserved for expansion]

### SUBCHAPTER I. HOUSTON

Sec. 30.261. **APPLICATION.** This subchapter applies to the City of Houston. (New; V.A.C.S. Art. 1200cc, Sec. 1(a).)

Sec. 30.262. **CREATION; ABOLITION OF COURT.** (a) The municipal courts of the City of Houston that were existing January 1, 1976, are municipal courts of record. The governing body of the city may by ordinance create additional municipal courts of record and authorize judges for those courts if it finds that action is necessary to properly dispose of the cases on the dockets of the other municipal courts of the city. The ordinance shall enumerate the number of additional courts that are necessary.

(b) If the governing body finds after the establishment of an additional municipal court of record that the condition of the dockets of the other courts of the county does not require the existence of the court to properly dispose of the cases arising in the city, the governing body shall by ordinance declare the office of the municipal judge vacant at the end of the term for which the judge was last selected. Any case then pending shall be transferred to a court with proper jurisdiction of the offense. (V.A.C.S. Art. 1200cc, Secs. 1(b), (c).)

Sec. 30.263. **JURISDICTION.** (a) A municipal court of record created under this subchapter has jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city.

(b) The court has concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:

(1) arise within the territorial limits of the city; and

(2) are punishable only with a fine not to exceed \$200. (V.A.C.S. Art. 1200cc, Sec. 2.)

Sec. 30.264. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge.

(b) The city shall provide by charter or by ordinance for the selection of a municipal judge who shall serve for a term of two to four years. The specific length of the term shall be determined by the charter, by ordinance, or by the method prescribed by Article XI, Section 11, of the Texas Constitution. A municipal judge may continue in office after his term has expired for not more than 90 days or until his successor has been selected and qualified, whichever occurs first.

(c) If there is more than one municipal judge in the city, the mayor and city council of the city shall appoint one of the judges to be the presiding municipal judge. If the city has only one municipal judge or only one permanent, full-time municipal judge, that judge is the presiding municipal judge.

(d) The presiding municipal judge shall:

(1) maintain a central docket for cases filed within the territorial limits of the city over which the courts have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;

(3) temporarily assign judges to exchange benches and to sit and act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts;

(4) cause the records of the courts to be permanently kept and made available for inspection by interested parties at all reasonable times;

(5) maintain as part of the records of the courts an index of judgments similar to the index maintained by county clerks for criminal cases arising in county courts;

(6) if necessary for the proper functioning of the courts, provide for microfilm preservation of the records of the municipal courts of record under the same requirements provided by law for microfilm preservation of records in the custody of a county clerk; and

(7) supervise and control the operations and clerical functions of the administrative department of the courts and of their personnel.

(e) A municipal judge must be a licensed attorney in good standing in this state. A person may not serve as a municipal judge while the person holds other office or employment with the city government. A municipal judge who takes such an office or employment vacates the judicial office. If a judge is temporarily unable to act for any reason, the governing body may appoint a person meeting the qualifications required of a municipal judge to serve during the regular judge's absence. The appointee has the powers and duties of the office and is entitled to the same amount of compensation that the municipal judge receives for serving.

(f) The governing body of the city shall appoint a person meeting the qualifications required of a municipal judge to fill a vacancy in the office of municipal judge. The appointed person serves for the unexpired term to which he was appointed.

(g) A municipal judge may only be removed under Article V, Section 1-a, of the Texas Constitution.

(h) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during the term of office. The governing body shall determine the judge's salary before the appointment or, if the judge is elected, at least two weeks before the election filing deadline. (V.A.C.S. Art. 1200cc, Secs. 3, 4, 5.)

Sec. 30.265. **CLERK; OTHER PERSONNEL.** (a) The clerk shall perform the applicable clerical duties for the municipal judge that are prescribed by law for a clerk of a county court at law.

(b) The governing body of the city shall provide other personnel as the governing body determines necessary for the proper operation of the municipal courts of record, who shall perform their duties under the control and direction of the municipal judge to whom assigned. The governing body shall determine the salaries for personnel authorized under this subsection. (V.A.C.S. Art. 1200cc, Secs. 22(b), (c).)

Sec. 30.266. **COURT REPORTER.** Each municipal judge may appoint an official court reporter to transcribe the trial proceedings, including testimony, voir dire examinations, objections, and final arguments. If the defendant or the state requests a court reporter prior to trial, the judge shall appoint an official court reporter. The reporter is entitled to receive a salary set by the governing body. (V.A.C.S. Art. 1200cc, Sec. 22(a).)

Sec. 30.267. **COURT FACILITIES.** The governing body of the city shall provide courtrooms, jury rooms, offices, office furniture, libraries, law books, and other facilities and supplies that the governing body determines are necessary for the proper operation of the municipal courts of record. (V.A.C.S. Art. 1200cc, Sec. 6.)

Sec. 30.268. **SEAL.** The governing body of the city shall provide each municipal court of record with a seal to be used to authenticate the official acts of the clerk and the municipal judge. The impress of the seal must be attached to all papers issued by the court except subpoenas. The seal must include a five-pointed star and must be engraved with the words "Municipal Court in Houston, Texas." (V.A.C.S. Art. 1200cc, Sec. 23.)

Sec. 30.269. **APPEAL.** (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The county criminal court of the county has jurisdiction over an appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and are presented in the transcript and statement of facts prepared from the municipal court of record proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. For purpose of appeal, a point of error not distinctly set forth in the motion is waived. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion, the defendant may give the notice of appeal orally in open court on the overruling of the motion. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. (V.A.C.S. Art. 1200cc, Secs. 7, 8, 9, 10.)

Sec. 30.270. APPEAL BOND; RECORD ON APPEAL. (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$50 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed, and it must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. The court reporter shall prepare the record, or it may be prepared from mechanical or videotape recordings. If the court finds that the defendant is unable to pay or give security for the record on appeal after a hearing in response to an affidavit by the defendant, the court shall order the reporter to prepare the record without charge to the defendant. (V.A.C.S. Art. 1200cc, Secs. 11, 12.)

Sec. 30.271. TRANSCRIPT; BILLS OF EXCEPTION. (a) On the written request of the defendant, the clerk of the municipal court of record shall prepare under his hand and the seal of the court the transcript of the proceedings in the municipal court of record. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court; and
- (9) any bills of exception filed with the court.

(b) The clerk may include in the transcript additional portions of the proceedings in the court prepared by mechanical or videotape recordings.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals, except that the bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200cc, Secs. 13, 14.)

Sec. 30.272. STATEMENT OF FACTS. A statement of facts included in the record on appeal must contain:

(1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;

(2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney;

(3) a partial transcription and the agreed statement of the facts of the case; or

(4) a transcription of all or part of the court proceedings in the case that is prepared from mechanical or videotape recordings of the proceedings. (V.A.C.S. Art. 1200cc, Sec. 15.)

Sec. 30.273. COMPLETION, APPROVAL, AND TRANSFER OF RECORD. (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

(1) the statement of facts;

(2) a written description of material to be included in the transcript in addition to the required material; and

(3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200cc, Sec. 16.)

Sec. 30.274. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The clerk shall notify the prosecuting attorney of the filing.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief, shall deliver a copy of the brief to the opposing party. (V.A.C.S. Art. 1200cc, Sec. 17.)

Sec. 30.275. **DISPOSITION ON APPEAL.** (a) According to the law and nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(b) Unless it was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200cc, Sec. 18.)

Sec. 30.276. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of *habeas corpus* for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200cc, Sec. 19.)

Sec. 30.277. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200cc, Sec. 20.)

Sec. 30.278. **APPEAL TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and if the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

(1) the record and briefs on appeal in the appellate court and the transcript of proceedings in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200cc, Sec. 21.)

[Sections 30.279-30.290 reserved for expansion]

#### SUBCHAPTER J. MARSHALL

Sec. 30.291. **APPLICATION.** This subchapter applies to the City of Marshall. (New.)

Sec. 30.292. **CREATION.** The governing body of the city may by ordinance create a municipal court of record if it determines that the formation of the court is necessary to provide a more efficient disposition of appeals arising from the municipal court. The municipal court of record shall be known as the "City of Marshall Municipal Court." The governing body may determine the number of municipal courts of record that are required to dispose of the cases arising in the city and may establish as many as are needed. (V.A.C.S. Art. 1200II, Secs. 1(a), (b) (part).)

Sec. 30.293. **APPLICATION OF OTHER LAWS.** The general law regarding municipal courts, the general law regarding justice courts on matters not covered by the law regarding municipal courts, and any charter provision or ordinance of the city relating to the municipal court apply to a municipal court of record unless the law, charter provision, or ordinance is in conflict or inconsistent with this subchapter. (V.A.C.S. Art. 1200ll, Sec. 2.)

Sec. 30.294. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge appointed to office by the governing body of the city.

(b) A municipal judge must be a licensed attorney in good standing in this state. The judge must be a citizen of the United States and of this state but need not be a resident of the city. The judge shall devote as much time to the office as it requires.

(c) The judge shall take judicial notice of the city ordinances.

(d) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge. The judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the municipal judges is binding on all parties to the proceeding.

(e) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court. (V.A.C.S. Art. 1200ll, Secs. 1(b) (part), 3, 7.)

Sec. 30.295. **CLERK; OTHER PERSONNEL.** (a) The governing body of the city shall provide a clerk of the municipal courts. The clerk shall keep the records of the municipal court of record, issue process, and generally perform the duties for the courts that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(b) The governing body of the city shall provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the courts.

(c) The clerk and other court personnel shall perform their duties under the direction and control of the municipal judge. (V.A.C.S. Art. 1200ll, Sec. 4.)

Sec. 30.296. **COURT REPORTER.** (a) The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The municipal judge shall appoint the court reporter, who must meet the qualifications provided by law for official court reporters. The governing body of the city shall set the compensation of the court reporter.

(b) The court reporter may preserve the record through written notes, transcribing equipment, recording equipment, or any combination of these methods. The reporter is not required to record testimony in a case in which neither the defendant, the prosecutor, nor the judge demands it. (V.A.C.S. Art. 1200ll, Sec. 5.)

Sec. 30.297. **JURY.** The names of prospective jurors for service in the municipal court of record shall be residents of the City of Marshall and shall be drawn from a jury wheel maintained by the district court of Harrison County or from a jury wheel maintained by the clerk of the municipal court of record. (V.A.C.S. Art. 1200ll, Sec. 6.)

Sec. 30.298. **APPEAL.** (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record as provided by this subchapter. The County Court of Harrison County has jurisdiction over an appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the municipal court of record proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. A point of error that is not set forth in the motion is waived. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending. If the court does not act on the motion before the expiration of the 20 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion, the defendant may give the notice of appeal orally in open court on the overruling of the motion. Otherwise, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. (V.A.C.S. Art. 1200ll, Secs. 8, 9, 10, 11.)

Sec. 30.299. **APPEAL BOND; RECORD ON APPEAL.** (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the

municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed, and it must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

(c) The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. (V.A.C.S. Art. 1200II, Secs. 12, 13.)

Sec. 30.300. TRANSCRIPT; BILLS OF EXCEPTION. (a) On the written request of the defendant, the clerk of the municipal court of record shall prepare under his hand and the seal of the court the transcript of the proceedings in the municipal court of record. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court; and
- (9) any bills of exception filed with the court.

(b) The clerk may include in the transcript additional portions of the proceedings in the court if instructed in writing by the defendant or the prosecuting attorney.

(c) Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965, governing the preparation of bills of exception and their inclusion in the record on appeal to the court of appeals, except that the bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200II, Secs. 14, 15.)

Sec. 30.301. STATEMENT OF FACTS. (a) A statement of facts included in the record on appeal must contain:

- (1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;
- (2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney; or
- (3) a partial transcription and the agreed statement of the facts of the case.

(b) At the request of the defendant, the court reporter shall transcribe any portion of the notes of the court proceedings. The defendant shall pay for the transcription, but if the court finds that the defendant is too poor to pay or give security for the transcription after a hearing in response to an affidavit by the defendant, the court shall order the court reporter to make the transcription without charge to the defendant. The transcription cost may not exceed the charge made by court reporters in the county for similar transcriptions. (V.A.C.S. Art. 1200II, Sec. 16.)

Sec. 30.302. COMPLETION, APPROVAL, AND TRANSFER OF RECORD. (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

- (1) the statement of facts;
- (2) a written description of material to be included in the transcript in addition to the required material; and
- (3) any material to be included in the transcript that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion notification and approval in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200II, Sec. 17.)

Sec. 30.303. BRIEF ON APPEAL. (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals, except that the points are confined to those set forth in the motion for new trial.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The clerk shall notify the prosecuting attorney of the filing.



(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party. (V.A.C.S. Art. 1200ll, Sec. 18.)

Sec. 30.304. **PROCEDURE; DISPOSITION ON APPEAL.** (a) The appellate court shall hear appeals from the municipal courts of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. The court may not affirm or reverse a case based on mere technicalities or on technical errors in the preparation and filing of the record on appeal. The court may determine the rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

(b) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(c) Unless it was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge before it was read to the jury.

(d) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court does not need to give a reason for overruling an assignment of error, but it may cite the cases on which it relied. If an assignment of error is sustained, the court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200ll, Secs. 19, 20.)

Sec. 30.305. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificates to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of capias for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200ll, Sec. 21.)

Sec. 30.306. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200ll, Sec. 22.)

Sec. 30.307. **APPEAL TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and if the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

- (1) the record and briefs on appeal in the appellate court and the transcript of proceedings in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and
- (2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200ll, Sec. 23.)

[Sections 30.308-30.320 reserved for expansion]

#### SUBCHAPTER K. AUSTIN

Sec. 30.321. **APPLICATION; DEFINITION.** (a) This subchapter applies to the City of Austin.

(b) In this subchapter, "appellate courts" means the county courts at law of Travis County. (New; V.A.C.S. Art. 1200mm, Sec. 1.)

Sec. 30.322. **CREATION OF ADDITIONAL MUNICIPAL COURTS OF RECORD.** The governing body of the city may by ordinance create additional municipal courts of record if it finds that additional courts are necessary to dispose properly of the cases arising in the city. (V.A.C.S. Art. 1200mm, Sec. 2.)

Sec. 30.323. JURISDICTION. (a) A municipal court of record has jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city.

(b) The court has concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:

- (1) arise within the territorial limits of the city; and
- (2) are punishable by fine only.

(c) The court has jurisdiction over criminal cases arising under ordinances authorized by Subdivision 19, Article 1175, Revised Statutes. (V.A.C.S. Art. 1200mm, Sec. 3.)

Sec. 30.324. JUDGE. (a) A municipal court of record is presided over by one or more municipal judges.

(b) The governing body of the city shall provide by charter or by ordinance for the selection of its municipal judges. The selection must be for a definite term of not less than two nor more than four years, the duration of which within these limits shall be determined by charter, ordinance, or the method prescribed in Article XI, Section 11, of the Texas Constitution. A municipal judge may continue in office after the end of the judge's term for not more than 90 days or until his successor is selected and qualified, whichever occurs first.

(c) The judge shall take judicial notice of the ordinances of the city and of the territorial limits of the city. The judge may grant writs of mandamus, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

(d) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge.

(e) The presiding municipal judge shall:

- (1) maintain a central docket for cases filed within the territorial limits of the city over which the courts have jurisdiction;
- (2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;
- (3) call the jury docket and request the jurors needed for cases that are set for trial by jury; and
- (4) temporarily assign judges or relief judges to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts.

(f) The municipal judges or relief judges may act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(g) A municipal judge must be a licensed attorney in good standing, must have practiced law in this state for two years, must be a citizen of the United States, and must have been a resident of the city for the two-year period immediately preceding appointment. A person may not serve as a municipal judge while the person holds other office or employment with the city government. A municipal judge who takes such an office or employment vacates the judicial office.

(h) A municipal judge is entitled to a salary from the city, the amount of which is determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during the term of office. (V.A.C.S. Art. 1200mm, Sec. 4.)

Sec. 30.325. VACANCIES: TEMPORARY REPLACEMENT; REMOVAL. (a) If a vacancy occurs in the office of municipal judge of a court of record, the governing body of the city shall appoint a qualified person to fill the office for the remainder of the unexpired term.

(b) The governing body of the city may appoint persons as relief municipal judges. A relief judge must meet the qualifications of the regular judge. The governing body shall set the compensation of the relief judges. The presiding municipal judge may assign a relief judge to act for a municipal judge who is temporarily unable to act for any reason. A relief judge shall have all the powers and duties of the office while so acting.

(c) A municipal judge may be removed in the manner prescribed for removal of a county court at law judge. (V.A.C.S. Art. 1200mm, Sec. 5.)

Sec. 30.326. CLERK; OTHER PERSONNEL. (a) The governing body of the city shall appoint a clerk of the municipal courts of record, who shall be known as the municipal clerk. The municipal clerk serves at the pleasure of the governing body. The clerk shall perform, as applicable, the duties prescribed by law for the county clerk of a county court at law and any other duty necessary to issue process and conduct business of the court. The clerk may administer oaths and affidavits and make certificates and affix the court's seal to those certificates. In addition, the clerk shall:

- (1) maintain central docket records for all cases filed in the municipal courts of record;

(2) cause all public records of the courts to be permanently kept and made available for inspection at all reasonable times by any interested party;

(3) maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts; and

(4) if necessary for the proper functioning of the municipal courts of record, provide for the preservation of records by electronic means or by microfilming.

(b) With the consent of the governing body of the city, the clerk may appoint one or more deputy clerks to act for and on behalf of the clerk.

(c) The governing body of the city shall provide the courts with other municipal court personnel that the governing body determines necessary for the proper operation of the courts. Those persons shall perform their duties under the direction and control of the clerk of the municipal court or the municipal judge to whom assigned. The governing body shall determine the salaries of the court personnel. (V.A.C.S. Art. 1200mm, Sec. 6.)

Sec. 30.327. COURT REPORTER. (a) To preserve a record in cases tried before a municipal court of record, the governing body of the city shall provide an official court reporter. The reporter must meet the qualifications provided by law for official court reporters. The reporter shall be compensated by the city in the manner determined by the governing body of the city.

(b) The court reporter may use written notes, transcribing equipment, recording equipment, or a combination of those methods to record the proceedings of the court.

(c) The court reporter is not required to record testimony in a trial unless the judge or one of the parties requests a record. (V.A.C.S. Art. 1200mm, Sec. 7.)

Sec. 30.328. SEAL. The governing body of the city shall provide each municipal court of record with a seal with a star of five points in the center and the words "Municipal Court of Austin, Texas." The impress of the seal shall be attached to all papers, except subpoenas, issued out of the court and shall be used by each municipal judge or the clerk to authenticate all official acts of the clerk and the judge. (V.A.C.S. Art. 1200mm, Sec. 24.)

Sec. 30.329. PROSECUTIONS BY CITY ATTORNEY. All prosecutions in municipal courts of record must be conducted by the city attorney or an assistant or deputy city attorney. (V.A.C.S. Art. 1200mm, Sec. 8.)

Sec. 30.330. FILING OF ORIGINAL PAPERS. (a) The clerk of the municipal courts of record shall file the original complaint and the original of other papers in each case under the direction of the presiding municipal judge. The filed original papers constitute the records of the courts and a separate record book is not required.

(b) The clerk shall keep a separate folder for each case and shall note on the outside of the folder:

- (1) the style of the case;
- (2) the nature of the charged offense;
- (3) the dates that the warrant was issued and returned;
- (4) the date the examination or trial was held;
- (5) whether trial was held by jury or before a judge;
- (6) trial settings;
- (7) any verdict of the jury;
- (8) any judgment of the court;
- (9) any motion for a new trial and the decision on the motion;
- (10) whether an appeal was taken; and
- (11) the date and the manner in which the judgment and sentence were enforced. (V.A.C.S. Art. 1200mm, Sec. 9.)

Sec. 30.331. JURY. (a) Each person charged with an offense is entitled to a trial by a jury of six persons unless the right is waived according to law.

(b) A majority of the municipal judges may adopt a plan for the selection of persons for jury service from the voter registration rolls of the counties in which the City of Austin is located. A plan adopted by the municipal courts is binding on each court and must:

(1) require the compilation of jurors from the voter registration lists of all voting precincts within the city and the registry of permanently exempt persons residing in the city maintained by the county tax collector as prescribed by Section 62.108;

(2) require selection of jurors who are eligible to vote in Austin and have the qualifications prescribed by Sections 62.101, 62.102, 62.103, and 62.104; and

(3) require the courts to establish a fair, impartial, and objective method of selecting persons for jury service.

(c) The clerk shall be the official in charge of the selection process.

(d) Each juror is subject to the laws governing exemptions and excuses from jury service in other courts. (V.A.C.S. Art. 1200mm, Sec. 10.)

**Sec. 30.332. APPEAL.** (a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record. The county courts at law of Travis County have jurisdiction of appeals from a municipal court of record. The city attorney or his assistants or deputies shall prosecute all appeals from the municipal courts of record.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the defendant's motion for new trial and that are presented in the transcript and statement of facts prepared from the proceedings leading to the conviction. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the defendant must file a written motion for new trial not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the defendant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may not exceed 90 days from the original filing deadline. If the court does not act on the motion before the expiration of the 30 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the defendant must also give notice of the appeal. If the defendant requests a hearing on the motion, the defendant may give the notice of appeal orally in open court on the overruling of the motion. If there is no hearing, the defendant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. The court may for good cause extend that time period, but the extension may not exceed 90 days from the original filing deadline. (V.A.C.S. Art. 1200mm, Sec. 11.)

**Sec. 30.333. APPEAL BOND.** (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$50 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed, and it must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken. (V.A.C.S. Art. 1200mm, Sec. 12.)

**Sec. 30.334. RECORD ON APPEAL.** The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. The court reporter shall prepare the record from the reporter's record or mechanical or videotape recordings of the proceedings. The defendant shall pay for the cost of the transcription. If the court finds that the defendant is unable to pay or give security for the record on appeal after a hearing in response to an affidavit by the defendant, the court shall order the reporter to prepare the record without charge to the defendant. (V.A.C.S. Art. 1200mm, Sec. 13.)

**Sec. 30.335. TRANSCRIPT.** (a) On the written request of the defendant or the defendant's attorney, the clerk of the municipal court of record shall prepare under his hand and seal a transcript of the municipal court of record proceedings. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict in a jury trial;
- (4) the judgment;
- (5) the motion for new trial;
- (6) the notice of appeal;
- (7) written motions and pleas;
- (8) written orders of the court;
- (9) any bills of exception filed with the court; and
- (10) the appeal bond.

(b) The clerk may include in the transcript additional portions of the proceedings in the court prepared by mechanical or videotape recordings. (V.A.C.S. Art. 1200mm, Sec. 14.)

**Sec. 30.336. BILLS OF EXCEPTION.** Either party may include bills of exception in the transcript subject to the applicable provisions of the Code of Criminal Procedure, 1965. The bills of exception must be filed with the municipal clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200mm, Sec. 15.)

Sec. 30.337. **STATEMENT OF FACTS.** A statement of facts included in the record on appeal must contain:

- (1) a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcription is requested by the defendant;
- (2) a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney;
- (3) a partial transcription and the agreed statement of the facts of the case; or
- (4) a transcription of all or part of the municipal court of record proceedings in the case that is prepared from mechanical or videotape recordings of the proceedings. (V.A.C.S. Art. 1200mm, Sec. 16.)

Sec. 30.338. **COMPLETION, APPROVAL, AND TRANSFER OF RECORD.** (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

- (1) the statement of facts;
  - (2) a written description of material to be included in the transcript in addition to the required material; and
  - (3) any material to be included in the transcript that is not in the custody of the clerk.
- (b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion, notification, and approval in the court of appeals.
- (c) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed. (V.A.C.S. Art. 1200mm, Sec. 17.)

Sec. 30.339. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with that clerk. The defendant or the defendant's attorney must certify that the brief has been properly mailed to the prosecuting attorney.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant's brief is filed.

(d) On filing, each party shall deliver a copy of the brief to the opposing party and to the municipal judge. (V.A.C.S. Art. 1200mm, Sec. 18.)

Sec. 30.340. **COURT RULES.** (a) Except as modified by this subchapter, the Code of Criminal Procedure, 1965, governs the trial of cases before the municipal courts of record. The courts may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the courts that are not inconsistent with general law.

(b) The appellate courts may make and enforce all rules of practice and procedure that are not inconsistent with general law and that are necessary to expedite the dispatch of appeals from the municipal courts of record. (V.A.C.S. Art. 1200mm, Sec. 19.)

Sec. 30.341. **DISPOSITION ON APPEAL.** (a) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(b) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint; and
- (4) the municipal judge certified the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court shall set forth the reasons for its decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200mm, Sec. 20.)

Sec. 30.342. **CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the clerk of the municipal court of record. The

municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant;
- (2) issue a writ of capias for the defendant; or
- (3) issue an execution against the defendant's property. (V.A.C.S. Art. 1200mm, Sec. 21.)

Sec. 30.343. **EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200mm, Sec. 22.)

Sec. 30.344. **APPEALS TO COURT OF APPEALS.** The defendant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and if the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

(1) the record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200mm, Sec. 23.)

[Sections 30.345-30.350 reserved for expansion]

#### SUBCHAPTER L. ODESSA

Sec. 30.351. **APPLICATION.** This subchapter applies to the City of Odessa. (New.)

Sec. 30.352. **CREATION.** (a) In addition to its existing municipal court, the governing body of the City of Odessa may create municipal courts of record by adoption of an ordinance consistent with this subchapter.

(b) The ordinance must specify the number of courts created, and it may be amended to increase or decrease the number of courts as determined necessary by the governing body.

(c) The governing body may not adopt an ordinance creating courts until a majority of the voters of the city voting on the question at an election called by the governing body approve the creation of the courts. The governing body shall order the ballot to be printed to provide for voting for or against the proposition: "Authorizing the City of Odessa to adopt an ordinance creating municipal courts of record." Each qualified voter of the city is entitled to vote in the election. An election under this subsection may be held only once. (V.A.C.S. Art. 1200kk, Sec. 1.)

Sec. 30.353. **JURISDICTION.** A municipal court of record has exclusive original jurisdiction in all criminal cases other than traffic offenses arising under the ordinances of the city and has the jurisdiction granted to municipal courts by state law. (V.A.C.S. Art. 1200kk, Sec. 2.)

Sec. 30.354. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge.

(b) The city shall provide by charter or ordinance for the election of a municipal judge of a court of record. The election must be for a definite term in office of not less than two nor more than four years.

(c) The governing body of the city shall appoint one of the municipal judges to be the administrative municipal judge of the municipal courts of record.

(d) The administrative municipal judge shall:

(1) provide for the distribution of cases from the central docket among the individual municipal judges to equalize the distribution of business in the courts; and

(2) temporarily assign municipal judges to exchange benches and to sit and act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts.

(e) A municipal judge must be a licensed attorney in good standing in this state. A person may not serve as a municipal judge while the person holds any other office or employment with the city government. (V.A.C.S. Art. 1200kk, Sec. 3.)

Sec. 30.355. **SALARY.** A municipal judge is entitled to compensation by the city on a salary basis. The amount of the salary is determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during his term of office. The governing body shall determine the salary of the judge at least two weeks prior to the deadline for filing for election. (V.A.C.S. Art. 1200kk, Sec. 4.)

Sec. 30.356. **VACANCIES; TEMPORARY REPLACEMENTS.** (a) If a vacancy occurs in the office of municipal judge of a court of record, the governing body of the city shall appoint a qualified person to fill the office of municipal judge for the remainder of the unexpired term.

(b) If a municipal judge is temporarily unable to act for any reason, the governing body of the city may appoint a qualified person to sit for the regular municipal judge. The appointee has all the powers and duties of the office and while serving is entitled to the same compensation as the regular judge. A temporary municipal judge serves at the pleasure of the governing body until the regular judge returns. (V.A.C.S. Art. 1200kk, Sec. 5.)

Sec. 30.357. COURT FACILITIES. The governing body of the city shall provide court-rooms, jury rooms, offices, office furniture, libraries, legal books and materials, and other supplies and facilities that the governing body determines are necessary for the proper operation of the municipal courts of record. (V.A.C.S. Art. 1200kk, Sec. 6.)

Sec. 30.358. CLERK; OTHER PERSONNEL. (a) The governing body shall provide for the appointment of a clerk of the municipal courts of record, who shall be known as the municipal clerk. The municipal clerk shall perform, as applicable, the duties prescribed by law for the county clerk of a county court at law. In addition, the clerk shall:

(1) maintain central docket records for all cases filed in the municipal courts of record;

(2) cause all public records of the municipal courts and the municipal courts of record to be permanently kept and made available for inspection at all reasonable times by any interested party;

(3) maintain an index of all municipal court of record judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts; and

(4) if necessary for the proper functioning of the courts, provide for the preservation of records by microfilming.

(b) The governing body of the city shall provide the courts with other municipal court personnel that the governing body determines necessary for the proper operation of the courts. Those persons shall perform their duties under the direction and control of the clerk or the municipal judge to whom assigned. The governing body shall determine the salaries of the court personnel. (V.A.C.S. Art. 1200kk, Sec. 7.)

Sec. 30.359. RECORDING OF PROCEEDINGS; COURT REPORTER. (a) All proceedings in a municipal court of record shall be recorded by a good quality electronic recording device and the recording kept and stored for not less than 20 days. The proceedings that are appealed shall be transcribed from the recording by a court reporter.

(b) A municipal judge may appoint an official court reporter to transcribe the trial proceedings, including testimony, voir dire examinations, objections, and final arguments. Each reporter must be a sworn officer of the court. The reporter shall be compensated by the city in the manner determined by the governing body of the city. (V.A.C.S. Art. 1200kk, Sec. 8.)

Sec. 30.360. SEAL. The governing body of the city shall provide each municipal court of record with a seal to be used to authenticate the official acts of the clerk and the municipal judge. The impress of the seal must be attached to all papers issued by the court except subpoenas. The seal must include a five-pointed star and must be engraved with the words "Municipal Court of Record of Odessa, Texas." (V.A.C.S. Art. 1200kk, Sec. 23.)

Sec. 30.361. APPELLATE COURTS. (a) A defendant has the right of appeal from a judgment of conviction in a municipal court of record under the procedures prescribed by this subchapter.

(b) The county court and a county court at law of Ector County have jurisdiction of appeals from a municipal court of record. The county court's jurisdiction under this subsection is limited to the jurisdiction it has of appeals from a justice court.

(c) Appeals from convictions of the municipal courts that are not of record are de novo. This subchapter does not affect the procedure for an appeal from a municipal court that is not of record. (V.A.C.S. Art. 1200kk, Sec. 9.)

Sec. 30.362. APPEAL ON RECORD. An appeal from a municipal court of record conviction is determined by the appellate court solely on the basis of errors presented in the transcript and statement of facts prepared from the municipal court of record proceedings. (V.A.C.S. Art. 1200kk, Sec. 10.)

Sec. 30.363. PERFECTING APPEAL. (a) To perfect an appeal, the defendant must give notice of the appeal. The notice of appeal may be given orally in open court, or it may be given in writing and filed with the municipal court of record. The notice is sufficient if it shows the desire of the defendant to appeal from the municipal court of record conviction.

(b) Notice of appeal must be given or filed:

(1) not later than the 10th day after the date on which a motion for new trial is overruled, if a motion is made; or

(2) not later than the 10th day after the date on which judgment is rendered, whether or not the punishment is suspended by an order of probation.

(c) A motion for new trial must be made not later than the fifth day after the date on which judgment is rendered. If no ruling is made, the motion is overruled by operation of law at the expiration of the 10th day after its filing date. (V.A.C.S. Art. 1200kk, Sec. 11.)

Sec. 30.364. **RECORD ON APPEAL.** The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. (V.A.C.S. Art. 1200kk, Sec. 12.)

Sec. 30.365. **CONTENTS OF TRANSCRIPT.** (a) On written instructions from the defendant or the defendant's attorney, the municipal clerk shall prepare under his hand and seal a transcript of the municipal court of record proceedings. The transcript must include copies of:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict, if the trial is by jury;
- (4) the judgment;
- (5) the notice of appeal;
- (6) all written motions and pleas and orders of the court; and
- (7) bills of exception.

(b) The clerk may include in the transcript additional portions of the proceedings in the court if so instructed in writing by either party. (V.A.C.S. Art. 1200kk, Sec. 13.)

Sec. 30.366. **BILLS OF EXCEPTION.** Either party may include bills of exception in the transcript on appeal subject to the applicable provisions of the Code of Criminal Procedure, 1965. The bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200kk, Sec. 14.)

Sec. 30.367. **STATEMENT OF FACTS.** (a) A statement of facts included in the record on appeal must contain:

- (1) a transcription of all or any part of the municipal court of record proceedings in the case as recorded on the electronic recording device or shown by the notes of the court reporter recorded or taken before, during, or after the trial, if the transcription is requested by a party, his attorney, or the municipal judge;
- (2) a brief statement of the facts of the case proven at the trial as agreed to by the defendant or his attorney and the prosecuting attorney; or
- (3) a partial transcription and the agreed statement of the facts of the case.

(b) The court reporter shall transcribe in duplicate any portion of the recorded proceedings or the notes of the court proceedings in the case at the request of either party or the municipal judge. The defendant shall pay for the transcriptions unless the court finds, after hearing in response to an affidavit by the defendant, that the defendant is unable to pay or give security for the transcriptions. On certification by the court that the court reporter has rendered the service without charge to the defendant, the court reporter shall be paid for the services by the city. (V.A.C.S. Art. 1200kk, Sec. 15.)

Sec. 30.368. **FILING OF RECORD.** (a) Not later than the 60th day after the date the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

- (1) the statement of facts;
  - (2) a written designation of material to be included in the transcript in addition to the material required under Section 30.365(a); and
  - (3) any matter to be included in the transcript that is not in the custody of the clerk.
- (b) The municipal judge may for good cause extend the time for filing.

(c) On completion of the record, the clerk shall notify the parties and the municipal judge shall approve the record in the manner provided by the Code of Criminal Procedure, 1965, for record completion notification and approval in the court of appeals.

(d) After the court approves the record, the clerk shall promptly send it to the appellate court clerk for filing. (V.A.C.S. Art. 1200kk, Sec. 16.)

Sec. 30.369. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by the Code of Criminal Procedure, 1965, for a brief on appeal to the court of criminal appeals.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with the appellate court clerk.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant files his brief with the clerk.

(d) On filing, each party shall deliver a copy of the brief to the opposing party or the opposing party's attorney.



(e) The appellate court may in its discretion extend the times for filing briefs. (V.A.C.S. Art. 1200kk, Sec. 17.)

**Sec. 30.370. PROCEDURE ON APPEAL.** (a) The appellate court shall hear and determine an appeal from a municipal court of record at the earliest possible time with due regard to the rights of parties and the proper administration of justice. The court may not affirm or reverse a case based on mere technicalities or on technical errors in the presentation and filing of the record on appeal. The court may determine the rules for oral argument. The parties may submit the case on the records and briefs without oral arguments.

(b) The appellate court shall review all grounds of error and arguments urged in the defendant's brief on appeal and may review any unassigned error in the interest of justice. (V.A.C.S. Art. 1200kk, Sec. 18.)

**Sec. 30.371. DISPOSITION ON APPEAL.** (a) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(b) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint;
- (4) the municipal judge certified the charge before it was read to the jury; and
- (5) the municipal clerk filed the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion either sustaining or overruling each assignment of error presented. If an assignment of error is overruled, no reason need be given by the appellate court, but cases relied upon by the court may be cited. If an assignment of error is sustained, the appellate court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the appellate court decision to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200kk, Sec. 19.)

**Sec. 30.372. CERTIFICATE OF APPELLATE PROCEEDINGS.** When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the records in the case and note the certificate on the docket. If the judgment is affirmed, further action to enforce the judgment is not necessary except to:

- (1) forfeit the bond of the defendant; or
- (2) issue a writ of *habeas corpus* for the defendant. (V.A.C.S. Art. 1200kk, Sec. 20.)

**Sec. 30.373. EFFECT OF ORDER OF NEW TRIAL.** If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200kk, Sec. 21.)

**Sec. 30.374. APPEALS TO COURT OF APPEALS.** Appeals to the court of appeals from the decision of the appellate court, if permitted by law, are governed by the provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals, except that:

- (1) the record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and
- (2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200kk, Sec. 22.)

[Sections 30.375-30.380 reserved for expansion]

#### SUBCHAPTER M. DALLAS

**Sec. 30.381. APPLICATION.** This subchapter applies to the City of Dallas. (New.)

**Sec. 30.382. CREATION.** (a) In addition to its existing municipal court, the governing body of the city may create municipal courts of record by adoption of an ordinance consistent with this subchapter.

(b) The ordinance must specify the number of courts of record created, and it may be amended to increase or decrease the number of courts as determined necessary by the governing body. (V.A.C.S. Art. 1200jj, Sec. 1.)

Sec. 30.383. **JURISDICTION.** A municipal court of record created under this subchapter has exclusive original jurisdiction in all criminal cases, other than traffic offenses, arising under the ordinances of the city and has the jurisdiction granted to municipal courts by state law. (V.A.C.S. Art. 1200jj, Sec. 2.)

Sec. 30.384. **JUDGE.** (a) A municipal court of record is presided over by a municipal judge.

(b) The city shall provide by charter or ordinance for the appointment or election of a municipal judge. The selection must be for a definite term in office of not less than two nor more than four years.

(c) The governing body of the city shall appoint one of the municipal judges to be the administrative municipal judge of the municipal courts of record.

(d) The administrative municipal judge shall:

(1) provide for the distribution of cases from the central docket among the individual municipal judges to equalize the distribution of business in the courts; and

(2) temporarily assign municipal judges to exchange benches and to sit and act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts.

(e) A municipal judge must be a licensed attorney in good standing in this state. A person may not serve as a municipal judge while the person holds any other office or employment with the city government. (V.A.C.S. Art. 1200jj, Sec. 3.)

Sec. 30.385. **SALARY.** A municipal judge is entitled to compensation by the city on a salary basis. The amount of the salary is determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs that the judge is required by law to collect during his term of office. The governing body shall determine the salary of the judge prior to his appointment if he is appointed or at least two weeks prior to the deadline for filing for election if he is elected. (V.A.C.S. Art. 1200jj, Sec. 4.)

Sec. 30.386. **VACANCIES; TEMPORARY REPLACEMENTS.** (a) If a vacancy occurs in the office of municipal judge, the governing body of the city shall appoint a qualified person to fill the office of municipal judge for the remainder of the unexpired term.

(b) If a municipal judge is temporarily unable to act for any reason, the governing body of the city may appoint a qualified person to sit for the regular municipal judge. The appointee has all the powers and duties of the office and while serving is entitled to the same compensation as the regular municipal judge. A temporary municipal judge serves at the pleasure of the governing body until the regular judge returns. (V.A.C.S. Art. 1200jj, Sec. 5.)

Sec. 30.387. **COURT FACILITIES.** The governing body of the city shall provide courtrooms, jury rooms, offices, office furniture, libraries, legal books and materials, and other supplies and facilities that the governing body determines are necessary for the proper operation of the municipal courts of record. (V.A.C.S. Art. 1200jj, Sec. 6.)

Sec. 30.388. **CLERK; OTHER PERSONNEL.** (a) The governing body shall provide for the appointment of a clerk of the municipal courts of record, who shall be known as the municipal clerk. The municipal clerk shall perform for the municipal courts of record, as applicable, the duties prescribed by law for the county clerk of a county court at law. In addition, the clerk shall:

(1) maintain central docket records for all cases filed in the municipal courts of record;

(2) cause all public records of the municipal courts and the municipal courts of record to be permanently kept and made available for inspection at all reasonable times by any interested party;

(3) maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts; and

(4) if necessary for the proper functioning of the courts, provide for the preservation of records by microfilming.

(b) The governing body of the city shall provide the courts with other municipal court personnel that the governing body determines necessary for the proper operation of the courts. Those persons shall perform their duties under the direction and control of the clerk of the municipal court or the municipal judge to whom assigned. The governing body shall determine the salaries of the court personnel. (V.A.C.S. Art. 1200jj, Sec. 7.)

Sec. 30.389. **RECORDING OF PROCEEDINGS; COURT REPORTER.** (a) All proceedings in a municipal court of record shall be recorded by a good quality electronic recording device and the recording kept and stored for not less than 20 days. The proceedings that are appealed shall be transcribed from the recording by a court reporter.

(b) A municipal judge may appoint a court reporter for a particular case to transcribe the trial proceedings, including testimony, voir dire examinations, objections, and final arguments. Each

reporter must be a sworn officer of the court. The reporter shall be compensated by the city in the manner determined by the governing body of the city. (V.A.C.S. Art. 1200jj, Sec. 8.)

Sec. 30.390. SEAL. The governing body of the city shall provide each municipal court of record with a seal to be used to authenticate the official acts of the clerk and the municipal judge. The impress of the seal must be attached to all papers issued by the court except subpoenas. The seal must include a five-pointed star and must be engraved with the words "Municipal Court of Record of Dallas, Texas." (V.A.C.S. Art. 1200jj, Sec. 23.)

Sec. 30.391. APPELLATE COURTS. (a) A defendant has the right of appeal from a judgment of conviction in a municipal court of record under the procedures prescribed by this subchapter.

(b) The county court and a county court at law of Dallas County have jurisdiction of appeals from a municipal court of record.

(c) Appeals from convictions of the municipal courts that are not of record are de novo. This subchapter does not affect the procedure for an appeal from a municipal court that is not of record. (V.A.C.S. Art. 1200jj, Sec. 9.)

Sec. 30.392. APPEAL ON RECORD. An appeal from a municipal court of record conviction is determined by the appellate court solely on the basis of errors presented in the transcript and statement of facts prepared from the municipal court of record proceedings. (V.A.C.S. Art. 1200jj, Sec. 10.)

Sec. 30.393. PERFECTING APPEAL. (a) To perfect an appeal, the defendant must give notice of the appeal. The notice of appeal may be given orally in open court, or it may be given in writing and filed with the municipal court of record. The notice is sufficient if it shows the desire of the defendant to appeal from the municipal court of record conviction.

(b) Notice of appeal must be given or filed:

(1) not later than the 10th day after the date on which a motion for new trial is overruled, if a motion is made; or

(2) not later than the 10th day after the date on which judgment is rendered, whether or not the punishment is suspended by an order of probation.

(c) A motion for new trial must be made not later than the fifth day after the date on which judgment is rendered. If no ruling is made, the motion is overruled by operation of law at the expiration of the 10th day after its filing date. (V.A.C.S. Art. 1200jj, Sec. 11.)

Sec. 30.394. RECORD ON APPEAL. The record on appeal consists of a transcript and, if necessary to the appeal, a statement of facts. (V.A.C.S. Art. 1200jj, Sec. 12.)

Sec. 30.395. CONTENTS OF TRANSCRIPT. (a) On written instructions from the defendant or the defendant's attorney, the municipal clerk shall prepare under his hand and seal a transcript of the municipal court of record proceedings. The transcript must include copies of:

(1) the complaint;

(2) material docket entries made by the court;

(3) the jury charge and verdict, if the trial is by jury;

(4) the judgment;

(5) the notice of appeal;

(6) all written motions, pleas, and orders of the court;

(7) bills of exception; and

(8) certified copies of all ordinances of which the municipal judge took notice.

(b) The clerk may include in the transcript additional portions of the proceedings in the court if so instructed in writing by either party. (V.A.C.S. Art. 1200jj, Sec. 13.)

Sec. 30.396. BILLS OF EXCEPTION. Either party may include bills of exception in the transcript on appeal subject to the applicable provisions of the Code of Criminal Procedure, 1965. The bills of exception must be filed with the clerk not later than the 60th day after the date on which the notice of appeal is given or filed. (V.A.C.S. Art. 1200jj, Sec. 14.)

Sec. 30.397. STATEMENT OF FACTS. (a) A statement of facts included in the record on appeal must contain:

(1) a transcription of all or any part of the municipal court of record proceedings in the case as recorded on the electronic recording device or that are shown by the notes of the court reporter recorded or taken before, during, or after the trial, if the transcription is requested by a party, his attorney, or the municipal judge;

(2) a brief statement of the facts of the case proven at the trial as agreed to by the defendant or his attorney and the prosecuting attorney; or

(3) a partial transcription and the agreed statement of the facts of the case.

(b) The court reporter shall transcribe in duplicate any portion of the recorded proceedings or the notes of the court proceedings in the case at the request of either party or the judge. The defendant shall pay for the transcriptions unless the court finds, after hearing in response to an

affidavit by the defendant, that the defendant is unable to pay or give security for the transcriptions. On certification by the court that the court reporter has rendered the service without charge to the defendant, the court reporter shall be paid for the services by the city. (V.A.C.S. Art. 1200jj, Sec. 15.)

Sec. 30.398. **FILING OF RECORD.** (a) Not later than the 60th day after the date the notice of appeal is given or filed, the parties must file with the clerk of the municipal court of record:

- (1) the statement of facts;
  - (2) a written designation of material to be included in the transcript in addition to the material required under Section 30.395(a); and
  - (3) any matter to be included in the transcript that is not in the custody of the municipal clerk.
- (b) The municipal judge may for good cause extend the time for filing.

(c) At the time of requesting the clerk to prepare a record on appeal from the transcript and statement of facts, the defendant must pay to the clerk a record preparation fee of \$10. If the case is reversed upon appeal, the clerk shall refund the \$10 fee to the defendant.

(d) On completion of the record, the clerk shall notify the parties, and the municipal judge shall approve the record in the manner provided by the Code of Criminal Procedure, 1965, for record completion notification and approval in the court of appeals.

(e) After the court approves the record, the municipal clerk shall promptly forward the record to the appellate court clerk for filing. (V.A.C.S. Art. 1200jj, Sec. 16.)

Sec. 30.399. **BRIEF ON APPEAL.** (a) A defendant's brief on appeal from a municipal court of record must present points of error in the manner required by the Code of Criminal Procedure, 1965, for a brief on appeal to the court of criminal appeals.

(b) The defendant must file the brief with the appellate court clerk not later than the 15th day after the date on which the transcript and statement of facts are filed with the appellate court clerk.

(c) The prosecuting attorney must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the defendant files his brief with the clerk.

(d) On filing, each party shall deliver a copy of the brief to the opposing party or the opposing party's attorney.

(e) The appellate court may in its discretion extend the times for filing briefs. (V.A.C.S. Art. 1200jj, Sec. 17.)

Sec. 30.400. **PROCEDURE ON APPEAL.** (a) The appellate court shall hear and determine an appeal from a municipal court of record at the earliest possible time with due regard to the rights of parties and the proper administration of justice. The court may not affirm or reverse a case based on mere technicalities or on technical errors in the presentation and filing of the record on appeal. The court may determine the rules for oral argument. The parties may submit the case on the records and briefs without oral arguments.

(b) The appellate court shall review all grounds of error and arguments urged in the defendant's brief on appeal and may review any unassigned error in the interest of justice. (V.A.C.S. Art. 1200jj, Sec. 18.)

Sec. 30.401. **DISPOSITION ON APPEAL.** (a) According to the law and the nature of the case, the appellate court may:

- (1) affirm the judgment of the municipal court of record;
- (2) reverse and remand for a new trial;
- (3) reverse and dismiss the case; or
- (4) reform and correct the judgment.

(b) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the transcript or the statement of facts, the appellate court shall presume that:

- (1) venue was proven in the trial court;
- (2) the jury, if any, was properly impaneled and sworn;
- (3) the defendant was arraigned and pleaded to the complaint;
- (4) the municipal judge certified the charge before it was read to the jury; and
- (5) the municipal clerk filed the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion either sustaining or overruling each assignment of error presented. If an assignment of error is overruled, no reason need be given by the appellate court, but cases relied upon by the court may be cited. If an assignment of error is sustained, the appellate court shall set forth the reasons for the decision. The appellate court clerk shall mail copies of the decision of the appellate court to the parties and to the municipal judge as soon as the decision is rendered. (V.A.C.S. Art. 1200jj, Sec. 19.)

Sec. 30.402. **CERTIFICATE OF APPELLATE PROCEEDINGS.** *When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the clerk of the municipal court of record. The municipal clerk shall file the certificate with the records in the case and note the certificate on the docket. If the judgment is affirmed, further action to enforce the judgment is not necessary except to:*

- (1) forfeit the bond of the defendant; or
- (2) issue a writ of *habeas corpus* for the defendant. (V.A.C.S. Art. 1200jj, Sec. 20.)

Sec. 30.403. **EFFECT OF ORDER OF NEW TRIAL.** *If the appellate court awards a new trial to the defendant, the case stands as if a new trial had been granted by the municipal court of record. (V.A.C.S. Art. 1200jj, Sec. 21.)*

Sec. 30.404. **APPEALS TO COURT OF APPEALS.** *Appeals to the court of appeals from the decision of the appellate court, if permitted by law, are governed by the provisions of the Code of Criminal Procedure, 1965, relating to direct appeals from a county or a district court to the court of appeals except that:*

- (1) the record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and
- (2) the record and briefs shall be filed directly with the court of appeals. (V.A.C.S. Art. 1200jj, Sec. 22.)

## SUBTITLE B. JUDGES

### CHAPTER 31. ADDITIONAL COMPENSATION OF JUSTICES OF COURTS OF APPEAL

Sec. 31.001. **AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION**

Sec. 31.002. **COMPENSATION ADDITIONAL**

Sec. 31.003. **LIMITATIONS**

Sec. 31.004. **MONTHLY INSTALLMENTS**

### CHAPTER 31. ADDITIONAL COMPENSATION OF JUSTICES OF COURTS OF APPEAL

Sec. 31.001. **AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.** *The commissioners courts in the counties of each of the 14 supreme judicial districts may pay an amount not to exceed \$15,000 a year to each of the justices of the courts of appeals residing within the supreme judicial district that includes those counties. The payment is for all judicial and administrative services performed by the justices. (V.A.C.S. Art. 6819a-18a, Sec. 1 (part).)*

Sec. 31.002. **COMPENSATION ADDITIONAL.** *The compensation authorized by Section 31.001 is in addition to the compensation provided by law and paid by the state to the justices of the courts of appeals. (V.A.C.S. Art. 6819a-18a, Secs. 1 (part), 2.)*

Sec. 31.003. **LIMITATIONS.** (a) *The total of additional compensation authorized by this chapter to be paid to the individual justices of a supreme judicial district may not exceed the total additional compensation authorized to be paid to any district judge residing within the same supreme judicial district.*

(b) *The combined salary of each associate justice and chief justice of the courts of appeals is subject to the salary differentials provided by Chapter 46, Acts of the 59th Legislature, Regular Session, 1965 (Article 6813b, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6819a-18a, Sec. 1 (part); New.)*

Sec. 31.004. **MONTHLY INSTALLMENTS.** *The compensation authorized by this chapter shall be paid in equal monthly installments. (V.A.C.S. Art. 6819a-18a, Sec. 1 (part).)*

### CHAPTER 32. SUPPLEMENTAL COMPENSATION OF DISTRICT JUDGES FOR CERTAIN DUTIES

#### SUBCHAPTER A. SUPPLEMENTAL SALARY PAID BY COUNTY

Sec. 32.001. **ANDERSON COUNTY**

Sec. 32.002. **ANDREWS COUNTY**

Sec. 32.003. *[reserved for Angelina County]*

Sec. 32.004. **ARANSAS COUNTY**

Sec. 32.005. *[reserved for Archer County]*

Sec. 32.006. **ARMSTRONG COUNTY**

- Sec. 32.007. ATASCOSA COUNTY
- Sec. 32.008. [reserved for Austin County]
- Sec. 32.009. [reserved for Bailey County]
- Sec. 32.010. [reserved for Bandera County]
- Sec. 32.011. BASTROP COUNTY
- Sec. 32.012. [reserved for Baylor County]
- Sec. 32.013. BEE COUNTY
- Sec. 32.014. [reserved for Bell County]
- Sec. 32.015. BEXAR COUNTY
- Sec. 32.016. [reserved for Blanco County]
- Sec. 32.017. BORDEN COUNTY
- Sec. 32.018. [reserved for Bosque County]
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- Sec. 32.020. BRAZORIA COUNTY
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- Sec. 32.022. BREWSTER COUNTY
- Sec. 32.023. [reserved for Briscoe County]
- Sec. 32.024. BROOKS COUNTY
- Sec. 32.025. [reserved for Brown County]
- Sec. 32.026. BURLESON COUNTY
- Sec. 32.027. [reserved for Burnet County]
- Sec. 32.028. CALDWELL COUNTY
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- Sec. 32.031. CAMERON COUNTY
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- Sec. 32.040. COCHRAN COUNTY
- Sec. 32.041. COKE COUNTY
- Sec. 32.042. [reserved for Coleman County]
- Sec. 32.043. [reserved for Collin County]
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- Sec. 32.045. COLORADO COUNTY
- Sec. 32.046. COMAL COUNTY
- Sec. 32.047. [reserved for Comanche County]
- Sec. 32.048. CONCHO COUNTY
- Sec. 32.049. [reserved for Cooke County]

- Sec. 32.050. [reserved for Coryell County]
- Sec. 32.051. [reserved for Cottle County]
- Sec. 32.052. CRANE COUNTY
- Sec. 32.053. CROCKETT COUNTY
- Sec. 32.054. CROSBY COUNTY
- Sec. 32.055. [reserved for Culberson County]
- Sec. 32.056. DALLAM COUNTY
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- Sec. 32.058. DAWSON COUNTY
- Sec. 32.059. DEAF SMITH COUNTY
- Sec. 32.060. DELTA COUNTY
- Sec. 32.061. DENTON COUNTY
- Sec. 32.062. DeWITT COUNTY
- Sec. 32.063. [reserved for Dickens County]
- Sec. 32.064. [reserved for Dimmit County]
- Sec. 32.065. [reserved for Donley County]
- Sec. 32.066. DUVAL COUNTY
- Sec. 32.067. [reserved for Eastland County]
- Sec. 32.068. ECTOR COUNTY
- Sec. 32.069. [reserved for Edwards County]
- Sec. 32.070. [reserved for Ellis County]
- Sec. 32.071. EL PASO COUNTY
- Sec. 32.072. [reserved for Erath County]
- Sec. 32.073. [reserved for Falls County]
- Sec. 32.074. [reserved for Fannin County]
- Sec. 32.075. [reserved for Fayette County]
- Sec. 32.076. [reserved for Fisher County]
- Sec. 32.077. [reserved for Floyd County]
- Sec. 32.078. [reserved for Foard County]
- Sec. 32.079. FORT BEND COUNTY
- Sec. 32.080. FRANKLIN COUNTY
- Sec. 32.081. FREESTONE COUNTY
- Sec. 32.082. FRIO COUNTY
- Sec. 32.083. GAINES COUNTY
- Sec. 32.084. GALVESTON COUNTY
- Sec. 32.085. GARZA COUNTY
- Sec. 32.086. [reserved for Gillespie County]
- Sec. 32.087. [reserved for Glasscock County]
- Sec. 32.088. GOLIAD COUNTY
- Sec. 32.089. GONZALES COUNTY
- Sec. 32.090. [reserved for Gray County]
- Sec. 32.091. [reserved for Grayson County]
- Sec. 32.092. [reserved for Gregg County]

- Sec. 32.093. GRIMES COUNTY
- Sec. 32.094. GUADALUPE COUNTY
- Sec. 32.095. HALE COUNTY
- Sec. 32.096. [reserved for Hall County]
- Sec. 32.097. [reserved for Hamilton County]
- Sec. 32.098. HANSFORD COUNTY
- Sec. 32.099. [reserved for Hardeman County]
- Sec. 32.100. [reserved for Hardin County]
- Sec. 32.101. HARRIS COUNTY
- Sec. 32.102. [reserved for Harrison County]
- Sec. 32.103. HARTLEY COUNTY
- Sec. 32.104. [reserved for Haskell County]
- Sec. 32.105. HAYS COUNTY
- Sec. 32.106. [reserved for Hemphill County]
- Sec. 32.107. [reserved for Henderson County]
- Sec. 32.108. HIDALGO COUNTY
- Sec. 32.109. [reserved for Hill County]
- Sec. 32.110. HOCKLEY COUNTY
- Sec. 32.111. [reserved for Hood County]
- Sec. 32.112. HOPKINS COUNTY
- Sec. 32.113. [reserved for Houston County]
- Sec. 32.114. HOWARD COUNTY
- Sec. 32.115. [reserved for Hudspeth County]
- Sec. 32.116. [reserved for Hunt County]
- Sec. 32.117. HUTCHINSON COUNTY
- Sec. 32.118. IRION COUNTY
- Sec. 32.119. [reserved for Jack County]
- Sec. 32.120. JACKSON COUNTY
- Sec. 32.121. JASPER COUNTY
- Sec. 32.122. JEFF DAVIS COUNTY
- Sec. 32.123. JEFFERSON COUNTY
- Sec. 32.124. JIM HOGG COUNTY
- Sec. 32.125. JIM WELLS COUNTY
- Sec. 32.126. [reserved for Johnson County]
- Sec. 32.127. [reserved for Jones County]
- Sec. 32.128. KARNES COUNTY
- Sec. 32.129. [reserved for Kaufman County]
- Sec. 32.130. [reserved for Kendall County]
- Sec. 32.131. [reserved for Kenedy County]
- Sec. 32.132. [reserved for Kent County]
- Sec. 32.133. KERR COUNTY
- Sec. 32.134. KIMBLE COUNTY
- Sec. 32.135. [reserved for King County]



- Sec. 32.136. [reserved for Kinney County]
- Sec. 32.137. **KLEBERG COUNTY**
- Sec. 32.138. [reserved for Knox County]
- Sec. 32.139. **LAMAR COUNTY**
- Sec. 32.140. [reserved for Lamb County]
- Sec. 32.141. [reserved for Lampasas County]
- Sec. 32.142. **LaSALLE COUNTY**
- Sec. 32.143. **LAVACA COUNTY**
- Sec. 32.144. **LEE COUNTY**
- Sec. 32.145. **LEON COUNTY**
- Sec. 32.146. **LIBERTY COUNTY**
- Sec. 32.147. **LIMESTONE COUNTY**
- Sec. 32.148. [reserved for Lipscomb County]
- Sec. 32.149. **LIVE OAK COUNTY**
- Sec. 32.150. [reserved for Llano County]
- Sec. 32.151. **LOVING COUNTY**
- Sec. 32.152. **LUBBOCK COUNTY**
- Sec. 32.153. **LYNN COUNTY**
- Sec. 32.154. **McCULLOCH COUNTY**
- Sec. 32.155. **McLENNAN COUNTY**
- Sec. 32.156. **McMULLEN COUNTY**
- Sec. 32.157. **MADISON COUNTY**
- Sec. 32.158. **MARION COUNTY**
- Sec. 32.159. [reserved for Martin County]
- Sec. 32.160. [reserved for Mason County]
- Sec. 32.161. **MATAGORDA COUNTY**
- Sec. 32.162. [reserved for Maverick County]
- Sec. 32.163. [reserved for Medina County]
- Sec. 32.164. **MENARD COUNTY**
- Sec. 32.165. **MIDLAND COUNTY**
- Sec. 32.166. [reserved for Milam County]
- Sec. 32.167. [reserved for Mills County]
- Sec. 32.168. [reserved for Mitchell County]
- Sec. 32.169. [reserved for Montague County]
- Sec. 32.170. **MONTGOMERY COUNTY**
- Sec. 32.171. **MOORE COUNTY**
- Sec. 32.172. **MORRIS COUNTY**
- Sec. 32.173. [reserved for Motley County]
- Sec. 32.174. [reserved for Nacogdoches County]
- Sec. 32.175. [reserved for Navarro County]
- Sec. 32.176. **NEWTON COUNTY**
- Sec. 32.177. [reserved for Nolan County]
- Sec. 32.178. **NUECES COUNTY**

- Sec. 32.179. OCHILTREE COUNTY
- Sec. 32.180. OLDHAM COUNTY
- Sec. 32.181. ORANGE COUNTY
- Sec. 32.182. [reserved for Palo Pinto County]
- Sec. 32.183. [reserved for Panola County]
- Sec. 32.184. PARKER COUNTY
- Sec. 32.185. [reserved for Parmer County]
- Sec. 32.186. PECOS COUNTY
- Sec. 32.187. POLK COUNTY
- Sec. 32.188. POTTER COUNTY
- Sec. 32.189. PRESIDIO COUNTY
- Sec. 32.190. RAINS COUNTY
- Sec. 32.191. RANDALL COUNTY
- Sec. 32.192. REAGAN COUNTY
- Sec. 32.193. [reserved for Real County]
- Sec. 32.194. [reserved for Red River County]
- Sec. 32.195. REEVES COUNTY
- Sec. 32.196. REFUGIO COUNTY
- Sec. 32.197. [reserved for Roberts County]
- Sec. 32.198. [reserved for Robertson County]
- Sec. 32.199. [reserved for Rockwall County]
- Sec. 32.200. RUNNELS COUNTY
- Sec. 32.201. [reserved for Rusk County]
- Sec. 32.202. SABINE COUNTY
- Sec. 32.203. SAN AUGUSTINE COUNTY
- Sec. 32.204. SAN JACINTO COUNTY
- Sec. 32.205. SAN PATRICIO COUNTY
- Sec. 32.206. [reserved for San Saba County]
- Sec. 32.207. SCHLEICHER COUNTY
- Sec. 32.208. SCURRY COUNTY
- Sec. 32.209. [reserved for Shackelford County]
- Sec. 32.210. [reserved for Shelby County]
- Sec. 32.211. SHERMAN COUNTY
- Sec. 32.212. [reserved for Smith County]
- Sec. 32.213. [reserved for Somervell County]
- Sec. 32.214. STARR COUNTY
- Sec. 32.215. [reserved for Stephens County]
- Sec. 32.216. STERLING COUNTY
- Sec. 32.217. [reserved for Stonewall County]
- Sec. 32.218. SUTTON COUNTY
- Sec. 32.219. SWISHER COUNTY
- Sec. 32.220. TARRANT COUNTY
- Sec. 32.221. [reserved for Taylor County]

- Sec. 32.222. [reserved for Terrell County]
  - Sec. 32.223. TERRY COUNTY
  - Sec. 32.224. [reserved for Throckmorton County]
  - Sec. 32.225. TITUS COUNTY
  - Sec. 32.226. TOM GREEN COUNTY
  - Sec. 32.227. TRAVIS COUNTY
  - Sec. 32.228. TRINITY COUNTY
  - Sec. 32.229. [reserved for Tyler County]
  - Sec. 32.230. [reserved for Upshur County]
  - Sec. 32.231. UPTON COUNTY
  - Sec. 32.232. [reserved for Uvalde County]
  - Sec. 32.233. [reserved for Val Verde County]
  - Sec. 32.234. [reserved for Van Zandt County]
  - Sec. 32.235. VICTORIA COUNTY
  - Sec. 32.236. WALKER COUNTY
  - Sec. 32.237. WALLER COUNTY
  - Sec. 32.238. WARD COUNTY
  - Sec. 32.239. WASHINGTON COUNTY
  - Sec. 32.240. WEBB COUNTY
  - Sec. 32.241. WHARTON COUNTY
  - Sec. 32.242. [reserved for Wheeler County]
  - Sec. 32.243. [reserved for Wichita County]
  - Sec. 32.244. [reserved for Wilbarger County]
  - Sec. 32.245. [reserved for Willacy County]
  - Sec. 32.246. [reserved for Williamson County]
  - Sec. 32.247. WILSON COUNTY
  - Sec. 32.248. WINKLER COUNTY
  - Sec. 32.249. [reserved for Wise County]
  - Sec. 32.250. [reserved for Wood County]
  - Sec. 32.251. YOAKUM COUNTY
  - Sec. 32.252. [reserved for Young County]
  - Sec. 32.253. ZAPATA COUNTY
  - Sec. 32.254. [reserved for Zavala County]
- [Sections 32.255-32.300 reserved for expansion]

**SUBCHAPTER B. MISCELLANEOUS PROVISIONS**

- Sec. 32.301. EXPENSES
- Sec. 32.302. SALARY OF SPECIAL JUDGES
- Sec. 32.303. AUTOMOBILE ALLOWANCE IN CERTAIN COUNTIES

**CHAPTER 32. SUPPLEMENTAL COMPENSATION OF DISTRICT JUDGES FOR CERTAIN DUTIES**

**SUBCHAPTER A. SUPPLEMENTAL SALARY PAID BY COUNTY**

Sec. 32.001. ANDERSON COUNTY. (a) The Commissioners Court of Anderson County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Anderson County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.002. ANDREWS COUNTY. (a) The Commissioners Court of Andrews County may pay the judge of the 109th Judicial District an annual salary not to exceed \$5,000 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12a.)

[Section 32.003 reserved for Angelina County]

Sec. 32.004. ARANSAS COUNTY. (a) The Commissioners Court of Aransas County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Aransas County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.005 reserved for Archer County]

Sec. 32.006. ARMSTRONG COUNTY. (a) The Commissioners Court of Armstrong County shall pay the judge of the 47th Judicial District an annual salary of not less than \$3,500 nor more than \$6,000 for services rendered.

(b) The salary shall be paid in equal monthly installments from county funds.

(c) Armstrong County shall pay the minimum monthly salary in the same proportion that the population of Armstrong County bears to the total population of the counties in the judicial district.

(d) The total supplemental salary paid to the judge under this subchapter by Armstrong County and the other counties in the 47th Judicial District may not exceed \$6,000 a year.

(e) The salary is in addition to any other compensation paid or authorized to be paid to the judge. (V.A.C.S. Art. 6819a-36, Secs. 1, 2, 3.)

Sec. 32.007. ATASCOSA COUNTY. (a) The Commissioners Court of Atascosa county may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Atascosa County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.008 reserved for Austin County]

[Section 32.009 reserved for Bailey County]

[Section 32.010 reserved for Bandera County]

Sec. 32.011. BASTROP COUNTY. (a) The Commissioners Court of Bastrop County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Bastrop County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

## [Section 32.012 reserved for Baylor County]

Sec. 32.013. BEE COUNTY. (a) The Commissioners Court of Bee County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Bee County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

## [Section 32.014 reserved for Bell County]

Sec. 32.015. BEXAR COUNTY. (a) The Commissioners Court of Bexar County shall budget for and pay the judges of the district courts having jurisdiction in that county an annual salary of \$12,000 for services rendered and for performing administrative services.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state.

(d) The combined yearly salary from the county and the state received by each judge of the district courts of Bexar County may not exceed an amount equal to \$1,000 less than the combined yearly salary from the state and county received by each justice of the court of appeals in the supreme judicial district in which Bexar County is located. (V.A.C.S. Art. 6819a-19c, Secs. 1 (part), 2.)

## [Section 32.016 reserved for Blanco County]

Sec. 32.017. BORDEN COUNTY. (a) The Commissioners Court of Borden County may pay an annual salary to the judge of the 132nd Judicial District.

(b) The salary shall be paid from the officers' salary fund if there is enough money in that fund; otherwise, the commissioners court may transfer the necessary funds from the general fund of the county to the officers' salary fund.

(c) The total supplemental salary paid to the judge under this subchapter by Borden County and the other county in the judicial district may not exceed \$3,000 a year. (V.A.C.S. Art. 326k-53 (part).)

## [Section 32.018 reserved for Bosque County]

## [Section 32.019 reserved for Bowie County]

Sec. 32.020. BRAZORIA COUNTY. (a) The Commissioners Court of Brazoria County may pay the judge of the 23rd Judicial District a salary for performing judicial and administrative duties.

(b) The salary may not exceed the amount necessary to make the combined yearly salary received by the judge from state and county sources equal to \$1,000 less than the combined yearly salary from state and county sources received by an associate justice of the Court of Appeals of the First Supreme Judicial District.

(c) The salary may be paid in equal monthly installments from the county general fund or another available fund of the county.

(d) The salary is in addition to the salary paid by the state.

(e) The salary of the judge of the 23rd Judicial District may be paid in accordance with the proportion that the population of Brazoria County bears to the total population of the judicial district.

(f) The Commissioners Court of Brazoria County may pay the judge of the 149th Judicial District a salary in an amount sufficient to make the judge's total salary from all sources equal to the total supplemented salary of any other judge of a judicial district in Brazoria County.

(g) The Commissioners Court of Brazoria County shall pay the judges of the 239th and 300th judicial districts a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Secs. 2.006 (part), 3.027(b); Art. 1926a, Sec. 1.05(b); Art. 6819a-44a.)

Sec. 32.021. BRAZOS COUNTY. (a) The Commissioners Court of Brazos County shall pay the judge of the 85th Judicial District an annual salary of not less than \$4,000 for performing administrative duties.

(b) The salary is in addition to the salary paid by the state.

(c) The Commissioners Court of Brazos County shall pay the judge of the 272nd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-35, Sec. 1.)

Sec. 32.022. BREWSTER COUNTY. (a) The Commissioners Court of Brewster County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Brewster County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.023 reserved for Briscoe County]

Sec. 32.024. BROOKS COUNTY. (a) The Commissioners Court of Brooks County may pay the judge of the 79th Judicial District an annual salary of \$1,200 for services rendered and for performing administrative services.

(b) The salary shall be paid in equal monthly installments.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-30.)

[Section 32.025 reserved for Brown County]

Sec. 32.026. BURLERSON COUNTY. (a) The Commissioners Court of BurlerSON County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in BurlerSON County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.027 reserved for Burnet County]

Sec. 32.028. CALDWELL COUNTY. (a) The Commissioners Court of Caldwell County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Caldwell County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.029. CALHOUN COUNTY. (a) The Commissioners Court of Calhoun County may budget for and pay the judges of the 24th and 135th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative services.

(b) The combined yearly salary from state and county sources received by each judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals in the supreme judicial district in which those districts are located.

(c) The salary shall be paid from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and other authorized compensation.

(e) The Commissioners Court of Calhoun County shall pay the judge of the 267th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-46.)

[Section 32.030 reserved for Callahan County]

Sec. 32.031. CAMERON COUNTY. (a) The Commissioners Court of Cameron County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court.

(b) The combined yearly salary received by each district judge from state and county sources may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each associate justice of the Thirteenth Supreme Judicial District.

(c) The salary is in addition to the salary paid by the state and any other authorized compensation. (V.A.C.S. Art. 6819a-45.)

Sec. 32.032. **CAMP COUNTY.** (a) The Commissioners Court of Camp County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Camp County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.033 reserved for Carson County]

[Section 32.034 reserved for Cass County]

Sec. 32.035. **CASTRO COUNTY.** (a) The Commissioners Court of Castro County may pay the judge of the 64th Judicial District an annual salary not to exceed \$3,000 for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and other authorized compensation.

(c) The salary may be apportioned by the counties of the 64th Judicial District, but the total supplemental salary under this section may not exceed \$3,000 a year.

(d) The Commissioners Court of Castro County shall pay the judge of the 242nd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-32.)

[Section 32.036 reserved for Chambers County]

[Section 32.037 reserved for Cherokee County]

[Section 32.038 reserved for Childress County]

[Section 32.039 reserved for Clay County]

Sec. 32.040. **COCHRAN COUNTY.** (a) The Commissioners Court of Cochran County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for performing administrative duties.

(b) The salary shall be paid in equal monthly installments.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-31.)

Sec. 32.041. **COKE COUNTY.** (a) The Commissioners Court of Coke County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Coke County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

[Section 32.042 reserved for Coleman County]

[Section 32.043 reserved for Collin County]

[Section 32.044 reserved for Collingsworth County]

Sec. 32.045. **COLORADO COUNTY.** (a) The Commissioners Court of Colorado County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Colorado County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.046. **COMAL COUNTY.** (a) The Commissioners Court of Comal County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Comal County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.047 reserved for Comanche County]

Sec. 32.048. CONCHO COUNTY. (a) The Commissioners Court of Concho County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Concho County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

[Section 32.049 reserved for Cooke County]

[Section 32.050 reserved for Coryell County]

[Section 32.051 reserved for Cottle County]

Sec. 32.052. CRANE COUNTY. (a) The Commissioners Court of Crane County may pay the judge of the 109th Judicial District an annual salary not to exceed \$5,000 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12a.)

Sec. 32.053. CROCKETT COUNTY. (a) The Commissioners Court of Crockett County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$2,400 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The total supplemental salary paid to a judge of a district court having jurisdiction in Crockett County under this subchapter may not exceed \$8,000 a year. (V.A.C.S. Art. 6819a-24.)

Sec. 32.054. CROSBY COUNTY. (a) The Commissioners Court of Crosby County shall budget for and pay a salary to the judge of the 72nd Judicial District for performing administrative duties.

(b) The salary shall be \$3,500 a year apportioned between Crosby and Lubbock counties.

(c) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and all other authorized compensation. (V.A.C.S. Art. 6819a-34, Secs. 1(b), 2.)

[Section 32.055 reserved for Culberson County]

Sec. 32.056. DALLAM COUNTY. (a) The Commissioners Court of Dallam County may pay the judge of the 69th Judicial District a salary for performing administrative duties.

(b) The salary paid by Dallam County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund of the county.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-37, Secs. 1, 3.)

Sec. 32.057. DALLAS COUNTY. (a) The Commissioners Court of Dallas County shall budget for and pay to the judges of the judicial districts and criminal judicial districts in that county an annual salary of \$12,000.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-25a (part).)

Sec. 32.058. DAWSON COUNTY. (a) The Commissioners Court of Dawson County may pay the judge of the 106th Judicial District a reasonable salary set by the commissioners court for administrative services rendered.



(b) The total supplemental salary paid by Dawson County and the other counties of the judicial district may not exceed \$8,000 a year.

(c) The salary shall be paid in monthly installments from the county general fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12.)

Sec. 32.059. DEAF SMITH COUNTY. Separately or by agreement with Oldham County, the Commissioners Court of Deaf Smith County may supplement the salary of the judge of the 222nd Judicial District. (V.A.C.S. Art. 199a, Sec. 3.049(b).)

Sec. 32.060. DELTA COUNTY. (a) The Commissioners Court of Delta County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Delta County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.061. DENTON COUNTY. (a) The Commissioners Court of Denton County may pay the judge of the 16th Judicial District a reasonable annual salary of not less than \$2,400 for services rendered and for administrative duties.

(b) The salary is in addition to the salary paid by the state and other authorized compensation.

(c) The Commissioners Court of Denton County shall pay the judges of the 158th and 211th judicial districts a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-20.)

Sec. 32.062. DeWITT COUNTY. (a) The Commissioners Court of DeWitt County may budget for and pay the judges of the 24th and 135th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative services.

(b) The combined yearly salary from state and county sources received by each judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals of the supreme judicial district in which those districts are located.

(c) The salary shall be paid from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and other authorized compensation.

(e) The Commissioners Court of DeWitt County shall pay the judge of the 267th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-46.)

[Section 32.063 reserved for Dickens County]

[Section 32.064 reserved for Dimmit County]

[Section 32.065 reserved for Donley County]

Sec. 32.066. DUVAL COUNTY. (a) The Commissioners Court of Duval County may pay the judge of the 229th Judicial District a salary for judicial, administrative, and all other services.

(b) The salary paid by Duval County may not exceed the county's proportionate share of \$5,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state but is the total compensation that the county may pay the judge. (V.A.C.S. Art. 6819a-50.)

[Section 32.067 reserved for Eastland County]

Sec. 32.068. ECTOR COUNTY. (a) The Commissioners Court of Ector County may pay the judges of the 70th, 161st, and 244th judicial districts an annual salary not to exceed \$10,000 for services rendered to the county and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and all other authorized compensation.

(c) The Commissioners Court of Ector County shall pay the judge of the 358th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-14.)

[Section 32.069 reserved for Edwards County]

[Section 32.070 reserved for Ellis County]

Sec. 32.071. EL PASO COUNTY. (a) The Commissioners Court of El Paso County shall budget for and pay the judges of the district courts having jurisdiction in the county an annual salary of \$9,000 for services rendered and for performing administrative services.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state, but is in lieu of all other compensation from the county.

(d) *The combined yearly salary from state and county sources received by each judge of the district courts of El Paso County may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals in the supreme judicial district in which El Paso County is located. (V.A.C.S. Art. 6819a-15, Secs. 1 (part), 2.)*

[Section 32.072 reserved for Erath County]

[Section 32.073 reserved for Falls County]

[Section 32.074 reserved for Fannin County]

[Section 32.075 reserved for Fayette County]

[Section 32.076 reserved for Fisher County]

[Section 32.077 reserved for Floyd County]

[Section 32.078 reserved for Foard County]

Sec. 32.079. FORT BEND COUNTY. (a) *The Commissioners Court of Fort Bend County may pay the judges of the district courts having jurisdiction in the county a salary set by the commissioners court for services rendered and for performing administrative duties.*

(b) The salary shall be paid in equal monthly installments from county funds.

(c) The salary is in addition to the salary paid by the state and other authorized compensation.

(d) *The combined yearly salary from state and county sources received by each judge may not exceed an amount that is equal to \$1,000 less than the combined yearly salary from state and county sources received by each associate justice of the court of appeals in the supreme judicial district in which Fort Bend County is located. (V.A.C.S. Art. 6819a-49.)*

Sec. 32.080. FRANKLIN COUNTY. (a) The Commissioners Court of Franklin County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Franklin County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)*

Sec. 32.081. FREESTONE COUNTY. (a) The Commissioners Court of Freestone County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Freestone County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)*

Sec. 32.082. FRIO COUNTY. (a) The Commissioners Court of Frio County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Frio County from all*

counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.083. GAINES COUNTY. (a) The Commissioners Court of Gaines County may pay the judge of the 106th Judicial District a reasonable salary set by the commissioners court for administrative services rendered.

(b) The total supplemental salary paid by Gaines County and the other counties of the judicial district may not exceed \$8,000 a year.

(c) The salary shall be paid in monthly installments from the county general fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12.)

Sec. 32.084. GALVESTON COUNTY. (a) The Commissioners Court of Galveston County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for services rendered and for performing administrative duties.

(b) The combined yearly salary from state and county sources received by each Galveston County district court judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals in the supreme judicial district in which Galveston County is located.

(c) The salary shall be paid in equal monthly installments from county funds.

(d) The salary is in addition to the salary paid by the state and other compensation authorized to be paid by the county. (V.A.C.S. Art. 6819a-28.)

Sec. 32.085. GARZA COUNTY. (a) The Commissioners Court of Garza County may pay the judge of the 106th Judicial District a reasonable salary set by the commissioners court for administrative services rendered.

(b) The total supplemental salary paid by Garza County and the other counties of the judicial district may not exceed \$8,000 a year.

(c) The salary shall be paid in monthly installments from the county general fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12.)

[Section 32.086 reserved for Gillespie County]

[Section 32.087 reserved for Glasscock County]

Sec. 32.088. GOLIAD COUNTY. (a) The Commissioners Court of Goliad County may budget for and pay the judges of the 24th and 135th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative services.

(b) The combined yearly salary from state and county sources received by each judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals of the supreme judicial district in which those districts are located.

(c) The salary shall be paid from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and other authorized compensation.

(e) The Commissioners Court of Goliad County shall pay the judge of the 267th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-46.)

Sec. 32.089. GONZALES COUNTY. (a) The Commissioners Court of Gonzales County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Gonzales County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.090 reserved for Gray County]

[Section 32.091 reserved for Grayson County]

[Section 32.092 reserved for Gregg County]

Sec. 32.093. GRIMES COUNTY. (a) The Commissioners Court of Grimes County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Grimes County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.094. GUADALUPE COUNTY. (a) The Commissioners Court of Guadalupe County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Guadalupe County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.095. HALE COUNTY. (a) The Commissioners Court of Hale County may pay the judge of the 64th Judicial District an annual salary not to exceed \$3,000 for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and other authorized compensation.

(c) The salary may be apportioned by the counties of the 64th Judicial District, but the total supplemental salary under this section may not exceed \$3,000 a year.

(d) The Commissioners Court of Hale County shall pay the judge of the 242nd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-32.)

[Section 32.096 reserved for Hall County]

[Section 32.097 reserved for Hamilton County]

Sec. 32.098. HANSFORD COUNTY. (a) The Commissioners Court of Hansford County may pay the judge of the 84th Judicial District a salary for performing administrative duties.

(b) The salary paid by Hansford County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund of the county.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-37, Secs. 2, 3.)

[Section 32.099 reserved for Hardeman County]

[Section 32.100 reserved for Hardin County]

Sec. 32.101. HARRIS COUNTY. (a) The Commissioners Court of Harris County shall budget for and pay the judges of the district courts having jurisdiction in that county an annual salary of not less than \$12,000 nor more than \$25,000 for judicial and administrative services.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-19b (part).)

[Section 32.102 reserved for Harrison County]

Sec. 32.103. HARTLEY COUNTY. (a) The Commissioners Court of Hartley County may pay the judge of the 69th Judicial District a salary for performing administrative duties.

(b) The salary paid by Hartley County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund of the county.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-37, Secs. 1, 3.)

[Section 32.104 reserved for Haskell County]

Sec. 32.105. HAYS COUNTY. (a) The Commissioners Court of Hays County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Hays County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.106 reserved for Hemphill County]

[Section 32.107 reserved for Henderson County]

Sec. 32.108. HIDALGO COUNTY. (a) The Commissioners Court of Hidalgo County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for services rendered and for performing administrative duties.

(b) The salary shall be paid in equal monthly installments from county funds.

(c) The supplemental salary is in addition to the salary paid by the state.

(d) A district judge may not receive any other compensation from Hidalgo County. (V.A.C.S. Art. 6819a-51.)

[Section 32.109 reserved for Hill County]

Sec. 32.110. HOCKLEY COUNTY. (a) The Commissioners Court of Hockley County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for performing administrative duties.

(b) The salary shall be paid in equal monthly installments.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-31.)

[Section 32.111 reserved for Hood County]

Sec. 32.112. HOPKINS COUNTY. (a) The Commissioners Court of Hopkins County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Hopkins County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.113 reserved for Houston County]

Sec. 32.114. HOWARD COUNTY. (a) The Commissioners Court of Howard County may pay the judge of the 118th Judicial District an annual salary in an amount set by the commissioners court for performing administrative duties.

(b) The salary shall be paid in equal monthly installments from county funds.

(c) The salary is in addition to the salary paid by the state and all other authorized compensation.

(d) The combined yearly salary from state and county sources received by the judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals in the district in which Howard County is located. (V.A.C.S. Art. 6819a-53.)

[Section 32.115 reserved for Hudspeth County]

[Section 32.116 reserved for Hunt County]

Sec. 32.117. HUTCHINSON COUNTY. (a) The Commissioners Court of Hutchinson County may pay the judge of the 84th Judicial District a salary for performing administrative duties.

(b) The salary paid by Hutchinson County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund of the county.

(d) The salary is in addition to the salary paid by the state.

(e) The Commissioners Court of Hutchinson County shall pay the judge of the 316th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 1926a, Sec. 1.05(b); Art. 6819a-37, Secs. 2, 3.)

Sec. 32.118. IRION COUNTY. (a) The Commissioners Court of Irion County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Irion County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

[Section 32.119 reserved for Jack County]

Sec. 32.120. JACKSON COUNTY. (a) The Commissioners Court of Jackson County may budget for and pay the judges of the 24th and 135th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative services.

(b) The combined yearly salary from state and county sources received by each judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals of the supreme judicial district in which those districts are located.

(c) The salary shall be paid from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and other authorized compensation.

(e) The Commissioners Court of Jackson County shall pay the judge of the 267th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-46.)

Sec. 32.121. JASPER COUNTY. (a) The Commissioners Court of Jasper County may pay the judge of the 1st Judicial District a salary for services rendered and for performing administrative duties.

(b) The total supplemental salary paid to the judge from all counties in the district may not exceed \$3,000 a year and shall be apportioned among those counties.

(c) The salary is in addition to the salary paid by the state and any other authorized compensation.

(d) The Commissioners Court of Jasper County shall pay the judge of Judicial District 1A a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-21.)

Sec. 32.122. JEFF DAVIS COUNTY. (a) The Commissioners Court of Jeff Davis County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Jeff Davis County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.123. JEFFERSON COUNTY. (a) The Commissioners Court of Jefferson County may pay the judges of the 58th, 60th, 136th, and 172nd judicial districts, and the judge of the Criminal District Court of Jefferson County, an annual salary of not more than \$15,000 for judicial and administrative services.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state but is in lieu of the compensation provided the judges as members of the juvenile board.

(d) The Commissioners Court of Jefferson County shall pay the judges of the 252nd, 279th, and 317th judicial districts a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 1926a, Sec. 1.05(b); Art. 6819a-39.)

Sec. 32.124. JIM HOGG COUNTY. (a) The Commissioners Court of Jim Hogg County may pay the judge of the 229th Judicial District a salary for judicial, administrative, and all other services.

(b) The salary paid by Jim Hogg County may not exceed the county's proportionate share of \$5,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-50.)

Sec. 32.125. JIM WELLS COUNTY. (a) The Commissioners Court of Jim Wells County may pay the judge of the 79th Judicial District an annual salary of \$1,200 for services rendered and for performing administrative services.

(b) The salary shall be paid in equal monthly installments.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-30.)

[Section 32.126 reserved for Johnson County]

[Section 32.127 reserved for Jones County]

Sec. 32.128. KARNES COUNTY. (a) The Commissioners Court of Karnes County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Karnes County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.129 reserved for Kaufman County]

[Section 32.130 reserved for Kendall County]

[Section 32.131 reserved for Kenedy County]

[Section 32.132 reserved for Kent County]

Sec. 32.133. KERR COUNTY. (a) The Commissioners Court of Kerr County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Kerr County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.134. KIMBLE COUNTY. (a) The Commissioners Court of Kimble County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Kimble County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.135 reserved for King County]

[Section 32.136 reserved for Kinney County]

Sec. 32.137. KLEBERG COUNTY. (a) The Commissioners Court of Kleberg County may pay the judges of the district courts having jurisdiction in the county an annual salary of not less than \$6,000 for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and any other authorized compensation.

(c) *The combined yearly salary from state and county sources received by each district judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals in the district in which Kleberg County is located.*

(d) *This section takes effect on the date a county court at law is created in Kleberg County or January 1, 1986, whichever occurs first. This subsection expires January 2, 1986. (V.A.C.S. Art. 6819a-52; Acts 68th Legis., Reg. Sess., 1983, Ch. 794, Sec. 3.)*

[Section 32.138 reserved for Knox County]

Sec. 32.139. LAMAR COUNTY. (a) *The Commissioners Court of Lamar County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.*

(b) *The salary shall be paid in monthly installments from the county general fund.*

(c) *The salary is in addition to the salary paid by the state.*

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Lamar County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)*

[Section 32.140 reserved for Lamb County]

[Section 32.141 reserved for Lampasas County]

Sec. 32.142. LaSALLE COUNTY. (a) *The Commissioners Court of LaSalle County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.*

(b) *The salary shall be paid in monthly installments from the county general fund.*

(c) *The salary is in addition to the salary paid by the state.*

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in LaSalle County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)*

Sec. 32.143. LAVACA COUNTY. (a) *The Commissioners Court of Lavaca County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.*

(b) *The salary shall be paid in monthly installments from the county general fund.*

(c) *The salary is in addition to the salary paid by the state.*

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Lavaca County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-1.)*

Sec. 32.144. LEE COUNTY. (a) *The Commissioners Court of Lee County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.*

(b) *The salary shall be paid in monthly installments from the county general fund.*

(c) *The salary is in addition to the salary paid by the state.*

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Lee County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)*

Sec. 32.145. LEON COUNTY. (a) *The Commissioners Court of Leon County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.*

(b) *The salary shall be paid in monthly installments from the county general fund.*

(c) *The salary is in addition to the salary paid by the state.*

(d) *The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Leon County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)*

Sec. 32.146. LIBERTY COUNTY. (a) *The Commissioners Court of Liberty County may pay the judge of the 75th Judicial District a reasonable salary not to exceed \$6,000 a year for services rendered and for performing administrative duties.*



(b) The salary is in addition to the salary paid by the state.

(c) The Commissioners Court of Liberty County shall pay the judge of the 253rd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-13a.)

Sec. 32.147. LIMESTONE COUNTY. (a) The Commissioners Court of Limestone County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Limestone County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.148 reserved for Lipscomb County]

Sec. 32.149. LIVE OAK COUNTY. (a) The Commissioners Court of Live Oak County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Live Oak County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.150 reserved for Llano County]

Sec. 32.151. LOVING COUNTY. (a) The Commissioners Court of Loving County may pay the judge of the 143rd Judicial District a reasonable salary for judicial and administrative services.

(b) The salary paid by Loving County shall be the county's proportionate share of a total supplemental salary not to exceed \$6,000 a year, as determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in monthly installments from the county general fund or jury fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-43.)

Sec. 32.152. LUBBOCK COUNTY. (a) The Commissioners Court of Lubbock County shall budget for and pay the judges of the 99th, 137th, and 140th judicial districts an annual salary of \$3,500 for performing administrative duties. The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund. The salary is in addition to the salary paid by the state and any other authorized compensation.

(b) The Commissioners Court of Lubbock County shall budget for and pay the judge of the 72nd Judicial District an annual salary for performing administrative duties. The total supplemental salary paid to the judge by Lubbock and Crosby counties shall be \$3,500 apportioned between the two counties. The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund. The salary is in addition to the salary paid by the state and any other authorized compensation.

(c) The Commissioners Court of Lubbock County shall pay the judge of the 237th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-34; Art. 6819a-41.)

Sec. 32.153. LYNN COUNTY. (a) The Commissioners Court of Lynn County may pay the judge of the 106th Judicial District a reasonable salary set by the commissioners court for administrative services rendered.

(b) The total supplemental salary paid by Lynn County and the other counties of the judicial district may not exceed \$8,000 a year.

(c) The salary shall be paid in monthly installments from the county general fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12.)

Sec. 32.154. McCULLOCH COUNTY. (a) The Commissioners Court of McCulloch County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in McCulloch County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.155. McLENNAN COUNTY. (a) The Commissioners Court of McLennan County may pay the judges of the district courts having jurisdiction in the county an annual salary of not more than \$5,000 for administrative services. The salary is in addition to the salary paid by the state.

(b) In addition to the supplemental salary paid under Subsection (a), the Commissioners Court of McLennan County shall pay the district court judges an annual salary of not less than \$1,500 nor more than \$5,000 for services rendered to the juvenile board. (V.A.C.S. Art. 6819a-40 (part).)

Sec. 32.156. McMULLEN COUNTY. (a) The Commissioners Court of McMullen County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in McMullen County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.157. MADISON COUNTY. (a) The Commissioners Court of Madison County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Madison County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.158. MARION COUNTY. (a) The Commissioners Court of Marion County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Marion County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.159 reserved for Martin County]

[Section 32.160 reserved for Mason County]

Sec. 32.161. MATAGORDA COUNTY. (a) The Commissioners Court of Matagorda County may pay the judges of the 23rd and 130th judicial districts an annual salary for performing judicial and administrative services.

(b) The salary may not exceed the amount necessary to make the combined yearly salary received by each judge from state and county sources equal to \$1,000 less than the combined yearly salary from state and county sources received by each associate justice of the Court of Appeals of the First Supreme Judicial District.

(c) The salary may be paid in equal monthly installments from the county general fund or another available fund of the county.

(d) The salary is in addition to the salary paid by the state.

(e) The salary of the judge of the 23rd Judicial District may be paid in accordance with the proportion that the population of Matagorda County bears to the total population of the judicial district. (V.A.C.S. Art. 6819a-44a.)

[Section 32.162 reserved for Maverick County]

[Section 32.163 reserved for Medina County]

Sec. 32.164. MENARD COUNTY. (a) The Commissioners Court of Menard County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Menard County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.165. MIDLAND COUNTY. (a) The Commissioners Court of Midland County may pay the judge of the 142nd Judicial District an annual salary of not more than \$3,600 for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and any other authorized compensation.

(c) The Commissioners Court of Midland County shall pay the judges of the 238th and 318th judicial districts a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 1926a, Sec. 1.05(b); Art. 6819a-27.)

[Section 32.166 reserved for Milam County]

[Section 32.167 reserved for Mills County]

[Section 32.168 reserved for Mitchell County]

[Section 32.169 reserved for Montague County]

Sec. 32.170. MONTGOMERY COUNTY. (a) The Commissioners Court of Montgomery County may budget for and pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for services rendered and for performing administrative duties.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state and any other authorized compensation.

(d) The combined yearly salary from state and county sources received by each judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each associate justice of the court of appeals of the supreme judicial district in which Montgomery County is located. (V.A.C.S. Art. 6819a-48.)

Sec. 32.171. MOORE COUNTY. (a) The Commissioners Court of Moore County may pay the judge of the 69th Judicial District a salary for performing administrative duties.

(b) The salary paid by Moore County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund in the county.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-37, Secs. 1, 3.)

Sec. 32.172. MORRIS COUNTY. (a) The Commissioners Court of Morris County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Morris County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.173 reserved for Motley County]

[Section 32.174 reserved for Nacogdoches County]

[Section 32.175 reserved for Navarro County]

Sec. 32.176. NEWTON COUNTY. (a) The Commissioners Court of Newton County may pay the judge of the 1st Judicial District a salary for services rendered and for performing administrative duties.

(b) The total supplemental salary paid to the judge from all counties in the district may not exceed \$3,000 a year and shall be apportioned among those counties.

(c) The salary is in addition to the salary paid by the state and any other authorized compensation.

(d) The Commissioners Court of Newton County shall pay the judge of Judicial District 1A a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-21.)

[Section 32.177 reserved for Nolan County]

Sec. 32.178. NUECES COUNTY. (a) The Commissioners Court of Nueces County shall pay the judges of the district courts in that county an annual salary of \$2,900 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-3, Secs. 1, 2.)

Sec. 32.179. OCHILTREE COUNTY. (a) The Commissioners Court of Ochiltree County may pay the judge of the 84th Judicial District a salary for performing administrative duties.

(b) The salary paid by Ochiltree County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund of the county.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-37, Secs. 2, 3.)

Sec. 32.180. OLDHAM COUNTY. Separately or by agreement with Deaf Smith County, the Commissioners Court of Oldham County may supplement the salary of the judge of the 222nd Judicial District. (V.A.C.S. Art. 199a, Sec. 3.049(b).)

Sec. 32.181. ORANGE COUNTY. (a) The Commissioners Court of Orange County may pay the judges of the 128th, 163rd, and 260th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and any other authorized compensation. (V.A.C.S. Art. 6819a-33.)

[Section 32.182 reserved for Palo Pinto County]

[Section 32.183 reserved for Panola County]

Sec. 32.184. PARKER COUNTY. (a) The Commissioners Court of Parker County may budget for and pay the judge of the 43rd Judicial District an annual salary not to exceed \$7,800 for performing judicial and administrative services.

(b) The salary shall be paid in equal monthly installments from the county general fund or officers' salary fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 199, Sec. 43(f).)

[Section 32.185 reserved for Parmer County]

Sec. 32.186. PECOS COUNTY. (a) The Commissioners Court of Pecos County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$2,400 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The total supplemental salary paid to a judge of a district court having jurisdiction in Pecos County under this subchapter may not exceed \$8,000 a year. (V.A.C.S. Art. 6819a-24.)

Sec. 32.187. POLK COUNTY. (a) The Commissioners Court of Polk County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount to be set by the commissioners court for services rendered and for performing administrative duties.

(b) The salary shall be paid in equal monthly installments from county funds.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-54.)

Sec. 32.188. POTTER COUNTY. (a) The Commissioners Court of Potter County shall pay the judges of the 47th, 108th, and 181st judicial districts an annual salary of not less than \$3,500 nor more than \$6,000 for services rendered.

(b) The salary shall be paid in equal monthly installments from county funds.

(c) The minimum monthly salary shall be paid in the same proportion that the population of Potter County bears to the total population of the counties in the judicial district.

(d) The total supplemental salary paid to a judge under this subchapter by Potter County and the other counties in the 47th, 108th, and 181st judicial districts may not exceed \$6,000 a year.

(e) The salary is in addition to any other compensation paid or authorized to be paid to the judges.

(f) The Commissioners Court of Potter County shall pay the judges of the 251st and 320th judicial districts a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 1926a, Sec. 1.05(b); Art. 6819a-36, Secs. 1, 2, 3.)

Sec. 32.189. PRESIDIO COUNTY. (a) The Commissioners Court of Presidio County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Presidio County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.190. RAINS COUNTY. (a) The Commissioners Court of Rains County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Rains County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.191. RANDALL COUNTY. (a) The Commissioners Court of Randall County shall pay the judges of the 47th and 181st judicial districts an annual salary of not less than \$3,500 nor more than \$6,000 for services rendered.

(b) The salary shall be paid in equal monthly installments from county funds.

(c) The minimum monthly salary shall be paid in the same proportion that the population of Randall County bears to the total population of the counties in the judicial district.

(d) The total supplemental salary paid to a judge under this subchapter by Randall County and the other counties in the 47th and 181st judicial districts may not exceed \$6,000 a year.

(e) The salary is in addition to any other compensation paid or authorized to be paid to the judges.

(f) The Commissioners Court of Randall County shall pay the judge of the 251st Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-36, Secs. 1, 2, 3.)

Sec. 32.192. REAGAN COUNTY. (a) The Commissioners Court of Reagan County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Reagan County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.193 reserved for Real County]

[Section 32.194 reserved for Red River County]

Sec. 32.195. REEVES COUNTY. (a) The Commissioners Court of Reeves County may pay the judge of the 143rd Judicial District a reasonable salary for judicial and administrative services.

(b) The salary paid by Reeves County shall be the county's proportionate share of a total supplemental salary not to exceed \$6,000 a year, as determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in monthly installments from the county general fund or jury fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-43.)

Sec. 32.196. REFUGIO COUNTY. (a) The Commissioners Court of Refugio County may budget for and pay the judges of the 24th and 135th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative services.

(b) The combined yearly salary from state and county sources received by each judge may not exceed an amount equal to \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals of the supreme judicial district in which those districts are located.

(c) The salary shall be paid from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and other authorized compensation.

(e) The Commissioners Court of Refugio County shall pay the judge of the 267th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-46.)

[Section 32.197 reserved for Roberts County]

[Section 32.198 reserved for Robertson County]

[Section 32.199 reserved for Rockwall County]

Sec. 32.200. RUNNELS COUNTY. (a) The Commissioners Court of Runnels County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Runnels County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

[Section 32.201 reserved for Rusk County]

Sec. 32.202. SABINE COUNTY. (a) The Commissioners Court of Sabine County may pay the judge of the 1st Judicial District a salary for services rendered and for performing administrative duties.

(b) The total supplemental salary paid to the judge from all counties in the district may not exceed \$3,000 a year and shall be apportioned among those counties.

(c) The salary is in addition to the salary paid by the state and any other authorized compensation.

(d) The Commissioners Court of Sabine County shall pay the judge of the 273rd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-21.)

Sec. 32.203. SAN AUGUSTINE COUNTY. (a) The Commissioners Court of San Augustine County may pay the judge of the 1st Judicial District a salary for services rendered and for performing administrative duties.

(b) The total supplemental salary paid to the judge from all counties in the district may not exceed \$3,000 a year and shall be apportioned among those counties.

(c) The salary is in addition to the salary paid by the state and any other authorized compensation.

(d) The Commissioners Court of San Augustine County shall pay the judge of the 273rd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-21.)

Sec. 32.204. SAN JACINTO COUNTY. (a) The Commissioners Court of San Jacinto County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in San Jacinto County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.205. SAN PATRICIO COUNTY. (a) The Commissioners Court of San Patricio County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in San Patricio County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

[Section 32.206 reserved for San Saba County]

Sec. 32.207. SCHLEICHER COUNTY. (a) The Commissioners Court of Schleicher County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Schleicher County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial districts.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

Sec. 32.208. SCURRY COUNTY. (a) The Commissioners Court of Scurry County may pay the judge of the 132nd Judicial District an annual salary.

(b) The total supplemental salary paid to the judge under this subchapter by Scurry County and the other county in the judicial district may not exceed \$3,000 a year.

(c) The salary shall be paid from the officers' salary fund if there is enough money in that fund; otherwise, the commissioners court may transfer the necessary funds from the general fund of the county to the officers' salary fund. (V.A.C.S. Art. 326k-53 (part).)

[Section 32.209 reserved for Shackelford County]

[Section 32.210 reserved for Shelby County]

Sec. 32.211. SHERMAN COUNTY. (a) The Commissioners Court of Sherman County may pay the judge of the 69th Judicial District a salary for performing administrative duties.

(b) The salary paid by Sherman County shall be the county's proportionate share of \$3,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in equal monthly installments from the county general fund or any other available fund of the county.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-37, Secs. 1, 3.)

[Section 32.212 reserved for Smith County]

[Section 32.213 reserved for Somervell County]

Sec. 32.214. STARR COUNTY. (a) The Commissioners Court of Starr County may pay the judge of the 229th Judicial District a salary for judicial, administrative, and all other services.

(b) The salary paid by Starr County may not exceed the county's proportionate share of \$5,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state, but is the total compensation that the counties may pay the judge. (V.A.C.S. Art. 6819a-50.)

[Section 32.215 reserved for Stephens County]

Sec. 32.216. STERLING COUNTY. (a) The Commissioners Court of Sterling County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Sterling County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

[Section 32.217 reserved for Stonewall County]

Sec. 32.218. SUTTON COUNTY. (a) The Commissioners Court of Sutton County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$2,400 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The total supplemental salary paid to a judge of a district court having jurisdiction in Sutton County under this subchapter may not exceed \$8,000 a year. (V.A.C.S. Art. 6819a-24.)

Sec. 32.219. SWISHER COUNTY. (a) The Commissioners Court of Swisher County may pay the judge of the 64th Judicial District an annual salary not to exceed \$3,000 for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and other authorized compensation.

(c) The salary may be apportioned by the counties of the 64th Judicial District, but the total supplemental salary under this section may not exceed \$3,000 a year.

(d) The Commissioners Court of Swisher County shall pay the judge of the 242nd Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-32.)

Sec. 32.220. TARRANT COUNTY. (a) The Commissioners Court of Tarrant County shall pay the judges of the district courts and criminal district courts having jurisdiction only in that county an annual salary of \$8,000 for services rendered and for administrative duties.

(b) The salary shall be paid in equal monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state, but is in lieu of any other compensation paid by the county. (V.A.C.S. Art. 6819a-26, Secs. 1, 2.)

[Section 32.221 reserved for Taylor County]

[Section 32.222 reserved for Terrell County]

Sec. 32.223. TERRY COUNTY. (a) The Commissioners Court of Terry County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for performing administrative duties.

(b) The salary shall be paid in equal monthly installments.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-31.)

[Section 32.224 reserved for Throckmorton County]

Sec. 32.225. TITUS COUNTY. (a) The Commissioners Court of Titus County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Titus County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.226. TOM GREEN COUNTY. (a) The Commissioners Court of Tom Green County may pay the judges of the district courts having jurisdiction in the county an annual salary for services rendered and for performing administrative duties.

(b) The salary paid by Tom Green County may not exceed the county's proportionate share of \$8,000 a year, determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-47.)

Sec. 32.227. TRAVIS COUNTY. (a) The Commissioners Court of Travis County may pay the judges of the 53rd, 98th, 126th, 147th, and 167th judicial districts an annual salary not to exceed \$6,000 for services rendered and for performing administrative duties. The salary is in addition to the salary paid by the state and any other authorized compensation.



(b) The Commissioners Court of Travis County shall pay the judges of the 200th, 201st, 250th, 261st, 299th, 331st, 345th, and 353rd judicial districts a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-22, Secs. 1, 2.)

Sec. 32.228. TRINITY COUNTY. (a) The Commissioners Court of Trinity County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Trinity County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

[Section 32.229 reserved for Tyler County]

[Section 32.230 reserved for Upshur County]

Sec. 32.231. UPTON COUNTY. (a) The Commissioners Court of Upton County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$2,400 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The total supplemental salary paid to a judge of a district court having jurisdiction in Upton County under this subchapter may not exceed \$8,000 a year. (V.A.C.S. Art. 6819a-24.)

[Section 32.232 reserved for Uvalde County]

[Section 32.233 reserved for Val Verde County]

[Section 32.234 reserved for Van Zandt County]

Sec. 32.235. VICTORIA COUNTY. (a) The Commissioners Court of Victoria County may budget for and pay the judges of the 24th and 135th judicial districts a reasonable salary set by the commissioners court for services rendered and for performing administrative services.

(b) The combined yearly salary from state and county sources received by each judge may not exceed an amount that is \$1,000 less than the combined yearly salary from state and county sources received by each justice of the court of appeals of the supreme judicial district in which those districts are located.

(c) The salary shall be paid from the county general fund or officers' salary fund.

(d) The salary is in addition to the salary paid by the state and other authorized compensation.

(e) The Commissioners Court of Victoria County shall pay the judge of the 267th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judges in the county. (V.A.C.S. Art. 199a, Sec. 2.006 (part); Art. 6819a-46.)

Sec. 32.236. WALKER COUNTY. (a) The Commissioners Court of Walker County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Walker County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.237. WALLER COUNTY. (a) The Commissioners Court of Waller County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Waller County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.238. WARD COUNTY. (a) The Commissioners Court of Ward County may pay the judge of the 143rd Judicial District a reasonable salary for judicial and administrative services.

(b) The salary paid by Ward County shall be the county's proportionate share of a total supplemental salary not to exceed \$6,000 a year, as determined by the proportion that the county's population bears to the population of the judicial district.

(c) The salary shall be paid in monthly installments from the county general fund or jury fund.

(d) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-43.)

Sec. 32.239. WASHINGTON COUNTY. (a) The Commissioners Court of Washington County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Washington County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Art. 6819a-11.)

Sec. 32.240. WEBB COUNTY. (a) The Commissioners Court of Webb County shall pay the judges of the district courts having jurisdiction in the county an annual salary of not less than \$2,000 for judicial and administrative services, especially services rendered in the trial of criminal and civil cases normally tried in a county court at law.

(b) The salary shall be paid in monthly installments from the county general fund, officers' salary fund, jury fund, or any other fund available for that purpose.

(c) The salary is in addition to the salary paid by the state and other authorized compensation. (V.A.C.S. Art. 6819a-42.)

Sec. 32.241. WHARTON COUNTY. (a) The Commissioners Court of Wharton County may pay the judge of the 23rd Judicial District an annual salary for performing judicial and administrative services.

(b) The salary may not exceed the amount necessary to make the combined yearly salary received by the judge from state and county sources equal to \$1,000 less than the combined yearly salary from state and county sources received by an associate justice of the Court of Appeals of the First Supreme Judicial District.

(c) The salary may be paid in equal monthly installments from the county general funds or another available fund of the county.

(d) The salary is in addition to the salary paid by the state.

(e) The salary may be paid according to the proportion that the population of Wharton County bears to the total population of the judicial district.

(f) The Commissioners Court of Wharton County shall pay the judge of the 329th Judicial District a supplemental salary in an amount equal to the supplement paid by the county to the other district judge in the county. (V.A.C.S. Art. 1926a, Sec. 1.05(b); Art. 6819a-44a.)

[Section 32.242 reserved for Wheeler County]

[Section 32.243 reserved for Wichita County]

[Section 32.244 reserved for Wilbarger County]

[Section 32.245 reserved for Willacy County]

[Section 32.246 reserved for Williamson County]

Sec. 32.247. WILSON COUNTY. (a) The Commissioners Court of Wilson County may pay the judges of the district courts having jurisdiction in the county an annual salary not to exceed \$1,200 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state.

(d) The aggregate amount of \$2,900 is the maximum supplemental salary that may be paid under this subchapter to a judge of a district court having jurisdiction in Wilson County from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts. (V.A.C.S. Arts. 6819a-7, 6819a-11.)

Sec. 32.248. WINKLER COUNTY. (a) The Commissioners Court of Winkler County may pay the judge of the 109th Judicial District an annual salary not to exceed \$5,000 for judicial and administrative services.

(b) The salary shall be paid in monthly installments from the county general fund.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-12a.)

[Section 32.249 reserved for Wise County]

[Section 32.250 reserved for Wood County]

Sec. 32.251. YOAKUM COUNTY. (a) The Commissioners Court of Yoakum County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for performing administrative duties.

(b) The salary shall be paid in equal monthly installments.

(c) The salary is in addition to the salary paid by the state. (V.A.C.S. Art. 6819a-31.)

[Section 32.252 reserved for Young County]

Sec. 32.253. ZAPATA COUNTY. (a) The Commissioners Court of Zapata County may pay the judge of the 49th Judicial District an annual salary not to exceed \$2,400 for services rendered as judge of the juvenile court and for administrative services.

(b) The salary is in addition to the salary paid by the state and all other authorized compensation. (V.A.C.S. Art. 6819a-23.)

[Section 32.254 reserved for Zavala County]

[Sections 32.255-32.300 reserved for expansion]

## SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 32.301. EXPENSES. (a) A district judge is entitled to receive:

(1) travel and other necessary expenses when engaged in the discharge of official duties in a county other than the county of residence, in accordance with the Travel Regulations Act of 1959 (Article 6823a, Vernon's Texas Civil Statutes); and

(2) actual and necessary postage, telegraph, and telephone expenses.

(b) The expenses shall be paid on a sworn, itemized account showing the expenses. (V.A.C.S. Art. 6820 (part).)

Sec. 32.302. SALARY OF SPECIAL JUDGES. (a) The salary of a special judge commissioned by the governor under Article V, Section 11, of the Texas Constitution or elected by practicing lawyers or agreed on by parties as provided by law is determined and paid in accordance with this section.

(b) The special judge is entitled to the same salary as a district judge for every day the special judge performs the duties of judge. In addition, a special judge commissioned by the governor is entitled to the same pay as a district judge for each day the special judge is necessarily occupied going to and returning from the place the judge is required to hold court.

(c) The amount of the special judge's daily salary is determined by dividing the salary of a district judge by 365.

(d) A special judge commissioned by the governor must present a sworn account to the comptroller of public accounts. The account must show the number of days necessarily occupied in going to and coming from the place the special judge was required to hold court and must be accompanied by evidence that the special judge was properly commissioned. The account must be certified to be correct by the judge or clerk of the judicial district in which the special judge performed services.

(e) A special judge elected by practicing lawyers or agreed to by parties must present to the comptroller of public accounts a certificate of the clerk of the judicial district in which the special judge performed services showing the record of the election or appointment and the services rendered. The certificate must be accompanied by the sworn account of the special judge showing the number of days actually served as judge. (V.A.C.S. Art. 6821.)

Sec. 32.303. AUTOMOBILE ALLOWANCE IN CERTAIN COUNTIES. The commissioners courts of Bexar, Dallas, Harris, and Tarrant counties may pay the judges of the district courts in their counties an automobile allowance in an amount set by the commissioners court for automobile expenses incurred in performing official duties. (V.A.C.S. Art. 3912e-4d, Secs. 1, 10.)

## CHAPTER 33. STATE COMMISSION ON JUDICIAL CONDUCT

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 33.001. DEFINITIONS

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### SUBCHAPTER B. POWERS

Sec. 33.021. GENERAL POWERS OF COMMISSION

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## CHAPTER 33. STATE COMMISSION ON JUDICIAL CONDUCT

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 33.001. DEFINITIONS. (a) In this chapter:

(1) "Commission" means the State Commission on Judicial Conduct.

(2) "Judge" means a justice, judge, master, magistrate, or retired or former judge who is the subject of an investigation or proceeding under Article V, Section 1-a, of the Texas Constitution.

(3) "Special master" means a master appointed by the supreme court under Article V, Section 1-a, of the Texas Constitution.

(b) For purposes of Article V, Section 1-a, of the Texas Constitution, "wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties" includes:

(1) wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business;

(2) wilful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct;

(3) persistent or wilful violation of the rules promulgated by the supreme court; or

(4) incompetence in the performance of the duties of the office.

(c) The definition provided by Subsection (b) is not exclusive. (V.A.C.S. Art. 5966a, Secs. 1 (part), 6B.)

Sec. 33.002. COMMISSION. (a) The State Commission on Judicial Conduct is established under Article V, Section 1-a, of the Texas Constitution and has the powers provided by that section.

(b) A constitutional or statutory reference to the State Judicial Qualifications Commission means the State Commission on Judicial Conduct. (V.A.C.S. Art. 5966a, Sec. 1 (part).)

Sec. 33.003. APPLICATION OF SUNSET ACT. The State Commission on Judicial Conduct is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes), but is not abolished under that Act. The commission shall be reviewed under that Act during the period for review of state agencies abolished September 1, 1987, and every 12th year after 1987. (V.A.C.S. Art. 5966a, Sec. 1A.)

Sec. 33.004. COMPENSATION AND EXPENSES OF COMMISSION MEMBERS AND SPECIAL MASTERS. (a) A member of the commission serves without compensation for services, but is entitled to reimbursement for expenses as provided by this section.

(b) A special master who is an active district judge or justice of the court of appeals is entitled to a per diem of \$25 for each day or part of a day that the person spends in the performance of the duties of special master. The per diem is in addition to other compensation and expenses authorized by law.

(c) A special master who is a retired judge of a district court or the court of criminal appeals or a retired justice of a court of appeals or the supreme court is entitled to a per diem of \$25 for each day or part of a day that the person spends in the performance of the duties of special master. In addition, the special master is entitled to an amount equal to the difference between the retirement benefits that the person receives as a retired judge or justice and the compensation that the state pays an active judge or justice of the court from which the person retired. The per diem and compensation under this subsection is in addition to the retirement benefits to which the person is entitled.

(d) A member or employee of the commission or a special master is entitled to necessary expenses for travel, board, and lodging incurred in the performance of official duties.

(e) Payment shall be made under this section on certificates of approval by the commission. (V.A.C.S. Art. 5966a, Secs. 3, 12.)

Sec. 33.005. ANNUAL REPORT. (a) Not later than December 1 of each year, the commission shall submit to the legislature a report for the preceding fiscal year ending August 31.

(b) The report must include:

- (1) an explanation of the role of the commission;
- (2) annual statistical information and examples of proper and improper judicial conduct;
- (3) an explanation of the commission's processes; and
- (4) changes the commission considers necessary in its rules or the applicable statutes or constitutional provisions.

(c) The commission shall distribute the report to the governor, lieutenant governor, and speaker of the house of representatives and shall cause the report to be printed in the Annual Report of the Texas Judicial Council and the Texas Bar Journal.

(d) The legislature shall appropriate funds for the preparation and distribution of the report. (V.A.C.S. Art. 5966a, Sec. 15B.)

[Sections 33.006-33.020 reserved for expansion]

## SUBCHAPTER B. POWERS

Sec. 33.021. GENERAL POWERS OF COMMISSION. The commission may:

- (1) design and use a seal;
- (2) employ persons that it considers necessary to carry out the duties and powers of the commission and special masters;
- (3) employ special counsel as it considers necessary;
- (4) arrange for attendance of witnesses, including those not subject to subpoena;
- (5) arrange for and compensate expert witnesses and reporters; and
- (6) pay from its available funds the reasonably necessary expenses of carrying out its duties under the constitution. (V.A.C.S. Art. 5966a, Sec. 2 (part).)

Sec. 33.022. JUDGE'S RIGHTS. (a) In the conduct of an investigation the judge shall be informed in writing that an investigation has commenced and of the nature of the matters being investigated. At the conclusion of the investigation, the commission shall determine whether formal proceedings (under Subsection (b) of this section) shall be had. If the commission decides no further proceedings are warranted, the chairman of the commission shall so notify the judge in writing. A hearing before the commission may not be had during the investigatory stage.

(b) If after the investigation has been completed the commission concludes that formal proceedings will be instituted, the matter shall be entered in a docket to be kept for that purpose and written notice of the institution of formal proceedings shall be issued to the judge without delay. The proceedings shall be entitled:

"Before the State Commission on Judicial Conduct  
Inquiry Concerning a Judge, No. \_\_\_\_\_"

(c) The notice shall specify in ordinary and concise language the charges against the judge and the alleged facts on which the charges are based and the specific statute or rule contended to have been violated. The written notice may charge more than one violation, but each violation shall be charged in a separate paragraph immediately followed by a statement of the acts constituting the violation. The judge is entitled to file a written answer to the charges against him not later than the 15th day after the notice is served on him, and the notice shall so advise him.

(d) The notice shall be served on the judge by personal service of a copy of the notice by a member of the commission or by some person designated by the chairman. The person serving the notice shall promptly notify the commission in writing of the date on which the notice was

served. If it appears to the chairman on affidavit that, after reasonable effort during a period of 10 days, personal service could not be had, service may be made by mailing by registered or certified mail copies of the notice addressed to the judge at his chambers or at his last known residence in a blank envelope marked "personal and confidential." The date of mailing shall be entered in the docket.

(e) In the conduct of investigations and formal proceedings, a judge at his request may elect to have any hearing open to the public or to persons designated by the judge. The right of a judge to an open hearing does not preclude placing witnesses under the rule as provided by Rule 267 of the Texas Rules of Civil Procedure. (V.A.C.S. Art. 5966a, Sec. 5A.)

Sec. 33.023. EXAMINATION OF JUDGE. (a) In any proceeding that involves the involuntary retirement of a judge because of physical or mental incapacity to discharge his duty, the commission may require the judge to submit to a physical and mental examination by one or more physicians selected and paid by the commission.

(b) The commission shall give the judge written notice of the examination not later than 10 days before the date of the examination. The notice must include the physician's name and the date, time, and place of the examination. The examination must be in a city or town in which the judge permanently or temporarily resides, or at a location in the state to which the judge consents.

(c) Each examining physician shall file a written report of the examination with the commission and the report shall be received as evidence without further formality. On request of the judge or the judge's attorney, the commission shall give the judge a copy of the report. The physician's oral or deposition testimony concerning the report may be required by the commission or by written demand of the judge. (V.A.C.S. Art. 5966a, Sec. 15.)

Sec. 33.024. OATHS AND SUBPOENAS. In conducting an investigation or formal proceeding, a commission member or the special master may:

(1) administer oaths;

(2) order and provide for inspection of books and records; and

(3) issue a subpoena for attendance of a witness or production of papers, books, accounts, documents, and testimony relevant to the investigation or proceeding. (V.A.C.S. Art. 5966a, Sec. 6.)

Sec. 33.025. FAILURE TO OBEY SUBPOENA. (a) If a person other than the judge refuses to testify or obey a subpoena issued under this chapter, the commission or the special master may petition a district court for an order, or the special master may issue an order, compelling the person to attend and testify or produce writings or other material required by the subpoena. The order shall require the person to appear before the court or special master at a specified time and place to show cause for the failure to obey the subpoena. The court or the special master shall serve a copy of the order on the person.

(b) If the court or the special master finds that the subpoena was regularly issued, the court or master shall order the person to appear before the commission or master at a specified time and place to testify or satisfy the requirements of the subpoena.

(c) Failure to obey the order of the court or the special master shall be dealt with as contempt. (V.A.C.S. Art. 5966a, Sec. 8.)

Sec. 33.026. IMMUNITY. (a) In a proceeding or deposition related to a proceeding before the commission or a special master, the court or master may compel a person other than the judge to testify or produce evidence over the person's claim of privilege against self-incrimination.

(b) A person compelled to testify over a proper claim of privilege against self-incrimination is not subject to indictment or prosecution for a matter or transaction about which the person truthfully testifies or produces evidence.

(c) A special master has the same powers as a district judge in matters of contempt and granting immunity. (V.A.C.S. Art. 5966a, Sec. 14.)

Sec. 33.027. DEPOSITION. (a) In a pending investigation or formal proceeding, the commission or the special master may order the deposition of any person. The deposition shall be taken in the form, and is subject to limitations, prescribed in the order.

(b) If the judge and commission counsel do not stipulate the manner of taking the deposition, the judge or counsel may petition a district court for an order requiring the person to testify. If the person resides or is present in the state, the judge or counsel shall file the petition in the county in which the person resides or is present. If the person does not reside or is not present in the state, the judge or counsel shall file the petition in a county in which the commission has an office. The petition must be entitled "In the Matter of Proceeding of State Commission on Judicial Conduct No. — (state number)" and, without identifying the judge, must state generally:

(1) the nature of the pending matter;

- (2) the deponent's name and residence;
- (3) the directions, if any, of the commission or special master; and
- (4) a request for an order requiring the person to appear and testify before a designated officer.

(c) On the filing of the petition, the court may order the person to appear and testify. The clerk shall issue a subpoena for the deposition. The person taking the deposition shall take and return it in the manner prescribed by law for depositions in civil actions.

(d) Failure to obey the subpoena or an order connected with the subpoena shall be dealt with as contempt. (V.A.C.S. Art. 5966a, Sec. 9.)

Sec. 33.028. **PROCESS AND ORDERS.** (a) Process issued in an investigation or formal proceeding under this chapter is valid anywhere in the state.

(b) On request of the commission, a commission member, or an authorized representative of the commission, a sheriff or a constable shall serve any process or execute lawful orders issued by the commission. A commission member, a special master, or a person whom the commission designates may also serve process or execute a lawful order of the commission. (V.A.C.S. Art. 5966a, Secs. 5, 7.)

Sec. 33.029. **WITNESSES' EXPENSES.** A witness other than an officer or employee of the state or a political subdivision or court of the state is entitled to the same mileage expenses and per diem as a witness before a state grand jury. The commission shall pay these amounts from its appropriated funds. (V.A.C.S. Art. 5966a, Sec. 10.)

Sec. 33.030. **ASSISTANCE TO COMMISSION AND SPECIAL MASTER.** (a) On request of the commission, the attorney general shall act as its counsel generally or in a particular investigation or proceeding.

(b) A state or local government body or department, an officer or employee of a state or local government body, or an official or agent of a state court shall cooperate with and give reasonable assistance and information to the commission, an authorized representative of the commission, or a special master concerning an investigation or proceeding before the commission or master. (V.A.C.S. Art. 5966a, Secs. 2 (part), 4.)

Sec. 33.031. **NO AWARD OF COSTS.** The commission, a special master, or a district court may not award costs in a proceeding under this chapter. (V.A.C.S. Art. 5966a, Sec. 11.)

Sec. 33.032. **CONFIDENTIALITY OF PAPERS, RECORDS, AND PROCEEDINGS.** The papers filed with and proceedings before the commission are confidential prior to the convening of a formal hearing. The formal hearing, and all papers, records, documents, and other evidence introduced during the formal hearing, shall be public. (V.A.C.S. Art. 5966a, Sec. 8A.)

Sec. 33.033. **NOTIFICATION TO COMPLAINANT.** (a) The commission shall promptly notify a complainant of judicial conduct of the disposition of the complaint.

(b) The communication shall inform the complainant that:

- (1) the complaint has no basis and has been dismissed;
- (2) appropriate action has been taken, the nature of which will not be disclosed; or
- (3) formal proceedings have been instituted.

(c) The communication may not contain the name of a judge unless formal proceedings have been instituted. (V.A.C.S. Art. 5966a, Sec. 15A.)

[Chapters 34-40 reserved for expansion]

## SUBTITLE C. PROSECUTING ATTORNEYS

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Sec. 41.201. ELIGIBLE COUNTIES

Sec. 41.202. TRANSFER BY COMPTROLLER

Sec. 41.203. AMOUNT OF TRANSFER

Sec. 41.204. APPORTIONMENT BY COMMISSIONERS COURT

CHAPTER 41. GENERAL PROVISIONS

SUBCHAPTER A. OFFICE OF PROSECUTING ATTORNEY

Sec. 41.001. QUALIFICATIONS. A district or county attorney must be a licensed attorney. (V.A.C.S. Art. 332 (part).)

Sec. 41.002. NOTIFICATION OF ADDRESS. Each district and county attorney shall notify the attorney general and comptroller of his post office address as soon as practicable after his election and qualification. (V.A.C.S. Art. 332 (part).)

Sec. 41.003. ADMISSION BY PROSECUTOR. An admission made by a district or county attorney in a suit or action to which the state is a party does not prejudice the rights of the state. (V.A.C.S. Art. 340.)

Sec. 41.004. ACCEPTANCE OF REWARD. A district or county attorney, either before or after the case is tried and finally determined, may not take from any person a fee, article of value, compensation, reward, or gift, or a promise of any of these, to prosecute a case that he is required by law to prosecute or as consideration or a testimonial for his services in a case that he is required by law to prosecute. (V.A.C.S. Art. 336.)

Sec. 41.005. COLLECTION OF MONEY. (a) Not later than the 30th day after the date on which a district or county attorney receives any money collected for the state or a county, the district or county attorney shall, after deducting the commissions provided by this section, pay the money into the treasury of the state or of the county to which it belongs.

(b) The district or county attorney may retain a commission from money collected for the state or a county. The amount of the commission in any one case is 10 percent of the first \$1,000 collected, and five percent of the amount collected over \$1,000.

(c) Subsections (a) and (b) of this section also apply to money realized for the state under the laws governing escheat.

(d) Not later than the last day of August of each year, each district and county attorney shall file in the office of the comptroller or of the county treasurer, as the case may be, a sworn account of all money received by him by virtue of his office during the preceding year and payable into the state or county treasury. (V.A.C.S. Arts. 335, 337.)

Sec. 41.006. REPORT TO ATTORNEY GENERAL. At the times and in the form that the attorney general directs, the district and county attorneys shall report to the attorney general the information from their districts and counties that the attorney general desires relating to criminal matters and the interests of the state. (V.A.C.S. Art. 333.)



Sec. 41.007. **OPINIONS TO COUNTY AND PRECINCT OFFICIALS.** A district or county attorney, on request, shall give to a county or precinct official of his district or county a written opinion or written advice relating to the official duties of that official. (V.A.C.S. Art. 334.)

Sec. 41.008. **REGISTER.** (a) Each district or county attorney shall keep a register of all his official acts and reports, all actions or demands prosecuted or defended by him as district or county attorney, and all proceedings held in relation to his official acts.

(b) A district or county attorney shall keep the register in proper books obtained by him for that purpose at his own expense.

(c) The register shall be available at all times for inspection by any person appointed to examine it by the governor or by the commissioners court of a county.

(d) Each district and county attorney shall deliver the books that comprise the register to his successor in office. (V.A.C.S. Art. 338.)

Sec. 41.009. **PROSECUTION OF OFFICERS ENTRUSTED WITH PUBLIC FUNDS.** If a district or county attorney learns that an officer in his district or county who is entrusted with the collection or safekeeping of public funds is neglecting or abusing the trust confided in him or is failing to discharge his duties under the law, the district or county attorney shall institute the proceedings that are necessary to compel the performance of the officer's duties and to preserve and protect the public interest. (V.A.C.S. Art. 339.)

Sec. 41.010. **APPOINTMENT OF INITIAL DISTRICT OR CRIMINAL DISTRICT ATTORNEY.** If a new office of district attorney or criminal district attorney is created, the governor shall appoint a person to fill the office until the next general election. (V.A.C.S. Art. 199a, Sec. 6.001 (part).)

[Sections 41.011-41.100 reserved for expansion]

## SUBCHAPTER B. STAFF OF PROSECUTING ATTORNEY

Sec. 41.101. **DEFINITION.** In this subchapter, "prosecuting attorney" means a county attorney, district attorney, or criminal district attorney. (V.A.C.S. Art. 332a, Sec. 1.)

Sec. 41.102. **EMPLOYMENT OF ASSISTANTS AND PERSONNEL.** A prosecuting attorney may employ the assistant prosecuting attorneys, investigators, secretaries, and other office personnel that in his judgment are required for the proper and efficient operation and administration of the office. (V.A.C.S. Art. 332a, Sec. 2.)

Sec. 41.103. **ASSISTANT PROSECUTING ATTORNEYS.** (a) An assistant prosecuting attorney must be licensed to practice law in this state and shall take the constitutional oath of office.

(b) An assistant prosecuting attorney may perform all duties imposed by law on the prosecuting attorney. (V.A.C.S. Art. 332a, Sec. 3.)

Sec. 41.104. **BOND.** A prosecuting attorney may require his assistant prosecuting attorneys, investigators, and secretaries to have a bond in the amount that the prosecuting attorney sets. (V.A.C.S. Art. 332a, Sec. 4 (part).)

Sec. 41.105. **REMOVAL.** All personnel of a prosecuting attorney's office are subject to removal at the will of the prosecuting attorney. (V.A.C.S. Art. 332a, Sec. 4 (part).)

Sec. 41.106. **COMPENSATION.** (a) A prosecuting attorney shall fix the salaries of his assistant prosecuting attorneys, investigators, secretaries, and other office personnel, subject to the approval of the commissioners court of the county or counties composing the district.

(b) In addition to their salaries, assistant prosecuting attorneys and investigators may be allowed actual and necessary travel expenses incurred in the discharge of their duties, not to exceed the amount fixed by the prosecuting attorney and approved by the commissioners court of the county or counties composing the district. The county may pay claims for travel expenses from the general fund, the officers' salary fund, or any other available funds of the county. (V.A.C.S. Art. 332a, Secs. 5, 6.)

Sec. 41.107. **EQUIPMENT AND SUPPLIES.** (a) The commissioners court of the county or counties composing a district may furnish telephone service, typewriters, office furniture, office space, supplies, and the other items and equipment that are necessary to carry out the official duties of the prosecuting attorney's office and may pay the expenses incident to the operation of the office.

(b) The commissioners court of the county or counties composing a district may furnish automobiles for the use of the prosecuting attorney's office in conducting the official duties of the office and may provide for the maintenance of the automobiles. (V.A.C.S. Art. 332a, Sec. 7.)

Sec. 41.108. **GIFTS AND GRANTS.** The commissioners court of the county or counties composing a district may accept gifts and grants from any foundation or association for the purpose of financing adequate and effective prosecution programs in the county or district. (V.A.C.S. Art. 332a, Sec. 8.)

Sec. 41.109. **AUTHORITY OF INVESTIGATOR.** (a) An investigator appointed by a prosecuting attorney has the same authority as the sheriff of the county to make arrests anywhere in the county and to serve anywhere in the state warrants, capias, subpoenas in criminal cases, and all other processes in criminal cases issued by a district court, county court, or justice court of this state.

(b) An investigator is under the exclusive authority and direction of the prosecuting attorney and is not under the authority and direction of the sheriff. The prosecuting attorney is responsible for the official acts of his investigators and has the same remedies against his investigators and their sureties as any person has against a prosecuting attorney and his sureties.

(c) An investigator may not draw a fee of any character for performing a duty prescribed by this section. (V.A.C.S. Art. 326k-6.)

[Sections 41.110-41.200 reserved for expansion]

### SUBCHAPTER C. APPORTIONMENT OF STATE FUNDS FOR PROSECUTION IN CERTAIN COUNTIES

Sec. 41.201. **ELIGIBLE COUNTIES.** This subchapter applies only to:

- (1) Harris County; and
- (2) any other county in which:
  - (A) the county officials are compensated on a salary basis; and
  - (B) there is a criminal district attorney or a county attorney performing the duties of a district attorney. (V.A.C.S. Art. 3912e, Sec. 13 (part).)

Sec. 41.202. **TRANSFER BY COMPTROLLER.** (a) On the first day of September, January, and May of each fiscal year, the comptroller shall deposit the amount provided by this subchapter in the officers' salary fund of each county to which this subchapter applies from the available appropriations made by the legislature for that purpose.

(b) A county in which the commissioners court is entitled to determine whether county officers are paid on a salary basis may not receive funds under this subchapter until the commissioners court notifies the comptroller of its order providing that the county officers in the county are to be compensated on a salary basis. (V.A.C.S. Art. 3912e, Sec. 13 (part).)

Sec. 41.203. **AMOUNT OF TRANSFER.** (a) In making the deposits provided by Section 41.202, the comptroller shall apportion the amount appropriated for that purpose among the eligible counties on the basis of the population of each county as provided by this section.

(b) The annual apportionment for a county may not exceed:

- (1) 10 cents per capita for a county with a population of less than 8,500;
- (2) 7-1/2 cents per capita for a county with a population of 8,500 or more and not more than 19,000;
- (3) 5 cents per capita for a county with a population of more than 19,000 and not more than 75,000;
- (4) 4 cents per capita for a county with a population of more than 75,000; and
- (5) 4 cents per capita for Harris County. (V.A.C.S. Art. 3912e, Sec. 13 (part).)

Sec. 41.204. **APPORTIONMENT BY COMMISSIONERS COURT.** The commissioners court of a county receiving money from the state under this subchapter shall apportion the money to the proper officers' salary fund of the county. (V.A.C.S. Art. 3912e, Sec. 19(r) (part).)

### CHAPTER 42. STATE PROSECUTING ATTORNEY

Sec. 42.001. **OFFICE; QUALIFICATIONS**

Sec. 42.002. **OATH; TERM**

Sec. 42.003. **ASSISTANT STATE PROSECUTING ATTORNEYS**

Sec. 42.004. **REMOVAL**

Sec. 42.005. **COOPERATION WITH OTHER PROSECUTING ATTORNEYS**

Sec. 42.006. **SUNSET PROVISION**

### CHAPTER 42. STATE PROSECUTING ATTORNEY

Sec. 42.001. **OFFICE; QUALIFICATIONS.** (a) The court of criminal appeals shall appoint a state prosecuting attorney to represent the state in all proceedings before the court. The state prosecuting attorney may also represent the state in any stage of a criminal case before a state court of appeals if he considers it necessary for the interest of the state.

(b) A person appointed to the office of state prosecuting attorney must have at least five years' experience as an attorney in the practice of criminal law in this state. (V.A.C.S. Art. 1811 (part).)

Sec. 42.002. OATH; TERM. (a) The state prosecuting attorney must take the oath required of state officials.

(b) The state prosecuting attorney serves a two-year term and continues to serve until a successor is appointed and has qualified. (V.A.C.S. Art. 1811 (part).)

Sec. 42.003. ASSISTANT STATE PROSECUTING ATTORNEYS. The state prosecuting attorney may appoint one or more assistant state prosecuting attorneys. An assistant state prosecuting attorney has the same duties and serves the same term of office as the state prosecuting attorney. (V.A.C.S. Art. 1811 (part).)

Sec. 42.004. REMOVAL. The court of criminal appeals may remove state prosecuting attorneys from office for good cause. (V.A.C.S. Art. 1811 (part).)

Sec. 42.005. COOPERATION WITH OTHER PROSECUTING ATTORNEYS. (a) The state prosecuting attorney may assist a district or a county attorney in representing the state before a court of appeals if requested to do so by the district or county attorney.

(b) A district or county attorney may assist the state prosecuting attorney in representing the state before the court of criminal appeals. (V.A.C.S. Art. 1811 (part).)

Sec. 42.006. SUNSET PROVISION. The office of the state prosecuting attorney is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the office is abolished effective September 1, 1987. (V.A.C.S. Art. 1811aa.)

CHAPTER 43. DISTRICT ATTORNEYS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 43.001. SALARY

Sec. 43.002. BOND

Sec. 43.003. FAILURE TO ATTEND COURT

Sec. 43.004. EXPENSES

[Sections 43.005-43.100 reserved for expansion]

SUBCHAPTER B. PROVISIONS APPLICABLE TO SPECIFIC DISTRICTS

Sec. 43.101. 1ST JUDICIAL DISTRICT

Sec. 43.102. 2ND JUDICIAL DISTRICT

Sec. 43.103. 3RD JUDICIAL DISTRICT

Sec. 43.104. 8TH JUDICIAL DISTRICT

Sec. 43.105. 9TH JUDICIAL DISTRICT

Sec. 43.106. 12TH JUDICIAL DISTRICT

Sec. 43.107. 18TH JUDICIAL DISTRICT

Sec. 43.108. 21ST JUDICIAL DISTRICT

Sec. 43.109. 22ND JUDICIAL DISTRICT

Sec. 43.110. 23RD JUDICIAL DISTRICT

Sec. 43.111. 24TH JUDICIAL DISTRICT

Sec. 43.112. 25TH JUDICIAL DISTRICT

Sec. 43.113. 26TH JUDICIAL DISTRICT

Sec. 43.114. 27TH JUDICIAL DISTRICT

Sec. 43.115. 29TH JUDICIAL DISTRICT

Sec. 43.116. 30TH JUDICIAL DISTRICT

Sec. 43.117. 31ST JUDICIAL DISTRICT

Sec. 43.118. 32ND JUDICIAL DISTRICT

Sec. 43.119. 33RD JUDICIAL DISTRICT

Sec. 43.120. 34TH JUDICIAL DISTRICT

Sec. 43.121. 35TH JUDICIAL DISTRICT

- Sec. 43.122. 36TH JUDICIAL DISTRICT
- Sec. 43.123. 38TH JUDICIAL DISTRICT
- Sec. 43.124. 39TH JUDICIAL DISTRICT
- Sec. 43.125. 43RD JUDICIAL DISTRICT
- Sec. 43.126. 46TH JUDICIAL DISTRICT
- Sec. 43.127. 47TH JUDICIAL DISTRICT
- Sec. 43.128. 49TH JUDICIAL DISTRICT
- Sec. 43.129. 50TH JUDICIAL DISTRICT
- Sec. 43.130. 51ST JUDICIAL DISTRICT
- Sec. 43.131. 52ND JUDICIAL DISTRICT
- Sec. 43.132. 53RD JUDICIAL DISTRICT
- Sec. 43.133. 63RD JUDICIAL DISTRICT
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- Sec. 43.138. 76TH JUDICIAL DISTRICT
- Sec. 43.139. 79TH JUDICIAL DISTRICT
- Sec. 43.140. 81ST JUDICIAL DISTRICT
- Sec. 43.141. 83RD JUDICIAL DISTRICT
- Sec. 43.142. 84TH JUDICIAL DISTRICT
- Sec. 43.143. 85TH JUDICIAL DISTRICT
- Sec. 43.144. 88TH JUDICIAL DISTRICT
- Sec. 43.145. 90TH JUDICIAL DISTRICT
- Sec. 43.146. 97TH JUDICIAL DISTRICT
- Sec. 43.147. 100TH JUDICIAL DISTRICT
- Sec. 43.148. 105TH JUDICIAL DISTRICT
- Sec. 43.149. 106TH JUDICIAL DISTRICT
- Sec. 43.150. 109TH JUDICIAL DISTRICT
- Sec. 43.151. 110TH JUDICIAL DISTRICT
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- Sec. 43.153. 118TH JUDICIAL DISTRICT
- Sec. 43.154. 119TH JUDICIAL DISTRICT
- Sec. 43.155. 123RD JUDICIAL DISTRICT
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- Sec. 43.157. 142ND JUDICIAL DISTRICT
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- Sec. 43.160. 155TH JUDICIAL DISTRICT
- Sec. 43.161. 156TH JUDICIAL DISTRICT
- Sec. 43.162. 159TH JUDICIAL DISTRICT
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 Sec. 43.177. 293RD JUDICIAL DISTRICT  
 Sec. 43.178. 349TH JUDICIAL DISTRICT  
 Sec. 43.179. 355TH JUDICIAL DISTRICT  
 Sec. 43.180. HARRIS COUNTY DISTRICT ATTORNEY

## CHAPTER 43. DISTRICT ATTORNEYS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 43.001. **SALARY.** The legislature shall determine the salary of a district attorney in its appropriations for the support of the judiciary. (V.A.C.S. Art. 6819b (part).)

Sec. 43.002. **BOND.** (a) Before assuming the duties of the office, a district attorney must give a bond that:

- (1) is payable to the governor;
- (2) is in the sum of \$5,000;
- (3) has two or more good and sufficient sureties;
- (4) is approved by the district judge; and

(5) is conditioned that the district attorney will, in the manner prescribed by law, faithfully pay over all money that he collects or that comes into his hands for the state or a county.

(b) Each district attorney's bond shall be deposited in the office of the comptroller of public accounts. (V.A.C.S. Art. 323.)

Sec. 43.003. **FAILURE TO ATTEND COURT.** If a district attorney fails to attend any term of the district court of a county in the district, the district clerk shall certify that failure to the comptroller of public accounts. Unless a satisfactory reason for the failure is shown to the comptroller, the district attorney may not receive salary for the time the district attorney failed to attend. (V.A.C.S. Art. 327.)

Sec. 43.004. **EXPENSES.** (a) A district attorney engaged in the discharge of official duties in a county other than the district attorney's county of residence is entitled to traveling and other necessary expenses, as provided by the Travel Regulations Act of 1959 (Article 6823a, Vernon's Texas Civil Statutes).

(b) A district attorney is entitled to receive from the state the actual and necessary postage, telegraph, and telephone expenses incurred in the discharge of official duties.

(c) The expenses shall be paid by the state on a sworn itemized account showing the expenses. (V.A.C.S. Art. 6820 (part).)

[Sections 43.005-43.100 reserved for expansion]

### SUBCHAPTER B. PROVISIONS APPLICABLE TO SPECIFIC DISTRICTS

Sec. 43.101. **1ST JUDICIAL DISTRICT.** The voters of Newton, Sabine, and San Augustine counties elect a district attorney for the 1st Judicial District who represents the state in that district court only in those counties. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-83, Sec. 10 (part).)

Sec. 43.102. **2ND JUDICIAL DISTRICT.** The voters of the 2nd Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.103. 3RD JUDICIAL DISTRICT. (a) The voters of Anderson County elect a district attorney for the 3rd Judicial District who represents the state in that district court only in that county.

(b) The district attorney of the 3rd Judicial District represents the state in all criminal and civil actions in which the state is interested arising in the 87th District Court in Anderson County.

(c) The district attorney may employ an assistant district attorney with the consent of the Commissioners Court of Anderson County. (V.A.C.S. Art. 199(87), Sec. 4 (part); Art. 322, Sec. 1 (part); Art. 326k-87, Sec. 24; Art. 326l-3, Sec. 1.)

Sec. 43.104. 8TH JUDICIAL DISTRICT. (a) The voters of the 8th Judicial District elect a district attorney.

(b) The commissioners court of one or more of the counties comprising the district may supplement the salary of the district attorney. The total annual salary of the district attorney may not be supplemented to exceed the amount of the salary paid to the highest paid county attorney in the district. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 325b (part).)

Sec. 43.105. 9TH JUDICIAL DISTRICT. (a) The voters of the 9th Judicial District elect a district attorney. The district attorney also acts as district attorney in Montgomery, Polk, and San Jacinto counties of the Second 9th Judicial District.

(b) The district attorney, with the approval of the commissioners court of one or more of the counties comprising the district, may appoint the assistant district attorneys, investigators, secretaries, and other employees necessary to carry out the duties of the office of district attorney.

(c) An investigator appointed by the district attorney is not required to be a licensed attorney.

(d) The salary of each employee of the district attorney is fixed by the commissioners courts of the counties comprising the district. The district attorney, assistant district attorneys, and investigators employed by the district attorney may be allowed the actual and necessary travel expenses incident to carrying out the duties of the district attorney, subject to the approval of the district attorney. This subsection does not apply to the portion of compensation or travel expenses paid by the state to the district attorney or his employees.

(e) The salaries and expenses paid by the counties comprising the district shall be paid in proportion to the population of each county, except as otherwise provided by Subsection (f).

(f) The district attorney may assign employees to a specific county or to specific counties of the district. The commissioners court of a county to which an employee is assigned may, in its discretion, pay a greater share of the salary or expenses of the employee than the proportionate share provided by Subsection (e). To the extent that a commissioners court pays a greater share of an employee's salary or expenses than that provided by Subsection (e), the counties to which the employee is not assigned are relieved of their proportionate share of the salary or expenses.

(g) The salary and expenses of the employees of the district attorney must be paid by each county at the regular pay period of the county from the officers' salary fund of the county, the general fund of the county, or both, at the discretion of the commissioners court.

(h) The compensation paid by a county to an employee of the district attorney or set for a position on the staff of the district attorney may not be less than the compensation paid by the county to the person or set for the position on June 14, 1973.

(i) The commissioners court of a county in the district may accept gifts and grants from an individual, partnership, corporation, trust, foundation, association, or political subdivision to finance adequate and effective prosecution, crime prevention, or rehabilitation programs in the county or district approved and administered by the district attorney. (V.A.C.S. Art. 199(2nd 9), Sec. 6; Art. 322, Sec. 1 (part); Art. 326l-2, Secs. 1 (part), 3 (part), 4, 5, 8.)

Sec. 43.106. 12TH JUDICIAL DISTRICT. (a) The voters of Grimes, Madison, and Leon counties elect a district attorney for the 12th Judicial District who represents the state in that district court only in those counties.

(b) The district attorney of the 12th Judicial District also represents the state in all criminal and civil actions in which the state is interested that arise in the 87th Judicial District in Leon County.

(c) The district attorney may, with the consent of the commissioners courts of the counties comprising the district, appoint a deputy district attorney.

(d) The commissioners courts of the counties comprising the 12th Judicial District shall pay the salary and traveling expenses of the deputy district attorney from the officers' salary funds of the counties proportionately according to the population of each of the counties. The salary shall be paid in equal monthly installments and expense claims shall be paid at the end of each month. The salary is subject to participation fully in the Texas County and District Retirement System. (V.A.C.S. Art. 199(2nd 9), Sec. 7; Art. 199(87), Sec. 4 (part); Art. 322, Sec. 1 (part); Art. 326k-5a, Secs. 1, 4; Art. 326k-80, Secs. 8(a) (part), (b).)

Sec. 43.107. 18TH JUDICIAL DISTRICT. The voters of the 18th Judicial District elect a district attorney. (Acts 43rd Legis., Reg. Sess., 1933, S.L., Ch. 21, Sec. 1 (part).)

Sec. 43.108. 21ST JUDICIAL DISTRICT. The voters of Washington, Lee, and Burleson counties elect a district attorney for the 21st Judicial District who represents the state in that district court only in those counties. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-81, Secs. 7(a) (part), (b) (part).)

Sec. 43.109. 22ND JUDICIAL DISTRICT. The voters of Comal County elect a district attorney for the 22nd Judicial District who represents the state in that district court only in that county. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-86, Sec. (h).)

Sec. 43.110. 23RD JUDICIAL DISTRICT. (a) The voters of Matagorda and Wharton counties elect a district attorney for the 23rd Judicial District who represents the state in that district court only in those counties.

(b) The district attorney also represents the state and performs the duties of district attorney before all the district courts in Matagorda and Wharton counties.

(c) The commissioners courts of the counties comprising the district may supplement the salary of the district attorney so that the total annual salary of the district attorney is not less than \$12,000. The supplemental salary must be paid by each county proportionately according to the population of each county. The supplemental salary must be paid from the officers' salary funds of the counties, if those funds are adequate. If the officers' salary fund of a county is inadequate, the commissioners court shall transfer the necessary amount from the general fund of the county to the officers' salary fund. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-47, Secs. 1 (part), 2, 3; Art. 326k-47a; Art. 326k-76, Secs. 10(a) (part), (b) (part).)

Sec. 43.111. 24TH JUDICIAL DISTRICT. (a) The voters of DeWitt, Goliad, and Refugio counties elect a district attorney for the 24th Judicial District who represents the state in that district court only in those counties.

(b) The district attorney also represents the state in all cases before the 135th Judicial District Court in DeWitt, Goliad, and Refugio counties.

(c) The commissioners courts of DeWitt, Goliad, and Refugio counties may supplement the state salary of the district attorney in the amount they consider proper. The supplemental compensation must be paid in equal monthly installments in proportion to the population of those counties. (V.A.C.S. Art. 199(135), Sec. 4 (part); Art. 322, Sec. 1 (part); Art. 326k-45, Secs. 1 (part), 2, 3 (part); Art. 326k-85(h).)

Sec. 43.112. 25TH JUDICIAL DISTRICT. The voters of the 25th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.113. 26TH JUDICIAL DISTRICT. The voters of the 26th Judicial District elect a district attorney. (V.A.C.S. Art. 322a-1, Secs. 1, 4 (part).)

Sec. 43.114. 27TH JUDICIAL DISTRICT. (a) The voters of the 27th Judicial District elect a district attorney.

(b) An investigator appointed by the district attorney is not required to be a licensed attorney. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-43a, Sec. 3 (part).)

Sec. 43.115. 29TH JUDICIAL DISTRICT. (a) The voters of the 29th Judicial District elect a district attorney.

(b) The commissioners court of a county in the 29th Judicial District may accept gifts and grants from any political subdivision to finance adequate and effective prosecution programs within the county or district. A municipality in the county or district may allocate or grant money, in amounts approved by the governing body of the municipality, for the support and maintenance of an effective prosecution program. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-74, Sec. 8.)

Sec. 43.116. 30TH JUDICIAL DISTRICT. (a) The voters of the 30th Judicial District elect a district attorney.

(b) The district attorney for the 30th Judicial District also represents the state in all criminal cases arising in the 89th District Court. (V.A.C.S. Art. 322, Sec. 1 (part); Acts 36th Legis., 3rd C.S., 1920, Ch. 12, Sec. 6 (part).)

Sec. 43.117. 31ST JUDICIAL DISTRICT. (a) The voters of the 31st Judicial District elect a district attorney.

(b) The district attorney also represents the state in all criminal cases before the County Court of Roberts County. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-42 (part).)

Sec. 43.118. 32ND JUDICIAL DISTRICT. The voters of the 32nd Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.119. 33RD JUDICIAL DISTRICT. The voters of the 33rd Judicial District elect a district attorney. (V.A.C.S. Art. 199(112), Sec. 6 (part); Art. 322, Sec. 1 (part).)

Sec. 43.120. 34TH JUDICIAL DISTRICT. (a) The voters of the 34th Judicial District elect a district attorney.

(b) The district attorney for the 34th Judicial District also acts as district attorney for the 41st, 65th, 120th, and 171st judicial districts and represents the state in all criminal cases before every district court having jurisdiction in El Paso County.

(c) The commissioners courts of Culberson and Hudspeth counties shall each pay to El Paso County \$100 a month to be expended, on sworn claims of the district attorney approved by the Commissioners Court of El Paso County, for the preparation and conduct of criminal affairs of the district attorney's office.

(d) For the purpose of conducting his office, the district attorney may appoint two first assistant district attorneys, or one first assistant district attorney and one first assistant administrative district attorney, and the other assistant district attorneys that are necessary to the proper performance of the district attorney's duties.

(e) The assistants and other employees of the district attorney are compensated by the Commissioners Court of El Paso County. The Commissioners Court of El Paso County must approve the number of assistants and other employees appointed and the amount of compensation of those employees. (V.A.C.S. Art. 199(34) (part); Art. 199(120), Sec. 5 (part); Art. 199(171), Sec. D(b) (part); Art. 322, Sec. 1 (part); Art. 326; Art. 326b, Secs. 1, 2 (part), 3 (part), 4; Art. 326e; Art. 3886h, Secs. 1 (part), 2 (part).)

Sec. 43.121. 35TH JUDICIAL DISTRICT. The voters of the 35th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.122. 36TH JUDICIAL DISTRICT. The voters of Aransas and San Patricio counties elect a district attorney for the 36th Judicial District who represents the state in that district court only in those counties. In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in all criminal cases in the district courts in those counties. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-87, Sec. 22(b) (part).)

Sec. 43.123. 38TH JUDICIAL DISTRICT. The voters of the 38th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.124. 39TH JUDICIAL DISTRICT. The voters of the 39th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.125. 43RD JUDICIAL DISTRICT. The voters of the 43rd Judicial District elect a district attorney. (V.A.C.S. Art. 199(43)(e) (part).)

Sec. 43.126. 46TH JUDICIAL DISTRICT. The voters of the 46th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.127. 47TH JUDICIAL DISTRICT. (a) The voters of Armstrong and Potter counties elect a district attorney for the 47th Judicial District who represents the state in that district court only in those counties.

(b) The district attorney of the 47th Judicial District also acts as the district attorney for the 108th Judicial District.

(c) The district attorney also represents the state in all criminal cases before the district courts of Potter and Armstrong counties.

(d) The number of assistants and other office personnel employed by the district attorney and the compensation of the personnel are subject to the approval of the Commissioners Court of Potter County.

(e) The Commissioners Court of Potter County may pay the salaries of the office personnel of the district attorney from the officers' salary fund, the general fund, any other available fund, or any combination of those funds. (V.A.C.S. Art. 199(108), Sec. 7; Art. 322, Sec. 1 (part); Art. 326k-36, Sec. 8 (part); Art. 326k-36a, Secs. 1, 2 (part), 4 (part).)

Sec. 43.128. 49TH JUDICIAL DISTRICT. (a) The voters of the 49th Judicial District elect a district attorney.

(b) The district attorney represents the state in all criminal cases in Webb County.

(c) The district attorney also represents the state in the 111th District Court in all criminal cases and in all other matters in which the state is a party.

(d) The commissioners court of one or more of the counties comprising the district may supplement the state salary of the district attorney in the amount fixed by the commissioners court. The commissioners court may also supplement the salary of the district attorney for the prosecution of misdemeanor cases in the county.

(e) The commissioners court of any county in the district may provide the salary of any member of the district attorney's staff and may prescribe as a qualification for retaining a job that a member of the staff reside in the county. (V.A.C.S. Art. 199(111), Sec. 7 (part); Art. 322, Sec. 1 (part); Art. 326k-38b, Secs. 1 (part), 2 (part), 3 (part).)



Sec. 43.129. 50TH JUDICIAL DISTRICT. The voters of the 50th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.130. 51ST JUDICIAL DISTRICT. (a) The voters of the 51st Judicial District elect a district attorney who represents the state in all criminal and habeas corpus cases in that district court.

(b) The district attorney of the 51st Judicial District may request the district attorney of the 119th Judicial District to assist in the trial of a criminal or habeas corpus case in Tom Green County. The district attorney of the 51st Judicial District has absolute control and management of those cases. (Acts 42nd Legis., Reg. Sess., 1931, G.L., Ch. 367, Sec. 14 (part); V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.131. 52ND JUDICIAL DISTRICT. The voters of the 52nd Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.132. 53RD JUDICIAL DISTRICT. (a) The voters of the 53rd Judicial District elect a district attorney. In addition to performing the other duties provided by law for district attorneys, the district attorney represents the state in all criminal cases before all the district courts of Travis County.

(b) The district attorney is entitled to receive a salary in an amount equal to the total salary paid from state and county funds to the judge of the 53rd District Court, excluding any compensation paid to the judge with reference to juvenile board matters. The Commissioners Court of Travis County may supplement the salary of the district attorney, but the total compensation of the district attorney may not exceed the limitation provided by this subsection.

(c) The Commissioners Court of Travis County may supplement the salaries paid by the state to the assistant district attorneys to the district attorney. (V.A.C.S. Art. 199(53), Sec. 7 (part); Art. 322, Sec. 1 (part); Art. 326k-14, Secs. 1, 4; Art. 1926-51, Sec. 10 (part).)

Sec. 43.133. 63RD JUDICIAL DISTRICT. The voters of the 63rd Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.134. 64TH JUDICIAL DISTRICT. The voters of Hale and Swisher counties elect a district attorney for the 64th Judicial District who represents the state in that district court only in those counties. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 332b-2(b).)

Sec. 43.135. 66TH JUDICIAL DISTRICT. The voters of the 66th Judicial District elect a district attorney. (V.A.C.S. Art. 322c, Secs. 1, 2 (part).)

Sec. 43.136. 69TH JUDICIAL DISTRICT. (a) The voters of the 69th Judicial District elect a district attorney.

(b) An investigator appointed by the district attorney is not required to be a licensed attorney.

(c) Each stenographer employed by the district attorney shall be paid an annual salary of not less than \$2,400 and not more than \$8,250 as determined by the commissioners courts of the counties comprising the district.

(d) Each assistant and each investigator employed by the district attorney shall be paid an annual salary of not less than \$4,800 and not more than \$15,000 as determined by the commissioners courts of the counties comprising the district. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-66, Sec. 3 (part).)

Sec. 43.137. 70TH JUDICIAL DISTRICT. (a) The voters of the 70th Judicial District elect a district attorney.

(b) The district attorney of the 70th Judicial District shall also act as district attorney for the 161st Judicial District. (V.A.C.S. Art. 199(142), Secs. 7, 8 (part); Art. 199(161), Sec. 9; Art. 322, Sec. 1 (part).)

Sec. 43.138. 76TH JUDICIAL DISTRICT. The voters of Titus and Camp counties elect a district attorney for the 76th Judicial District who represents the state in all matters pending before the district court in those counties. (V.A.C.S. Art. 322, Sec. 1 (part); Acts 67th Legis., Reg. Sess., 1981, Ch. 25, Sec. 20 (part).)

Sec. 43.139. 79TH JUDICIAL DISTRICT. (a) The voters of the 79th Judicial District elect a district attorney.

(b) The commissioners courts of the counties comprising the district may supplement the state salary of the district attorney in the amount of \$2,500 a year. The commissioners court of each county in the district shall pay a proportionate share of the supplemental salary according to the population of the county. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k-15, Secs. 1, 4 (part).)

Sec. 43.140. 81ST JUDICIAL DISTRICT. The voters of the 81st Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.141. 83RD JUDICIAL DISTRICT. The voters of the 83rd Judicial District elect a district attorney. (V.A.C.S. Art. 199(112), Sec. 6 (part); Art. 322, Sec. 1 (part).)

Sec. 43.142. 84TH JUDICIAL DISTRICT. (a) The voters of Hansford and Hutchinson counties elect a district attorney for the 84th Judicial District who represents the state in that district court only in those counties.

(b) The district attorney may appoint an assistant district attorney with the approval of the commissioners courts of the counties comprising the district.

(c) The salary and expenses of the assistant district attorney shall be paid by the counties comprising the district in proportion to the population of the counties. The salary shall be paid in equal monthly installments. Expense claims shall be paid at the end of each month on the approval of the district attorney. (V.A.C.S. Art. 326k-70, Secs. 1, 5; Art. 332b-3(b).)

Sec. 43.143. 85TH JUDICIAL DISTRICT. (a) The voters of the 85th Judicial District elect a district attorney.

(b) The district attorney, with the approval of the Commissioners Court of Brazos County, may appoint the assistant district attorneys, investigators, stenographers, secretaries, clerks, and other personnel that he considers necessary to carry out the duties of the office.

(c) An investigator appointed by the district attorney must take the constitutional oath of office when appointed.

(d) The Commissioners Court of Brazos County may accept gifts and grants from any individual, partnership, corporation, trust, foundation, association, or political subdivision for the purpose of financing adequate and effective prosecution, crime prevention, or rehabilitation programs within the county or district that are approved by the district attorney. (V.A.C.S. Art. 326k-61, Secs. 1, 2, 5(a), 5(c) (part), 5(f).)

Sec. 43.144. 88TH JUDICIAL DISTRICT. (a) The voters of Hardin County elect a district attorney for the 88th Judicial District. The district attorney acts as district attorney in Hardin County only.

(b) The Commissioners Court of Hardin County may supplement the state salary of the district attorney in the amount set by the commissioners court, not to exceed \$5,000 a year. The supplemental salary shall be paid from the officers' salary fund of the county, if adequate. If that fund is inadequate, the commissioners court may transfer the necessary funds from the general fund of the county. (V.A.C.S. Art. 199(88), Sec. 7; Art. 326k-60a (part); Art. 326k-88, Sec. 9.)

Sec. 43.145. 90TH JUDICIAL DISTRICT. The voters of the 90th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part); Art. 326k, Sec. 1 (part).)

Sec. 43.146. 97TH JUDICIAL DISTRICT. (a) The voters of the 97th Judicial District elect a district attorney.

(b) The district attorney, with the approval of the commissioners courts of the counties comprising the district, may appoint assistants, investigators, and office personnel as he considers necessary. (V.A.C.S. Art. 326k-82, Secs. 1, 5 (part), 6 (part).)

Sec. 43.147. 100TH JUDICIAL DISTRICT. The voters of the 100th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.148. 105TH JUDICIAL DISTRICT. (a) The voters of the 105th Judicial District elect a district attorney. The district attorney has the same powers and duties as other district attorneys and serves all the district courts of Nueces, Kleberg, and Kenedy counties.

(b) The commissioners courts of the counties comprising the district may supplement the state salary of the district attorney. The amount of the supplement may not exceed \$12,000 a year. The supplemental salary must be paid proportionately by the commissioners court of each county according to the population of the county. The supplemental salary may be paid from the officers' salary fund of a county. If that fund is inadequate, the commissioners court may transfer the necessary funds from the general fund of the county. (V.A.C.S. Art. 199(105), Sec. 5 (part); Art. 326k-29a, Secs. 1 (part), 2, 3.)

Sec. 43.149. 106TH JUDICIAL DISTRICT. The voters of the 106th Judicial District elect a district attorney. (V.A.C.S. Art. 322, Sec. 1 (part).)

Sec. 43.150. 109TH JUDICIAL DISTRICT. (a) The voters of Crane and Winkler counties elect a district attorney for the 109th Judicial District who represents the state in that district court only in those counties.

(b) The commissioners courts of the counties comprising the district may supplement the state salary of the district attorney in an amount not to exceed \$2,000 a year. Each commissioners court shall pay a proportionate share of the supplemental salary according to the population of the county. (Acts 41st Legis., Reg. Sess., 1929, Ch. 19, Sec. 5 (part); V.A.C.S. Art. 326k-24, Secs. 2, 3; 332b-5, Sec. 3.)

Sec. 43.151. 110TH JUDICIAL DISTRICT. The voters of the 110th Judicial District elect a district attorney. (Acts 41st Legis., Reg. Sess., 1929, Ch. 14, Sec. 6 (part).)

Sec. 43.152. 112TH JUDICIAL DISTRICT. (a) The voters of the 112th Judicial District elect a district attorney.

(b) The commissioners court of one or more of the counties comprising the district may supplement the state salary of the district attorney by an additional salary of \$4,800 a year. The supplemental salary may be paid from the officers' salary funds of the counties, if adequate. If

the officers' salary fund of a county is inadequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers' salary fund. (V.A.C.S. Art. 199(112), Sec. 6 (part); Art. 326k-49a, Secs. 1 (part), 2.)

Sec. 43.153. 118TH JUDICIAL DISTRICT. (a) The voters of the 118th Judicial District elect a district attorney.

(b) The district attorney also represents the state in all criminal cases before the County Court of Glasscock County. (Acts 51st Legis., Reg. Sess., 1949, Ch. 330, Sec. 9; Acts 55th Legis., Reg. Sess., 1957, Ch. 196, Sec. 3 (part).)

Sec. 43.154. 119TH JUDICIAL DISTRICT. (a) The voters of the 119th Judicial District elect a district attorney who represents the state in all criminal and habeas corpus cases in that district court.

(b) The district attorney of the 119th Judicial District may request the district attorney of the 51st Judicial District to assist in the trial of a criminal or habeas corpus case before the 119th District Court. The district attorney of the 119th Judicial District has absolute control and management of those cases. (Acts 42nd Legis., Reg. Sess., 1931, G.L., Ch. 367, Secs. 8 (part), 14 (part).)

Sec. 43.155. 123RD JUDICIAL DISTRICT. The voters of the 123rd Judicial District elect a district attorney. (Acts 42nd Legis., Reg. Sess., 1931, G.L., Ch. 369, Sec. 7 (part).)

Sec. 43.156. 132ND JUDICIAL DISTRICT. (a) The voters of the 132nd Judicial District elect a district attorney.

(b) The commissioners court of one or more of the counties comprising the district may supplement the state salary of the district attorney. The supplement may not exceed \$3,000 a year. The supplemental salary may be paid from the officers' salary fund of the county, if adequate. If the officers' salary fund of a county is inadequate, the commissioners court may transfer the necessary funds from the general fund of the county. (Acts 52nd Legis., Reg. Sess., 1951, Ch. 7, Sec. 10; V.A.C.S. Art. 326k-53 (part).)

Sec. 43.157. 142ND JUDICIAL DISTRICT. (a) The voters of the 142nd Judicial District elect a district attorney.

(b) The Commissioners Court of Midland County may supplement the state salary of the district attorney in an amount set by the commissioners court. (V.A.C.S. Art. 199(142), Sec. 6 (part); Art. 326k-30a, Sec. 8 (part).)

Sec. 43.158. 143RD JUDICIAL DISTRICT. The voters of the 143rd Judicial District elect a district attorney. (Acts 54th Legis., Reg. Sess., 1955, Ch. 379, Sec. 3 (part).)

Sec. 43.159. 145TH JUDICIAL DISTRICT. (a) The voters of the 145th Judicial District elect a district attorney.

(b) The district attorney, with the approval of the Commissioners Court of Nacogdoches County, may appoint the assistant district attorneys, investigators, and stenographers that are necessary to carry out the duties of the office. (V.A.C.S. Art. 326k-72, Secs. 4, 8(a).)

Sec. 43.160. 155TH JUDICIAL DISTRICT. The voters of the 155th Judicial District elect a district attorney. (V.A.C.S. Art. 199(155), Sec. 5(a).)

Sec. 43.161. 156TH JUDICIAL DISTRICT. The voters of Bee, Live Oak, and McMullen counties elect a district attorney for the 156th Judicial District who represents the state in that district court only in those counties. In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney shall also represent the state in all criminal cases in the district courts in those counties. (V.A.C.S. Art. 326k-87, Secs. 22(a), (b) (part).)

Sec. 43.162. 159TH JUDICIAL DISTRICT. (a) The voters of the 159th Judicial District elect a district attorney.

(b) Subject to the approval of the Commissioners Court of Angelina County, the district attorney may appoint investigators, court reporters, stenographers, secretaries, and other employees as he considers adequate and necessary to conduct the affairs of the office.

(c) An investigator appointed by the district attorney must take the constitutional oath of office when appointed. (V.A.C.S. Art. 199a, Secs. 4.004(a), (d)(1) (part), (d)(2) (part).)

Sec. 43.163. 173RD JUDICIAL DISTRICT. (a) The voters of Henderson County elect a district attorney for the 173rd Judicial District who represents the state in all cases in the district courts having jurisdiction in that county.

(b) The district attorney, with the approval of the Commissioners Court of Henderson County, may appoint assistants, investigators, and office personnel as he considers necessary.

(c) An investigator appointed by the district attorney must take the constitutional oath of office when appointed. (V.A.C.S. Art. 326k-73, Secs. 1, 2, 5(a) (part), 5(b) (part).)

Sec. 43.164. 196TH JUDICIAL DISTRICT. The voters of the 196th Judicial District elect a district attorney. (V.A.C.S. Art. 199a, Sec. 4.001(a).)

Sec. 43.165. 198TH JUDICIAL DISTRICT. (a) The voters of the 198th Judicial District elect a district attorney who represents the state in all matters before that district court.

(b) The district attorney of the 198th Judicial District and the district attorneys of the other judicial districts within that district shall assist each other in the conduct of their duties. (V.A.C.S. Art. 199a, Sec. 4.002.)

Sec. 43.166. 216TH JUDICIAL DISTRICT. The voters of the 216th Judicial District elect a district attorney. (Acts 54th Legis., Reg. Sess., 1955, Ch. 337, Sec. 5 (part).)

Sec. 43.167. 220TH JUDICIAL DISTRICT. The voters of the 220th Judicial District elect a district attorney. (V.A.C.S. Art. 199a, Sec. 4.005(a).)

Sec. 43.168. 229TH JUDICIAL DISTRICT. The voters of the 229th Judicial District elect a district attorney. (V.A.C.S. Art. 326k-61a(a) (part).)

Sec. 43.169. 235TH JUDICIAL DISTRICT. The voters of the 235th Judicial District elect a district attorney. (V.A.C.S. Art. 326k-61b(a) (part), (b) (part).)

Sec. 43.170. 253RD JUDICIAL DISTRICT. (a) The voters of the 253rd Judicial District elect a district attorney who represents the state in all cases before the 75th, 253rd, and 344th district courts.

(b) The commissioners court of one or more of the counties comprising the district may supplement the state salary of the district attorney. The supplemental compensation may not exceed \$5,000 a year. The Commissioners Court of Chambers County shall pay 40 percent of any supplemental compensation, and the Commissioners Court of Liberty County shall pay 60 percent. The supplemental compensation must be paid from the officers' salary fund of the county. If the officers' salary fund of a county is not adequate, the commissioners court may transfer the necessary amount from the general fund of the county. (V.A.C.S. Art. 199a, Sec. 4.013.)

Sec. 43.171. 258TH JUDICIAL DISTRICT. (a) The voters of the 258th Judicial District elect a district attorney. In addition to exercising the duties and authority provided by general law for district attorneys, the district attorney represents the state in all felony cases before the 258th District Court in Polk, San Jacinto, and Trinity counties.

(b) The district attorney of the 258th Judicial District also acts as district attorney for the Second 9th Judicial District in Trinity County. (V.A.C.S. Art. 199(2nd 9), Sec. 7; Art. 199a, Sec. 4.007.)

Sec. 43.172. 259TH JUDICIAL DISTRICT. The voters of the 259th Judicial District elect a district attorney. In addition to exercising the duties and authority provided by general law for district attorneys, the district attorney represents the state in all felony cases before the 259th District Court in Jones and Shackelford counties. (V.A.C.S. Art. 199a, Sec. 4.006.)

Sec. 43.173. 266TH JUDICIAL DISTRICT. The voters of the 266th Judicial District elect a district attorney who represents the state in all cases before that district court. (V.A.C.S. Art. 199a, Secs. 4.008(a), (b) (part).)

Sec. 43.174. 271ST JUDICIAL DISTRICT. The voters of the 271st Judicial District elect a district attorney who represents the state in all cases before that district court. (V.A.C.S. Art. 199a, Secs. 4.011(a), (b) (part).)

Sec. 43.175. 286TH JUDICIAL DISTRICT. The voters of the 286th Judicial District elect a district attorney who represents the state in all cases before that district court. (V.A.C.S. Art. 199a, Secs. 4.009(a), (b) (part).)

Sec. 43.176. 287TH JUDICIAL DISTRICT. The voters of the 287th Judicial District elect a district attorney who represents the state in all cases before that district court. (V.A.C.S. Art. 199a, Secs. 4.010(a), (b) (part).)

Sec. 43.177. 293RD JUDICIAL DISTRICT. (a) The voters of the 293rd Judicial District elect a district attorney who represents the state in all cases before that district court.

(b) The commissioners court of one or more of the counties comprising the district may supplement the state salary of the district attorney. The commissioners court of each county may set the amount of supplemental compensation paid by that county, but the total amount of supplemental compensation may not exceed \$20,000 a year. (V.A.C.S. Art. 199a, Secs. 4.012(a), (b) (part), (c).)

Sec. 43.178. 349TH JUDICIAL DISTRICT. (a) The voters of Houston County elect a district attorney for the 349th Judicial District who represents the state in all cases before that district court only in that county.

(b) The district attorney, with the approval of the Commissioners Court of Houston County, may appoint the necessary assistants, investigators, and personnel for the office.

(c) The salaries of the staff of the district attorney and the operating expenses of the office of the district attorney must be paid from the general fund of the county.

(d) An investigator appointed by the district attorney must take the constitutional oath of office. (V.A.C.S. Art. 199a, Secs. 4.014(a), (b), (e) (part), (f) (part).)

Sec. 43.179. 355TH JUDICIAL DISTRICT. (a) The voters of the 355th Judicial District elect a district attorney who represents the state in all cases before that district court. (V.A.C.S. Art. 199a, Sec. 4.015.)

Sec. 43.180. HARRIS COUNTY DISTRICT ATTORNEY. (a) The voters of Harris County elect a district attorney.

(b) The district attorney shall attend each term and session of the district courts of Harris County. The district attorney shall represent the state in criminal cases pending in the district and inferior courts of the county. The district attorney has control of any case heard on habeas corpus before any civil district court or criminal court of the county.

(c) The district attorney has all the powers, duties, and privileges in Harris County relating to criminal matters for and in behalf of the state that are conferred on district attorneys in the various counties and districts.

(d) The allocation formerly made under Section 6(a), Chapter 465, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 3912e, Vernon's Texas Civil Statutes) to the criminal district attorney of Harris County shall be made and allocated on the same basis to the district attorney in the General Appropriations Act.

(e) The Commissioners Court of Harris County shall pay the district attorney a salary of not less than \$35,000 a year. The county salary shall be paid in equal monthly installments.

(f) At the option of the district attorney, the comptroller of public accounts shall pay directly to the district attorney a salary equal to the salary authorized by the General Appropriations Act for a district attorney. The salary shall be paid in equal monthly installments on the first day of each month. If the district attorney receives a salary from the state under this subsection, the amount of the salary shall be deducted from the amount to be paid to Harris County under Subchapter C, Chapter 41. The total compensation of the district attorney from all sources may not be less than the salary of the district attorney paid by the county in effect on August 29, 1977.

(g) The district attorney may not engage in the private practice of law whether or not he is compensated for his services. (V.A.C.S. Art. 326k-26, Secs. 1 (part), 2, 3, 4 (part); Art. 3886k; Art. 3912e, Sec. 13 (part).)

## CHAPTER 44. CRIMINAL DISTRICT ATTORNEYS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 44.001. ELECTION

Sec. 44.002. QUALIFICATIONS; BOND

[Sections 44.003-44.100 reserved for expansion]

### SUBCHAPTER B. PROVISIONS APPLICABLE TO PARTICULAR COUNTIES

Sec. 44.101. [reserved for Anderson County]

Sec. 44.102. [reserved for Andrews County]

Sec. 44.103. [reserved for Angelina County]

Sec. 44.104. [reserved for Aransas County]

Sec. 44.105. [reserved for Archer County]

Sec. 44.106. [reserved for Armstrong County]

Sec. 44.107. [reserved for Atascosa County]

Sec. 44.108. [reserved for Austin County]

Sec. 44.109. [reserved for Bailey County]

Sec. 44.110. [reserved for Bandera County]

Sec. 44.111. BASTROP COUNTY

Sec. 44.112. [reserved for Baylor County]

Sec. 44.113. [reserved for Bee County]

Sec. 44.114. [reserved for Bell County]

Sec. 44.115. BEXAR COUNTY

- Sec. 44.116. [reserved for Blanco County]
- Sec. 44.117. [reserved for Borden County]
- Sec. 44.118. [reserved for Bosque County]
- Sec. 44.119. BOWIE COUNTY
- Sec. 44.120. BRAZORIA COUNTY
- Sec. 44.121. [reserved for Brazos County]
- Sec. 44.122. [reserved for Brewster County]
- Sec. 44.123. [reserved for Briscoe County]
- Sec. 44.124. [reserved for Brooks County]
- Sec. 44.125. [reserved for Brown County]
- Sec. 44.126. [reserved for Burleson County]
- Sec. 44.127. [reserved for Burnet County]
- Sec. 44.128. CALDWELL COUNTY
- Sec. 44.129. CALHOUN COUNTY
- Sec. 44.130. [reserved for Callahan County]
- Sec. 44.131. [reserved for Cameron County]
- Sec. 44.132. [reserved for Camp County]
- Sec. 44.133. [reserved for Carson County]
- Sec. 44.134. CASS COUNTY
- Sec. 44.135. [reserved for Castro County]
- Sec. 44.136. [reserved for Chambers County]
- Sec. 44.137. [reserved for Cherokee County]
- Sec. 44.138. [reserved for Childress County]
- Sec. 44.139. [reserved for Clay County]
- Sec. 44.140. [reserved for Cochran County]
- Sec. 44.141. [reserved for Coke County]
- Sec. 44.142. [reserved for Coleman County]
- Sec. 44.143. COLLIN COUNTY
- Sec. 44.144. [reserved for Collingsworth County]
- Sec. 44.145. [reserved for Colorado County]
- Sec. 44.146. [reserved for Comal County]
- Sec. 44.147. [reserved for Comanche County]
- Sec. 44.148. [reserved for Concho County]
- Sec. 44.149. [reserved for Cooke County]
- Sec. 44.150. [reserved for Coryell County]
- Sec. 44.151. [reserved for Cottle County]
- Sec. 44.152. [reserved for Crane County]
- Sec. 44.153. [reserved for Crockett County]
- Sec. 44.154. [reserved for Crosby County]
- Sec. 44.155. [reserved for Culberson County]
- Sec. 44.156. [reserved for Dallam County]
- Sec. 44.157. DALLAS COUNTY
- Sec. 44.158. [reserved for Dawson County]

- Sec. 44.159. DEAF SMITH COUNTY
- Sec. 44.160. [reserved for Delta County]
- Sec. 44.161. DENTON COUNTY
- Sec. 44.162. [reserved for DeWitt County]
- Sec. 44.163. [reserved for Dickens County]
- Sec. 44.164. [reserved for Dimmit County]
- Sec. 44.165. [reserved for Donley County]
- Sec. 44.166. [reserved for Duval County]
- Sec. 44.167. EASTLAND COUNTY
- Sec. 44.168. [reserved for Ector County]
- Sec. 44.169. [reserved for Edwards County]
- Sec. 44.170. [reserved for Ellis County]
- Sec. 44.171. [reserved for El Paso County]
- Sec. 44.172. [reserved for Erath County]
- Sec. 44.173. [reserved for Falls County]
- Sec. 44.174. [reserved for Fannin County]
- Sec. 44.175. [reserved for Fayette County]
- Sec. 44.176. [reserved for Fisher County]
- Sec. 44.177. [reserved for Floyd County]
- Sec. 44.178. [reserved for Foard County]
- Sec. 44.179. FORT BEND COUNTY
- Sec. 44.180. [reserved for Franklin County]
- Sec. 44.181. [reserved for Freestone County]
- Sec. 44.182. [reserved for Frio County]
- Sec. 44.183. [reserved for Gaines County]
- Sec. 44.184. GALVESTON COUNTY
- Sec. 44.185. [reserved for Garza County]
- Sec. 44.186. [reserved for Gillespie County]
- Sec. 44.187. [reserved for Glasscock County]
- Sec. 44.188. [reserved for Goliad County]
- Sec. 44.189. [reserved for Gonzales County]
- Sec. 44.190. [reserved for Gray County]
- Sec. 44.191. [reserved for Grayson County]
- Sec. 44.192. GREGG COUNTY
- Sec. 44.193. [reserved for Grimes County]
- Sec. 44.194. [reserved for Guadalupe County]
- Sec. 44.195. [reserved for Hale County]
- Sec. 44.196. [reserved for Hall County]
- Sec. 44.197. [reserved for Hamilton County]
- Sec. 44.198. [reserved for Hansford County]
- Sec. 44.199. [reserved for Hardeman County]
- Sec. 44.200. [reserved for Hardin County]
- Sec. 44.201. [reserved for Harris County]

- Sec. 44.202. HARRISON COUNTY
- Sec. 44.203. [reserved for Hartley County]
- Sec. 44.204. [reserved for Haskell County]
- Sec. 44.205. HAYS COUNTY
- Sec. 44.206. [reserved for Hemphill County]
- Sec. 44.207. [reserved for Henderson County]
- Sec. 44.208. HIDALGO COUNTY
- Sec. 44.209. [reserved for Hill County]
- Sec. 44.210. [reserved for Hockley County]
- Sec. 44.211. [reserved for Hood County]
- Sec. 44.212. [reserved for Hopkins County]
- Sec. 44.213. [reserved for Houston County]
- Sec. 44.214. [reserved for Howard County]
- Sec. 44.215. [reserved for Hudspeth County]
- Sec. 44.216. [reserved for Hunt County]
- Sec. 44.217. [reserved for Hutchinson County]
- Sec. 44.218. [reserved for Irion County]
- Sec. 44.219. [reserved for Jack County]
- Sec. 44.220. JACKSON COUNTY
- Sec. 44.221. JASPER COUNTY
- Sec. 44.222. [reserved for Jeff Davis County]
- Sec. 44.223. JEFFERSON COUNTY
- Sec. 44.224. [reserved for Jim Hogg County]
- Sec. 44.225. [reserved for Jim Wells County]
- Sec. 44.226. [reserved for Johnson County]
- Sec. 44.227. [reserved for Jones County]
- Sec. 44.228. [reserved for Karnes County]
- Sec. 44.229. KAUFMAN COUNTY
- Sec. 44.230. [reserved for Kendall County]
- Sec. 44.231. [reserved for Kenedy County]
- Sec. 44.232. [reserved for Kent County]
- Sec. 44.233. [reserved for Kerr County]
- Sec. 44.234. [reserved for Kimble County]
- Sec. 44.235. [reserved for King County]
- Sec. 44.236. [reserved for Kinney County]
- Sec. 44.237. [reserved for Kleberg County]
- Sec. 44.238. [reserved for Knox County]
- Sec. 44.239. [reserved for Lamar County]
- Sec. 44.240. [reserved for Lamb County]
- Sec. 44.241. [reserved for Lampasas County]
- Sec. 44.242. [reserved for LaSalle County]
- Sec. 44.243. [reserved for Lavaca County]
- Sec. 44.244. [reserved for Lee County]



- Sec. 44.245. [reserved for Leon County]
- Sec. 44.246. [reserved for Liberty County]
- Sec. 44.247. [reserved for Limestone County]
- Sec. 44.248. [reserved for Lipscomb County]
- Sec. 44.249. [reserved for Live Oak County]
- Sec. 44.250. [reserved for Llano County]
- Sec. 44.251. [reserved for Loving County]
- Sec. 44.252. LUBBOCK COUNTY
- Sec. 44.253. [reserved for Lynn County]
- Sec. 44.254. [reserved for McCulloch County]
- Sec. 44.255. McLENNAN COUNTY
- Sec. 44.256. [reserved for McMullen County]
- Sec. 44.257. [reserved for Madison County]
- Sec. 44.258. [reserved for Marion County]
- Sec. 44.259. [reserved for Martin County]
- Sec. 44.260. [reserved for Mason County]
- Sec. 44.261. [reserved for Matagorda County]
- Sec. 44.262. [reserved for Maverick County]
- Sec. 44.263. [reserved for Medina County]
- Sec. 44.264. [reserved for Menard County]
- Sec. 44.265. [reserved for Midland County]
- Sec. 44.266. [reserved for Milam County]
- Sec. 44.267. [reserved for Mills County]
- Sec. 44.268. [reserved for Mitchell County]
- Sec. 44.269. [reserved for Montague County]
- Sec. 44.270. [reserved for Montgomery County]
- Sec. 44.271. [reserved for Moore County]
- Sec. 44.272. [reserved for Morris County]
- Sec. 44.273. [reserved for Motley County]
- Sec. 44.274. [reserved for Nacogdoches County]
- Sec. 44.275. NAVARRO COUNTY
- Sec. 44.276. [reserved for Newton County]
- Sec. 44.277. [reserved for Nolan County]
- Sec. 44.278. [reserved for Nueces County]
- Sec. 44.279. [reserved for Ochiltree County]
- Sec. 44.280. [reserved for Oldham County]
- Sec. 44.281. [reserved for Orange County]
- Sec. 44.282. [reserved for Palo Pinto County]
- Sec. 44.283. [reserved for Panola County]
- Sec. 44.284. [reserved for Parker County]
- Sec. 44.285. [reserved for Parmer County]
- Sec. 44.286. [reserved for Pecos County]
- Sec. 44.287. [reserved for Polk County]

- Sec. 44.288. [reserved for Potter County]
- Sec. 44.289. [reserved for Presidio County]
- Sec. 44.290. [reserved for Rains County]
- Sec. 44.291. RANDALL COUNTY
- Sec. 44.292. [reserved for Reagan County]
- Sec. 44.293. [reserved for Real County]
- Sec. 44.294. [reserved for Red River County]
- Sec. 44.295. [reserved for Reeves County]
- Sec. 44.296. [reserved for Refugio County]
- Sec. 44.297. [reserved for Roberts County]
- Sec. 44.298. [reserved for Robertson County]
- Sec. 44.299. ROCKWALL COUNTY
- Sec. 44.300. [reserved for Runnels County]
- Sec. 44.301. [reserved for Rusk County]
- Sec. 44.302. [reserved for Sabine County]
- Sec. 44.303. [reserved for San Augustine County]
- Sec. 44.304. [reserved for San Jacinto County]
- Sec. 44.305. [reserved for San Patricio County]
- Sec. 44.306. [reserved for San Saba County]
- Sec. 44.307. [reserved for Schleicher County]
- Sec. 44.308. [reserved for Scurry County]
- Sec. 44.309. [reserved for Shackelford County]
- Sec. 44.310. [reserved for Shelby County]
- Sec. 44.311. [reserved for Sherman County]
- Sec. 44.312. SMITH COUNTY
- Sec. 44.313. [reserved for Somervell County]
- Sec. 44.314. [reserved for Starr County]
- Sec. 44.315. [reserved for Stephens County]
- Sec. 44.316. [reserved for Sterling County]
- Sec. 44.317. [reserved for Stonewall County]
- Sec. 44.318. [reserved for Sutton County]
- Sec. 44.319. [reserved for Swisher County]
- Sec. 44.320. TARRANT COUNTY
- Sec. 44.321. TAYLOR COUNTY
- Sec. 44.322. [reserved for Terrell County]
- Sec. 44.323. [reserved for Terry County]
- Sec. 44.324. [reserved for Throckmorton County]
- Sec. 44.325. [reserved for Titus County]
- Sec. 44.326. [reserved for Tom Green County]
- Sec. 44.327. [reserved for Travis County]
- Sec. 44.328. [reserved for Trinity County]
- Sec. 44.329. TYLER COUNTY
- Sec. 44.330. UPSHUR COUNTY

- Sec. 44.331. [reserved for Upton County]  
 Sec. 44.332. [reserved for Uvalde County]  
 Sec. 44.333. [reserved for Val Verde County]  
 Sec. 44.334. VAN ZANDT COUNTY  
 Sec. 44.335. VICTORIA COUNTY  
 Sec. 44.336. WALKER COUNTY  
 Sec. 44.337. [reserved for Waller County]  
 Sec. 44.338. [reserved for Ward County]  
 Sec. 44.339. [reserved for Washington County]  
 Sec. 44.340. [reserved for Webb County]  
 Sec. 44.341. [reserved for Wharton County]  
 Sec. 44.342. [reserved for Wheeler County]  
 Sec. 44.343. [reserved for Wichita County]  
 Sec. 44.344. [reserved for Wilbarger County]  
 Sec. 44.345. [reserved for Willacy County]  
 Sec. 44.346. [reserved for Williamson County]  
 Sec. 44.347. [reserved for Wilson County]  
 Sec. 44.348. [reserved for Winkler County]  
 Sec. 44.349. [reserved for Wise County]  
 Sec. 44.350. WOOD COUNTY  
 Sec. 44.351. [reserved for Yoakum County]  
 Sec. 44.352. [reserved for Young County]  
 Sec. 44.353. [reserved for Zapata County]  
 Sec. 44.354. [reserved for Zavala County]

## CHAPTER 44. CRIMINAL DISTRICT ATTORNEYS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 44.001. ELECTION. The voters of each of the following counties elect a criminal district attorney: Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Dallas, Deaf Smith, Denton, Eastland, Fort Bend, Galveston, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Randall, Rockwall, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, and Wood. (V.A.C.S. Art. 199(124), Sec. 18 (part); Art. 322, Sec. 2; Art. 326k-1, Secs. 1 (part), 9 (part); Art. 326k-9, Sec. 1 (part); Art. 326k-22, Secs. 1 (part), 2; Art. 326k-23, Secs. 1 (part), 2; Art. 326k-28, Secs. 1 (part), 2; Art. 326k-32, Secs. 1 (part), 2; Art. 326k-33, Secs. 1 (part), 2; Art. 326k-36, Secs. 1 (part), 2; Art. 326k-45a, Secs. 1(a), 7(b); Art. 326k-50, Sec. 2 (part); Art. 326k-51, Secs. 1 (part), 2; Art. 326k-58, Secs. 1, 2; Art. 326k-59, Secs. 1 (part), 2 (part); Art. 326k-62, Secs. (a), (b); Art. 326k-63, Sec. 1 (part); Art. 326k-64, Secs. 1 (part), 8(b); Art. 326k-67, Secs. 1(a), 7(b); Art. 326k-68, Secs. 1 (part), 8 (part); Art. 326k-69, Secs. 1 (part), 2; Art. 326k-71, Secs. 1, 9(b); Art. 326k-75, Secs. 1, 4(a) (part); Art. 326k-76, Secs. 1, 9(a) (part); Art. 326k-77, Secs. 1, 8(a), 8(b); Art. 326k-78, Secs. 1, 9(b); Art. 326k-79, Secs. 1 (part), 9(b); Art. 326k-80, Secs. 1(a), 7(b); Art. 326k-81, Secs. 1 (part), 2 (part); Art. 326k-83, Secs. 1, 8(a) (part); Art. 326k-84, Secs. 1(a), 6(b); Art. 326k-85, Secs. (a), (f) (part); Art. 326k-86, Secs. (a), (f) (part); Art. 326k-88, Secs. 1, 6; Art. 1926-27, Sec. 2 (part); Art. 1926-42, Sec. 2 (part); Art. 1926-63, Sec. 2 (part).)

Sec. 44.002. QUALIFICATIONS; BOND. A criminal district attorney must meet the qualifications and give the bond required of a district attorney by the constitution and general law. (V.A.C.S. Art. 199(124), Sec. 18 (part); Art. 326k-1, Sec. 1 (part); Art. 326k-9, Sec. 1 (part); Art. 326k-22, Sec. 1 (part); Art. 326k-23, Sec. 1 (part); Art. 326k-28, Sec. 1 (part); Art. 326k-32, Sec. 1 (part); Art. 326k-33, Sec. 1 (part); Art. 326k-36, Sec. 1 (part); Art. 326k-45a, Sec. 1(b); Art. 326k-50, Sec. 2 (part); Art. 326k-51, Sec. 1 (part); Art. 326k-58, Sec. 4; Art. 326k-59, Sec. 1 (part); Art. 326k-62, Sec. (c) (part); Art. 326k-63, Sec. 2; Art. 326k-64, Sec. 2; Art. 326k-67, Sec. 2(a); Art. 326k-68, Sec. 2; Art. 326k-69, Sec. 1 (part); Art. 326k-71, Sec. 2 (part); Art.

326k-75, Sec. 2 (part); Art. 326k-76, Sec. 3; Art. 326k-77, Sec. 2 (part); Art. 326k-78, Sec. 2(a) (part); Art. 326k-79, Sec. 2(a) (part); Art. 326k-80, Sec. 1(b) (part); Art. 326k-81, Sec. 1 (part); Art. 326k-83, Sec. 2 (part); Art. 326k-84, Sec. 1(b) (part); Art. 326k-85, Sec. (b) (part); Art. 326k-86, Sec. (b) (part); Art. 326k-88, Sec. 2(a); Art. 1926-27, Sec. 2 (part); Art. 1926-42, Sec. 2 (part); Art. 1926-63, Sec. 2 (part).)

[Sections 44.003-44.100 reserved for expansion]

## SUBCHAPTER B. PROVISIONS APPLICABLE TO PARTICULAR COUNTIES

[Section 44.101 reserved for Anderson County]

[Section 44.102 reserved for Andrews County]

[Section 44.103 reserved for Angelina County]

[Section 44.104 reserved for Aransas County]

[Section 44.105 reserved for Archer County]

[Section 44.106 reserved for Armstrong County]

[Section 44.107 reserved for Atascosa County]

[Section 44.108 reserved for Austin County]

[Section 44.109 reserved for Bailey County]

[Section 44.110 reserved for Bandera County]

Sec. 44.111. **BASTROP COUNTY.** (a) The criminal district attorney of Bastrop County shall attend each term and session of the district court in Bastrop County and each term and session of the inferior courts of the county held for the transaction of criminal business. He shall exclusively represent the state in all criminal matters before those courts and any other court in which Bastrop County has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Bastrop County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(d) The supplemental compensation paid to the criminal district attorney by the county and the salaries of the staff of the criminal district attorney shall be paid from the officers' salary fund if that fund is adequate. If that fund is not adequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers' salary fund. (V.A.C.S. Art. 326k-81, Secs. 3, 4 (part), 5(c).)

[Section 44.112 reserved for Baylor County]

[Section 44.113 reserved for Bee County]

[Section 44.114 reserved for Bell County]

Sec. 44.115. **BEXAR COUNTY.** (a) The criminal district attorney of Bexar County shall attend each term and session of the district, county, and justice courts in Bexar County held for the transaction of criminal business and shall exclusively represent the state in all matters before those courts. He shall represent Bexar County in any court in which the county has pending business. He serves as the district attorney for each district court in the county.

(b) The criminal district attorney has all the powers, duties, and privileges in Bexar County that are conferred by law on district and county attorneys.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney and shall deposit them in the proper county funds as provided by law.

(d) The criminal district attorney does not represent the state in criminal cases before the municipal courts in Bexar County.

(e) The Commissioners Court of Bexar County, acting in conjunction with and on the approval of the criminal district attorney, may employ special counsel, learned in the law, to represent the county in a condemnation or eminent domain proceeding, particularly in a case involving the acquisition of rights-of-way. The employment shall be for the time and on the terms that the commissioners court and the criminal district attorney consider necessary and proper. The employment may be terminated in the manner provided by law for the removal of

an assistant, investigator, or other employee of the criminal district attorney. (V.A.C.S. Art. 199(37)(0); 326k-50, Secs. 3, 5, 7 (part), 11.)

[Section 44.116 reserved for Blanco County]

[Section 44.117 reserved for Borden County]

[Section 44.118 reserved for Bosque County]

Sec. 44.119. **BOWIE COUNTY.** (a) The criminal district attorney of Bowie County shall represent the state in all cases in the district and inferior courts of Bowie County and shall perform all other duties required of district and county attorneys under general law.

(b) All general laws relating to county or district attorneys apply to the criminal district attorney.

(c) The criminal district attorney is entitled to receive compensation from the state in the amount provided by the General Appropriations Act. The Commissioners Court of Bowie County shall supplement the state compensation in the amount required to make the total compensation of the criminal district attorney \$12,500 a year. If the state does not appropriate funds for the salary, the county shall pay the total salary of \$12,500 a year. The county shall pay the salary or supplemental compensation from the officers' salary fund of the county in equal monthly installments. (V.A.C.S. Art. 326k-58, Secs. 3, 4, 5.)

Sec. 44.120. **BRAZORIA COUNTY.** (a) The criminal district attorney of Brazoria County shall attend each term and session of the district courts of Brazoria County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Brazoria County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Brazoria County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-23, Secs. 3, 7 (part).)

[Section 44.121 reserved for Brazos County]

[Section 44.122 reserved for Brewster County]

[Section 44.123 reserved for Briscoe County]

[Section 44.124 reserved for Brooks County]

[Section 44.125 reserved for Brown County]

[Section 44.126 reserved for Burlleson County]

[Section 44.127 reserved for Burnet County]

Sec. 44.128. **CALDWELL COUNTY.** (a) The criminal district attorney of Caldwell County must be at least 25 years old and must have been a practicing attorney in this state for at least five years.

(b) The criminal district attorney shall attend each term and session of the district courts in Caldwell County and each session and term of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on the county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(e) The Commissioners Court of Caldwell County may supplement the salary of the criminal district attorney paid by the state. (V.A.C.S. Art. 326k-86, Secs. (b), (c), (d) (part).)

Sec. 44.129. **CALHOUN COUNTY.** (a) The criminal district attorney of Calhoun County shall attend each term and session of the district and inferior courts of Calhoun County, except municipal courts, held for the transaction of criminal business, and shall exclusively represent the state in all criminal matters before those courts.

(b) The criminal district attorney shall represent Calhoun County in any court in which the county has pending business. This subsection does not prevent the county from retaining other legal counsel in a civil matter as it considers appropriate.

(c) The criminal district attorney has all the powers, duties, and privileges in Calhoun County that are conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(e) The criminal district attorney is entitled to receive a salary from the state in the amount provided by general law for the compensation of district attorneys. The Commissioners Court of Calhoun County may supplement the compensation paid by the state.

(f) The criminal district attorney, for the purpose of conducting the affairs of the office, may appoint the assistant criminal district attorneys that the Commissioners Court of Calhoun County may authorize. The salary of an assistant criminal district attorney must be at least \$4,800 a year.

(g) The criminal district attorney may employ as many stenographers as the Commissioners Court of Calhoun County may authorize. The salary of a stenographer employed by the criminal district attorney must be at least \$3,000 a year.

(h) The supplemental compensation paid to the criminal district attorney by the county and the salaries of the assistant criminal district attorneys and stenographers employed by the criminal district attorney shall be paid from the officers' salary fund if that fund is adequate. If the officers' salary fund is not adequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers' salary fund. (V.A.C.S. Art. 326k-45a, Secs. 2, 3, 4.)

[Section 44.130 reserved for Callahan County]

[Section 44.131 reserved for Cameron County]

[Section 44.132 reserved for Camp County]

[Section 44.133 reserved for Carson County]

Sec. 44.134. CASS COUNTY. (a) The criminal district attorney of Cass County shall attend each term and session of the district courts in Cass County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Cass County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Cass County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-32, Sec. 3.)

[Section 44.135 reserved for Castro County]

[Section 44.136 reserved for Chambers County]

[Section 44.137 reserved for Cherokee County]

[Section 44.138 reserved for Childress County]

[Section 44.139 reserved for Clay County]

[Section 44.140 reserved for Cochran County]

[Section 44.141 reserved for Coke County]

[Section 44.142 reserved for Coleman County]

Sec. 44.143. COLLIN COUNTY. (a) The criminal district attorney of Collin County shall attend each term and session of the district courts in Collin County held for the transaction of criminal business. He shall represent the state in all criminal and civil cases in the courts in the county unless otherwise provided by law.

(b) The criminal district attorney has all the powers, duties, and privileges in Collin County relating to criminal or civil matters involving the county or state that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney may not engage in the private practice of law.

(d) Collin County is entitled to receive annually from the state an amount equal to the compensation paid by the state to district attorneys. The compensation from the state shall be paid into the salary fund of the county in equal monthly installments. The criminal district attorney is entitled to receive as compensation an amount at least equal to the amount paid to the county by the state under this subsection and any additional amount that the commissioners court of the county sets as adequate compensation for the criminal district attorney.

(e) Collin County is not entitled to the benefits of Subchapter C, Chapter 41, in addition to the state compensation provided by Subsection (d).

(f) A vacancy in the office of criminal district attorney is filled by appointment by the Commissioners Court of Collin County. The appointee holds office until the next general election. (V.A.C.S. Art. 326k-67, Secs. 1(b), 1(c), 2(b), 7(c); Art. 332b, Secs. 1 (part), 2 (part), 3.)

[Section 44.144 reserved for Collingsworth County]

[Section 44.145 reserved for Colorado County]

[Section 44.146 reserved for Comal County]

[Section 44.147 reserved for Comanche County]

[Section 44.148 reserved for Concho County]

[Section 44.149 reserved for Cooke County]

[Section 44.150 reserved for Coryell County]

[Section 44.151 reserved for Cottle County]

[Section 44.152 reserved for Crane County]

[Section 44.153 reserved for Crockett County]

[Section 44.154 reserved for Crosby County]

[Section 44.155 reserved for Culberson County]

[Section 44.156 reserved for Dallam County]

Sec. 44.157. DALLAS COUNTY. (a) The criminal district attorney of Dallas County shall attend every term of the Criminal Court of Dallas County and of the Criminal District Court No. 2 of Dallas County and shall represent the state in all matters before those courts. The criminal district attorney has exclusive control of criminal cases and all cases heard on habeas corpus in the courts of Dallas County and serves as the district attorney of all the district courts in Dallas County.

(b) The criminal district attorney has all the powers, duties, and privileges in Dallas County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees and commissions that are provided by law for similar services rendered by a district or county attorney. Not earlier than December 1 and not later than December 31 of each year, the criminal district attorney shall make a complete report to the county judge of Dallas County of the fees collected by the criminal district attorney.

(d) No other person may perform a duty of the criminal district attorney as provided by this section unless the criminal district attorney and his assistants are absent from the county or refuse or are unable to perform the duty.

(e) The Commissioners Court of Dallas County shall pay the criminal district attorney a salary of not less than \$35,000 a year. The county salary shall be paid in equal monthly installments.

(f) At the option of the criminal district attorney, the comptroller of public accounts shall pay directly to the criminal district attorney a salary equal to the salary authorized by the General Appropriations Act for a district attorney. The salary shall be paid in equal monthly installments on the first day of each month. If the criminal district attorney receives a salary from the state under this subsection, the amount of the salary shall be deducted from the amount to be paid to Dallas County under Subchapter C, Chapter 41. The total compensation of the criminal district attorney from all sources may not be less than the salary of the criminal district attorney paid by the county in effect on August 29, 1977.

(g) The criminal district attorney may not engage in the private practice of law, whether or not he is compensated for his services. (V.A.C.S. Art. 199(14) (part); Art. 199(162)(H); Art. 1926-15, Sec. 6; Art. 1926-27, Secs. 3, 4 (part), 5 (part); Art. 3886k; Art. 3912e, Sec. 13 (part).)

[Section 44.158 reserved for Dawson County]

Sec. 44.159. DEAF SMITH COUNTY. (a) The criminal district attorney of Deaf Smith County shall attend each term and session of the district courts in Deaf Smith County and shall represent the state in all criminal and civil cases in the courts in the county.

(b) The criminal district attorney has all the powers, duties, and privileges in Deaf Smith County relating to criminal or civil matters involving the county or state that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney is entitled to receive compensation from the state in the amount provided by the General Appropriations Act for district attorneys. The Commissioners Court of Deaf Smith County may supplement the state compensation.

(d) The criminal district attorney is entitled to receive from the state the same travel, office, and other necessary expenses as provided by the General Appropriations Act for district attorneys, and the same expenses and allowances as provided in that Act for district attorneys who serve more than one county.

(e) The criminal district attorney shall assist the county attorney in Oldham County on his request or, in the event of his inability to act, on appointment by the judge of the district court in Oldham County. (V.A.C.S. Art. 326k-64, Secs. 1 (part), 7; Art. 326k-64a, Secs. 1 (part), 2 (part).)

[Section 44.160 reserved for Delta County]

Sec. 44.161. DENTON COUNTY. (a) The criminal district attorney of Denton County must be at least 28 years old, must have been a practicing attorney in this state for at least five years, and must have been a resident of Denton County for at least three years before his election or appointment.

(b) The criminal district attorney shall attend each term and session of the district and inferior courts of Denton County, except municipal courts, held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall represent Denton County in any court in which the county has pending business. This subsection does not prevent the county from retaining other legal counsel in a civil matter as it considers appropriate.

(d) The criminal district attorney has all the powers, duties, and privileges in Denton County relating to criminal or civil matters involving the county or state that are conferred by law on county and district attorneys in the various counties and districts.

(e) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(f) The Commissioners Court of Denton County may, in its discretion, supplement the compensation paid by the state to the criminal district attorney. The supplemental compensation paid by the county shall be paid from the officers' salary fund of the county if that fund is adequate. If that fund is not adequate, the commissioners court shall transfer the necessary funds from the general funds of the county to the officers' salary fund.

(g) The criminal district attorney may not engage in the private practice of law, whether or not he receives compensation for that practice.

(h) The criminal district attorney, for the purpose of conducting the affairs of the office, may appoint the assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel that the Commissioners Court of Denton County may authorize. The salaries of the members of the staff of the criminal district attorney shall be paid in equal monthly or bimonthly installments from the officers' salary fund of the county.

(i) The legislature may provide the supplemental funds to the criminal district attorney it considers necessary for supplementation of his staff. (V.A.C.S. Art. 326k-84, Secs. 1(b) (part), 2, 3, 4.)

[Section 44.162 reserved for DeWitt County]

[Section 44.163 reserved for Dickens County]

[Section 44.164 reserved for Dimmit County]

[Section 44.165 reserved for Donley County]

[Section 44.166 reserved for Duval County]

Sec. 44.167. EASTLAND COUNTY. (a) The criminal district attorney of Eastland County shall attend each term and session of the district courts in Eastland County and shall represent the state in all criminal and civil cases in the courts of the county.

(b) The criminal district attorney has all the powers, duties, and privileges in Eastland County relating to criminal or civil matters involving the county or state that are conferred by law on county and district attorneys in the various counties and districts. (V.A.C.S. Art. 326k-68, Sec. 1 (part).)



[Section 44.168 reserved for Ector County]

[Section 44.169 reserved for Edwards County]

[Section 44.170 reserved for Ellis County]

[Section 44.171 reserved for El Paso County]

[Section 44.172 reserved for Erath County]

[Section 44.173 reserved for Falls County]

[Section 44.174 reserved for Fannin County]

[Section 44.175 reserved for Fayette County]

[Section 44.176 reserved for Fisher County]

[Section 44.177 reserved for Floyd County]

[Section 44.178 reserved for Foard County]

Sec. 44.179. FORT BEND COUNTY. (a) The criminal district attorney of Fort Bend County shall attend each term and session of the district courts in Fort Bend County and shall represent the state in all criminal and civil cases in the courts in the county unless otherwise provided by law.

(b) The criminal district attorney has all the powers, duties, and privileges in Fort Bend County relating to criminal or civil matters involving the county or state that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall appoint the assistant criminal district attorneys and other assistants necessary to the proper performance of the duties of the criminal district attorney with the approval of the Commissioners Court of Fort Bend County. The salary of an assistant criminal district attorney or other assistant is set by the commissioners court and paid from the general fund of the county.

(d) The criminal district attorney may appoint stenographers to perform the necessary stenographic work of the criminal district attorney. The salary of a stenographer of the criminal district attorney is set by the commissioners court and paid from county funds.

(e) A vacancy in the office of criminal district attorney is filled by the commissioners court. (V.A.C.S. Art. 326k-76, Secs. 2, 4, 5, 9(b).)

[Section 44.180 reserved for Franklin County]

[Section 44.181 reserved for Freestone County]

[Section 44.182 reserved for Frio County]

[Section 44.183 reserved for Gaines County]

Sec. 44.184. GALVESTON COUNTY. (a) The criminal district attorney of Galveston County shall attend each term and session of the district courts of Galveston County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Galveston County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Galveston County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(d) The criminal district attorney may represent any county official or employee of Galveston County other than a member of the commissioners court in any civil matter in a court in the county if the matter arises out of the performance of official duties by the officer or employee. (V.A.C.S. Art. 199(122), Sec. 5; Art. 326k-28, Secs. 3, 3a, 7 (part).)

[Section 44.185 reserved for Garza County]

[Section 44.186 reserved for Gillespie County]

[Section 44.187 reserved for Glasscock County]

[Section 44.188 reserved for Goliad County]

[Section 44.189 reserved for Gonzales County]

[Section 44.190 reserved for Gray County]

[Section 44.191 reserved for Grayson County]

Sec. 44.192. GREGG COUNTY. (a) The criminal district attorney of Gregg County shall represent the state in all criminal cases in the district, county, and justice courts of Gregg County, and in the municipal courts of the county if the defendant is charged with violating a state law, and shall represent the state in all cases in Gregg County in which it is the duty of a county or district attorney to represent the state.

(b) The criminal district attorney has all the powers, duties, and privileges that are conferred by law on county and district attorneys.

(c) The criminal district attorney shall collect the same fees that are provided by law for county and district attorneys. (V.A.C.S. Art. 199(124), Secs. 19 (part), 20 (part), 21 (part).)

[Section 44.193 reserved for Grimes County]

[Section 44.194 reserved for Guadalupe County]

[Section 44.195 reserved for Hale County]

[Section 44.196 reserved for Hall County]

[Section 44.197 reserved for Hamilton County]

[Section 44.198 reserved for Hansford County]

[Section 44.199 reserved for Hardeman County]

[Section 44.200 reserved for Hardin County]

[Section 44.201 reserved for Harris County]

Sec. 44.202. HARRISON COUNTY. (a) The criminal district attorney of Harrison County shall attend each term and session of the district courts of Harrison County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Harrison County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Harrison County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(d) The criminal district attorney, if paid at least \$16,000 a year, and the assistants to the criminal district attorney, if paid at least \$10,000 a year, may not refer legal business to any person engaged in the private practice of law. This subsection does not prohibit an act required in the performance of an official duty as criminal district attorney. (V.A.C.S. Art. 326k-33, Secs. 3, 4(b) (part), 7 (part).)

[Section 44.203 reserved for Hartley County]

[Section 44.204 reserved for Haskell County]

Sec. 44.205. HAYS COUNTY. (a) The criminal district attorney of Hays County must be at least 25 years old and have been a practicing attorney in this state for at least five years.

(b) The criminal district attorney shall attend each term and session of the district courts in Hays County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters pending before those courts.

(c) The criminal district attorney shall perform the other duties that are conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-75, Secs. 2 (part), 3(a).)

[Section 44.206 reserved for Hemphill County]

[Section 44.207 reserved for Henderson County]

Sec. 44.208. HIDALGO COUNTY. (a) The criminal district attorney of Hidalgo County shall perform the duties of district attorney in all the judicial districts in Hidalgo County and the duties of county attorney in all the county courts of the county.

(b) The criminal district attorney has all the powers, duties, and privileges in Hidalgo County that are conferred by law on county and district attorneys. (V.A.C.S. Art. 326k-9, Sec. 2.)

[Section 44.209 reserved for Hill County]

[Section 44.210 reserved for Hockley County]

[Section 44.211 reserved for Hood County]

[Section 44.212 reserved for Hopkins County]

[Section 44.213 reserved for Houston County]

[Section 44.214 reserved for Howard County]

[Section 44.215 reserved for Hudspeth County]

[Section 44.216 reserved for Hunt County]

[Section 44.217 reserved for Hutchinson County]

[Section 44.218 reserved for Irion County]

[Section 44.219 reserved for Jack County]

Sec. 44.220. JACKSON COUNTY. (a) The criminal district attorney of Jackson County shall attend each term and session of the district courts in Jackson County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(b) The criminal district attorney shall perform the duties conferred by law on the county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(d) The Commissioners Court of Jackson County may supplement the salary paid by the state to the criminal district attorney. (V.A.C.S. Art. 326k-85, Secs. (c), (d).)

Sec. 44.221. JASPER COUNTY. (a) The criminal district attorney of Jasper County must be at least 25 years old and have been a practicing attorney in this state for five years.

(b) The criminal district attorney shall attend each term and session of the district courts in Jasper County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(e) The criminal district attorney is entitled to receive in equal monthly installments compensation from the state equal to the amount paid by the state to district attorneys. The state compensation shall be paid by the comptroller of public accounts as appropriated by the legislature. The Commissioners Court of Jasper County shall pay the criminal district attorney an additional amount so that the total compensation of the criminal district attorney equals at least 90 percent of the total salary paid to each of the judges of the district courts in Jasper County. The compensation paid by the county shall be paid in monthly or bimonthly installments, as determined by the commissioners court.

(f) The criminal district attorney, for the purpose of conducting the affairs of the office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel that the commissioners court may authorize. The salary of a staff member is in an amount recommended by the criminal district attorney and approved by the commissioners court. The commissioners court shall pay the salaries of the staff in equal monthly or bimonthly installments from county funds.

(g) The legislature may provide for additional staff members to be paid from state funds if it considers supplementation of the criminal district attorney's staff necessary.

(h) The criminal district attorney may not engage in the private practice of law or receive a fee for the referral of a case. (V.A.C.S. Art. 326k-83, Secs. 2 (part), 3, 4, 5, 6 (part), 7.)

[Section 44.222 reserved for Jeff Davis County]

Sec. 44.223. JEFFERSON COUNTY. (a) The criminal district attorney of Jefferson County shall attend each term and session of the district courts in Jefferson County and each term and session of the inferior courts of the county, except municipal courts, held for the transaction of criminal business, and shall exclusively represent the state in all matters before those courts. He shall represent Jefferson County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Jefferson County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 1926-63, Sec. 3.)

[Section 44.224 reserved for Jim Hogg County]

[Section 44.225 reserved for Jim Wells County]

[Section 44.226 reserved for Johnson County]

[Section 44.227 reserved for Jones County]

[Section 44.228 reserved for Karnes County]

Sec. 44.229. KAUFMAN COUNTY. (a) The criminal district attorney of Kaufman County must be at least 25 years old and have been a practicing attorney in this state for five years.

(b) The criminal district attorney shall attend each term and session of the district courts in Kaufman County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-71, Secs. 2 (part), 3, 6 (part).)

- [Section 44.230 reserved for Kendall County]
- [Section 44.231 reserved for Kenedy County]
- [Section 44.232 reserved for Kent County]
- [Section 44.233 reserved for Kerr County]
- [Section 44.234 reserved for Kimble County]
- [Section 44.235 reserved for King County]
- [Section 44.236 reserved for Kinney County]
- [Section 44.237 reserved for Kleberg County]
- [Section 44.238 reserved for Knox County]
- [Section 44.239 reserved for Lamar County]
- [Section 44.240 reserved for Lamb County]
- [Section 44.241 reserved for Lampasas County]
- [Section 44.242 reserved for LaSalle County]
- [Section 44.243 reserved for Lavaca County]
- [Section 44.244 reserved for Lee County]
- [Section 44.245 reserved for Leon County]
- [Section 44.246 reserved for Liberty County]
- [Section 44.247 reserved for Limestone County]
- [Section 44.248 reserved for Lipscomb County]
- [Section 44.249 reserved for Live Oak County]
- [Section 44.250 reserved for Llano County]
- [Section 44.251 reserved for Loving County]

Sec. 44.252. LUBBOCK COUNTY. (a) The criminal district attorney of Lubbock County must be at least 25 years old and have been a practicing attorney in this state for four years.

(b) The criminal district attorney shall attend each term and session of the district courts in Lubbock County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-69, Secs. 1 (part), 3, 6 (part).)

[Section 44.253 reserved for Lynn County]

[Section 44.254 reserved for McCulloch County]

Sec. 44.255. McLENNAN COUNTY. (a) The criminal district attorney of McLennan County has all the powers, duties, and privileges in McLennan County that are conferred by law on county and district attorneys.

(b) The criminal district attorney shall collect the fees provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-1, Secs. 2, 3 (part).)

- [Section 44.256 reserved for McMullen County]
- [Section 44.257 reserved for Madison County]
- [Section 44.258 reserved for Marion County]
- [Section 44.259 reserved for Martin County]
- [Section 44.260 reserved for Mason County]
- [Section 44.261 reserved for Matagorda County]
- [Section 44.262 reserved for Maverick County]
- [Section 44.263 reserved for Medina County]
- [Section 44.264 reserved for Menard County]
- [Section 44.265 reserved for Midland County]
- [Section 44.266 reserved for Milam County]
- [Section 44.267 reserved for Mills County]
- [Section 44.268 reserved for Mitchell County]
- [Section 44.269 reserved for Montague County]
- [Section 44.270 reserved for Montgomery County]
- [Section 44.271 reserved for Moore County]
- [Section 44.272 reserved for Morris County]
- [Section 44.273 reserved for Motley County]
- [Section 44.274 reserved for Nacogdoches County]

Sec. 44.275. NAVARRO COUNTY. (a) The criminal district attorney of Navarro County shall attend each term and session of the district courts in Navarro County and shall represent the state in all criminal and civil cases in the district and inferior courts of the county.

(b) The criminal district attorney has all the powers, duties, and privileges in Navarro County relating to criminal or civil matters involving the county or state that are conferred on county and district attorneys in the various counties and districts. (V.A.C.S. Art. 326k-63, Sec. 1 (part).)

- [Section 44.276 reserved for Newton County]
- [Section 44.277 reserved for Nolan County]
- [Section 44.278 reserved for Nueces County]
- [Section 44.279 reserved for Ochiltree County]
- [Section 44.280 reserved for Oldham County]
- [Section 44.281 reserved for Orange County]
- [Section 44.282 reserved for Palo Pinto County]
- [Section 44.283 reserved for Panola County]
- [Section 44.284 reserved for Parker County]
- [Section 44.285 reserved for Parmer County]
- [Section 44.286 reserved for Pecos County]
- [Section 44.287 reserved for Polk County]
- [Section 44.288 reserved for Potter County]
- [Section 44.289 reserved for Presidio County]
- [Section 44.290 reserved for Rains County]

Sec. 44.291. RANDALL COUNTY. (a) The criminal district attorney of Randall County shall attend each term and session of the district courts of Randall County and each term and

session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Randall County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Randall County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-36, Secs. 3, 6 (part).)

[Section 44.292 reserved for Reagan County]

[Section 44.293 reserved for Real County]

[Section 44.294 reserved for Red River County]

[Section 44.295 reserved for Reeves County]

[Section 44.296 reserved for Refugio County]

[Section 44.297 reserved for Roberts County]

[Section 44.298 reserved for Robertson County]

Sec. 44.299. ROCKWALL COUNTY. (a) The criminal district attorney of Rockwall County must be a practicing attorney in this state.

(b) The criminal district attorney shall attend each term and session of the district courts in Rockwall County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(e) The Commissioners Court of Rockwall County shall pay the salaries of the members of the staff of the criminal district attorney in equal bimonthly installments from the officers' salary fund of the county. (V.A.C.S. Art. 326k-77, Secs. 2 (part), 3, 5 (part).)

[Section 44.300 reserved for Runnels County]

[Section 44.301 reserved for Rusk County]

[Section 44.302 reserved for Sabine County]

[Section 44.303 reserved for San Augustine County]

[Section 44.304 reserved for San Jacinto County]

[Section 44.305 reserved for San Patricio County]

[Section 44.306 reserved for San Saba County]

[Section 44.307 reserved for Schleicher County]

[Section 44.308 reserved for Scurry County]

[Section 44.309 reserved for Shackelford County]

[Section 44.310 reserved for Shelby County]

[Section 44.311 reserved for Sherman County]

Sec. 44.312. SMITH COUNTY. (a) The criminal district attorney of Smith County shall attend each term and session of the district courts of Smith County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Smith County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Smith County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-22, Sec. 3.)

[Section 44.313 reserved for Somervell County]

[Section 44.314 reserved for Starr County]

[Section 44.315 reserved for Stephens County]

[Section 44.316 reserved for Sterling County]

[Section 44.317 reserved for Stonewall County]

[Section 44.318 reserved for Sutton County]

[Section 44.319 reserved for Swisher County]

Sec. 44.320. TARRANT COUNTY. (a) *The criminal district attorney of Tarrant County shall attend each term and session of the criminal district courts of Tarrant County and each term and session of the County Court of Tarrant County held for the transaction of criminal business and shall represent the state in all matters before those courts. He shall represent Tarrant County in any court in which the county has pending business.*

(b) *The criminal district attorney has all the powers, duties, and privileges in Tarrant County that are conferred by law on county and district attorneys in the various counties and districts, except in a condemnation case in which the commissioners court hires special counsel to represent the county as provided by Subsection (d).*

(c) *The criminal district attorney shall collect the fees of office that are provided by law for similar services rendered by a district or county attorney.*

(d) *The Commissioners Court of Tarrant County may employ special counsel of its own choice, learned in the law, to represent the county in condemnation or eminent domain proceedings, to assist the commissioners court, the county engineer, or other county employees in preparing documents necessary in the acquisition of rights-of-way for the county or in the event that the county is required to obtain rights-of-way for state highways, or to assist the county in the acquisition of those rights-of-way. The commissioners court shall set the terms of the employment of special counsel as it considers proper. The commissioners court shall pay the compensation of the special counsel from the road and bridge fund of the county. (V.A.C.S. Art. 1926-42, Secs. 3, 5 (part), 7; Art. 1926-43, Sec. 7 (part).)*

Sec. 44.321. TAYLOR COUNTY. (a) *The criminal district attorney of Taylor County shall perform all the duties in Taylor County required of district attorneys by general law and shall perform the duties of county attorney in Taylor County.*

(b) *The criminal district attorney shall assist the county attorney of Callahan County on the request of the county attorney or if appointed to do so by the judge of a district court having jurisdiction in Callahan County when the county attorney is unable to act.*

(c) *The Commissioners Court of Taylor County shall supplement the state salary of the criminal district attorney in an amount not less than \$4,000 a year.*

(d) *The criminal district attorney is entitled to the expenses and allowances provided by the General Appropriations Act for district attorneys who serve more than one county.*

(e) *The Commissioners Court of Taylor County shall provide suitable office space for the criminal district attorney in the county courthouse.*

(f) *The Commissioners Court of Taylor County shall determine the salaries of the employees of the criminal district attorney. (V.A.C.S. Art. 326k-62, Secs. (d) (part), (e) (part), (f) (part).)*

[Section 44.322 reserved for Terrell County]

[Section 44.323 reserved for Terry County]

[Section 44.324 reserved for Throckmorton County]

[Section 44.325 reserved for Titus County]

Section 44.326 reserved for Tom Green County]

[Section 44.327 reserved for Travis County]

[Section 44.328 reserved for Trinity County]

Sec. 44.329. TYLER COUNTY. (a) *The criminal district attorney of Tyler County shall represent the state in all matters in the district and inferior courts in Tyler County.*

(b) *The criminal district attorney shall perform the duties conferred by law on county and district attorneys in this state.*

(c) *The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.*



(d) With the approval of the Commissioners Court of Tyler County, the criminal district attorney may appoint the staff required for the proper and efficient operation and administration of the office. (V.A.C.S. Art. 326k-88, Secs. 3, 5.)

Sec. 44.330. UPSHUR COUNTY. (a) The criminal district attorney of Upshur County shall attend each term and session of the district courts in Upshur County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Upshur County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Upshur County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-51, Sec. 3.)

[Section 44.331 reserved for Upton County]

[Section 44.332 reserved for Uvalde County]

[Section 44.333 reserved for Val Verde County]

Sec. 44.334. VAN ZANDT COUNTY. (a) The criminal district attorney of Van Zandt County must be at least 25 years old and must have been a practicing attorney in this state for two years. However, if no person meeting those qualifications files as a candidate for the office on or before the 30th day before the last day on which a person may file as a candidate in an election to that office, the qualifications imposed by this subsection do not apply to that election.

(b) The criminal district attorney shall attend each term and session of the district courts in Van Zandt County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(e) The criminal district attorney, for the purpose of conducting the affairs of his office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel as the Commissioners Court of Van Zandt County may authorize. The commissioners court shall pay the salaries of the staff in equal monthly or bimonthly installments from the officers' salary fund of the county. (V.A.C.S. Art. 326k-78, Secs. 2(a) (part), 2(b), 3, 5, 6 (part).)

Sec. 44.335. VICTORIA COUNTY. (a) The criminal district attorney of Victoria County shall attend each term and session of the district courts of Victoria County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts. He shall represent Victoria County in any court in which the county has pending business.

(b) The criminal district attorney has all the powers, duties, and privileges in Victoria County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. (V.A.C.S. Art. 326k-59, Secs. 3, 7 (part).)

Sec. 44.336. WALKER COUNTY. (a) The criminal district attorney of Walker County must be at least 25 years old, must have been a practicing attorney in this state for three years, and must have been a resident of Walker County for at least two years before election or appointment.

(b) The criminal district attorney shall attend each term and session of the district and inferior courts of Walker County, except municipal courts, held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall represent Walker County in any court in which the county has pending business. This subsection does not require the criminal district attorney to represent the county in a delinquent tax suit or condemnation proceeding and does not prevent the county from retaining other legal counsel in a civil matter at any time it considers appropriate to do so.

(d) The criminal district attorney has all the powers, duties, and privileges in Walker County relating to criminal or civil matters involving the county or state that are conferred by law on county and district attorneys in the various counties and districts.

(e) The criminal district attorney, for the purpose of conducting the affairs of the office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel as the Commissioners Court of Walker County may authorize. The commissioners court shall pay the salaries of the staff in equal monthly installments from the general fund of the county. (V.A.C.S. Art. 326k-80, Secs. 1(b) (part), 2(a), 2(b), 4 (part).)

[Section 44.337 reserved for Waller County]

[Section 44.338 reserved for Ward County]

[Section 44.339 reserved for Washington County]

[Section 44.340 reserved for Webb County]

[Section 44.341 reserved for Wharton County]

[Section 44.342 reserved for Wheeler County]

[Section 44.343 reserved for Wichita County]

[Section 44.344 reserved for Wilbarger County]

[Section 44.345 reserved for Willacy County]

[Section 44.346 reserved for Williamson County]

[Section 44.347 reserved for Wilson County]

[Section 44.348 reserved for Winkler County]

[Section 44.349 reserved for Wise County]

Sec. 44.350. WOOD COUNTY. (a) The criminal district attorney of Wood County must be at least 25 years old and must have been a practicing attorney in this state for five years. However, if no person meeting those qualifications files as a candidate for the office on or before the 30th day before the last day on which a person may file as a candidate in an election to that office, the qualifications imposed by this subsection do not apply to that election.

(b) The criminal district attorney shall attend each term and session of the district courts in Wood County and each term and session of the inferior courts of the county held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(c) The criminal district attorney shall perform the duties conferred by law on county and district attorneys in the various counties and districts.

(d) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(e) The criminal district attorney, for the purpose of conducting the affairs of the office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel as the Commissioners Court of Wood County may authorize. The commissioners court shall pay the salaries of the staff in equal monthly or bimonthly installments from the officers' salary fund of the county.

(f) The legislature may provide for additional staff members to be paid from state funds if it considers supplementation of the criminal district attorney's staff to be necessary. (V.A.C.S. Art. 326k-79, Secs. 2(a) (part), 2(b), 3, 5 (part), 6 (part).)

[Section 44.351 reserved for Yoakum County]

[Section 44.352 reserved for Young County]

[Section 44.353 reserved for Zapata County]

[Section 44.354 reserved for Zavala County]

## CHAPTER 45. COUNTY ATTORNEYS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 45.001. BOND

Sec. 45.002. APPOINTMENT AND OATH OF ASSISTANT

[Sections 45.003-45.100 reserved for expansion]

## SUBCHAPTER B. PROVISIONS APPLICABLE TO SPECIFIC COUNTIES

- Sec. 45.101. [reserved for Anderson County]
- Sec. 45.102. [reserved for Andrews County]
- Sec. 45.103. [reserved for Angelina County]
- Sec. 45.104. [reserved for Aransas County]
- Sec. 45.105. [reserved for Archer County]
- Sec. 45.106. [reserved for Armstrong County]
- Sec. 45.107. [reserved for Atascosa County]
- Sec. 45.108. [reserved for Austin County]
- Sec. 45.109. [reserved for Bailey County]
- Sec. 45.110. [reserved for Bandera County]
- Sec. 45.111. [reserved for Bastrop County]
- Sec. 45.112. BAYLOR COUNTY
- Sec. 45.113. [reserved for Bee County]
- Sec. 45.114. [reserved for Bell County]
- Sec. 45.115. [reserved for Bexar County]
- Sec. 45.116. [reserved for Blanco County]
- Sec. 45.117. [reserved for Borden County]
- Sec. 45.118. [reserved for Bosque County]
- Sec. 45.119. [reserved for Bowie County]
- Sec. 45.120. [reserved for Brazoria County]
- Sec. 45.121. [reserved for Brazos County]
- Sec. 45.122. [reserved for Brewster County]
- Sec. 45.123. [reserved for Briscoe County]
- Sec. 45.124. [reserved for Brooks County]
- Sec. 45.125. [reserved for Brown County]
- Sec. 45.126. [reserved for Burleson County]
- Sec. 45.127. [reserved for Burnet County]
- Sec. 45.128. [reserved for Caldwell County]
- Sec. 45.129. [reserved for Calhoun County]
- Sec. 45.130. CALLAHAN COUNTY
- Sec. 45.131. [reserved for Cameron County]
- Sec. 45.132. [reserved for Camp County]
- Sec. 45.133. [reserved for Carson County]
- Sec. 45.134. [reserved for Cass County]
- Sec. 45.135. [reserved for Castro County]
- Sec. 45.136. [reserved for Chambers County]
- Sec. 45.137. [reserved for Cherokee County]
- Sec. 45.138. [reserved for Childress County]
- Sec. 45.139. [reserved for Clay County]
- Sec. 45.140. [reserved for Cochran County]
- Sec. 45.141. [reserved for Coke County]
- Sec. 45.142. [reserved for Coleman County]

- Sec. 45.143. [reserved for Collin County]
- Sec. 45.144. [reserved for Collingsworth County]
- Sec. 45.145. [reserved for Colorado County]
- Sec. 45.146. [reserved for Comal County]
- Sec. 45.147. [reserved for Comanche County]
- Sec. 45.148. [reserved for Concho County]
- Sec. 45.149. [reserved for Cooke County]
- Sec. 45.150. [reserved for Coryell County]
- Sec. 45.151. COTTLE COUNTY
- Sec. 45.152. [reserved for Crane County]
- Sec. 45.153. [reserved for Crockett County]
- Sec. 45.154. CROSBY COUNTY
- Sec. 45.155. [reserved for Culberson County]
- Sec. 45.156. [reserved for Dallam County]
- Sec. 45.157. [reserved for Dallas County]
- Sec. 45.158. [reserved for Dawson County]
- Sec. 45.159. [reserved for Deaf Smith County]
- Sec. 45.160. [reserved for Delta County]
- Sec. 45.161. [reserved for Denton County]
- Sec. 45.162. [reserved for DeWitt County]
- Sec. 45.163. [reserved for Dickens County]
- Sec. 45.164. [reserved for Dimmit County]
- Sec. 45.165. [reserved for Donley County]
- Sec. 45.166. [reserved for Duval County]
- Sec. 45.167. [reserved for Eastland County]
- Sec. 45.168. [reserved for Ector County]
- Sec. 45.169. [reserved for Edwards County]
- Sec. 45.170. ELLIS COUNTY
- Sec. 45.171. [reserved for El Paso County]
- Sec. 45.172. [reserved for Erath County]
- Sec. 45.173. [reserved for Falls County]
- Sec. 45.174. [reserved for Fannin County]
- Sec. 45.175. [reserved for Fayette County]
- Sec. 45.176. [reserved for Fisher County]
- Sec. 45.177. [reserved for Floyd County]
- Sec. 45.178. [reserved for Foard County]
- Sec. 45.179. [reserved for Fort Bend County]
- Sec. 45.180. [reserved for Franklin County]
- Sec. 45.181. [reserved for Freestone County]
- Sec. 45.182. [reserved for Frio County]
- Sec. 45.183. [reserved for Gaines County]
- Sec. 45.184. [reserved for Galveston County]
- Sec. 45.185. [reserved for Garza County]

- Sec. 45.186. [reserved for Gillespie County]
- Sec. 45.187. [reserved for Glasscock County]
- Sec. 45.188. [reserved for Goliad County]
- Sec. 45.189. [reserved for Gonzales County]
- Sec. 45.190. [reserved for Gray County]
- Sec. 45.191. **GRAYSON COUNTY**
- Sec. 45.192. [reserved for Gregg County]
- Sec. 45.193. [reserved for Grimes County]
- Sec. 45.194. [reserved for Guadalupe County]
- Sec. 45.195. [reserved for Hale County]
- Sec. 45.196. [reserved for Hall County]
- Sec. 45.197. [reserved for Hamilton County]
- Sec. 45.198. [reserved for Hansford County]
- Sec. 45.199. [reserved for Hardeman County]
- Sec. 45.200. [reserved for Hardin County]
- Sec. 45.201. **HARRIS COUNTY**
- Sec. 45.202. [reserved for Harrison County]
- Sec. 45.203. [reserved for Hartley County]
- Sec. 45.204. [reserved for Haskell County]
- Sec. 45.205. [reserved for Hays County]
- Sec. 45.206. [reserved for Hemphill County]
- Sec. 45.207. [reserved for Henderson County]
- Sec. 45.208. [reserved for Hidalgo County]
- Sec. 45.209. [reserved for Hill County]
- Sec. 45.210. [reserved for Hockley County]
- Sec. 45.211. [reserved for Hood County]
- Sec. 45.212. [reserved for Hopkins County]
- Sec. 45.213. [reserved for Houston County]
- Sec. 45.214. [reserved for Howard County]
- Sec. 45.215. [reserved for Hudspeth County]
- Sec. 45.216. [reserved for Hunt County]
- Sec. 45.217. [reserved for Hutchinson County]
- Sec. 45.218. [reserved for Irion County]
- Sec. 45.219. [reserved for Jack County]
- Sec. 45.220. [reserved for Jackson County]
- Sec. 45.221. [reserved for Jasper County]
- Sec. 45.222. [reserved for Jeff Davis County]
- Sec. 45.223. [reserved for Jefferson County]
- Sec. 45.224. [reserved for Jim Hogg County]
- Sec. 45.225. [reserved for Jim Wells County]
- Sec. 45.226. [reserved for Johnson County]
- Sec. 45.227. **JONES COUNTY**
- Sec. 45.228. [reserved for Karnes County]

- Sec. 45.229. [reserved for Kaufman County]
- Sec. 45.230. [reserved for Kendall County]
- Sec. 45.231. [reserved for Kenedy County]
- Sec. 45.232. [reserved for Kent County]
- Sec. 45.233. [reserved for Kerr County]
- Sec. 45.234. [reserved for Kimble County]
- Sec. 45.235. KING COUNTY
- Sec. 45.236. [reserved for Kinney County]
- Sec. 45.237. [reserved for Kleberg County]
- Sec. 45.238. KNOX COUNTY
- Sec. 45.239. LAMAR COUNTY
- Sec. 45.240. LAMB COUNTY
- Sec. 45.241. [reserved for Lampasas County]
- Sec. 45.242. [reserved for LaSalle County]
- Sec. 45.243. [reserved for Lavaca County]
- Sec. 45.244. [reserved for Lee County]
- Sec. 45.245. [reserved for Leon County]
- Sec. 45.246. [reserved for Liberty County]
- Sec. 45.247. [reserved for Limestone County]
- Sec. 45.248. [reserved for Lipscomb County]
- Sec. 45.249. [reserved for Live Oak County]
- Sec. 45.250. [reserved for Llano County]
- Sec. 45.251. [reserved for Loving County]
- Sec. 45.252. [reserved for Lubbock County]
- Sec. 45.253. [reserved for Lynn County]
- Sec. 45.254. [reserved for McCulloch County]
- Sec. 45.255. [reserved for McLennan County]
- Sec. 45.256. [reserved for McMullen County]
- Sec. 45.257. [reserved for Madison County]
- Sec. 45.258. MARION COUNTY
- Sec. 45.259. [reserved for Martin County]
- Sec. 45.260. [reserved for Mason County]
- Sec. 45.261. [reserved for Matagorda County]
- Sec. 45.262. [reserved for Maverick County]
- Sec. 45.263. [reserved for Medina County]
- Sec. 45.264. [reserved for Menard County]
- Sec. 45.265. [reserved for Midland County]
- Sec. 45.266. [reserved for Milam County]
- Sec. 45.267. [reserved for Mills County]
- Sec. 45.268. [reserved for Mitchell County]
- Sec. 45.269. [reserved for Montague County]
- Sec. 45.270. [reserved for Montgomery County]
- Sec. 45.271. [reserved for Moore County]

- Sec. 45.272. [reserved for Morris County]
- Sec. 45.273. [reserved for Motley County]
- Sec. 45.274. [reserved for Nacogdoches County]
- Sec. 45.275. [reserved for Navarro County]
- Sec. 45.276. [reserved for Newton County]
- Sec. 45.277. [reserved for Nolan County]
- Sec. 45.278. [reserved for Nueces County]
- Sec. 45.279. [reserved for Ochiltree County]
- Sec. 45.280. **OLDHAM COUNTY**
- Sec. 45.281. **ORANGE COUNTY**
- Sec. 45.282. [reserved for Palo Pinto County]
- Sec. 45.283. [reserved for Panola County]
- Sec. 45.284. [reserved for Parker County]
- Sec. 45.285. [reserved for Parmer County]
- Sec. 45.286. [reserved for Pecos County]
- Sec. 45.287. [reserved for Polk County]
- Sec. 45.288. [reserved for Potter County]
- Sec. 45.289. [reserved for Presidio County]
- Sec. 45.290. [reserved for Rains County]
- Sec. 45.291. [reserved for Randall County]
- Sec. 45.292. [reserved for Reagan County]
- Sec. 45.293. [reserved for Real County]
- Sec. 45.294. [reserved for Red River County]
- Sec. 45.295. [reserved for Reeves County]
- Sec. 45.296. [reserved for Refugio County]
- Sec. 45.297. [reserved for Roberts County]
- Sec. 45.298. [reserved for Robertson County]
- Sec. 45.299. [reserved for Rockwall County]
- Sec. 45.300. [reserved for Runnels County]
- Sec. 45.301. [reserved for Rusk County]
- Sec. 45.302. [reserved for Sabine County]
- Sec. 45.303. [reserved for San Augustine County]
- Sec. 45.304. [reserved for San Jacinto County]
- Sec. 45.305. [reserved for San Patricio County]
- Sec. 45.306. [reserved for San Saba County]
- Sec. 45.307. [reserved for Schleicher County]
- Sec. 45.308. [reserved for Scurry County]
- Sec. 45.309. **SHACKELFORD COUNTY**
- Sec. 45.310. [reserved for Shelby County]
- Sec. 45.311. [reserved for Sherman County]
- Sec. 45.312. [reserved for Smith County]
- Sec. 45.313. [reserved for Somervell County]
- Sec. 45.314. [reserved for Starr County]

- Sec. 45.315. STEPHENS COUNTY
- Sec. 45.316. [reserved for Sterling County]
- Sec. 45.317. [reserved for Stonewall County]
- Sec. 45.318. [reserved for Sutton County]
- Sec. 45.319. [reserved for Swisher County]
- Sec. 45.320. [reserved for Tarrant County]
- Sec. 45.321. [reserved for Taylor County]
- Sec. 45.322. [reserved for Terrell County]
- Sec. 45.323. TERRY COUNTY
- Sec. 45.324. [reserved for Throckmorton County]
- Sec. 45.325. [reserved for Titus County]
- Sec. 45.326. [reserved for Tom Green County]
- Sec. 45.327. [reserved for Travis County]
- Sec. 45.328. [reserved for Trinity County]
- Sec. 45.329. [reserved for Tyler County]
- Sec. 45.330. [reserved for Upshur County]
- Sec. 45.331. [reserved for Upton County]
- Sec. 45.332. [reserved for Uvalde County]
- Sec. 45.333. [reserved for Val Verde County]
- Sec. 45.334. [reserved for Van Zandt County]
- Sec. 45.335. [reserved for Victoria County]
- Sec. 45.336. [reserved for Walker County]
- Sec. 45.337. [reserved for Waller County]
- Sec. 45.338. [reserved for Ward County]
- Sec. 45.339. [reserved for Washington County]
- Sec. 45.340. WEBB COUNTY
- Sec. 45.341. [reserved for Wharton County]
- Sec. 45.342. [reserved for Wheeler County]
- Sec. 45.343. [reserved for Wichita County]
- Sec. 45.344. [reserved for Wilbarger County]
- Sec. 45.345. [reserved for Willacy County]
- Sec. 45.346. [reserved for Williamson County]
- Sec. 45.347. [reserved for Wilson County]
- Sec. 45.348. [reserved for Winkler County]
- Sec. 45.349. [reserved for Wise County]
- Sec. 45.350. [reserved for Wood County]
- Sec. 45.351. YOAKUM COUNTY
- Sec. 45.352. [reserved for Young County]
- Sec. 45.353. [reserved for Zapata County]
- Sec. 45.354. [reserved for Zavala County]



CHAPTER 45. COUNTY ATTORNEYS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 45.001. BOND. (a) Each county attorney shall execute a bond payable to the governor in the amount of \$2,500, with at least two good and sufficient sureties to be approved by the commissioners court of the county.

(b) The bond must be conditioned on the county attorney faithfully paying over in the manner prescribed by law all money that he collects or receives for any county or the state. (V.A.C.S. Art. 330.)

Sec. 45.002. APPOINTMENT AND OATH OF ASSISTANT. (a) The qualifications for an assistant county attorney are the same as for the county attorney who appoints him.

(b) Before beginning any duties, an assistant county attorney must take the official oath of office, which must be endorsed on his written appointment.

(c) The appointment and oath of an assistant county attorney shall be recorded and deposited in the county clerk's office. (V.A.C.S. Art. 331.)

[Sections 45.003-45.100 reserved for expansion]

SUBCHAPTER B. PROVISIONS APPLICABLE TO SPECIFIC COUNTIES

[Section 45.101 reserved for Anderson County]

[Section 45.102 reserved for Andrews County]

[Section 45.103 reserved for Angelina County]

[Section 45.104 reserved for Aransas County]

[Section 45.105 reserved for Archer County]

[Section 45.106 reserved for Armstrong County]

[Section 45.107 reserved for Atascosa County]

[Section 45.108 reserved for Austin County]

[Section 45.109 reserved for Bailey County]

[Section 45.110 reserved for Bandera County]

[Section 45.111 reserved for Bastrop County]

Sec. 45.112. BAYLOR COUNTY. The county attorney shall represent the state in all misdemeanor cases before the district court in Baylor County. (Acts 67th Legis., Reg. Sess., Ch. 794, Sec. 4 (part).)

- [Section 45.113 reserved for Bee County]
- [Section 45.114 reserved for Bell County]
- [Section 45.115 reserved for Bexar County]
- [Section 45.116 reserved for Blanco County]
- [Section 45.117 reserved for Borden County]
- [Section 45.118 reserved for Bosque County]
- [Section 45.119 reserved for Bowie County]
- [Section 45.120 reserved for Brazoria County]
- [Section 45.121 reserved for Brazos County]
- [Section 45.122 reserved for Brewster County]
- [Section 45.123 reserved for Briscoe County]
- [Section 45.124 reserved for Brooks County]
- [Section 45.125 reserved for Brown County]
- [Section 45.126 reserved for Burleson County]
- [Section 45.127 reserved for Burnet County]
- [Section 45.128 reserved for Caldwell County]
- [Section 45.129 reserved for Calhoun County]

Sec. 45.130. CALLAHAN COUNTY. (a) If there is no county attorney in Callahan County, the criminal district attorney in Taylor County shall represent the state in all matters pending before the district court in Callahan County.

(b) The county attorney of Callahan County is entitled to receive an annual salary of \$5,000 from the state. The commissioners court shall supplement the state salary. (V.A.C.S. Art. 326k-62, Secs. (d) (part), (f) (part).)

[Section 45.131 reserved for Cameron County]

[Section 45.132 reserved for Camp County]

[Section 45.133 reserved for Carson County]

[Section 45.134 reserved for Cass County]

[Section 45.135 reserved for Castro County]

[Section 45.136 reserved for Chambers County]

[Section 45.137 reserved for Cherokee County]

[Section 45.138 reserved for Childress County]

[Section 45.139 reserved for Clay County]

[Section 45.140 reserved for Cochran County]

[Section 45.141 reserved for Coke County]

[Section 45.142 reserved for Coleman County]

[Section 45.143 reserved for Collin County]

[Section 45.144 reserved for Collingsworth County]

[Section 45.145 reserved for Colorado County]

[Section 45.146 reserved for Comal County]

[Section 45.147 reserved for Comanche County]

[Section 45.148 reserved for Concho County]

[Section 45.149 reserved for Cooke County]

[Section 45.150 reserved for Coryell County]

Sec. 45.151. COTTLE COUNTY. The county attorney shall represent the state in all misdemeanor cases before the district court in Cottle County. (Acts 67th Legis., Reg. Sess., Ch. 794, Sec. 4 (part).)

[Section 45.152 reserved for Crane County]

[Section 45.153 reserved for Crockett County]

Sec. 45.154. CROSBY COUNTY. (a) The county attorney of Crosby County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

- [Section 45.155 reserved for Culberson County]
- [Section 45.156 reserved for Dallam County]
- [Section 45.157 reserved for Dallas County]
- [Section 45.158 reserved for Dawson County]
- [Section 45.159 reserved for Deaf Smith County]
- [Section 45.160 reserved for Delta County]
- [Section 45.161 reserved for Denton County]
- [Section 45.162 reserved for DeWitt County]
- [Section 45.163 reserved for Dickens County]
- [Section 45.164 reserved for Dimmit County]
- [Section 45.165 reserved for Donley County]
- [Section 45.166 reserved for Duval County]
- [Section 45.167 reserved for Eastland County]
- [Section 45.168 reserved for Ector County]
- [Section 45.169 reserved for Edwards County]

Sec. 45.170. ELLIS COUNTY. (a) The county attorney of Ellis County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

- [Section 45.171 reserved for El Paso County]
- [Section 45.172 reserved for Erath County]
- [Section 45.173 reserved for Falls County]
- [Section 45.174 reserved for Fannin County]
- [Section 45.175 reserved for Fayette County]
- [Section 45.176 reserved for Fisher County]
- [Section 45.177 reserved for Floyd County]
- [Section 45.178 reserved for Foard County]
- [Section 45.179 reserved for Fort Bend County]
- [Section 45.180 reserved for Franklin County]
- [Section 45.181 reserved for Freestone County]
- [Section 45.182 reserved for Frio County]
- [Section 45.183 reserved for Gaines County]
- [Section 45.184 reserved for Galveston County]
- [Section 45.185 reserved for Garza County]
- [Section 45.186 reserved for Gillespie County]
- [Section 45.187 reserved for Glasscock County]
- [Section 45.188 reserved for Goliad County]
- [Section 45.189 reserved for Gonzales County]
- [Section 45.190 reserved for Gray County]

Sec. 45.191. GRAYSON COUNTY. The county attorney and assistant county attorneys in Grayson County may not actively engage in the private practice of law. (V.A.C.S. Art. 331l.)

[Section 45.192 reserved for Gregg County]

[Section 45.193 reserved for Grimes County]

[Section 45.194 reserved for Guadalupe County]

[Section 45.195 reserved for Hale County]

[Section 45.196 reserved for Hall County]

[Section 45.197 reserved for Hamilton County]

[Section 45.198 reserved for Hansford County]

[Section 45.199 reserved for Hardeman County]

[Section 45.200 reserved for Hardin County]

Sec. 45.201. **HARRIS COUNTY.** It is the primary duty of the county attorney in Harris County or his assistants to represent the state, Harris County, and the officials of Harris County in all civil matters pending before the courts of Harris County and any other courts in which the state, the county, or the officials of the county have matters pending. The county attorney shall represent the Harris County Flood Control District and perform the other duties imposed by this section without any additional fee, compensation, or perquisite other than that paid by Harris County out of its officers' salary fund. (V.A.C.S. Art. 331h, Sec. 3.)

[Section 45.202 reserved for Harrison County]

[Section 45.203 reserved for Hartley County]

[Section 45.204 reserved for Haskell County]

[Section 45.205 reserved for Hays County]

[Section 45.206 reserved for Hemphill County]

[Section 45.207 reserved for Henderson County]

[Section 45.208 reserved for Hidalgo County]

[Section 45.209 reserved for Hill County]

[Section 45.210 reserved for Hockley County]

[Section 45.211 reserved for Hood County]

[Section 45.212 reserved for Hopkins County]

[Section 45.213 reserved for Houston County]

[Section 45.214 reserved for Howard County]

[Section 45.215 reserved for Hudspeth County]

[Section 45.216 reserved for Hunt County]

[Section 45.217 reserved for Hutchinson County]

[Section 45.218 reserved for Irion County]

[Section 45.219 reserved for Jack County]

[Section 45.220 reserved for Jackson County]

[Section 45.221 reserved for Jasper County]

[Section 45.222 reserved for Jeff Davis County]

[Section 45.223 reserved for Jefferson County]

[Section 45.224 reserved for Jim Hogg County]

[Section 45.225 reserved for Jim Wells County]

[Section 45.226 reserved for Johnson County]

Sec. 45.227. **JONES COUNTY.** The county attorney shall represent the state in all misdemeanor cases before the district court in Jones County. (Acts 65th Legis., Reg. Sess., Ch. 860, Sec. 10(b) (part).)

[Section 45.228 reserved for Karnes County]

[Section 45.229 reserved for Kaufman County]

[Section 45.230 reserved for Kendall County]

[Section 45.231 reserved for Kenedy County]

[Section 45.232 reserved for Kent County]

[Section 45.233 reserved for Kerr County]

[Section 45.234 reserved for Kimble County]

Sec. 45.235. KING COUNTY. The county attorney shall represent the state in all misdemeanor cases before the district court in King County. (Acts 67th Legis., Reg. Sess., Ch. 794, Sec. 4 (part).)

[Section 45.236 reserved for Kinney County]

[Section 45.237 reserved for Kleberg County]

Sec. 45.238. KNOX COUNTY. The county attorney shall represent the state in all misdemeanor cases before the district court in Knox County. (Acts 67th Legis., Reg. Sess., Ch. 794, Sec. 4 (part).)

Sec. 45.239. LAMAR COUNTY. (a) The county attorney of Lamar County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

Sec. 45.240. LAMB COUNTY. (a) The county attorney of Lamb County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

[Section 45.241 reserved for Lampasas County]

[Section 45.242 reserved for LaSalle County]

[Section 45.243 reserved for Lavaca County]

[Section 45.244 reserved for Lee County]

[Section 45.245 reserved for Leon County]

[Section 45.246 reserved for Liberty County]

[Section 45.247 reserved for Limestone County]

[Section 45.248 reserved for Lipscomb County]

[Section 45.249 reserved for Live Oak County]

[Section 45.250 reserved for Llano County]

[Section 45.251 reserved for Loving County]

[Section 45.252 reserved for Lubbock County]

[Section 45.253 reserved for Lynn County]

[Section 45.254 reserved for McCulloch County]

[Section 45.255 reserved for McLennan County]

[Section 45.256 reserved for McMullen County]

[Section 45.257 reserved for Madison County]

Sec. 45.258. MARION COUNTY. (a) The county attorney of Marion County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

- [Section 45.259 reserved for Martin County]
- [Section 45.260 reserved for Mason County]
- [Section 45.261 reserved for Matagorda County]
- [Section 45.262 reserved for Maverick County]
- [Section 45.263 reserved for Medina County]
- [Section 45.264 reserved for Menard County]
- [Section 45.265 reserved for Midland County]
- [Section 45.266 reserved for Milam County]
- [Section 45.267 reserved for Mills County]
- [Section 45.268 reserved for Mitchell County]
- [Section 45.269 reserved for Montague County]
- [Section 45.270 reserved for Montgomery County]
- [Section 45.271 reserved for Moore County]
- [Section 45.272 reserved for Morris County]
- [Section 45.273 reserved for Motley County]
- [Section 45.274 reserved for Nacogdoches County]
- [Section 45.275 reserved for Navarro County]
- [Section 45.276 reserved for Newton County]
- [Section 45.277 reserved for Nolan County]
- [Section 45.278 reserved for Nueces County]
- [Section 45.279 reserved for Ochiltree County]

Sec. 45.280. OLDHAM COUNTY. (a) If there is no county attorney in Oldham County, the criminal district attorney of Deaf Smith County shall represent the state in all matters pending before the district court in Oldham County on appointment by the judge of the district court in Oldham County.

(b) Oldham County is entitled to receive an amount from the state equal to 30 percent of the salary paid to a district attorney by the state. (V.A.C.S. Art. 326k-64a, Secs. 1 (part), 2 (part).)

Sec. 45.281. ORANGE COUNTY. (a) Orange County, in which the county attorney performs the duties of a district attorney, is entitled to receive annually from the state an amount equal to the compensation paid by the state to district attorneys. The compensation from the state shall be paid into the salary fund of the county in equal monthly installments.

(b) The county attorney of Orange County is entitled to receive as compensation an amount at least equal to the amount paid to the county by the state under Subsection (a) and any additional amount that the commissioners court of the county sets as adequate compensation for the county attorney.

(c) Orange County is not entitled to receive state funds under Subchapter C, Chapter 41, in addition to the state compensation provided by Subsection (a).

(d) The county attorney and assistant county attorneys may not engage in the private practice of law except in civil matters involving the county. This subsection does not prohibit the commissioners court from employing and compensating the county attorney to represent the county in civil and condemnation cases. (V.A.C.S. Art. 332b, Secs. 1 (part), 2, 3; Art. 3887a-1, Secs. 2, 3.)

- [Section 45.282 reserved for Palo Pinto County]
- [Section 45.283 reserved for Panola County]
- [Section 45.284 reserved for Parker County]
- [Section 45.285 reserved for Parmer County]
- [Section 45.286 reserved for Pecos County]
- [Section 45.287 reserved for Polk County]
- [Section 45.288 reserved for Potter County]
- [Section 45.289 reserved for Presidio County]
- [Section 45.290 reserved for Rains County]
- [Section 45.291 reserved for Randall County]
- [Section 45.292 reserved for Reagan County]
- [Section 45.293 reserved for Real County]
- [Section 45.294 reserved for Red River County]
- [Section 45.295 reserved for Reeves County]
- [Section 45.296 reserved for Refugio County]
- [Section 45.297 reserved for Roberts County]
- [Section 45.298 reserved for Robertson County]
- [Section 45.299 reserved for Rockwall County]
- [Section 45.300 reserved for Runnels County]
- [Section 45.301 reserved for Rusk County]
- [Section 45.302 reserved for Sabine County]
- [Section 45.303 reserved for San Augustine County]
- [Section 45.304 reserved for San Jacinto County]
- [Section 45.305 reserved for San Patricio County]
- [Section 45.306 reserved for San Saba County]
- [Section 45.307 reserved for Schleicher County]
- [Section 45.308 reserved for Scurry County]

Sec. 45.309. SHACKELFORD COUNTY. The county attorney shall represent the state in all misdemeanor cases before the district court in Shackelford County. (*Acts 65th Legis., Reg. Sess., Ch. 860, Sec. 10(b) (part).*)

- [Section 45.310 reserved for Shelby County]
- [Section 45.311 reserved for Sherman County]
- [Section 45.312 reserved for Smith County]
- [Section 45.313 reserved for Somervell County]
- [Section 45.314 reserved for Starr County]

Sec. 45.315. STEPHENS COUNTY. The county attorney of Stephens County shall represent the state in all misdemeanor cases before the district court of the county. (*V.A.C.S. Art. 1970-321, Sec. 3.*)



[Section 45.316 reserved for Sterling County]

[Section 45.317 reserved for Stonewall County]

[Section 45.318 reserved for Sutton County]

[Section 45.319 reserved for Swisher County]

[Section 45.320 reserved for Tarrant County]

[Section 45.321 reserved for Taylor County]

[Section 45.322 reserved for Terrell County]

Sec. 45.323. TERRY COUNTY. (a) The county attorney of Terry County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

[Section 45.324 reserved for Throckmorton County]

[Section 45.325 reserved for Titus County]

[Section 45.326 reserved for Tom Green County]

[Section 45.327 reserved for Travis County]

[Section 45.328 reserved for Trinity County]

[Section 45.329 reserved for Tyler County]

[Section 45.330 reserved for Upshur County]

[Section 45.331 reserved for Upton County]

[Section 45.332 reserved for Uvalde County]

[Section 45.333 reserved for Val Verde County]

[Section 45.334 reserved for Van Zandt County]

[Section 45.335 reserved for Victoria County]

[Section 45.336 reserved for Walker County]

[Section 45.337 reserved for Waller County]

[Section 45.338 reserved for Ward County]

[Section 45.339 reserved for Washington County]

Sec. 45.340. WEBB COUNTY. The county attorney handles or prosecutes all juvenile, child welfare, and mental health cases in Webb County, the other civil cases in Webb County where the state is a party, and the other duties imposed by law on the office of county attorney. (V.A.C.S. Art. 326k-38b, Sec. 1 (part).)

[Section 45.341 reserved for Wharton County]

[Section 45.342 reserved for Wheeler County]

[Section 45.343 reserved for Wichita County]

[Section 45.344 reserved for Wilbarger County]

[Section 45.345 reserved for Willacy County]

[Section 45.346 reserved for Williamson County]

[Section 45.347 reserved for Wilson County]

[Section 45.348 reserved for Winkler County]

[Section 45.349 reserved for Wise County]

[Section 45.350 reserved for Wood County]

Sec. 45.351. YOAKUM COUNTY. (a) The county attorney of Yoakum County, who performs the duties of a district attorney, is entitled to be compensated by the state in the manner and amount fixed by general law relating to the salary paid to district attorneys by the state.

(b) The commissioners court may pay the county attorney the compensation it considers advisable and shall pay the county attorney sufficient compensation to ensure that the total compensation of the county attorney is not less than the total compensation received by the county attorney on September 1, 1983. (V.A.C.S. Art. 332b-1 (part).)

[Section 45.352 reserved for Young County]

[Section 45.353 reserved for Zapata County]

[Section 45.354 reserved for Zavala County]

## CHAPTER 46. PROFESSIONAL PROSECUTORS

Sec. 46.001. DEFINITION

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER

Sec. 46.003. COMPENSATION

Sec. 46.004. EXPENSES

Sec. 46.005. LIMITATIONS ON LAW PRACTICE

Sec. 46.006. PURPOSE; DUTY OF COUNTY

Sec. 46.007. INELIGIBILITY FOR CERTAIN OTHER STATE FUNDS

## CHAPTER 46. PROFESSIONAL PROSECUTORS

Sec. 46.001. DEFINITION. In this chapter, "prosecutor" means a district attorney, criminal district attorney, or county attorney performing the duties of district attorney. (New.)

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies only to the following prosecutors:

(1) the district attorneys for the 2nd, 3rd, 9th, 12th, 21st, 26th, 27th, 29th, 30th, 31st, 32nd, 34th, 36th, 38th, 39th, 43rd, 47th, 51st, 52nd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 85th, 90th, 97th, 105th, 106th, 118th, 119th, 145th, 155th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 266th, 271st, 349th, and 355th judicial districts;

(2) the criminal district attorneys for the counties of Bastrop, Bexar, Brazoria, Caldwell, Cass, Denton, Eastland, Fort Bend, Galveston, Gregg, Harrison, Hays, Hidalgo, Jackson, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Randall, Rockwall, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, and Wood; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Cameron, Castro, Falls, Fannin, Freestone, Grayson, Limestone, Morris, Ochiltrie, Red River, Robertson, Rusk, and Willacy. (V.A.C.S. Art. 332b-4, Sec. 2.)

Sec. 46.003. COMPENSATION. (a) Each prosecutor is entitled to receive from the state compensation equal to 90 percent of the compensation that is provided for a district judge in the General Appropriations Act.

(b) A commissioners court may supplement the prosecutor's state salary but may not pay the prosecutor an amount less than the compensation it pays its highest paid district judge. (V.A.C.S. Art. 332b-4, Sec. 3.)

Sec. 46.004. EXPENSES. (a) Each prosecutor is entitled to receive not less than \$22,500 a year from the state to be used by the prosecutor to help defray the salaries and expenses of the office. That money may not be used to supplement the prosecutor's salary.

(b) Each prosecutor shall submit annually to the comptroller of public accounts a sworn account showing how this money was spent during the year. (V.A.C.S. Art. 332b-4, Sec. 4.)

Sec. 46.005. LIMITATIONS ON LAW PRACTICE. (a) A prosecutor may not engage in the private practice of law but may complete all civil cases that are not in conflict with the interest of any of the counties of the district in which the prosecutor serves and that are pending in court before the prosecutor takes office.

(b) A prosecutor may not accept a fee from an attorney to whom the prosecutor has referred a case.

(c) This section applies to an assistant of a prosecutor if, from all funds received, the assistant receives a salary that is equal to or more than 80 percent of the salary paid by the state to the prosecutor under this chapter. (V.A.C.S. Art. 332b-4, Sec. 5.)

Sec. 46.006. PURPOSE; DUTY OF COUNTY. (a) It is the purpose of this chapter to increase the effectiveness of law enforcement in this state and to increase the funds available for use in prosecution.

(b) The commissioners court in each county that has a prosecutor subject to this chapter shall provide the funds necessary to carry out the purpose of this chapter and shall continue to provide funds for the office of the prosecutor in an amount that is equal to or greater than the amount of funds provided for the office by the county on August 27, 1979. This subsection does not apply to local supplementation to the salary of the prosecutor. (V.A.C.S. Art. 332b-4, Secs. 1, 6.)

Sec. 46.007. INELIGIBILITY FOR CERTAIN OTHER STATE FUNDS. Subchapter C, Chapter 41, does not apply to a county if the county is served by a prosecuting attorney listed in Section 46.002. (V.A.C.S. Art. 332b-4, Sec. 7.)

## CHAPTER 47. PROSECUTOR COUNCIL; DISCIPLINE OF PROSECUTORS

### SUBCHAPTER A. COUNCIL

Sec. 47.001. FINDINGS; PURPOSE

Sec. 47.002. DEFINITIONS

Sec. 47.003. COMPOSITION

Sec. 47.004. TERM

Sec. 47.005. VACANCY

Sec. 47.006. EXPENSES

Sec. 47.007. MEETINGS; MAJORITY VOTE REQUIREMENT

Sec. 47.008. OFFICERS AND EMPLOYEES

Sec. 47.009. GENERAL POWERS AND DUTIES

Sec. 47.010. SUNSET PROVISION

[Sections 47.011-47.100 reserved for expansion]

### SUBCHAPTER B. DISCIPLINE OF PROSECUTING ATTORNEY

Sec. 47.101. INTENT

Sec. 47.102. DEFINITIONS

Sec. 47.103. PROCEDURE

Sec. 47.104. PROCESS; WITNESS FEES

Sec. 47.105. NOTICE

Sec. 47.106. PETITION FOR REMOVAL; TRIAL

Sec. 47.107. DISQUALIFICATION

Sec. 47.108. SUSPENSION

Sec. 47.109. REMOVAL

Sec. 47.110. PROSECUTING ATTORNEY PRO TEMPORE

Sec. 47.111. LIMITATION

CHAPTER 47. PROSECUTOR COUNCIL; DISCIPLINE OF PROSECUTORS  
SUBCHAPTER A. COUNCIL

Sec. 47.001. FINDINGS; PURPOSE. (a) The legislature finds that a uniform quality of prosecution will aid in improving the efficiency and effectiveness of the state's criminal justice system. The legislature recognizes that a prosecutor performs a judicial function that has a significant effect on the executive branch and on law enforcement.

(b) It is the purpose of this chapter to provide a centralized agency of the judicial department capable of delivering technical assistance, educational services, and professional development training to prosecutors and their assistants and to improve the administration of criminal justice through professionalization of the prosecuting attorney's office. (V.A.C.S. Art. 332d, Sec. 1.)

Sec. 47.002. DEFINITIONS. In this chapter:

(1) "Council" means the Prosecutor Council.

(2) "Prosecuting attorney" means a person who holds the office of county attorney, district attorney, or criminal district attorney and who represents the state in criminal cases, including those holding office pro tempore. (V.A.C.S. Art. 332d, Sec. 3(c) (part).)

Sec. 47.003. COMPOSITION. (a) The Prosecutor Council is an agency of the state. The council is composed of nine members.

(b) Four members of the council must be citizens of this state who are not licensed to practice law. The governor shall appoint those members with the advice and consent of the senate, giving due consideration to representation of the geographic areas of the state and their population diversities.

(c) Five members of the council must be incumbent elected prosecuting attorneys, including at least one county attorney, one district attorney, and one criminal district attorney. The prosecuting attorneys of the state shall elect those members in accordance with rules adopted for that purpose by the supreme court.

(d) A prosecuting attorney member's duties as a member of the council are additional to his duties as a prosecuting attorney. Membership on the council does not constitute dual officeholding. (V.A.C.S. Art. 332d, Secs. 2, 3(a), 3(b), 3(c) (part).)

Sec. 47.004. TERM. Members of the council serve for staggered terms of six years, with the terms of two prosecuting attorney members and one citizen member or two citizen members and one prosecuting attorney member expiring on December 31 of each odd-numbered year. Each member serves until a successor has been appointed or elected. (V.A.C.S. Art. 332d, Sec. 4.)

Sec. 47.005. VACANCY. (a) A vacancy on the council is filled in the same manner as the initial appointment or election of the member who vacated the position.

(b) A member who is appointed or elected to fill a vacancy created other than by the expiration of a term serves for the remainder of the unexpired term.

(c) A member may be reappointed or reelected for additional terms.

(d) A prosecuting attorney member who ceases to be a prosecuting attorney vacates his position on the council. (V.A.C.S. Art. 332d, Sec. 5.)

Sec. 47.006. EXPENSES. A member of the council serves without compensation but may be entitled to reimbursement for actual and necessary expenses incurred in attending meetings of the council and in the discharge of official duties as a member of the council. (V.A.C.S. Art. 332d, Sec. 6.)

Sec. 47.007. MEETINGS; MAJORITY VOTE REQUIREMENT. (a) The council shall meet at least twice a year and shall hold other meetings as necessary. The council shall establish procedures for the operation of its meetings.

(b) Except as otherwise provided by this chapter, the concurrence of a majority of the council members who are present and voting at a meeting is required for the approval of an action authorized by this chapter. (V.A.C.S. Art. 332d, Sec. 7(a) (part).)

Sec. 47.008. OFFICERS AND EMPLOYEES. (a) The council shall designate a chairman from its prosecuting attorney members and a vice-chairman from its citizen members. Those officers serve two-year terms and may be reelected.

(b) The chairman presides over council meetings. In the absence of the chairman, the vice-chairman presides.

(c) The council may employ staff as necessary to perform the duties of the council.

(d) The council shall appoint an executive director who must be an attorney licensed in this state. The executive director shall perform the duties assigned to that position by the council and shall represent the council in all cases before the state or federal courts. (V.A.C.S. Art. 332d, Secs. 7(a) (part), 7(b), 9 (part).)

Sec. 47.009. GENERAL POWERS AND DUTIES. (a) The council shall:

- (1) develop and adopt minimum standards for the operation of prosecuting attorneys' offices;
- (2) approve courses for in-service training and professional development of prosecuting attorneys, their assistants, and their staffs;
- (3) cooperate with the Texas Judicial Council to improve the maintenance and reporting of criminal justice statistics;
- (4) accept and investigate complaints of the incompetence or misconduct of a prosecuting attorney;
- (5) receive and consider suggestions to improve the administration of criminal justice;
- (6) investigate and report on matters referred to the council by the governor or the legislature;
- (7) cooperate with the Texas District and County Attorneys Association to carry out the provisions of this chapter;
- (8) respond to requests for technical assistance from prosecuting attorneys; and
- (9) make an annual report to the governor and the legislature not later than December 1 of each year regarding:
  - (A) proceedings of the council;
  - (B) recommended changes in jurisdictions;
  - (C) funding needed for local offices; and
  - (D) other matters needed to improve local prosecution in the state.

(b) The council may:

- (1) respond to a judge's request for recommendations regarding the appointment of a special prosecutor if a regular prosecuting attorney is disqualified;
- (2) enter into agreements with public or private organizations to implement the intent and purpose of this chapter;
- (3) accept funds, grants, and gifts from a public or private source to implement this chapter;
- (4) pay the expenses of prosecuting attorneys and their staffs to:
  - (A) attend professional development courses;
  - (B) assist other prosecuting attorneys;
  - (C) advise the council; and
  - (D) perform other actions that the council considers appropriate to enhance the quality of prosecution; and
- (5) take other action appropriate for the improvement and more efficient administration of criminal justice. (V.A.C.S. Art. 332d, Secs. 8, 9 (part).)

Sec. 47.010. **SUNSET PROVISION.** The council is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this chapter expires effective September 1, 1985. (V.A.C.S. Art. 332d-1.)

[Sections 47.011-47.100 reserved for expansion]

### SUBCHAPTER B. DISCIPLINE OF PROSECUTING ATTORNEY

Sec. 47.101. **INTENT.** It is the intent of the legislature that there continue to be no restrictions on the reprimand or removal of a prosecuting attorney other than those in this subchapter. (V.A.C.S. Art. 332d, Sec. 10B (part).)

Sec. 47.102. **DEFINITIONS.** In this subchapter:

- (1) "Incompetence" means:
  - (A) gross ignorance or neglect of official duties;
  - (B) the existence of a physical or mental defect that prohibits the prompt or proper discharge of official duties; or
  - (C) failure to maintain the qualifications required by law for election to the office.
- (2) "Misconduct" means:
  - (A) conduct that is unlawful under Chapter 39, Penal Code;
  - (B) an act that is a felony or a misdemeanor involving moral turpitude; or
  - (C) wilful or persistent conduct that is clearly inconsistent with the proper performance of official duties. (V.A.C.S. Art. 332d, Sec. 10(b).)

Sec. 47.103. **PROCEDURE.** (a) After investigation of a complaint of the incompetence or misconduct of a prosecuting attorney, the council may:

- (1) issue a private reprimand;
- (2) order a hearing before the council; or

(3) request the supreme court to appoint a master to conduct a hearing.

(b) The supreme court shall adopt rules to provide for the procedure to be used before the council or a master in a hearing on a complaint of incompetence or misconduct. The rules must be consistent with this chapter and with due process of law.

(c) In the conduct of an investigation or hearing, a member of the council or a master appointed by the supreme court may:

(1) administer oaths;

(2) issue subpoenas to compel:

(A) the attendance or testimony of witnesses; or

(B) the production of books, records, papers, accounts, or other relevant documents; and

(3) order the deposition of witnesses in accordance with the Texas Rules of Civil Procedure.

(d) An order issued by the council or master for the attendance of a witness, taking of testimony, or production of evidence is enforceable through contempt proceedings in the district court. (V.A.C.S. Art. 332d, Secs. 10(a) (part), (g) (part).)

Sec. 47.104. PROCESS; WITNESS FEES. (a) A law enforcement officer has the duty to serve process or execute an order of the council or master at the request of the council or master. Service or execution may be performed by any other person designated for that purpose by the council, master, or authorized representative of the council or master. Process extends to every part of the state.

(b) A witness who appears in an investigation or hearing and who is not an officer or employee of the state or a political subdivision is entitled to receive the witness fee and mileage allowance that is given to a witness in a civil case. (V.A.C.S. Art. 332d, Sec. 10(g) (part).)

Sec. 47.105. NOTICE. On the appointment of a master, notice shall be given to the prosecuting attorney who is the subject of the investigation or complaint. The notice must specify the matters under investigation or alleged in the complaint and must set the date for a hearing or for the taking of testimony for the purposes of investigation. (V.A.C.S. Art. 332d, Sec. 10(h).)

Sec. 47.106. PETITION FOR REMOVAL; TRIAL. (a) At the conclusion of a hearing before a master, the master shall file a statement of the findings of fact and a complete transcript of the proceedings with the council. The statement and transcript must be filed not later than the 30th day after the date set for the commencement of the hearing. The council may extend the filing deadline for good cause shown.

(b) The proceedings and records before the council or a master are confidential and privileged until they are introduced in evidence in a proceeding for removal.

(c) If, after examination of the records and the proceedings, the council finds by majority vote of its membership that there exists good cause for removal of a prosecuting attorney, the council shall file a petition for removal in a district court of the county in which the prosecuting attorney resides. The petition shall be filed in the name of the state and shall be docketed on the civil docket of the court.

(d) A petition for removal must allege incompetence or misconduct and must set forth the facts that form the basis of the allegations.

(e) If a petition for removal is filed, the judge of the court in which it is filed shall request the appointment of a special judge to hear the case. The special judge shall select and appoint an attorney to prosecute the case from a list of at least five qualified attorneys submitted by the council.

(f) The trial on a petition for removal is subject to the Texas Rules of Civil Procedure. (V.A.C.S. Art. 332d, Secs. 10(i), (j), (k), (l).)

Sec. 47.107. DISQUALIFICATION. A prosecuting attorney is disqualified from acting as a prosecuting attorney if a petition for removal is filed against him. During a period of disqualification, the prosecuting attorney is entitled to receive the compensation provided by law for the office, but may not perform any duty or exercise any privilege connected with the office. (V.A.C.S. Art. 332d, Secs. 10(a) (part), (c), (l)(1).)

Sec. 47.108. SUSPENSION. (a) A prosecuting attorney is suspended from office if:

(1) the attorney is disbarred or suspended from the practice of law in this state either through trial or by agreement;

(2) the attorney has been found guilty of a felony or a misdemeanor involving moral turpitude; or

(3) the court finds incompetence or misconduct after a trial on the merits of a petition for removal.

(b) During a period of suspension, the prosecuting attorney is not entitled to receive the compensation provided by law for the office and may not perform any duty or exercise any privilege connected with the office. If the trial court judgment resulting in the suspension is overturned on final hearing, the prosecuting attorney is entitled to receive the compensation for the period of the suspension. (V.A.C.S. Art. 332d, Secs. 10(d), (f)(2).)

Sec. 47.109. REMOVAL. A prosecuting attorney is removed from office on final adjudication or conviction in an action that was the basis for suspension. The court that enters a judgment that is the basis for the suspension shall include an order suspending the prosecuting attorney and removing him from office when the judgment becomes final. (V.A.C.S. Art. 332d, Secs. 10(a) (part), (e).)

Sec. 47.110. PROSECUTING ATTORNEY PRO TEMPORE. (a) On the disqualification or suspension of a prosecuting attorney, a prosecuting attorney pro tempore shall perform the duties of the office. The prosecuting attorney pro tempore serves until the disqualification or suspension is lifted or until a successor is appointed and has qualified.

(b) A prosecuting attorney pro tempore is appointed by the entity who would appoint the prosecuting attorney in the event of a vacancy.

(c) A prosecuting attorney pro tempore is entitled to receive compensation in the amount provided by law for the office of prosecuting attorney. Each governmental body that pays a portion of the compensation of the office shall pay the same portion to the prosecuting attorney pro tempore from its available funds. That obligation takes precedence over any other the governmental body may have. (V.A.C.S. Art. 332d, Secs. 10(m), 10A.)

Sec. 47.111. LIMITATION. (a) Unless fraud or concealment is involved, a prosecuting attorney may not be reprimanded or removed from office for misconduct that occurred more than four years before a complaint of the misconduct is filed with the council.

(b) If fraud or concealment is involved, a prosecuting attorney may not be reprimanded or removed from office for misconduct that was discovered or should have been discovered by reasonable diligence more than four years before a complaint of the misconduct is filed with the council.

(c) A complaint is considered filed when made in writing to the executive director of the council. (V.A.C.S. Art. 332d, Sec. 10B (part).)

[Chapters 48-50 reserved for expansion]

SUBTITLE D. JUDICIAL PERSONNEL AND OFFICIALS

CHAPTER 51. CLERKS

SUBCHAPTER A. CLERK OF SUPREME COURT

Sec. 51.001. APPOINTMENT; RESIDENCE; BOND; SEAL

Sec. 51.002. CLERK PRO TEMPORE; DEPUTY CLERK

Sec. 51.003. REMOVAL OF CLERK

Sec. 51.004. DUTIES

Sec. 51.005. FEES AND COSTS

Sec. 51.006. FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE

Sec. 51.007. VACANCY DURING VACATION

[Sections 51.008-51.100 reserved for expansion]

SUBCHAPTER B. CLERK OF COURT OF CRIMINAL APPEALS

Sec. 51.101. OATH; BOND

Sec. 51.102. DEPUTY CLERK

Sec. 51.103. REMOVAL OF CLERK

Sec. 51.104. DUTIES AND LIABILITIES

[Sections 51.105-51.200 reserved for expansion]

SUBCHAPTER C. CLERKS OF COURTS OF APPEALS

Sec. 51.201. APPOINTMENT; RESIDENCE; BOND; SEAL

Sec. 51.202. CLERK PRO TEMPORE; DEPUTY CLERK

Sec. 51.203. REMOVAL OF CLERK

Sec. 51.204. DUTIES

Sec. 51.205. PRESERVATION OF RECORDS

Sec. 51.206. LAW LIBRARY

Sec. 51.207. FEES AND COSTS

[Sections 51.208-51.300 reserved for expansion]

SUBCHAPTER D. DISTRICT CLERKS

Sec. 51.301. VACANCY; BOND; SEAL

Sec. 51.302. BOND; OATH; INSURANCE

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Sec. 51.304. PRESERVATION OF RECORDS

Sec. 51.305. RECORD OF DRUG-RELATED CONVICTIONS

Sec. 51.306. RECORDING PROCEEDINGS OF MORE THAN ONE COURT

Sec. 51.307. TRANSFERRED JUDGMENTS

Sec. 51.308. CLERK PRO TEMPORE

Sec. 51.309. DEPUTY CLERK

Sec. 51.310. DEPUTY DISTRICT CLERKS OF BEXAR COUNTY

Sec. 51.311. SPECIAL DEPUTY DISTRICT CLERK IN LUBBOCK AND NUECES COUNTIES

Sec. 51.312. SPECIAL DEPUTY DISTRICT CLERK IN DALLAS, EL PASO, HARRIS, TARRANT, AND TRAVIS COUNTIES

Sec. 51.313. SPECIAL DEPUTY DISTRICT CLERK IN COLLIN AND DENTON COUNTIES

Sec. 51.314. SPECIAL DEPUTY DISTRICT CLERK IN GALVESTON COUNTY

Sec. 51.315. SPECIAL DEPUTY DISTRICT CLERKS FOR CERTAIN COURTS IN HARRIS COUNTY

Sec. 51.316. DEPUTY CLERK AND ASSISTANT IN HIDALGO, JEFFERSON, AND NUECES COUNTIES

Sec. 51.317. FEES DUE AT FILING

Sec. 51.318. FEES DUE WHEN SERVICE PERFORMED OR REQUESTED

Sec. 51.319. OTHER FEES

Sec. 51.320. BILL FOR SERVICES

Sec. 51.321. OVERCHARGING OF FEES

[Sections 51.322-51.400 reserved for expansion]

SUBCHAPTER E. COUNTY CLERKS

Sec. 51.401. CLERK PRO TEMPORE

Sec. 51.402. DUTIES AND POWERS

Sec. 51.403. TRANSFER OF CASES

Sec. 51.404. SPECIAL DEPUTY COUNTY CLERK IN GALVESTON COUNTY

[Sections 51.405-51.500 reserved for expansion]

SUBCHAPTER F. JOINT CLERKS

Sec. 51.501. JOINT CLERKS

Sec. 51.502. SEAL

[Sections 51.503-51.600 reserved for expansion]



SUBCHAPTER G. MISCELLANEOUS PROVISIONS

Sec. 51.601. COURT REPORTER FEE

Sec. 51.602. COMPENSATION OF CERTAIN CLERKS

Sec. 51.603. DESTRUCTION OF RECORDS

CHAPTER 51. CLERKS

SUBCHAPTER A. CLERK OF SUPREME COURT

Sec. 51.001. APPOINTMENT; RESIDENCE; BOND; SEAL. (a) The order appointing the clerk of the supreme court must be recorded in the minutes of the court.

(b) The clerk must reside at Austin.

(c) Before assuming office the clerk must give a bond that is in the amount of \$5,000, approved by the supreme court, payable to the governor, and conditioned on the clerk's faithful performance of the duties of office.

(d) The clerk shall provide a seal for the use of the supreme court. The seal must have a five-pointed star and must be engraved with the words "Supreme Court of the State of Texas." (V.A.C.S. Arts. 1718 (part), 1720 (part).)

Sec. 51.002. CLERK PRO TEMPORE; DEPUTY CLERK. (a) The supreme court, when necessary, may appoint a clerk pro tempore.

(b) The supreme court, by an order recorded in the minutes of the court, may authorize the clerk to appoint three deputy clerks who may discharge the duties required by law of the clerk. Each deputy clerk must give a bond that is approved by the supreme court and is in the same amount and subject to the same conditions as required for the bond of the clerk of the court. A deputy clerk serves at the will of the court. (V.A.C.S. Arts. 1718 (part), 1721.)

Sec. 51.003. REMOVAL OF CLERK. (a) The supreme court by motion may remove the clerk for neglect of duty or misconduct in office. The motion must specify the particular charges.

(b) Before the court may act on the motion, it must give the clerk at least 10 days' notice of the motion, including the particular charges.

(c) In acting on the motion, the court determines the law and facts. (V.A.C.S. Art. 1718 (part).)

Sec. 51.004. DUTIES. The clerk of the supreme court shall:

- (1) file and carefully preserve the transcripts of records certified to the supreme court and papers relative to the record;
- (2) docket causes in the order in which the supreme court directs;
- (3) faithfully record the proceedings and decisions of the supreme court; and
- (4) certify the judgments of the supreme court to the courts from which the cases were brought. (V.A.C.S. Art. 1720 (part).)

Sec. 51.005. FEES AND COSTS. (a) The clerk shall collect the fees described in Subsection (b) in a civil case before the court for the following services:

- (1) filing records, applications, motions, briefs, and other necessary and proper papers;
- (2) docketing and making docket and minute book entries;
- (3) issuing notices, citations, processes, and mandates; and
- (4) performing other necessary clerical duties.

(b) The fees are:

- (1) application for writ of error ..... \$50
- (2) additional fee if application for writ of error is granted ..... \$75
- (3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court ..... \$50
- (4) additional fee if a motion under Subdivision (3) is granted ..... \$75
- (5) certified question from a court of appeals to the supreme court ..... \$75
- (6) case appealed to the supreme court from the district court by direct appeal ..... \$100
- (7) any other proceeding filed in the supreme court ..... \$75.

(c) In addition, the clerk of the supreme court shall collect:

- (1) a fee of \$5 for administering an oath and giving a sealed certificate of the oath;
- (2) a minimum fee of \$5, or 50 cents per page if more than 10 pages, for making copies of any papers of record in offices, including certificate and seal; and
- (3) a reasonable fee fixed by the order or rule of the supreme court for any official service performed by the clerk for which a fee is not otherwise provided by this section.

(d) The clerk shall collect and pay into the state treasury the fees and costs received under this section by the clerk under rules prescribed by the comptroller of public accounts, approved by the justices of the supreme court, and recorded in the minutes of the court.

(e) The supreme court shall provide by order or rule for the making of deposits to cover the costs provided by this section in cases before the court. A deposit may not be required in a case in which the petitioner, relator, or appellant in the supreme court is exempt from the bond requirement. (V.A.C.S. Arts. 1720 (part), 3923(A).)

Sec. 51.006. **FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE.** The clerk shall collect a fee of \$10 for the issuance of an attorney's license or certificate affixed with a seal. The fee shall be held by the clerk and expended by the supreme court or under the direction of the court for the preparation and issuance, including mailing, of the license or certificate. (V.A.C.S. Art. 3923(B).)

Sec. 51.007. **VACANCY DURING VACATION.** If the office of clerk becomes vacant during vacation, the chief justice and one justice shall appoint an individual to serve as clerk until a regular appointment is made. The individual appointed must give the bond and oath prescribed for the regular clerk. The bond must be approved by a justice of the court. (V.A.C.S. Art. 1719.)

[Sections 51.008-51.100 reserved for expansion]

### SUBCHAPTER B. CLERK OF COURT OF CRIMINAL APPEALS

Sec. 51.101. **OATH; BOND.** The clerk of the court of criminal appeals must sign the oath prescribed for officers of this state and must give a bond in the amount of \$5,000. The bond must be approved by the court of criminal appeals and is subject to the same conditions as the bond required of the clerk of the supreme court. (V.A.C.S. Art. 1808 (part).)

Sec. 51.102. **DEPUTY CLERK.** (a) The court of criminal appeals, or the clerk of the court of criminal appeals with the court's approval, may appoint a stenographer employed by the court to act as a deputy clerk to perform the clerk's duties during the absence, illness, or other disability of the clerk.

(b) The stenographer appointed deputy clerk shall perform the duties of the clerk in the name of the clerk and shall sign his own name as deputy clerk after signing the clerk's name. (V.A.C.S. Art. 1809.)

Sec. 51.103. **REMOVAL OF CLERK.** The court of criminal appeals may remove the clerk for good cause, entered in the minutes of the court. (V.A.C.S. Art. 1808 (part).)

Sec. 51.104. **DUTIES AND LIABILITIES.** (a) The clerk of the court of criminal appeals shall perform the like duties for the court of criminal appeals that the clerk of the supreme court performs for the supreme court.

(b) The clerk of the court of criminal appeals is subject to the liabilities prescribed for the clerk of the supreme court. (V.A.C.S. Art. 1808 (part).)

[Sections 51.105-51.200 reserved for expansion]

### SUBCHAPTER C. CLERKS OF COURTS OF APPEALS

Sec. 51.201. **APPOINTMENT; RESIDENCE; BOND; SEAL.** (a) A clerk of a court of appeals serves for a term of two years and the order appointing the clerk must be recorded in the minutes of the court.

(b) The clerk must reside within a county that is part of the supreme judicial district of the court of appeals making the appointment.

(c) The clerk must give a bond that is in the amount of \$5,000, approved by a justice of the court making the appointment, payable to the governor, and conditioned on the faithful performance of the duties of office.

(d) Each clerk shall provide a seal for the use of the court. The seal must have a five-pointed star and must be engraved with the words "Court of Appeals of the State of Texas." (V.A.C.S. Arts. 1827 (part), 1828, 1830.)

Sec. 51.202. **CLERK PRO TEMPORE; DEPUTY CLERK.** (a) A court of appeals, when necessary, may appoint a clerk pro tempore.

(b) With the approval of the court, the clerk may appoint deputy clerks as provided by legislative appropriation. A deputy clerk must give a bond to the clerk, conditioned on the faithful performance of the duties of office. (V.A.C.S. Arts. 1827 (part), 1833.)

Sec. 51.203. **REMOVAL OF CLERK.** (a) After motion and a hearing, a court of appeals may remove its clerk for neglect of duty or malfeasance in office. The motion must specify the particular charges.

(b) The court must give the clerk at least 10 days' notice of the hearing.

(c) At the hearing, the court determines the law and facts. (V.A.C.S. Art. 1829.)

Sec. 51.204. DUTIES. (a) The clerk of a court of appeals shall:

- (1) file and carefully preserve records certified to the court and papers relative to the record;
- (2) docket causes in the order in which they are filed;
- (3) record the proceedings of the court except opinions and orders on motions; and
- (4) certify the judgments of the court to the proper courts.

(b) Upon the issuance of the mandate in each case, the clerk shall notify the attorneys of record in the case that:

- (1) exhibits submitted to the court by a party may be withdrawn by that party or the party's attorney of record; and
- (2) exhibits on file with the court will be destroyed 10 years after final disposition of the case or at an earlier date if ordered by the court.

(c) Not sooner than the 60th day and not later than the 90th day after the date of final disposition of a case, the clerk shall remove and destroy all duplicate papers in the file on record of that case.

(d) Ten years after the final disposition of a civil case in the court, the clerk shall destroy all records filed in the court related to the case except:

- (1) records that, in the opinion of the clerk or other person designated by the court, contain highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers; and
- (2) indexes, original opinions, minutes, and general court dockets unless the documents are microfilmed or otherwise reduced for permanent retention, in which case the original document shall be destroyed.

(e) A record described in Subsection (d)(1) may be transferred to a public or private library or other agency concerned with the preservation of historical documents to be preserved or disposed of as the library or agency may determine.

(f) The clerk shall retain other records of the court, such as financial records, administrative correspondence, and other materials not related to particular cases for the time period specified by order of the court. (V.A.C.S. Art. 1831.)

Sec. 51.205. PRESERVATION OF RECORDS. (a) In conjunction with the clerk's duty to preserve records under Section 51.204(d)(2), the clerk of a court of appeals may provide a plan for the reproduction of the records by microfilm or other process that correctly and legibly reproduces the records or that forms a medium for copying or reproducing the records. The plan must be in writing and provide for the maintenance, retention, security, and retrieval of records microfilmed or otherwise duplicated.

(b) The plan must provide standards for:

- (1) organizing, identifying, coding, and indexing records so the records can be retrieved rapidly and the reproduced record can be certified as a true and correct copy;
- (2) assuring that materials used to reproduce the records and all processes relating to the development, fixation, and washing of the photographic duplicates are of a quality approved for permanent photographic records by the U.S. Bureau of Standards; and
- (3) the permanent retention of records, including security provisions to guard against physical loss, alteration, and deterioration.

(c) The clerk may present the plan in writing to the justices of the court of appeals. If a majority of the justices determine that the plan meets the requirements of Subsection (b), they shall inform the clerk in writing and the clerk may adopt the plan. The decision of the justices must be entered in the minutes of the court.

(d) A reproduction of a record made in accordance with the provisions of a plan adopted under this section is an original record and shall be accepted as an original record by the courts and administrative agencies of this state.

(e) A transcript, exemplification, copy, or reproduction on paper or film of a record reproduced in accordance with the provisions of a plan adopted under this section is a certified copy of the original record.

(f) Upon certification by the clerk to the court that all requirements of the plan have been met, and after the plan has been recorded as required by Subsection (c), the clerk may destroy the indexes, original opinions, minutes, and general court dockets that have been microfilmed or otherwise duplicated. (V.A.C.S. Art. 1831b.)

Sec. 51.206. LAW LIBRARY. (a) Each clerk of a court of appeals is the librarian of the court and shall keep the books in the court's library in good order and catalogue them.

(b) The clerk may purchase additional law books for the use of the court from the fees collected by the court. Those expenditures may not exceed annually the specific amounts additionally authorized for the purchase of law books in the General Appropriations Act.

(c) All fees collected for the purchase of law books shall be deposited in the state treasury to the credit of the appropriate court. Book expenditures shall be made on a warrant drawn on the state treasury by the state comptroller as provided by the judiciary section of the General Appropriations Act. (V.A.C.S. Arts. 1832, 1836a, 6819c.)

Sec. 51.207. FEES AND COSTS. (a) The clerk of a court of appeals shall collect the fees described in Subsection (b) in a civil case before the court for the following services:

- (1) filing records, applications, motions, briefs, and other necessary and proper papers;
- (2) docketing and making docket and minute book entries;
- (3) issuing notices, citations, processes, and mandates;
- (4) preparing transcripts on application for writ of error to the supreme court; and
- (5) performing other necessary clerical duties.

(b) The fees are:

- (1) for cases appealed to and filed in the court of appeals from the district and county courts within its supreme judicial district ..... \$50
- (2) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the court of appeals ..... \$20
- (3) additional fee if the motion under Subdivision (2) is granted ..... \$30
- (4) motion to file or to extend time to file record on appeal from district or county court ..... \$5.

(c) In addition, the clerk of a court of appeals shall collect:

- (1) a fee of \$5 for administering an oath and giving a sealed certificate of the oath;
- (2) a fee of \$5, or \$1 per page if more than five pages, for a certified copy of any papers of record in the court offices, including certificate and seal;
- (3) a fee of \$5, or \$1 per page if more than five pages, for comparing any document with the original filed in the offices of the court for purposes of certification; and
- (4) a reasonable fee fixed by the order or rule of the supreme court for any official service performed by the clerk for which a fee is not otherwise provided by this section.

(d) The supreme court shall provide by order or rule for the making of deposits to cover the costs provided by this section in cases before a court of appeals. A deposit may not be required in a case in which the petitioner, relator, appellant, or movant in the court of appeals is exempt from the bond requirement.

(e) The clerk of a court of appeals shall pay into the state treasury the fees and costs under rules prescribed by the comptroller of public accounts and approved by the justices of the clerk's court. The clerk shall make a sworn report to the court not later than January 10 and July 10 of each year regarding the amount of costs collected in the previous six months, the cases in which the costs were collected, and the disposition of the costs. This report shall be filed with the financial records of the court.

(f) One half of the fees collected under this section shall be deposited to the credit of a special fund in the state treasury. The fund may be used only for the necessary expenses incurred for the continuing professional education of the justices and staff of the court of appeals depositing the fees as approved by the chief justice of the court. Expenditure of the funds must be made on a warrant drawn on the state treasury by the office of court administration. (V.A.C.S. Arts. 1834, 1835, 3924; Acts 68th Legis., Reg. Sess., 1983, Ch. 644, Sec. 2.)

[Sections 51.208-51.300 reserved for expansion]

SUBCHAPTER D. DISTRICT CLERKS

Sec. 51.301. VACANCY; BOND; SEAL. (a) If a vacancy occurs in the office of district clerk, the vacancy shall be filled by the district judge of the county.

(b) If a vacancy in the office of district clerk occurs in a county that has two or more district courts, the vacancy shall be filled by agreement of the judges of the courts. If the judges cannot agree on an appointee, they shall certify that fact to the governor, who shall order a special election to fill the vacancy.

(c) An appointee to fill a vacancy in the office of district clerk must qualify and give a bond.

(d) Each district clerk shall be provided with a seal for the district court. The seal must have a five-pointed star and must be engraved with the words "District Court of County, Texas." The seal shall be impressed on all process issued by the court except subpoenas and shall be kept and used by the clerk to authenticate official acts. (V.A.C.S. Arts. 1895, 1905.)

Sec. 51.302. BOND; OATH; INSURANCE. (a) Before beginning the duties of office, each district clerk must give a bond with two or more sufficient sureties or with a surety company authorized to do business in this state as a surety. The bond must:

- (1) be payable to the governor;

(2) be conditioned on the faithful performance of the duties of the office;

(3) be approved by the commissioners court; and

(4) be in an amount equal to not less than 20 percent of the maximum amount of fees collected in any year during the term of office immediately preceding the term of office for which the bond is given, except that the bond may not be in an amount less than \$5,000 nor more than \$100,000.

(b) The district clerk must take and sign the oath prescribed for officers of this state, which must be endorsed on the bond, and the bond and oath must be filed and recorded in the office of the county clerk.

(c) Each district clerk shall obtain an insurance policy to cover the district clerk and any deputy clerk against liabilities incurred through errors or omissions in the performance of official duties. The amount of the policy must be in an amount equal to the maximum amount of fees collected in any year during the term of office immediately preceding the term for which the insurance is obtained, except that the amount of the policy may not be for less than \$10,000 nor more than \$700,000.

(d) The commissioners court may establish a contingency fund to provide the coverage required by Subsection (c) if it is determined by the district clerk that insurance coverage is unavailable. The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the district clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by Subsection (c), the clerk shall stop collecting the additional fee.

(e) Each district clerk shall obtain an insurance policy to cover losses due to burglary, theft, robbery, counterfeit currency, or destruction. The amount of the policy may not exceed \$20,000.

(f) The commissioners court shall pay the premiums on the bonds and insurance policies required under this section from the county general fund. (V.A.C.S. Art. 1897, Secs. 1, 3 (part), 4, 5, 6.)

Sec. 51.303. DUTIES AND POWERS. (a) The clerk of a district court, in record books kept for that purpose, shall:

(1) record the acts and proceedings of the court;

(2) enter all judgments of the court under the direction of the judge; and

(3) record all executions issued and the returns on the executions.

(b) The district clerk shall keep in well-bound books an index of the parties to all suits filed in the court. The index must list the parties alphabetically using their full names and must be cross-referenced to the other parties to the suit. In addition, a reference must be made opposite each name to the page of the minute book on which is entered the judgment in the case.

(c) On the last day of each term of the court, the district clerk shall make a written statement of fines and jury fees received. The statement must include the name of the party from whom a fine or jury fee was received, the name of each juror who served during the term, the number of days served, and the amount due the juror for the services. The statement shall be recorded in the minutes of the court after it is approved and signed by the presiding judge.

(d) The clerk of a district court may:

(1) take the depositions of witnesses; and

(2) perform other duties that are imposed on the clerk by law. (V.A.C.S. Arts. 1894 (part), 1899, 1900, 1901 (part), and 1902.)

Sec. 51.304. PRESERVATION OF RECORDS. (a) The district clerk may, pursuant to the clerk's duty to record the acts and proceedings of the court, provide a plan for the reproduction of records, acts, proceedings, minutes of the court, and registers, records, and instruments for which the clerk is responsible by law, by microfilm or other process that correctly and legibly reproduces or that forms a medium for copying or reproducing. The plan must be in writing and provide for the maintenance, retention, security, and retrieval of records microfilmed or otherwise duplicated.

(b) The plan must:

(1) require the recording and filing of original instruments, records, and minutes within a specified time after presentation to the district clerk;

(2) permit the use of original paper records in a proceeding before the court;

(3) provide standards for the organizing, identifying, coding, and indexing of records so a record can be retrieved rapidly and the reproduced record can be certified as a true and correct copy;

(4) provide for the use of materials to reproduce records and of processes relating to the development, fixation, and washing of the photographic duplicates, that are of a quality approved for permanent photographic records by the U.S. Bureau of Standards; and

(5) provide for the permanent retention of records, including security provisions to guard against physical loss, alteration, and deterioration.

(c) The district clerk may present the plan in writing to the district judges served by the clerk. If a majority of the judges determine that the plan meets the requirements of Subsection (b), they shall inform the clerk in writing and the clerk may adopt the plan. The decision of the judges must be entered in the minutes of the court.

(d) A reproduction of a record made in accordance with the provisions of a plan adopted under this section is an original record and shall be accepted as an original record by the courts and administrative agencies of this state.

(e) A transcript, exemplification, copy, or reproduction on paper or film of a record reproduced in accordance with the provisions of a plan adopted under this section is a certified copy of the original record.

(f) The district clerk may, upon certification to the state librarian that the requirements of a plan adopted under this section have been met, destroy records of a hearing, proceeding, or trial in the clerk's possession. The records may not be destroyed unless one year has elapsed since the judgment has become final and the time for filing an appeal, a writ of error, a bill of review under Rule 329, Texas Rules of Civil Procedure, and a writ of certiorari has expired or a final mandate on those matters has been issued.

(g) A party to a suit or the state librarian may petition the court for records that would otherwise be destroyed under this section. (V.A.C.S. Art. 1899a.)

**Sec. 51.305. RECORD OF DRUG-RELATED CONVICTIONS.** (a) The district clerk shall maintain a current list of the full names of all persons convicted of a drug-related felony in the county in which the district clerk holds office. The list must include the names of all persons whose convictions are on appeal or have not become final, as well as those who have received suspended sentences or probation following an adjudication or plea of guilt. The list may not include the name of a defendant whose prosecution is deferred during a period of probation without an adjudication or plea of guilt.

(b) The district clerk shall send two certified copies on at least a monthly basis to the Texas State Board of Medical Examiners, the Texas State Board of Podiatry Examiners, the State Board of Dental Examiners, the State Board of Pharmacy, and the State Board of Veterinary Medical Examiners of all names added to the list since the last monthly transmittal.

(c) In this section, "drug-related felony" means a felony under the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes) or Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 (Article 4476-14, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 1899c.)

**Sec. 51.306. RECORDING PROCEEDINGS OF MORE THAN ONE COURT.** (a) A district clerk who has duties in more than one district court may combine the minutes of the civil business of the courts into one record. The clerk may also combine the minutes of the criminal business of the courts into a separate record.

(b) The clerk shall enter the minutes into the appropriate record sequentially, regardless of the district court from which the business originates. (V.A.C.S. Art. 1899b.)

**Sec. 51.307. TRANSFERRED JUDGMENTS.** If a district clerk receives a certified copy of a judgment rendered in a county court in which jurisdiction has been transferred to the district court, the district clerk shall immediately record the judgment in the minutes of the district court. The district court shall enforce the judgment in the same manner as judgments rendered in the district court. (V.A.C.S. Art. 1912.)

**Sec. 51.308. CLERK PRO TEMPORE.** If a district clerk is a party to an action in a court he serves, the district judge, on the application of any interested person or on the judge's own motion, may appoint a clerk pro tempore for the purposes of the action. The clerk pro tempore must take an oath to faithfully and impartially perform the duties of the appointment and must give a bond, payable to the State of Texas, conditioned on the faithful performance of those duties, in an amount fixed and approved by the judge. The clerk pro tempore shall perform the duties of the district clerk relating to the action during the period of the appointment. (V.A.C.S. Art. 1896.)

**Sec. 51.309. DEPUTY CLERK.** (a) The district clerk may appoint deputy clerks. Each appointment must be in writing under the hand and seal of the court and must be recorded in the office of the county clerk. A deputy clerk must take the oath prescribed for officers of this state. A deputy clerk may perform in the name of the district clerk all official acts of the office of district clerk. A district clerk not residing at the county seat shall appoint a deputy clerk who does reside there.

(b) The district clerk shall obtain a surety bond to cover a deputy clerk or a schedule surety bond or a blanket surety bond to cover more than one deputy and all employees of the office. A deputy clerk and an employee must be covered on the same conditions and in the same amount

as the district clerk. The bond covering the deputies and employees shall be made payable to the governor for the use and benefit of the district clerk. (V.A.C.S. Art. 1897, Secs. 2, 3 (part); Art. 1898.)

**Sec. 51.310. DEPUTY DISTRICT CLERKS OF BEXAR COUNTY.** (a) The district clerk of Bexar County shall appoint one or more deputy clerks to serve each district court in Bexar County. Persons appointed deputy clerk must be acceptable to the judges. An appointment of a clerk to serve a particular court must be confirmed in writing by the judge of that court. Before assuming the duties of office, a deputy clerk must take the oath prescribed for officers of this state.

(b) The district clerk may require a deputy clerk to give a bond. The district clerk may prescribe the conditions and amount of the bond, or those terms may be set as otherwise provided by law.

(c) The deputy clerk shall perform the official duties of the district clerk and shall attend each session of the court to which the deputy is appointed. The deputy clerk shall also perform services requested by a judge.

(d) The deputy clerks may act for each other in any matter pertaining to the clerical business of the courts or when requested to do so by a judge or the district clerk. A deputy clerk acting for another deputy clerk may not receive additional compensation.

(e) A deputy clerk serves at the pleasure of the judge of the court the deputy serves. If the office of a deputy clerk becomes vacant, the district clerk shall appoint another deputy clerk in the manner provided for initial appointments.

(f) The district clerk shall fix the annual salary of the deputy clerk of each court. The salary must be approved by the commissioners court and shall be paid in equal installments twice monthly from the county fund established for the purpose.

(g) This section does not prevent the district clerk from appointing additional deputy clerks to any of the courts if necessary or if requested by the judge of one of the courts. (V.A.C.S. Art. 199(37)(N).)

**Sec. 51.311. SPECIAL DEPUTY DISTRICT CLERK IN LUBBOCK AND NUECES COUNTIES.** (a) In Lubbock and Nueces counties, the district clerk shall appoint, at the request of a district judge, a special deputy district clerk to serve that judge's court.

(b) The salary of a special deputy clerk appointed under this section shall be paid out of the general fund of the county. (V.A.C.S. Art. 3903.)

**Sec. 51.312. SPECIAL DEPUTY DISTRICT CLERK IN DALLAS, EL PASO, HARRIS, TARRANT, AND TRAVIS COUNTIES.** (a) In Dallas, El Paso, Harris, Tarrant, and Travis counties, the district clerk may appoint, at the request of a district judge, a special deputy district clerk to serve that judge's court.

(b) The salary of a special deputy clerk appointed under this section shall be paid out of the general fund of the county. (V.A.C.S. Art. 3903a.)

**Sec. 51.313. SPECIAL DEPUTY DISTRICT CLERK IN COLLIN AND DENTON COUNTIES.** (a) In Collin and Denton counties, the district clerk may appoint, at the request of a district judge, a special deputy district clerk to serve that judge's court.

(b) The salary of a special deputy clerk appointed under this section shall be paid out of the general fund of the county. (V.A.C.S. Art. 3903b.)

**Sec. 51.314. SPECIAL DEPUTY DISTRICT CLERK IN GALVESTON COUNTY.** The Commissioners Court of Galveston County may pay for the services of a special deputy district clerk if the commissioners court considers a deputy clerk necessary. The clerk of the court in which the deputy clerk serves shall appoint the deputy clerk. (V.A.C.S. Art. 199(174), Sec. 17 (part).)

**Sec. 51.315. SPECIAL DEPUTY DISTRICT CLERKS FOR CERTAIN COURTS IN HARRIS COUNTY.** (a) The Commissioners Court of Harris County may pay the salary of the special deputy district clerks that it considers necessary for the 177th, 178th, 179th, and 180th district courts.

(b) The clerk of the court shall appoint a deputy district clerk under this section.

(c) A deputy district clerk serves at the will of the appointing clerk.

(d) A deputy district clerk is entitled to a salary from the county paid monthly from the general funds of the county. The salary may not exceed the compensation allowed by law to other deputy district clerks. (V.A.C.S. Art. 199(177), Sec. 5 (part); Art. 199(178), Sec. 5 (part); Art. 199(180), Sec. F (part).)

**Sec. 51.316. DEPUTY CLERK AND ASSISTANT IN HIDALGO, JEFFERSON, AND NUECES COUNTIES.** (a) In Hidalgo, Jefferson, and Nueces counties, the district clerk may apply in writing to the district judges in the county to appoint a deputy district clerk or an assistant. The application must state the number of deputies or assistants to be appointed and

the probable receipts and disbursements of the office. If a majority of the judges approve the appointment, they shall certify the list to the commissioners court. The application and the order approving the application must be recorded in the minutes of the district court.

(b) A deputy clerk or assistant appointed under this section shall perform the duties required by the district clerk and serves at the pleasure of the district clerk. A deputy clerk or assistant may not be employed except as provided by this section.

(c) An assistant appointed under this section must take the oath prescribed for officers of this state.

(d) The salary of an assistant appointed under this section shall be paid out of the general fund or the officers' salary fund of the county. The salary of a court clerk, index clerk, or clerk handling the jury shall be paid out of the general fund or the jury fund. (V.A.C.S. Art. 3912e, Sec. 19(h-2).)

Sec. 51.317. FEES DUE AT FILING. (a) The district clerk shall collect at the time the suit or action is filed the fees provided by Subsection (b) of this section for services performed by the clerk.

(b) The fees are:

- (1) for filing a suit, including an appeal from an inferior court ..... \$25
- (2) for filing a cross-action, intervention, contempt action, or motion for new trial ... \$15
- (3) for issuing a subpoena, including one copy, when requested at the time a suit or action is filed ..... \$4
- (4) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed ..... \$8
- (5) for issuing an additional copy of a process not otherwise provided for, when requested at the time a suit or action is filed ..... \$4.

(V.A.C.S. Art. 3927 (part).)

Sec. 51.318. FEES DUE WHEN SERVICE PERFORMED OR REQUESTED. (a) In addition to a fee under Section 51.317 the district clerk shall collect at the time the service is performed or at the time the service is requested the fees provided by Subsection (b) for services performed by the clerk.

(b) The fees are:

- (1) for issuing a subpoena not provided for in Section 51.317, including one copy ..... \$4
- (2) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law ..... \$8
- (3) for an additional copy of a writ or process not otherwise provided for ..... \$4
- (4) for searching files or records to locate a cause when the docket number is not provided ..... \$5
- (5) for searching files or records to ascertain the existence of an instrument or record in his office ..... \$5
- (6) for certifying a fact contained in a record in his office ..... \$2
- (7) for issuing a deposition, for each 100 words ..... 20 cents
- (8) for issuing interrogatories with certificate and seal, for each page or part of a page . \$1
- (9) for abstracting a judgment ..... \$4
- (10) for approving a bond ..... \$4
- (11) for a copy, other than a photocopy, of a record, judgment, order, pleading, or paper on file or of record in his office, whether certified or not, including certificate and seal, for each page or part of a page ..... \$1.

(c) The fee is the obligation of the party to the suit or action initiating the request.

(d) The district clerk may accept a bond as security for a fee imposed under this section. (V.A.C.S. Art. 3927 (part).)

Sec. 51.319. OTHER FEES. The district clerk shall collect the following fees for services performed by the clerk:

- (1) for comparing to the original a copy of a petition, judgment, order, or other instrument necessary in the district court, submitted by the plaintiff or defendant, a fee of 10 cents a page;
- (2) for certifying an instrument described in Subdivision (1) by attaching a certificate of true copy and sealing, a fee of \$1;
- (3) for performing services related to the matter of the estate of a deceased person or a minor transacted in the district court, the same fees allowed the county clerk for those services;



(4) for serving process by certified or registered mail, the same fee that sheriffs and constables are authorized to charge for the service under Section 1, Chapter 696, Acts of the 59th Legislature, Regular Session, 1965 (Article 3933a, Vernon's Texas Civil Statutes), to charge for the service; and

(5) for performing any other service prescribed or authorized by law for which no fee is set by law, a reasonable fee. (V.A.C.S. Art. 3928 (part).)

Sec. 51.320. **BILL FOR SERVICES.** A fee under this subchapter is not payable until the district clerk produces, or is ready to produce, a bill for services that contains the particulars of the fee charged before payment of the fee is required. The bill must be signed by the clerk or the clerk's successor in office or legal representative who charges the fee or to whom the fee is due. (V.A.C.S. Art. 3908.)

Sec. 51.321. **OVERCHARGING OF FEES.** If a district clerk charges and receives a higher fee than is authorized under this subchapter or charges and receives a fee that is not authorized under this subchapter, the clerk is liable to the party charged for an amount equal to four times the amount unlawfully charged and received. (V.A.C.S. Art. 3909.)

[Sections 51.322-51.400 reserved for expansion]

### SUBCHAPTER E. COUNTY CLERKS

Sec. 51.401. **CLERK PRO TEMPORE.** If a county clerk is a party to an action in the court he serves, the county judge, on the application of any interested person or on the judge's own motion, shall appoint a clerk pro tempore for the purposes of the action. The clerk pro tempore must take an oath to faithfully and impartially perform the duties of the appointment and must give a bond conditioned on the faithful performance of those duties in an amount fixed and approved by the judge. The bond must be payable to the State of Texas. A clerk pro tempore shall perform the duties of the clerk during the period of the appointment. (V.A.C.S. Art. 1936.)

Sec. 51.402. **DUTIES AND POWERS.** (a) The clerk of a county court may:

- (1) issue marriage licenses; and
- (2) take affidavits and depositions.

(b) On the last day of each term of the court, the clerk shall make a written statement of fines and jury fees received since the last statement. The statement must include the name of the party from whom a fine or jury fee was received, the name of each juror who served during the term, the number of days served, and the amount due the juror for the services. The statement shall be recorded in the minutes of the court after it is approved and signed by the presiding judge.

(c) The clerk shall deposit fines and jury fees received by the clerk in the county treasury for the use of the county. (V.A.C.S. Arts. 1935 (part), 1946, 1947.)

Sec. 51.403. **TRANSFER OF CASES.** (a) If a case is transferred from a county court to a district court, the clerk of the county court shall send to the district clerk:

- (1) a certified transcript of the proceedings held in the county court;
- (2) the original papers filed in the county court; and
- (3) a bill of the costs that have accrued in the county court.

(b) If civil or criminal jurisdiction of a county court is transferred to a district court, the clerk of the county court shall send a certified copy of the judgments rendered in the county court that remain unsatisfied to the district clerks of the appropriate counties. (V.A.C.S. Arts. 1968, 1969.)

Sec. 51.404. **SPECIAL DEPUTY COUNTY CLERK IN GALVESTON COUNTY.** The Commissioners Court of Galveston County may pay for the services of a special deputy district county clerk if the commissioners court considers a deputy clerk necessary. The clerk of the court in which the deputy clerk serves shall appoint the deputy clerk. (V.A.C.S. Art. 199(174) (part).)

[Sections 51.404-51.500 reserved for expansion]

### SUBCHAPTER F. JOINT CLERKS

Sec. 51.501. **JOINT CLERKS.** (a) Except as otherwise provided by this section, a county with a population of less than 8,000 shall elect a single clerk to perform the duties of the district clerk and the county clerk.

(b) The offices of county clerk and district clerk may remain separate if a majority of the qualified voters in the county vote to keep the offices separate at an election held for that purpose. The commissioners court of the county may hold a special election for that purpose on a uniform election date authorized by law that occurs not later than the 30th day before the date of the regular primary election that precedes the expiration of the constitutional term of office for the clerk. Notice of the special election shall be published in a newspaper of general circulation in the county not later than the 20th day before the date scheduled for the

election. The question may be presented to the voters again immediately before the expiration of each subsequent constitutional term of office of the separate clerk. The special election may not prevent a county clerk, district clerk, or joint clerk from serving the full term of office to which the clerk was elected.

(c) The commissioners court of a county that has a population of 7,601 to 7,999 shall determine whether the county shall have a joint clerk but may not take action to prevent a district clerk, county clerk, or joint clerk from serving the full term of office to which the clerk was elected. (V.A.C.S. Art. 1903.)

Sec. 51.502. SEAL. A joint clerk performing the duties of the district clerk and the county clerk shall use the district court seal to authenticate official acts for the district court and the county court seal to authenticate official acts for the county court. (V.A.C.S. Arts. 1904, 1948.)

[Sections 51.503-51.600 reserved for expansion]

## SUBCHAPTER G. MISCELLANEOUS PROVISIONS

Sec. 51.601. COURT REPORTER FEE. (a) The clerk of each court that has an official court reporter shall collect a court reporter fee of \$3 as a court cost in each civil case in which an answer is filed and a record of evidence presented in the case is made by the reporter. The clerk shall collect this fee in the manner provided for other court costs and shall deposit the fee to the credit of the general fund of the county in which the court sits.

(b) This section does not apply to an action brought to collect delinquent taxes. (V.A.C.S. Art. 2075.)

Sec. 51.602. COMPENSATION OF CERTAIN CLERKS. The salaries of the clerks of the supreme court, the court of criminal appeals, and the courts of appeals are determined by the legislature in the acts appropriating funds for the support of the judiciary. The legislature shall also fix the amount of supplemental salaries paid to those clerks from court fees and receipts. (V.A.C.S. Art. 6813b, Sec. 1 (part); Art. 6819b (part).)

Sec. 51.603. DESTRUCTION OF RECORDS. A district clerk or a county clerk may destroy by shredding any records, ballots, stubs, lists, or papers that the clerk is authorized or required to destroy by burning. (V.A.C.S. Art. 1901a.)

## CHAPTER 52. COURT REPORTERS

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Sec. 52.057. EXPENSES OF COURT REPORTERS IN CERTAIN ENUMERATED DISTRICTS

CHAPTER 52. COURT REPORTERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 52.001. DEFINITIONS. In this chapter:

- (1) "Board" means the Court Reporters Certification Board.
- (2) "Certification" means a certification issued by the state supreme court on the board's recommendation.
- (3) "Official court reporter" means the shorthand reporter appointed by a judge as the official court reporter.
- (4) "Shorthand reporter" means a person who engages in shorthand reporting.
- (5) "Shorthand reporting" means the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner using written symbols in shorthand, machine shorthand, or oral stenography. (V.A.C.S. Art. 2324b, Sec. 3.)

Sec. 52.002. RULES. The supreme court may adopt rules consistent with this chapter, including rules governing the certification and conduct of official and deputy court reporters and shorthand reporters. (V.A.C.S. Art. 2324b, Secs. 12(f), 13(h) (part), 16A.)

[Sections 52.003-52.010 reserved for expansion]

SUBCHAPTER B. COURT REPORTERS CERTIFICATION BOARD

Sec. 52.011. ORGANIZATION. (a) The Court Reporters Certification Board is appointed by the supreme court and is composed of:

- (1) one active district judge who serves as chairman;
- (2) two active attorneys licensed in this state who have been practicing members of the State Bar for more than the five years immediately preceding their appointment to the board;
- (3) three active official court reporters who have practiced shorthand reporting in this state for more than the five years immediately preceding their appointment to the board;

(4) three active certified shorthand reporters who work on a free-lance basis and who have practiced shorthand reporting for more than the five years immediately preceding their appointment to the board; and

(5) three public members who are citizens of this state.

(b) It is the intent of the legislature that the membership of the board reflect the historical and cultural diversity of the inhabitants of this state. Therefore, appointments to the board should be made without discrimination based on race, creed, sex, religion, national origin, or geographical distribution of the appointees.

(c) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), because of the person's activities for compensation in or on behalf of a profession related to the operation of the board, or a person who is an owner, officer, or employee of a school or institution engaged in instructing persons in shorthand reporting skills may not serve as a member of the board or act as the general counsel to the board.

(d) A member or employee of the board may not be an officer, employee, or paid consultant of a trade association in the shorthand reporting industry. A member or employee of the board may not be related within the second degree by affinity or consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the shorthand reporting industry.

(e) A person is not eligible for appointment as a public member if the person or the person's spouse is:

- (1) a judge;
- (2) licensed to practice law in this state;
- (3) a shorthand reporter;
- (4) an elected public official; or
- (5) a full-time governmental employee.

(f) Board members serve six-year terms of office.

(g) A member holds office until that member's successor is appointed and has qualified for office. A board member may not be appointed to an immediately succeeding term unless the member has served less than three consecutive years.

(h) If a vacancy occurs on the board, the supreme court shall appoint a similarly qualified person to serve the remainder of the term.

(i) Board members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties. (V.A.C.S. Art. 2324b, Secs. 4, 5, 6, 7.)

Sec. 52.012. MEETINGS. (a) The board shall meet at least once a year in Austin and may hold its meetings, hearings, examinations, and other proceedings at other times and places as determined by the board.

(b) Five members of the board constitute a quorum. (V.A.C.S. Art. 2324b, Sec. 8 (part).)

Sec. 52.013. POWERS AND DUTIES. (a) The board shall:

- (1) administer the examination prescribed by Section 52.023;
- (2) set the amount of each fee prescribed by this chapter, subject to the approval of the supreme court;
- (3) charge and collect the fees prescribed by this chapter; and
- (4) determine the qualifications and pass on the eligibility of each person applying for certification or recertification.

(b) The board may:

- (1) appoint any necessary or proper subcommittee;
- (2) hire necessary employees; and
- (3) pay all reasonable expenses from available funds.

(c) The board shall maintain:

- (1) a complete record of each board proceeding;
- (2) a complete record of each certification issued, renewed, or revoked; and
- (3) a detailed statement of receipts and disbursements.

(d) The board is charged with the executive functions necessary to carry out the purposes of this chapter under rules adopted by the supreme court. (V.A.C.S. Art. 2324b, Secs. 8 (part), 9, 10 (part), 11(a) (part), 11(b) (part), 12(a), 12(b) (part), 12(c), 12(d) (part).)

Sec. 52.014. SUNSET PROVISION. The Court Reporters Certification Board is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the board is abolished September 1, 1987. (V.A.C.S. Art. 2324b, Sec. 5A.)

[Sections 52.015-52.020 reserved for expansion]

### SUBCHAPTER C. CERTIFICATION

Sec. 52.021. **CERTIFICATION.** (a) A person may not be appointed an official court reporter or a deputy court reporter unless the person is certified as a shorthand reporter by the supreme court.

(b) A person may not engage in shorthand reporting in this state unless the person is certified as a shorthand reporter by the supreme court.

(c) A certification issued under this chapter must be for one or more of the following methods of shorthand reporting:

- (1) written shorthand;
- (2) machine shorthand;
- (3) oral stenography; or
- (4) any other method of shorthand reporting authorized by the supreme court.

(d) A person certified under this chapter before September 1, 1983, may retain a general certification authorizing the person to use any authorized method of shorthand reporting. The person must keep the certification in continuous effect. (V.A.C.S. Art. 2324b, Sec. 1.)

Sec. 52.022. **APPLICATION FOR EXAMINATION.** A person seeking certification must file an application for examination with the board not later than the 30th day before the date fixed for the examination. The application must be accompanied by the required fee. (V.A.C.S. Art. 2324b, Sec. 10 (part).)

Sec. 52.023. **EXAMINATION.** (a) The examination for certification in one or more of the authorized methods of shorthand reporting consists of two parts, designated Part A and Part B.

(b) Part A consists of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of jury charges given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute. Each applicant must personally take down the test material, either in writing or in voice, and must type a transcript of the material taken down. The applicant may use either a manual or an electric typewriter. The minimum passing grade for Part A is 95 percent. A dictionary may be used during Part A. Each applicant has three hours to complete the transcription of Part A. If an applicant finishes before the three hours have elapsed, the applicant may review the transcript but may use only the test material taken down by that applicant to review the transcript. An error is charged for:

- (1) each wrong word;
- (2) each omitted word;
- (3) each word added by the applicant that was not dictated;
- (4) each contraction interpreted by the applicant as two words;
- (5) two words interpreted by the applicant as a contraction;
- (6) each misplaced word;
- (7) each misplaced period that materially alters the sense of a group of words or a sentence;
- (8) each misspelled word;
- (9) the use of the plural or singular if the opposite was dictated; and
- (10) each wrong number.

(c) Part B consists of objective questions relating to elementary aspects of shorthand reporting, spelling, and grammar. The minimum passing grade for Part B is 75 percent. A dictionary may not be used during Part B.

(d) An applicant who cheats on the examination is disqualified and may not take the examination again until two years have elapsed from the date of the examination at which the applicant was disqualified. (V.A.C.S. Art. 2324b, Sec. 12(b) (part).)

Sec. 52.024. **CERTIFICATION TO SUPREME COURT.** (a) The board shall certify to the supreme court the name of each qualified applicant who has passed the examination.

(b) After notice and an opportunity for a hearing, the board may refuse to certify to the supreme court an applicant convicted of a criminal offense involving:

- (1) moral turpitude that indicates a clear and rational likelihood that the person will not properly discharge the responsibilities of a certified shorthand reporter; or
- (2) fraud or corruption. (V.A.C.S. Art. 2324b, Secs. 12(d) (part), (e).)

Sec. 52.025. **TITLE; OATHS.** (a) On certification, a shorthand reporter may use the title "Certified Shorthand Reporter" or the abbreviation "CSR."

(b) A certified shorthand reporter may administer oaths to witnesses anywhere in this state. (V.A.C.S. Art. 2324b, Sec. 16.)

Sec. 52.026. **CERTIFICATION FEE AND RENEWAL.** (a) A person who receives certification as a shorthand reporter must pay the initial certification fee and any other required fee before receiving the certification.

(b) A certification expires at 12:01 a.m. on January 1 following the second anniversary of the date on which it was issued unless the certification is renewed. Thereafter, the certification expires at 12:01 a.m. of each second January 1 unless renewed.

(c) To renew a certification, the shorthand reporter must pay the renewal fee on or before the expiration date of the certification.

(d) The board may reinstate an expired certification if, not later than the 120th day after the date of expiration, the applicant pays the renewal fee and any penalty fee. The reinstatement dates from the original date of expiration.

(e) The board may reinstate a certification that has been expired for more than 120 days if the board finds, on a sworn affidavit of the applicant or by another method determined by the board, that the applicant has retained the professional skills required for original certification and has paid all delinquent renewal fees and any penalty fee. Reinstatement under this subsection expires on January 1 nearest the second anniversary of the reinstatement. (V.A.C.S. Art. 2324b, Secs. 11(a) (part), (b) (part), (c), (d).)

Sec. 52.027. **VERIFIED COMPLAINT.** (a) To file a complaint against a certified shorthand reporter, a person must:

- (1) complete a complaint form provided by the board;
- (2) sign the completed form under oath; and
- (3) attach any pertinent documentary evidence to the form.

(b) On receipt of a properly executed complaint, the board shall furnish a copy of the complaint and any attachments to the certified shorthand reporter who is the subject of the complaint. (V.A.C.S. Art. 2324b, Sec. 13(e).)

Sec. 52.028. **NOTICE AND HEARING.** (a) If after receiving a verified complaint the board believes that a hearing on the complaint is advisable, the board shall set a date for the hearing not later than the 30th day after the date on which the board received the complaint.

(b) Immediately after setting the date for the hearing, the board shall notify the shorthand reporter who is the subject of the complaint. The notice must state the cause of any contemplated disciplinary action and the time and place of the hearing. The notice shall be mailed to the registered address of the shorthand reporter not later than the 30th day before the date on which the hearing is scheduled.

(c) The chairman or the chairman's designee shall preside at the hearing.

(d) At the hearing, the board shall apply the general rules of evidence applicable in a district court.

(e) The board shall rule on requests for continuances with regard to the hearing.

(f) At the direction of a majority of the board, each board member may administer oaths, subpoena witnesses and compel their attendance, take evidence, and require the production of records relating to a matter within the board's jurisdiction.

(g) The board shall produce a written summary of the evidence before it and a written finding of facts. The board shall forward a copy of its findings of fact and rulings to the complainant and any aggrieved person. (V.A.C.S. Art. 2324b, Secs. 13(b), (c), (f), (g), (h) (part), (i), (j).)

Sec. 52.029. **DISCIPLINARY ACTIONS.** (a) After receiving a verified complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Section 52.028, the board may revoke or suspend the shorthand reporter's certification or issue a reprimand to the reporter for:

- (1) fraud or corruption;
- (2) dishonesty;
- (3) wilful or negligent violation or failure of duty;
- (4) incompetence;
- (5) fraud or misrepresentation in obtaining certification;

(6) a final conviction of a criminal offense involving moral turpitude that indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a certified shorthand reporter;

(7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;

(8) engaging in the practice of shorthand reporting while certification is suspended;

(9) unprofessional conduct; or

(10) other sufficient cause.

(b) The board may suspend the certification:

- (1) for a designated period of time not to exceed 12 months;
- (2) until the person corrects the deficiencies that were the grounds for the suspension; or
- (3) until the person complies with any conditions imposed by the board to ensure the person's future performance as a shorthand reporter.

(c) A suspended shorthand reporter may apply for reinstatement by presenting proof that:

- (1) the designated time has expired;
- (2) the person has corrected the deficiencies; or
- (3) the person has complied with the conditions imposed by the board.

(d) On its own motion, the board may conduct a hearing to inquire into a suspension. If the board finds that a person has not corrected the deficiencies that were the grounds of the suspension or has not complied with the conditions imposed by the board, the board may revoke the person's certification. (V.A.C.S. Art. 2324b, Secs. 13(a), (k), (l), (m).)

Sec. 52.030. **APPEAL OF DISCIPLINARY ACTION.** An aggrieved person may appeal a disciplinary action of the board to a district court in the county of the person's residence. The appeal shall be by trial de novo, with or without a jury. If the aggrieved person is the official or deputy court reporter of the court in which the appeal will be heard, the presiding judge of the administrative district shall appoint the judge of another court or a retired judge to hear and determine the complaint. (V.A.C.S. Art. 2324b, Sec. 13(d).)

Sec. 52.031. **EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS.** (a) A noncertified shorthand reporter may be employed until a certified shorthand reporter is available.

(b) A noncertified shorthand reporter may report an oral deposition only if:

- (1) the noncertified shorthand reporter delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or
- (2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.

(c) This section does not apply to a deposition taken outside this state for use in this state. (V.A.C.S. Art. 2324b, Sec. 14.)

Sec. 52.032. **PENALTY.** (a) Except as provided by Section 52.031, a person commits an offense if the person engages in shorthand reporting in violation of Section 52.021(b) of this code. Each day of violation constitutes a separate offense.

(b) An offense under this section is a Class A misdemeanor. (V.A.C.S. Art. 2324b, Sec. 2.)

Sec. 52.033. **EXEMPTIONS.** This chapter does not apply to:

- (1) a party to the litigation involved;
- (2) the attorney of the party; or
- (3) a full-time employee of a party or a party's attorney. (V.A.C.S. Art. 2324b, Sec. 15.)

[Sections 52.034-52.040 reserved for expansion]

#### SUBCHAPTER D. APPOINTMENT AND POWERS AND DUTIES OF OFFICIAL COURT REPORTERS

Sec. 52.041. **APPOINTMENT OF OFFICIAL COURT REPORTER.** Each judge of a court of record shall appoint an official court reporter. An official court reporter is a sworn officer of the court and holds office at the pleasure of the court. (V.A.C.S. Art. 2321.)

Sec. 52.042. **DEPUTY COURT REPORTER.** (a) If an official court reporter is unable to perform his duties in reporting proceedings in court due to illness, other official work, or unavoidable disability, the judge of the court may appoint a deputy court reporter to perform the court reporting services during the absence of the official court reporter.

(b) A deputy court reporter is entitled to receive the same salary and fees for the services performed during the absence of the official court reporter as the official court reporter receives. The deputy court reporter shall be paid in the same manner as the official court reporter.

(c) The official court reporter is entitled to receive his regular salary while temporarily unable to perform his duties. (V.A.C.S. Art. 2323.)

Sec. 52.043. **DEPUTY COURT REPORTER FOR THE 70TH JUDICIAL DISTRICT.** (a) The official court reporter for the 70th Judicial District may appoint a deputy court reporter for the district.

(b) The deputy court reporter shall have the same authority and duties as the official court reporter and shall provide court reporting services under the direction and in the name of the official court reporter.

(c) Notwithstanding Section 52.042, neither the counties comprising the 70th Judicial District nor this state may pay the salary or other expenses of the deputy court reporter appointed under this section. (V.A.C.S. Art. 2323a.)

Sec. 52.044. **ADDITIONAL DISTRICT COURT REPORTERS IN BEXAR COUNTY.** (a) The judges of the district courts in Bexar County may employ additional official court reporters to serve the district courts in Bexar County if a majority of the district court judges believe more official court reporters are necessary.

(b) The district court judges shall, by majority vote, determine the method of hiring the additional official court reporters.

(c) The additional official court reporters receive the same compensation for services performed as the regular official court reporter receives.

(d) The presiding civil judge shall determine the assignments of the additional official court reporters. (V.A.C.S. Art. 199(37), Sec. (L).)

Sec. 52.045. **OATH.** (a) An official court reporter must take the official oath required of officers of this state.

(b) In addition to the official oath, each official court reporter must sign an oath administered by the district clerk stating that in each reported case the court reporter will keep a correct, impartial record of:

(1) the evidence offered in the case;

(2) the objections and exceptions made by the parties to the case; and

(3) the rulings and remarks made by the court in determining the admissibility of testimony presented in the case. (V.A.C.S. Art. 2322.)

Sec. 52.046. **GENERAL POWERS AND DUTIES.** (a) On request, an official court reporter shall:

(1) attend all sessions of the court;

(2) take full shorthand notes of oral testimony offered before the court, including objections made to the admissibility of evidence, court rulings and remarks on the objections, and exceptions to the rulings;

(3) take full shorthand notes of closing arguments if requested to do so by the attorney of a party to the case, including objections to the arguments, court rulings and remarks on the objections, and exceptions to the rulings;

(4) preserve the notes for future reference for three years from the date on which they were taken; and

(5) furnish a transcript of the reported evidence or other proceedings, in whole or in part, as provided by this chapter.

(b) An official court reporter of a district court may conduct the deposition of witnesses, receive, execute, and return commissions, and make a certificate of the proceedings in any county that is included in the judicial district of that court.

(c) The supreme court may adopt rules consistent with the relevant statutes to provide for the duties and fees of official court reporters in all civil judicial proceedings.

(d) A judge of a county court or county court at law shall appoint a certified shorthand reporter to report the oral testimony given in any contested probate matter in that judge's court. (V.A.C.S. Art. 2324 (part); Art. 2324a, Secs. 1, 2; Art. 2327 (part).)

Sec. 52.047. **TRANSCRIPTS.** (a) A person may apply for a transcript of the evidence in a case reported by an official court reporter. The person must apply for the transcript in writing to the official court reporter, and the reporter shall furnish the transcript on payment of the transcript fee.

(b) If an objection is made to the amount of the transcript fee, the judge shall determine a reasonable fee, taking into consideration the difficulty and technicality of the material to be transcribed and any time constraints imposed by the person requesting the transcript.

(c) On payment of the fee, the person requesting the transcript is entitled to the original and one copy of the transcript. The person may purchase additional copies for a fee per page that does not exceed one-third of the original cost per page.

(d) An official court reporter may charge an additional fee for:

(1) postage or express charges;

(2) photostating, blueprinting, or other reproduction of exhibits;

(3) indexing; and

(4) preparation for filing and special binding of original exhibits.

(e) If an objection is made to the amount of these additional fees, the judge shall set a reasonable fee.

(f) If the official court reporter charges an amount that exceeds a fee set by the judge, the reporter shall refund the excess to the person to whom it is due on demand filed with the court. (V.A.C.S. Art. 2324 (part).)



[Sections 52.048-52.050 reserved for expansion]

### SUBCHAPTER E. COMPENSATION AND EXPENSES

Sec. 52.051. COMPENSATION OF DISTRICT COURT REPORTERS. (a) An official district court reporter shall be paid a salary set by the order of the judge of the court. This salary is in addition to transcript fees, fees for a statement of facts, and other necessary expenses authorized by law.

(b) The salary set by the judge may not be lower than the salary that official court reporter received on January 1, 1972.

(c) An order increasing the salary of an official district court reporter must be submitted to the commissioners court of each county in the judicial district not later than September 1 immediately before the adoption of the county budget for the next year. A commissioners court may allow an extension of this time limit.

(d) The official district court reporter may not receive a salary that is more than 10 percent greater than the salary received during the preceding budget year without the approval of the commissioners court of each county in the judicial district.

(e) A person appointed to succeed an official district court reporter may not receive a salary greater than the salary received by the person's predecessor in office. (V.A.C.S. Art. 3912k, Secs. 3(a) (part), (b), (c), (d).)

Sec. 52.052. COMPENSATION IN CERTAIN ENUMERATED DISTRICTS. (a) Notwithstanding Section 52.051, the regular annual salary of the official court reporters for the 10th, 23rd, 56th, 122nd, 149th, and 222nd judicial districts shall be set in the amount and paid in the manner prescribed by this section.

(b) The district judges of the 10th, 56th, and 122nd judicial districts shall set the annual salary of the official court reporter in the district in an amount not less than the amount the reporter received on September 1, 1971, nor more than \$14,400. The salaries shall be paid from the county general fund, jury fund, or any other fund available for that purpose, as determined by the commissioners court.

(c) The salary of the official court reporter for the 23rd Judicial District may be set by the district judge and approved by the commissioners courts of the counties in the district at an amount not to exceed \$16,500. This salary is in addition to travel expenses, transcript fees, and any other form of authorized compensation. The salary shall be paid monthly by the counties in the district in a proportionate amount set by the district judge. The salary shall be paid from the county general fund, jury fund, or any other fund available for that purpose.

(d) The salary of the official court reporter for the 149th Judicial District shall be set by the district judge and approved by the Commissioners Court of Brazoria County at an amount not to exceed \$16,500. This salary is in addition to travel expenses, transcript fees, and any other form of authorized compensation. The salary shall be paid monthly from the county general fund, jury fund, or any other fund available for that purpose.

(e) The district judge of the 222nd Judicial District shall set the salary of the official court reporter at not less than \$15,000. (V.A.C.S. Art. 199a, Sec. 3.049(c) (part); Art. 2326j-1 (part); Art. 2326j-13a; Art. 2326j-81a.)

Sec. 52.053. COMPENSATION OF HILL COUNTY OFFICIAL COURT REPORTER. (a) The salary of the official court reporter for the County Court of Hill County shall be set by the commissioners court in an amount not to exceed the salary received by the official court reporter of the district court in Hill County.

(b) This salary is in addition to transcript fees, fees for statement of facts, and all other fees.

(c) The salary shall be paid from the county general fund, jury fund, or any other fund available for the purpose, as determined by the commissioners court.

(d) The salary shall be paid in the same manner as salaries for other county officers are paid. (V.A.C.S. Art. 1970-333, Sec. 4.)

Sec. 52.054. APPORTIONMENT OF SALARY. (a) Except as provided by Subsections (b) and (c), the salary of an official court reporter of a judicial district that is composed of more than one county shall be apportioned among the counties of the district. Each county shall pay a portion of the salary equal to the proportion that its population bears to the total population of the judicial district.

(b) The judge of the 31st Judicial District shall determine the proportionate amount of the salary of the official court reporter to be paid by each county in the district based on the annual case load in each county.

(c) Nueces County shall pay 50 percent of the salary of the official court reporter for the 105th Judicial District. Kleberg and Kenedy counties shall pay the remaining 50 percent. Kleberg and Kenedy counties' shares shall be equal to the proportion that each county's population bears to the total population of the two counties. (V.A.C.S. Art. 2326j-29a, Sec. 1; Art. 2326j-32b; Art. 3912k, Sec. 3(a) (part).)

**Sec. 52.055. EXPENSES OF DISTRICT COURT REPORTERS.** (a) Each official or deputy court reporter of a district court in a district composed of more than one county is entitled to reimbursement in the amount prescribed by Subsections (b) and (d) for actual and necessary expenses incurred while engaged in official duties in any county of the state other than the county of the reporter's residence. This reimbursement is in addition to the reporter's regular salary.

(b) Travel expenses reimbursed under this section may not exceed \$15 a day for hotel bills, 6 cents per mile for train or bus fares, and 16 cents per mile for the use of private conveyances, traveling the shortest practical route.

(c) The expenses shall be reimbursed after the completion of each court term by the respective counties of the judicial district for which the expenses were incurred, each county paying the expenses incidental to its own regular or special term. The commissioners court of each county shall pay the expenses for which the county is responsible from the county general fund.

(d) The expenses reimbursed under this section are subject to annual limitations based on the size of the judicial district. A court reporter may not receive more than the maximum reimbursement amount set for the reporter's judicial district in any one year. The maximum reimbursement amount is as follows:

(1) if the judicial district contains two counties, the maximum reimbursement amount is \$400;

(2) if the judicial district contains three counties, the maximum reimbursement amount is \$800;

(3) if the judicial district contains four counties, the maximum reimbursement amount is \$1,400; and

(4) if the judicial district contains five or more counties, the maximum reimbursement amount is \$2,000.

(e) To receive reimbursement under this section, a court reporter must prepare in duplicate a sworn statement of expenses that is approved by the district judge. The reporter must file a copy of the statement with the clerk of the district court of the county in which the district judge resides.

(f) This section applies to any additional official or deputy court reporter whose services are required when a district court convenes in a special term. The county in which the special term is convened shall pay the expenses. These expenses are in addition to the expenses provided for the official or deputy court reporter of the district. (V.A.C.S. Art. 2326a (part).)

**Sec. 52.056. EXPENSES OF VISITING COURT REPORTERS.** (a) An official or deputy court reporter of a judicial district who is required to leave the county of his residence to report proceedings as a substitute for the official court reporter of another county is entitled to reimbursement for actual and necessary travel expenses and a per diem allowance of \$30 for each day or part of a day spent outside his county of residence in the performance of duties as a substitute. These fees are in addition to the visiting reporter's regular salary.

(b) The commissioners court of the county in which the visiting reporter provides services shall pay the reimbursement and per diem allowance from the county general fund on receipt of a sworn statement by the court reporter that has been approved by the district judge presiding in the court in which the proceedings were reported. (V.A.C.S. Arts. 2326a (part), 2326a-1.)

**Sec. 52.057. EXPENSES OF COURT REPORTERS IN CERTAIN ENUMERATED DISTRICTS.** (a) Notwithstanding Section 52.055, the expenses of the official court reporters for the 31st, 46th, 104th, and 155th judicial districts shall be reimbursed as prescribed by this section.

(b) The official court reporter for the 31st Judicial District is entitled to receive travel expense allowances in the same amounts as a state employee. The allowance shall be paid as prescribed by Sections 52.055(c) and (e).

(c) In lieu of the expenses provided by Section 52.055, the official court reporter for the 46th Judicial District may receive, instead of reimbursement for actual expenses, an annual allowance of \$3,000 for travel and other expenses incurred in performing official duties. The allowance shall be paid in equal monthly installments by the counties in the judicial district. The amount each county pays shall be determined by the proportion that each county's population bears to the total population of the district.

(d) The annual allowance for actual and necessary expenses received by the official court reporter for the 104th Judicial District may not exceed \$400.

(e) In lieu of the expenses provided by Section 52.055, the official court reporter for the 155th Judicial District may receive an annual allowance of \$3,000 for travel and other expenses incurred in performing official duties. The counties in the district, other than the county in which the reporter resides, shall pay the allowance in equal shares. (V.A.C.S. Art. 2326j-29a, Sec. 2; Art. 2326j-42(b) (part); Art. 2326j-62a; Art. 2326j-64a.)

## CHAPTER 53. BAILIFFS

## SUBCHAPTER A. BAILIFFS FOR CERTAIN COURTS

- Sec. 53.001. MANDATORY APPOINTMENTS
  - Sec. 53.002. PERMISSIVE APPOINTMENTS
  - Sec. 53.003. EVIDENCE OF APPOINTMENT; NOTIFICATION
  - Sec. 53.004. QUALIFICATIONS
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  - Sec. 53.006. DUTIES
  - Sec. 53.007. BAILIFF DEPUTIZED
  - Sec. 53.008. OATH
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- [Sections 53.010-53.020 reserved for expansion]

## SUBCHAPTER B. BAILIFF TO ACT AS INTERPRETER

- Sec. 53.021. SPECIAL PROVISION: BAILIFF TO ACT AS INTERPRETER
- [Sections 53.022-53.030 reserved for expansion]

## SUBCHAPTER C. BAILIFFS IN BEXAR COUNTY

- Sec. 53.031. APPOINTMENTS
- Sec. 53.032. OATH
- Sec. 53.033. BOND
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- Sec. 53.037. ACTING FOR ANOTHER BAILIFF
- Sec. 53.038. SALARY
- Sec. 53.039. ADDITIONAL DEPUTIES

## CHAPTER 53. BAILIFFS

## SUBCHAPTER A. BAILIFFS FOR CERTAIN COURTS

Sec. 53.001. MANDATORY APPOINTMENTS. (a) The judges of the 22nd, 30th, 70th, 71st, 78th, 89th, 161st, and 341st district courts and the judge of the County Court of Harrison County shall each appoint a bailiff.

(b) The judge of the 105th District Court shall appoint an officer of the court in Nueces County as bailiff.

(c) Each criminal district court in Tarrant County must have at least three bailiffs assigned regularly to the court. Each judge of a criminal district court in Tarrant County shall appoint two officers of the court to serve as bailiffs for his court. The county sheriff shall appoint one bailiff for each of the criminal districts courts in Tarrant County. (V.A.C.S. Art. 1926-44, Sec. F(c) (part); Art. 2292j, Sec. 1; Art. 2292k, Sec. 1; Art. 2292m, Sec. 1; Art. 2292n, Sec. 1; Art. 2292p, Sec. (a); Art. 199(105), Sec. 5a (part).)

Sec. 53.002. PERMISSIVE APPOINTMENTS. (a) The judges of the 34th, 65th, 120th, 142nd, 205th, 210th, 238th, 243rd, 318th, and 327th district courts may each appoint a bailiff.

(b) The judge of the 43rd District Court may appoint one or more bailiffs that he believes are necessary for the efficient administration of the court. (V.A.C.S. Art. 199(43)(d) (part); Art. 2292l, Sec. 1; Art. 2292o, Sec. 1.)

Sec. 53.003. 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 Sections 53.001(a) and 53.002(a).

(b) The judge of each court listed in Section 53.002(a) and the judge of the 341st District Court shall give each commissioners court in the judicial district written notification of the bailiff's appointment and date of employment. (V.A.C.S. Art. 2292j, Sec. 2; Art. 2292k, Sec. 2; Art. 2292l, Sec. 2 (part); Art. 2292m, Sec. 2; Art. 2292n, Sec. 2; Art. 2292o, Sec. 2 (part); Art. 2292p, Sec. (b) (part).)

Sec. 53.004. **QUALIFICATIONS.** (a) A bailiff in the 22nd, 34th, 70th, 71st, or 161st district court must be a resident of the county in which he serves the court and must be at least 18 years old.

(b) To be eligible to be appointed bailiff in the 30th, 65th, 78th, 89th, 120th, 142nd, 205th, 210th, 238th, 243rd, 318th, 327th, or 341st district court, or the County Court of Harrison County, a person must be a resident of the county in which the person serves the court and must be at least 21 years old. (V.A.C.S. Art. 2292j, Sec. 4; Art. 2292k, Sec. 3; Art. 2292l, Sec. 4; Art. 2292m, Sec. 3; Art. 2292n, Sec. 3; Art. 2292o, Sec. 4; Art. 2292p, Sec. (d).)

Sec. 53.005. **TERM OF OFFICE.** A bailiff appointed under this subchapter holds office at the will of the judge of the court that the bailiff serves. (V.A.C.S. Art. 1926-44, Sec. F(c) (part); Art. 2292j, Sec. 5; Art. 2292k, Sec. 4; Art. 2292l, Sec. 5; Art. 2292m, Sec. 4; Art. 2292n, Sec. 4; Art. 2292o, Sec. 5; Art. 2292p, Sec. (e).)

Sec. 53.006. **DUTIES.** (a) A bailiff appointed under Section 53.001 or 53.002(a) is an officer of the court.

(b) 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.

(c) A bailiff appointed under Section 53.002(a) or by the judge of the 341st District Court has only the duties assigned by the judge of the court that the bailiff serves. (V.A.C.S. Art. 1926-44, Sec. F(c) (part); Art. 2292j, Sec. 6(a); Art. 2292k, Sec. 5(a); Art. 2292l, Sec. 6(a); Art. 2292m, Sec. 5; Art. 2292n, Sec. 5(a); Art. 2292o, Sec. 6; Art. 2292p, Sec. (f); Art. 199(105), Sec. 5a (part).)

Sec. 53.007. **BAILIFF DEPUTIZED.** (a) This section applies to:

- (1) the 22nd, 34th, 65th, 70th, 71st, 120th, 142nd, 161st, 205th, 210th, 238th, 243rd, 318th, 327th, and 341st district courts;
- (2) the County Court of Harrison County; and
- (3) the criminal district courts of Tarrant County.

(b) On the request of the judge of a court to which this section applies, 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.

(c) A request under this section by a judge of a court listed in Section 53.002(a) or by the judge of the 341st District Court must be in writing. (V.A.C.S. Art. 1926-44, Sec. F(c) (part); Art. 2292j, Sec. 6(b); Art. 2292k, Sec. 5(b); Art. 2292l, Sec. 6(b); Art. 2292n, Sec. 5(b); Art. 2292o, Sec. 7; Art. 2292p, Sec. (g).)

Sec. 53.008. **OATH.** The bailiffs of the 22nd, 34th, 65th, 70th, 120th, 142nd, 161st, 205th, 210th, 238th, 243rd, 318th, 327th, and 341st district courts shall each 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." (V.A.C.S. Art. 2292j, Sec. 3; Art. 2292l, Sec. 3; Art. 2292o, Sec. 3; Art. 2292p, Sec. (c).)

Sec. 53.009. **COMPENSATION.** (a) Each bailiff appointed by a judge of the 30th, 78th, or 89th district court is entitled to receive a salary set by the judge and approved by the commissioners court. The salary is paid out of the general fund of the county.

(b) Each bailiff appointed by a judge of the 65th, 120th, 142nd, 205th, 210th, 238th, 243rd, 318th, or 327th district court is entitled to receive from each county in which the court sits the amount of compensation set by the judge in an amount that does not exceed the salary of the chief deputy sheriff of the county. The judge shall give each commissioners court in the district written notification of the amount of compensation to be paid by the county.

(c) The bailiff appointed by the judge of the County Court of Harrison County is entitled to receive a salary set by the judge in an amount that does not exceed the salary of a deputy sheriff of the county. The salary is paid out of the general fund of the county.

(d) The bailiff appointed by the judge of the 341st District Court is entitled to receive a salary set by the judge in an amount that does not exceed the salary of a full-time deputy sheriff of the county. The salary is paid out of the general fund of the county. (V.A.C.S. Art. 2292m, Sec. 6; Art. 2292n, Sec. 6; Art. 2292o, Secs. 2 (part), 8; Art. 2292p, Secs. (b) (part), (h).)

[Sections 53.010-53.020 reserved for expansion]

## SUBCHAPTER B. BAILIFF TO ACT AS INTERPRETER

Sec. 53.021. **SPECIAL PROVISION: BAILIFF TO ACT AS INTERPRETER.** (a) The judges of the 24th, 135th, and 267th district courts may each appoint, with the approval of the commissioners court, an officer of the court to serve as bailiff.

(b) The primary duty of a bailiff appointed under this section is to act as an interpreter.

(c) A bailiff appointed under this section is entitled to receive a reasonable salary not to exceed the highest salary paid to a deputy, clerk, or assistant employed by the county. (V.A.C.S. Art. 2292a.)

[Sections 53.022-53.030 reserved for expansion]

### SUBCHAPTER C. BAILIFFS IN BEXAR COUNTY

Sec. 53.031. APPOINTMENTS. (a) The Bexar County sheriff shall appoint one deputy to serve as bailiff for each of the district courts in Bexar County not designated as giving preference to criminal cases.

(b) The Bexar County sheriff shall appoint two deputies to serve as bailiffs for each of the district courts in Bexar County designated as giving preference to criminal cases.

(c) A person appointed as bailiff must be acceptable to the judge of the court to which he is appointed.

(d) An appointment under this section is not effective until the judge approves and confirms it in writing. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.032. OATH. Before assuming the duties of office, each bailiff must take the oath prescribed for officers of this state. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.033. BOND. The sheriff may require a bailiff to give a bond. The sheriff may prescribe the conditions and amount of the bond, or those terms may be set as otherwise provided by law. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.034. POWERS. A bailiff appointed under this subchapter has the same powers that sheriffs and deputy sheriffs have in this state. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.035. DUTIES. (a) A bailiff acts in the name of his principal and may perform all official acts that the county sheriff may perform.

(b) A bailiff shall attend each session of the court to which he is appointed and perform the official duties performed by sheriffs and deputies in the district courts of this state, including serving process, subpoenas, warrants, and writs. A bailiff shall also perform services requested by the judge. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.036. TERM OF OFFICE; VACANCY. (a) A bailiff serves at the pleasure of the judge of the court the bailiff serves.

(b) If the office of a bailiff becomes vacant, the sheriff shall appoint another bailiff in the manner provided for initial appointments. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.037. ACTING FOR ANOTHER BAILIFF. The bailiffs may act for each other and shall act for each other when requested to by a judge or the sheriff. A bailiff acting for another bailiff may not receive additional compensation. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.038. SALARY. The sheriff shall fix the annual salary of the bailiffs of each court. The salary must be approved by the commissioners court and shall be paid by warrant or check in equal installments twice monthly from the county fund established for the purpose. (V.A.C.S. Art. 199(37)(M) (part).)

Sec. 53.039. ADDITIONAL DEPUTIES. This subchapter does not prevent the sheriff from assigning additional deputies to any of the district courts when circumstances require or when a district judge requests the assignment. (V.A.C.S. Art. 199(37)(M) (part).)

## CHAPTER 54. MASTERS; MAGISTRATES; REFEREES

### SUBCHAPTER A. FAMILY LAW MASTERS

Sec. 54.001. APPOINTMENT

Sec. 54.002. QUALIFICATIONS

Sec. 54.003. COMPENSATION

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Sec. 54.006. ORDER OF REFERRAL

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[Sections 54.015-54.100 reserved for expansion]

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#### SUBCHAPTER E. JUVENILE COURT REFEREES IN WICHITA COUNTY

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- Sec. 54.402. QUALIFICATIONS
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- Sec. 54.404. CASES THAT MAY BE REFERRED BY DISTRICT COURT
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### CHAPTER 54. MASTERS; MAGISTRATES; REFEREES

#### SUBCHAPTER A. FAMILY LAW MASTERS

Sec. 54.001. APPOINTMENT. (a) A judge of a district court or other court having jurisdiction of suits affecting the parent-child relationship under Title 2, Family Code, may appoint a master to perform the duties authorized by this subchapter if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a master.

(b) If a court has jurisdiction in more than one county, a master appointed by that court may serve only in a county in which the commissioners court has authorized the master's appointment.

(c) If more than one district court or other court having jurisdiction of suits affecting the parent-child relationship has jurisdiction in a county, the commissioners court may authorize the appointment of a master for each court or may authorize one or more masters to share service with two or more courts.

(d) If a master serves more than one court, the master's appointment must be made with the unanimous approval of all the judges under whom the master serves. (V.A.C.S. Art. 1918b, Secs. 1(a) (part), (b), (c), (d) (part).)

Sec. 54.002. QUALIFICATIONS. To be eligible for appointment as a master, a person must be:

- (1) a resident of this state; and
- (2) licensed to practice law in this state. (V.A.C.S. Art. 1918b, Sec. 2.)

Sec. 54.003. COMPENSATION. (a) A master is entitled to the salary determined by the commissioners court of the county in which the master serves.

(b) If a master serves in more than one county, the master is entitled to a salary as determined by agreement of the commissioners courts of the counties in which the master serves.

(c) The master's salary is paid from the county fund available for payment of officers' salaries. (V.A.C.S. Art. 1918b, Sec. 3.)

Sec. 54.004. **TERMINATION OF SERVICES.** (a) A master who serves a single court serves at the will of the judge.

(b) The services of a master who serves more than one court may be terminated by a majority vote of all the judges whom the master serves. (V.A.C.S. Art. 1918b, Secs. 1(a) (part), (d) (part).)

Sec. 54.005. **CASE THAT MAY BE REFERRED.** A judge may refer to a master any civil case involving a motion:

(1) of contempt for failure or refusal:

(A) to pay child support, temporary support, or separate maintenance; or

(B) to comply with a court order concerning possession of or access to a child who has been the subject of a suit affecting the parent-child relationship; or

(2) to modify a decree in a suit affecting the parent-child relationship that provides for access to or support, conservatorship, or possession of a child. (V.A.C.S. Art. 1918b, Sec. 4(a).)

Sec. 54.006. **ORDER OF REFERRAL.** (a) To refer a case to a master, a judge must issue an order of referral specifying the master's duties.

(b) The order of referral may:

(1) limit the powers of a master and direct the master to report only on specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing; and

(4) provide a date for the filing of the master's report. (V.A.C.S. Art. 1918b, Secs. 4(b), 5(b).)

Sec. 54.007. **POWERS.** Except as limited by an order of referral, a master to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) recommend the judgment to be made in a case;

(11) regulate proceedings in a hearing; and

(12) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral. (V.A.C.S. Art. 1918b, Sec. 5(a).)

Sec. 54.008. **NOTICE OF HEARING.** Before a master holds a hearing, each party shall be given notice of the time and place of the hearing as provided by law. (V.A.C.S. Art. 1918b, Sec. 11.)

Sec. 54.009. **WITNESS.** (a) A witness who appears before a master and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court. (V.A.C.S. Art. 1918b, Sec. 6.)

Sec. 54.010. **PAPERS TRANSMITTED TO JUDGE.** At the conclusion of a hearing, a master shall transmit to the referring judge any papers relating to the case, including the master's findings and a statement that notice of the findings and of the right to a hearing before the judge has been given to any principal, minor, and the parent, guardian, or custodian of any principal who is a minor. (V.A.C.S. Art. 1918b, Sec. 7 (part).)

Sec. 54.011. **JUDICIAL ACTION ON MASTER'S REPORT.** (a) A referring court may adopt, modify, correct, reject, reverse, or recommit for further information a master's report.

(b) If the master recommends a judgment, the court may approve the recommendation and hear further evidence before rendering a judgment. (V.A.C.S. Art. 1918b, Sec. 8.)

Sec. 54.012. **HEARING BEFORE JUDGE.** (a) After receiving notice of the master's findings, any principal or a minor or the minor's parent, guardian, or custodian is entitled to a hearing before the judge of the referring court.



(b) Notice of the right to a hearing before the judge may be given at the hearing before the magistrate or otherwise as the referring court directs.

(c) A request for a hearing must be filed with the referring court not later than the third day after the date notice of the master's findings is received by the principal, minor, parent, guardian, or custodian.

(d) The court may allow the hearing at any time. (V.A.C.S. Art. 1918b, Secs. 7 (part), 9.)

Sec. 54.013. **DECREE OF COURT.** If a hearing before the judge is not requested or the right to a hearing is waived, the findings and recommendations of the master become the decree of the court on adoption by an order of the judge. (V.A.C.S. Art. 1918b, Sec. 10.)

Sec. 54.014. **JURY TRIAL DEMANDED.** If a jury trial is demanded in a proceeding, the master shall refer the case back to the referring court for a full hearing before the court and jury. The hearing is subject to the usual rules of the court. (V.A.C.S. Art. 1918b, Sec. 12.)

[Sections 54.015-54.100 reserved for expansion]

### SUBCHAPTER B. FAMILY LAW MASTERS IN TRAVIS COUNTY

Sec. 54.101. **APPOINTMENT.** (a) A majority of the judges of the courts in Travis County having jurisdiction of suits arising under Title 1, 2, or 4, Family Code, or of suits brought in connection with Rule 308-A, Texas Rules of Civil Procedure, or Chapter 46, Human Resources Code, may determine that one or more full-time or part-time masters are needed to serve those courts.

(b) The judges shall issue an order reflecting that determination and specifying the number of masters needed.

(c) Subject to the determination of need and the availability of funds from the county, each judge may appoint one or more masters to serve the judge's court.

(d) Judges may act together to appoint a master to serve their courts. (V.A.C.S. Art. 1918d, Secs. 1, 3.)

Sec. 54.102. **QUALIFICATIONS.** A master must:

(1) be a citizen and resident of this state; and

(2) have been licensed to practice law in this state for at least four years. (V.A.C.S. Art. 1918d, Sec. 4.)

Sec. 54.103. **ORDER OF APPOINTMENT.** The order appointing a master must be entered in the minutes of the district court and state:

(1) the master's name and State Bar identification number;

(2) each court the master will serve; and

(3) the date the master's service is to begin. (V.A.C.S. Art. 1918d, Sec. 5.)

Sec. 54.104. **COMPENSATION.** The commissioners court shall set the compensation for masters and determine the total amount the county will pay as compensation for masters. (V.A.C.S. Art. 1918d, Sec. 2.)

Sec. 54.105. **JUDICIAL IMMUNITY.** A master appointed under this subchapter has the same judicial immunity as a district judge. (V.A.C.S. Art. 1918d, Sec. 15.)

Sec. 54.106. **TERMINATION OF EMPLOYMENT.** (a) A master who serves a single court serves at the will of the judge of that court.

(b) The employment of a master who serves two courts may be terminated by either of the judges of those courts.

(c) The employment of a master who serves more than two courts may be terminated by a majority of the judges of those courts.

(d) To terminate a master's employment, the appropriate judges must sign a written order of termination. The order must state:

(1) the master's name and State Bar identification number;

(2) each court ordering termination; and

(3) the date the master's employment ends. (V.A.C.S. Art. 1918d, Sec. 6.)

Sec. 54.107. **WITHDRAWAL OF APPOINTMENT FOR A PARTICULAR COURT.** The judge of a court for which a master has been appointed may withdraw the master's appointment to that court by written order. The order must state:

(1) the master's name and State Bar identification number;

(2) the court ordering the withdrawal; and

(3) the date the master's services end as to that court. (V.A.C.S. Art. 1918d, Sec. 7.)

Sec. 54.108. **CASES THAT MAY BE REFERRED.** A judge may refer to a master any civil case or portion of a civil case brought:

(1) under Title 1, 2, or 4, Family Code;

(2) in connection with Rule 308-A, Texas Rules of Civil Procedure; or

(3) in connection with Chapter 46, Human Resources Code. (V.A.C.S. Art. 1918d, Sec. 8.)

Sec. 54.109. **METHOD OF REFERRAL.** A case may be referred as prescribed by published local rules or by written orders. (V.A.C.S. Art. 1918d, Sec. 9 (part).)

Sec. 54.110. **POWERS.** (a) An order of referral may limit the use or power of a master.

(b) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(c) A master may administer oaths. (V.A.C.S. Art. 1918d, Secs. 9 (part), 12.)

Sec. 54.111. **EFFECT ON TEMPORARY RESTRAINING ORDER.** (a) The referral of a case or a portion of a case to a master does not affect a party's right to have a court grant or extend a temporary restraining order and does not prevent the expiration of a temporary restraining order.

(b) Until a judge signs an order concerning the findings and recommendations of a master, the findings and recommendations do not affect an existing temporary restraining order or the expiration or extension of that order. (V.A.C.S. Art. 1918d, Sec. 10.)

Sec. 54.112. **JURY DEMAND.** A jury demand does not affect the authority of a master to handle pretrial matters referred to the master. (V.A.C.S. Art. 1918d, Sec. 23.)

Sec. 54.113. **COURT REPORTER.** (a) A court reporter need not be provided during a hearing conducted by a master.

(b) Notwithstanding Subsection (a), a referring judge may require a reporter at a contempt hearing.

(c) A party may provide a reporter or electronic recording device at the party's expense. (V.A.C.S. Art. 1918d, Sec. 16.)

Sec. 54.114. **FAILURE TO COMPLY WITH SUMMONS OR ORDER.** If a person fails to comply with a summons or order, the master may certify in writing that failure to the referring court for appropriate action. (V.A.C.S. Art. 1918d, Sec. 13.)

Sec. 54.115. **FINDINGS AND RECOMMENDATIONS.** Before the conclusion of a hearing conducted by a master, the master shall announce in open session the findings and recommendations the master will make to the court and shall write the findings and recommendations on the case docket sheet. (V.A.C.S. Art. 1918d, Sec. 17.)

Sec. 54.116. **NOTICE OF RIGHT TO HEARING DE NOVO.** Immediately after the master announces and records the findings and recommendations and while the hearing is still in session, the master shall inform all those present of the right to a hearing de novo before a judge as prescribed by Section 54.119. (V.A.C.S. Art. 1918d, Sec. 18.)

Sec. 54.117. **MASTER'S REPORT.** After a hearing is concluded, the master shall send a written, signed report to the referring judge. The report must contain the master's findings and recommendations and a statement that the master has complied with Sections 54.115 and 54.116. (V.A.C.S. Art. 1918d, Sec. 20.)

Sec. 54.118. **COURT ACTION ON REPORT.** After the court receives the master's report, the court shall promptly approve or disapprove it in its entirety or set the matter for a hearing before a court. (V.A.C.S. Art. 1918d, Sec. 21.)

Sec. 54.119. **REQUEST FOR HEARING DE NOVO.** (a) A party, principal, minor, parent, guardian, or custodian is entitled to a hearing de novo before the referring judge.

(b) A written request for a hearing de novo must be filed with the referring court not later than the fifth day after the master's findings and recommendations are announced and recorded.

(c) If a judge enters an order approving the master's findings and recommendations during the five-day period prescribed by Subsection (b), the right to a hearing de novo is not affected.

(d) A person requesting a hearing de novo may file pleadings with the court restricting the request to particular findings or recommendations made by the master. If a person does not request that the hearing be limited, the request for a hearing shall cover all matters the master tried, found, or recommended. (V.A.C.S. Art. 1918d, Sec. 19.)

Sec. 54.120. **EFFECT OF REQUEST FOR HEARING DE NOVO.** (a) A request for a hearing de novo does not stay, suspend, or affect the authority of a judge to sign an order approving a master's findings and recommendations, and the order controls the rights of the parties until another order is made pursuant to a hearing de novo.

(b) A request for a hearing de novo does not stay, suspend, or prevent enforcement or contempt proceedings brought under an order approving a master's findings and recommendations. (V.A.C.S. Art. 1918d, Sec. 22.)

Sec. 54.121. **MASTERS IN CHANCERY.** This subchapter does not prohibit a court from appointing a master in chancery as provided by Rule 171, Texas Rules of Civil Procedure. (V.A.C.S. Art. 1918d, Sec. 11.)

Sec. 54.122. REFEREES. (a) A master appointed under this subchapter may serve as a referee as provided by Section 51.04(g) and Section 54.10, Family Code.

(b) A referee appointed under Section 51.04(g), Family Code, may be appointed to serve as a master under this subchapter. (V.A.C.S. Art. 1918d, Sec. 14.)

[Sections 54.123-54.200 reserved for expansion]

### SUBCHAPTER C. CRIMINAL LAW MASTERS IN JEFFERSON COUNTY

Sec. 54.201. APPLICATION. This subchapter applies to the district courts and to the county courts at law that give preference to criminal cases in Jefferson County. (V.A.C.S. Art. 1918e, Sec. 1.)

Sec. 54.202. APPOINTMENT AND COMPENSATION. (a) The judge of a court subject to this subchapter may appoint a master to perform the duties authorized by this subchapter.

(b) A master must be:

(1) a magistrate, as that term is defined by Article 2.09, Code of Criminal Procedure, 1965, of the county; and

(2) licensed to practice law in this state.

(c) Appointment as a master is not valid unless the appointee agrees to serve as a master.

(d) A magistrate who is appointed to serve as a master is not entitled to receive additional compensation for serving as a master. (V.A.C.S. Art. 1918e, Sec. 6.)

Sec. 54.203. REFERRAL OF CASE. (a) To refer a case to a master, the judge must issue a written order of referral that specifies the master's duties in the case.

(b) A judge may refer to a master any proceeding in a criminal case relating to:

(1) a negotiated plea of guilty or nolo contendere;

(2) a bond forfeiture;

(3) a pretrial motion;

(4) a postconviction writ of habeas corpus;

(5) an examining trial; or

(6) any other matter that the judge considers proper.

(c) A judge may not refer to a master any case for trial on the merits. (V.A.C.S. Art. 1918e, Sec. 7.)

Sec. 54.204. POWERS. A master to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on pretrial motions;

(11) recommend a ruling, order, or judgment to be made in a case;

(12) regulate any proceeding in a hearing; and

(13) take any action necessary and proper for the efficient performance of duties required by the order of referral. (V.A.C.S. Art. 1918e, Sec. 8.)

Sec. 54.205. PAPERS TRANSMITTED TO JUDGE. At the conclusion of a proceeding, the master shall transmit to the referring court any papers relating to the case, including the master's findings, conclusions, orders, and recommendations, and a statement as to any other actions taken. (V.A.C.S. Art. 1918e, Sec. 9.)

Sec. 54.206. JUDICIAL ACTION. (a) The referring court may modify, correct, reject, reverse, or recommit for further proceedings any action taken by a master.

(b) If the referring court does not take any action, the actions of the master are adopted by the referring court and become the decree in the case. (V.A.C.S. Art. 1918e, Sec. 10.)

[Sections 54.207-54.300 reserved for expansion]

### SUBCHAPTER D. CRIMINAL LAW MAGISTRATES IN DALLAS COUNTY

Sec. 54.301. APPOINTMENT. (a) Each judge of a district court of Dallas County that gives preference to criminal cases and each judge of a criminal district court of Dallas County,

with the consent and approval of the Commissioners Court of Dallas County, may appoint a magistrate to perform the duties authorized by this subchapter.

(b) Judges may authorize one or more magistrates to share service with more than one court.

(c) If a magistrate serves more than one court, the magistrate's appointment must be made with the unanimous approval of all the judges under whom the magistrate serves. (V.A.C.S. Art. 1918c, Secs. 1(a) (part), (b), (c), (d) (part).)

Sec. 54.302. **QUALIFICATIONS.** To be eligible for appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state for at least four years. (V.A.C.S. Art. 1918c, Sec. 2.)

Sec. 54.303. **COMPENSATION.** (a) A magistrate is entitled to the salary determined by the Commissioners Court of Dallas County.

(b) The salary may not be less than the salary authorized to be paid to a master for family law cases appointed under Subchapter A.

(c) The magistrate's salary is paid from the county fund available for payment of officers' salaries. (V.A.C.S. Art. 1918c, Sec. 3.)

Sec. 54.304. **JUDICIAL IMMUNITY.** A magistrate has the same judicial immunity as a district judge. (V.A.C.S. Art. 1918c, Sec. 8.)

Sec. 54.305. **TERMINATION OF SERVICES.** (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves. (V.A.C.S. Art. 1918c, Secs. 1(a) (part), (d) (part).)

Sec. 54.306. **PROCEEDING THAT MAY BE REFERRED.** (a) A judge may refer to a magistrate any criminal case for proceedings involving:

(1) a negotiated plea of guilty before the court;

(2) a bond forfeiture;

(3) a pretrial motion;

(4) a postconviction writ of habeas corpus;

(5) an examining trial; and

(6) any other matter the judge considers necessary and proper.

(b) The magistrate may not preside over a trial on the merits, whether or not the trial is before a jury. (V.A.C.S. Art. 1918c, Secs. 4(a), (b).)

Sec. 54.307. **ORDER OF REFERRAL.** (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred. (V.A.C.S. Art. 1918c, Secs. 4(c), 5(b), 5(d).)

Sec. 54.308. **POWERS.** (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing; and

(13) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may not enter a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the magistrate may make findings, conclusions, and recommendations on those issues. (V.A.C.S. Art. 1918c, Secs. 5(a), (c).)

Sec. 54.309. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate. (V.A.C.S. Art. 1918c, Sec. 5(e).)

Sec. 54.310. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court. (V.A.C.S. Art. 1918c, Sec. 6.)

Sec. 54.311. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken. (V.A.C.S. Art. 1918c, Sec. 7(a).)

Sec. 54.312. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves. (V.A.C.S. Art. 1918c, Secs. 7(b), (c), (d) (part).)

Sec. 54.313. COSTS OF MAGISTRATE. The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines that the nonprevailing party is able to pay those costs, the court shall tax the magistrate's fees as costs against the nonprevailing party. (V.A.C.S. Art. 1918c, Sec. 7(d) (part).)

[Sections 54.314-54.400 reserved for expansion]

## SUBCHAPTER E. JUVENILE COURT REFEREES IN WICHITA COUNTY

Sec. 54.401. APPOINTMENT. Each judge of a district court or each court designated a juvenile court of Wichita County may appoint a referee in a civil case as provided by this subchapter. (V.A.C.S. Art. 2338-2b, Sec. 1(a).)

Sec. 54.402. QUALIFICATIONS. A referee must be:

- (1) a citizen of this state; and
- (2) licensed to practice law in this state. (V.A.C.S. Art. 2338-2b, Sec. 1(b) (part).)

Sec. 54.403. COMPENSATION. (a) Any compensation given to a referee shall be found and taxed in the manner provided by law for taxing other costs in a civil case.

(b) The judge shall determine if the parties to the litigation are able to defray the costs of the referee's compensation and shall tax the compensation against the parties if the judge determines that they are able to pay those costs. If the costs of the referee's compensation are not taxed against the parties, the commissioners court shall determine the compensation and pay it out of the county jury fund.

(c) Costs may not be taxed against the county if any party to the litigation owns real property in this state or is otherwise able to defray the costs. (V.A.C.S. Art. 2338-2b, Sec. 1(b) (part).)

Sec. 54.404. CASES THAT MAY BE REFERRED BY DISTRICT COURT. A judge of a district court may refer to a referee any civil case involving a motion:

- (1) of contempt for failure or refusal:
  - (A) to pay child support, temporary support, or separate maintenance; or
  - (B) to comply with a court order concerning visitation with children growing out of a separate maintenance or divorce action;
- (2) for a change in child custody;
- (3) for revision of child support payments; or
- (4) for revision of visitation privileges. (V.A.C.S. Art. 2338-2b, Sec. 2.)

Sec. 54.405. CASES THAT MAY BE REFERRED BY JUVENILE COURT. A judge of a court designated a juvenile court may refer to a referee any civil case involving:

- (1) a child alleged to be dependent, neglected, or delinquent; or
- (2) any other matter over which the juvenile court has exclusive jurisdiction. (V.A.C.S. Art. 2338-2b, Sec. 3.)

Sec. 54.406. ORDER OF REFERRAL. An order referring a case to a referee may:

- (1) specify or limit the powers of the referee and direct the referee to report only on particular issues, do particular acts, or receive and report on evidence only;
- (2) set the time and place for beginning and closing a hearing; and
- (3) set a date for filing a report. (V.A.C.S. Art. 2338-2b, Sec. 4(a) (part).)

Sec. 54.407. **POWERS.** Except as limited or specified by an order referring a case, a referee may:

- (1) hear evidence;
- (2) make findings of fact on evidence;
- (3) formulate conclusions of law;
- (4) recommend judgment to be entered in a case;
- (5) require production of evidence on any matter embraced by the order;
- (6) rule on admissibility of evidence;
- (7) issue summons for the appearance of witnesses;
- (8) swear witnesses for hearings;
- (9) examine witnesses;
- (10) regulate any proceeding in a hearing before the referee; and
- (11) do any act and take any measure necessary and proper for the efficient performance of the referee's duties under the order. (V.A.C.S. Art. 2338-2b, Secs. 4(a) (part), (b) (part).)

Sec. 54.408. **NOTICE OF HEARING.** Before a referee holds a hearing, each party shall be given notice of the time and place of the hearing as provided by law. (V.A.C.S. Art. 2338-2b, Sec. 9.)

Sec. 54.409. **WITNESS.** (a) A witness who appears before a referee and is sworn is subject to the penalties for perjury provided by law.

(b) The referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court. (V.A.C.S. Art. 2338-2b, Sec. 4(b) (part).)

Sec. 54.410. **PAPERS TRANSMITTED TO JUDGE.** At the conclusion of a hearing, a referee shall transmit to the referring judge any papers relating to the case, including the referee's findings and a statement that notice of the findings and of the right to a hearing before the judge has been given to any principal and to the parent, guardian, or custodian of any principal who is a minor. (V.A.C.S. Art. 2338-2b, Sec. 5 (part).)

Sec. 54.411. **JUDICIAL ACTION ON REFEREE'S REPORT.** (a) A referring court may adopt, modify, correct, reject, reverse, or recommit for further information a referee's report.

(b) If the referee recommends a judgment, the court may approve the recommendation and hear further evidence before rendering a judgment. (V.A.C.S. Art. 2338-2b, Sec. 6.)

Sec. 54.412. **HEARING BEFORE JUDGE.** (a) After receiving notice of the referee's findings, any principal, minor, or the parent, guardian, or custodian of a minor is entitled to a hearing before the judge of the referring court.

(b) Notice of the right to a hearing before the judge may be given at the hearing before the referee or otherwise as the referring court directs.

(c) A request for a hearing must be filed with the referring court not later than the third day after the date notice of the referee's findings is received by the principal, minor, parent, guardian, or custodian.

(d) The court may allow the hearing at any time. (V.A.C.S. Art. 2338-2b, Secs. 5 (part), 7.)

Sec. 54.413. **DECREE OF COURT.** If a hearing before a judge is not requested, or the right to a hearing is waived, the findings and recommendations of the referee become the decree of the court when adopted by an order of the judge. (V.A.C.S. Art. 2338-2b, Sec. 8.)

Sec. 54.414. **JURY TRIAL DEMANDED.** If a jury trial is demanded in a proceeding, the referee shall refer the case back to the referring court for a full hearing before the court and jury. The hearing is subject to the usual rules of the court. (V.A.C.S. Art. 2338-2b, Sec. 10.)

## CHAPTER 55. OTHER COURT PERSONNEL

### SUBCHAPTER A. SECRETARIES OR STENOGRAPHERS FOR COUNTY JUDGES

Sec. 55.001. **EMPLOYMENT OF SECRETARY OR STENOGRAPHER**

Sec. 55.002. **EMPLOYMENT IN JIM HOGG COUNTY**

## CHAPTER 55. OTHER COURT PERSONNEL

## SUBCHAPTER A. SECRETARIES OR STENOGRAPHERS FOR COUNTY JUDGES

Sec. 55.001. EMPLOYMENT OF SECRETARY OR STENOGRAPHER. (a) If the commissioners court on request of the county judge determines that a secretary or stenographer for the county judge is necessary, the court shall enter an order authorizing the county judge to employ a secretary or stenographer.

(b) The secretary or stenographer may be removed by the county judge. (V.A.C.S. Art. 1934a (part); Art. 1934a-1 (part); Art. 1934a-2 (part); Art. 1934a-3 (part); Art. 1934a-4 (part); Art. 1934a-5 (part); Art. 1934a-6 (part); Art. 1934a-7 (part); Art. 1934a-8 (part); Art. 1934a-9 (part); Art. 1934a-11 (part); Art. 1934a-12 (part); Art. 1934a-14 (part); Art. 1934a-15, Sec. 1 (part); Art. 3903d, Sec. (2) (part).)

Sec. 55.002. EMPLOYMENT IN JIM HOGG COUNTY. The county judge of Jim Hogg County may employ one person for stenographic and secretarial duties. (V.A.C.S. Art. 1934a-18.)

[Chapters 56-60 reserved for expansion]

## SSUBTITLE E. JURIES

## CHAPTER 61. GENERAL PROVISIONS

Sec. 61.001. PAYMENT FOR JURY SERVICE

Sec. 61.002. LIABILITY OF COUNTIES FOR PAYMENT OF JURY SERVICE

## CHAPTER 61. GENERAL PROVISIONS

Sec. 61.001. PAYMENT FOR JURY SERVICE. (a) Each grand juror or petit juror in a civil or criminal case in a district court, criminal district court, county court, county court at law, or justice court is entitled to receive not less than \$6 nor more than \$30 for each day or fraction of each day served as a juror.

(b) A person who responds to the process of a court but is excused from petit jury service by the court for any cause after his voir dire examination is entitled to receive not less than \$6 nor more than \$30 for each day or fraction of each day in attendance in court in response to the process.

(c) The commissioners court of each county shall determine annually the per diem for jurors. The per diem must be within the minimum and maximum amounts prescribed by this section and paid out of the jury fund of the county.

(d) A check drawn on the jury fund by the district clerk of the county may be transferred by endorsement and delivery and is receivable at par from the holder for all county taxes. (V.A.C.S. Art. 2122.)

Sec. 61.002. LIABILITY OF COUNTIES FOR PAYMENT OF JURY SERVICE. (a) If a civil case is moved by change of venue and tried in another county by a jury, the county in which the case was originally filed is liable for the payment of jurors serving in the trial of the case.

(b) The commissioners court shall determine at each regular meeting if a civil case was tried by a jury in the county on a change of venue from another county since its last regular meeting.

(c) The commissioners court shall prepare an account against another county that is liable for the payment of jurors in a case transferred on a change of venue. The account must show the number of days that the jury served and the amount paid for jury service in the case.

(d) The county judge of the county in which the case was tried shall certify the correctness of the account and forward it for payment from the jury fund of the county in which the case was originally filed.

(e) This section does not apply to a civil case transferred by an order of the court based on a motion objecting to improper venue in the case under Rule 86, Texas Rules of Civil Procedure. (V.A.C.S. Art. 2172a.)

## CHAPTER 62. PETIT JURIES

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### CHAPTER 62. PETIT JURIES

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 62.001. ANNUAL RECONSTITUTION OF JURY WHEEL. (a) Each year between August 1 and August 15, the county tax assessor-collector, sheriff, county clerk, and district clerk in each county shall meet at the county courthouse and shall reconstitute the jury wheel for the county. Each official may be represented by a deputy.

(b) The jury wheel must be reconstituted by using, as the sole and mandatory source, the names of all persons on the current voter registration lists from all the precincts in the county, except that the names of persons listed on a register of persons exempt from jury service may not be placed in the jury wheel, as provided by Sections 62.108 and 62.109. (V.A.C.S. Art. 2094.)

Sec. 62.002. JURY WHEEL CARDS. (a) The officials or their deputies who reconstitute the jury wheel shall write on a separate jury wheel card of uniform size and color the name and, if possible, the post office address of each prospective juror that resides in the county and whose name appears on the current voter registration lists of the county.

(b) In a county with a population of 140,000 or more, the commissioners court shall employ typists who shall type the names and addresses of qualified prospective jurors on separate jury wheel cards of uniform size and color under the direction and control of the district clerk. The expenses incurred in typing the names and addresses must be authorized, reported, and paid and accounted for under the laws and rules that govern the payment of other expenses of the office of district clerk. The compensation of the typists and the expenses are paid from the jury fund. (V.A.C.S. Art. 2095 (part).)

Sec. 62.003. CONSTRUCTION AND SECURITY OF JURY WHEEL. (a) The commissioners court shall provide a jury wheel in which to deposit the jury wheel cards.

(b) The jury wheel must revolve freely on its axle and be constructed of a durable material. The jury wheel may be equipped with a motor capable of revolving the wheel in a manner that thoroughly mixes the jury wheel cards.

(c) At all times that it is not in use as provided by this subchapter, the jury wheel shall be locked by using two separate locks. The key to one lock may not open the other lock. The clasps attached to the jury wheel onto which the two locks are fitted must be arranged so that the jury wheel may be opened only if the two locks are unlocked at the same time. The sheriff shall keep the key to one lock. The district clerk shall keep the key to the other lock.

(d) The sheriff and the district clerk may not open the jury wheel or permit it to be opened except at a time and in a manner authorized by this subchapter, or permit another person to open the wheel if the person is not authorized by this subchapter to open the wheel.

(e) The sheriff and the district clerk shall keep the jury wheel, when not in use, in a safe place with security that prevents anyone from tampering with the jury wheel. (V.A.C.S. Art. 2095 (part).)

Sec. 62.004. DRAWING NAMES FOR JURY LISTS. (a) The county clerk and the sheriff of the county shall draw the names of the prospective jurors for a county court from the jury wheel in the presence and under the direction of the county judge. The district clerk and the sheriff of the county shall draw the names of the prospective jurors for a district court from the jury wheel in the presence and under the direction of the district judge.

(b) The county or district clerk and the sheriff shall draw the names of prospective jurors from the jury wheel after the wheel has been turned to thoroughly mix the jury wheel cards and shall draw the names one by one if so directed by the judge in whose presence the names are drawn. The names of prospective jurors shall be drawn at least 10 days before the first day of the term of court.

(c) The county or district clerk and the sheriff shall draw as many jury lists as are required for the term of court. They shall record the names that are drawn on as many lists as the judge in whose presence the names are drawn considers necessary to ensure an adequate number of jurors for the term.

(d) A deputy may represent the county or district clerk or the sheriff at the drawing. Other persons may be present only as provided by this subchapter.

(e) An official attending the drawing may not divulge to anyone the name of a person that is drawn as a prospective juror.

(f) The names of additional prospective jurors may be drawn as needed in the manner provided by this section if it appears at any time during the term of court that the jury lists already drawn will be exhausted before the term expires. (V.A.C.S. Art. 2096(a).)

Sec. 62.005. OBSERVATION OF DRAWING OF NAMES. (a) On written application of a party in a case that is pending on the docket of a county or district court for which a jury is required, the party or his authorized representative may be present and observe the drawing of the names of prospective jurors from the jury wheel and the placement of the names on the jury lists for the time period in which the party's case is set for trial.

(b) The identity of the persons whose names are drawn from the jury wheel and placed on the jury lists may not be revealed to the observer. (V.A.C.S. Art. 2096(b).)

Sec. 62.006. CERTIFICATION OF JURY LISTS. (a) The county or district clerk or the clerk's deputy who draws the names of prospective jurors and the judge in whose presence the names were drawn for placement on jury lists shall certify the jury lists to be the lists drawn for that term.

(b) Each certified jury list must be sealed in a separate envelope that is endorsed, "List No. \_\_\_\_\_ of the petit jurors drawn on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, for the \_\_\_\_\_ Court of \_\_\_\_\_ County." The blanks in the endorsement on an envelope must be properly filled. The envelopes shall be consecutively numbered starting with the number one.

(c) The county or district clerk or the clerk's deputy who draws the names shall write his name across the seal of each envelope and deliver the envelopes to the judge in whose presence the names were drawn. (V.A.C.S. Art. 2097 (part).)

Sec. 62.007. ENVELOPES CONTAINING JURY LISTS; OATH. (a) The county or district judge receiving an envelope containing a jury list shall inspect the envelope for proper endorsement.

(b) The judge shall return the envelope to the county or district clerk or clerk's deputy on completion of his inspection and may instruct the clerk or deputy to endorse on the envelope that the jury for that week is to be summoned for a day other than Monday of that week.

(c) At the time that the judge returns the envelope to the clerk or deputy, the judge shall administer to the clerk and each of the clerk's deputies an oath that in substance provides:

"You do solemnly swear that you will not open an envelope containing a jury list now delivered to you nor permit an envelope to be opened until the time prescribed by law; and that you will not communicate to any person the names appearing on a jury list nor directly or indirectly converse or communicate with a person selected as a juror about a case pending for trial in this court at its next term, so help you God."

(d) Immediately after the judge returns an envelope containing a jury list to the clerk or deputy, the clerk shall file the envelope in a secure place in his office. (V.A.C.S. Arts. 2097 (part), 2098.)

Sec. 62.008. ENVELOPES CONTAINING JURY WHEEL CARDS. (a) At the time that names are drawn for jury service and placed on a jury list, the jury wheel cards containing the names on the jury list shall be sealed in a separate envelope that is endorsed, "Cards containing the names of jurors on List No. \_\_\_\_\_ of the petit jurors drawn on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, for the \_\_\_\_\_ Court of \_\_\_\_\_ County." The blanks in the endorsement on an envelope shall be properly filled.

(b) The county or district clerk, as the case may be, shall retain unopened a sealed envelope containing jury wheel cards in a secure manner until the jurors selected from the jury list with names corresponding to those on the jury wheel cards in the envelope are impaneled for jury service. (V.A.C.S. Art. 2099 (part).)

Sec. 62.009. REUSE OF JURY WHEEL CARDS. (a) After jurors are impaneled and serve at least four days, the clerk or his deputy shall open the envelope containing the jury wheel cards with names that correspond to those on a jury list from which the impaneled jurors were selected for jury service.

(b) On opening the envelope, the clerk or his deputy shall immediately return to the jury wheel each card in the envelope with the name of a person who was not impaneled or who did not serve at least four days and shall place in a box, for use by the next officials selecting names of persons for the jury wheel, each jury wheel card in the envelope with the name of a person who served at least four days. However, the clerk or deputy opening the envelope may withhold from the jury wheel all cards selected for that jury list unless the judge orders him to return the cards to the jury wheel.

(c) If any of the jury lists drawn for a term of court are not used, the clerk or his deputy, immediately after the expiration of the term, shall open the envelopes containing the jury wheel cards with the names that appear on the unused lists and return the jury wheel cards to the jury wheel. (V.A.C.S. Art. 2099 (part).)

Sec. 62.010. **REFILLING OR REPLACEMENT OF JURY WHEEL.** (a) If all the jury wheel cards have been drawn from the jury wheel, jury wheel cards shall immediately be returned to the jury wheel.

(b) If the jury wheel and its contents are lost or destroyed, the jury wheel shall immediately be replaced and jury wheel cards shall immediately be placed in the jury wheel as provided by this subchapter. (V.A.C.S. Art. 2100.)

Sec. 62.011. **ELECTRONIC OR MECHANICAL METHOD OF SELECTION.** (a) On the recommendation of a majority of the district and criminal district judges of a county, the commissioners court, by order entered in its minutes, may adopt a plan for the selection of names of persons for jury service with the aid of electronic or mechanical equipment instead of drawing the names from a jury wheel.

(b) A plan authorized by this section for the selection of names of prospective jurors must:

(1) be proposed in writing to the commissioners court by a majority of the district and criminal district judges of the county at a meeting of the judges called for that purpose;

(2) specify that the source of names of persons for jury service is the current voter registration lists from all the precincts in the county, except that the names of persons listed in a register of persons exempt from jury service may not be used in preparing the record of names from which a jury list is selected, as provided by Sections 62.108 and 62.109;

(3) provide a fair, impartial, and objective method of selecting names of persons for jury service with the aid of electronic or mechanical equipment;

(4) designate the district clerk as the officer in charge of the selection process and define his duties;

(5) specify that a true and complete written list of the names and addresses of persons summoned to begin jury service on a particular date shall be filed of record with the county clerk at least 10 days before that date; and

(6) provide that the method of selection either will use the same record of names for the selection of persons for jury service until that record is exhausted or will use the same record of names for a period of time specified by the plan.

(c) The provisions of this subchapter relating to the selection of names of persons for jury service by the use of a jury wheel do not apply in a county that adopts a plan authorized by this section for the selection of names of prospective jurors by the use of electronic or mechanical equipment. (V.A.C.S. Art. 2100a.)

Sec. 62.012. **USE OF JURY LISTS.** (a) When a county or district judge requires a jury for a particular week, the judge, within a reasonable time before the prospective jurors are summoned, shall notify the county or district clerk, as the case may be, to open the next consecutively numbered envelope containing a jury list that is in the clerk's possession and has not been opened. The judge shall also notify the clerk of the date that the prospective jurors are to be summoned to appear for jury service.

(b) On receiving the notice from the judge, the clerk shall immediately write on the jury list the date that the prospective jurors are to be summoned to appear and shall deliver the jury list to the sheriff. (V.A.C.S. Art. 2117 (part).)

Sec. 62.013. **SUMMONS FOR JURY SERVICE BY SHERIFFS.** (a) Except as provided by Section 62.014, the sheriff, on receipt of a jury list from a county or district clerk, shall immediately notify the persons whose names are on the list to appear for jury service on the date designated by the judge.

(b) The sheriff shall notify each prospective juror to appear for jury service:

(1) by an oral summons; or

(2) if the judge ordering the summons so directs, by a written summons sent by registered mail or certified mail, return receipt requested, or by first class mail to the address on the jury wheel card or the address on the current voter registration list of the county.

(c) Delivery of a written summons is sufficient if the mail containing the summons is received by a person authorized by the United States Postal Service to receive it.

(d) The content of an oral or written summons to appear for jury service is sufficient if it includes the time and place for the appearance of the prospective juror for jury service, the purpose for which he is to appear, and the penalty for his failure to appear as required. (V.A.C.S. Arts. 2116d, 2117 (part).)

Sec. 62.014. **SUMMONS FOR JURY SERVICE BY BAILIFFS.** (a) In a county with at least nine district courts, the district judges may direct that prospective jurors be summoned for

jury service by the sheriff or by a bailiff, or an assistant or deputy bailiff, in charge of the central jury room and the general panel of the county.

(b) A summons under this section to appear for jury service may be made verbally in person, by registered mail, by ordinary mail, or by any other method as determined by the district judges of the county.

(c) Prospective jurors summoned under this section for service on the general jury panel serve as jurors in civil and criminal cases, and additional summons for service in criminal cases is not required. (V.A.C.S. Art. 2292e, Sec. 2.)

Sec. 62.015. SELECTION OF JURY PANEL. (a) On the day that jurors appear for jury service in a county or district court, the judge, if jury trials have been set, shall select from the names on the jury lists a sufficient number of qualified jurors to serve on the jury panel.

(b) If the court at any time does not have a sufficient number of prospective jurors present whose names are on the jury lists and who are not excused by the judge from jury service, the judge shall order the sheriff to summon additional prospective jurors to provide the requisite number of jurors for the panel. The names of additional jurors to be summoned by the sheriff to fill a jury panel shall be drawn from the jury wheel under orders of the judge. Additional jurors summoned to fill a jury panel shall be discharged when their services are no longer required.

(c) The judge may order all or part of a panel of jurors to stand adjourned from jury service until a subsequent date in the term, but a juror may not be paid for the time that he stands adjourned from jury service. (V.A.C.S. Art. 2118.)

Sec. 62.016. INTERCHANGEABLE JURIES IN CERTAIN COUNTIES. (a) In each county with at least three district or criminal district courts, the district judges shall meet and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in the county court and all district and statutory county courts of the county. A majority of the district judges may act to carry out the provisions of this section.

(b) The district judges shall order that the number of names of prospective jurors that they determine are reasonably necessary for each week's general panel be drawn from the jury wheel. They shall order the drawing of names of prospective jurors for as many weeks in advance as they consider proper and may increase or decrease the number of names drawn for any week.

(c) The district judges shall designate from time to time a judge to whom the general panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the general jury panel.

(d) The sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

(e) When impaneled, the prospective jurors constitute a general jury panel for service as jurors in all county and district courts in the county and shall be used interchangeably in all of those courts.

(f) In the event of a deficiency of jurors to satisfy the jury requirements of the county and district courts, the judge having control of the general jury panel shall order a sufficient number of additional names drawn to meet the emergency. The names of additional jurors for the general panel must be drawn from the jury wheel except as provided by Section 62.011. The additional jurors act only as special jurors and shall be discharged as soon as their services are no longer required.

(g) If it becomes necessary to reduce the number of persons on the general panel for the week of its selection because of a lack of work in a court or for other cause, the judge having control of the general jury panel shall cause the clerk to draw from the general panel the number of names that the judge determines is required for the week. The prospective jurors whose names are drawn shall continue to serve on the general panel for the remainder of the week, and the others are excused.

(h) In a county with a population of more than 900,000, the district judges, by a majority vote, may authorize the drawing of two general jury panels for the week, with one to be used in the courts that have a criminal docket and the other to be used in the courts that have a civil docket.

(i) Except as modified by this section and Section 62.011, the law governing jury wheels applies in the counties that use general jury panels interchangeably in their county and district courts.

(j) This section does not apply to a selection of jurors in a capital case or a mental health commitment. (V.A.C.S. Arts. 2101 (part), 2103.)

Sec. 62.017. INTERCHANGEABLE JURORS IN CERTAIN OTHER COUNTIES. (a) In a county with two district courts, the judges of the two courts may meet at a time

fixed by them and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in both district courts. The judges shall act together to carry out the provisions of this section.

(b) The district judges may order that the number of names of prospective jurors that they determine is reasonably necessary for each week's general panel be drawn from the jury wheel. They may order the drawing of names of prospective jurors for as many weeks in advance as they consider proper and may increase or decrease the number of names drawn for any week.

(c) The district judges shall designate from time to time the judge to whom the general panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the general jury panel.

(d) The sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

(e) When impeached, the prospective jurors constitute a general jury panel for service as jurors in both district courts in the county and shall be used interchangeably in those courts. With the approval of both district judges, prospective jurors impeached under this section may constitute a general jury panel for service as jurors in the county court and all statutory county courts in the county, in addition to service as jurors in both district courts, and in that event, shall be used interchangeably in all district and county courts.

(f) In the event of a deficiency of jurors to satisfy the jury requirements of any of the courts, the judge having control of the general jury panel shall order sufficient additional names drawn to meet the emergency. The names of additional jurors for the general panel must be drawn from the jury wheel except as provided by Section 62.011. The additional jurors act only as special jurors and shall be discharged as soon as their services are no longer required.

(g) If it becomes necessary to reduce the number of persons on the general panel for the week of its selection because of a lack of work in a court or for other cause, the judge having control of the general jury panel shall cause the clerk to draw from the general panel the number of names that the judge determines is required for the week. The prospective jurors whose names are drawn shall continue to serve on the general panel for the remainder of the week, and the others are excused.

(h) Except as modified by this section and Section 62.011, the law governing jury wheels applies in the counties that use general jury panels interchangeably in their courts.

(i) This section does not apply to a selection of jurors in a capital case or a mental health commitment.

(j) The method for interchangeable jury panels authorized by this section is in addition to the other methods authorized by this subchapter. The adoption of the method provided by this section is in the discretion of the district judges of the counties with two district courts. (V.A.C.S. Arts. 2101 (part), 2103.)

Sec. 62.018. **QUARTERS FOR GENERAL PANELS.** (a) The commissioners court of a county that uses an interchangeable general jury panel shall provide a comfortable place in or near the county courthouse for the use and convenience of the persons on the panel.

(b) The persons on the panel shall stay in or conveniently near the place provided for them when not in service so that they are at all times subject to service in a court as provided by this subchapter without delaying the proceedings of the court. (V.A.C.S. Art. 2102 (part).)

Sec. 62.019. **BAILIFFS FOR GENERAL PANELS.** (a) Except as provided by this section, the sheriff of a county that uses an interchangeable general jury panel shall assign one of his deputies to take care of the persons on the panel, provide for their wants, and call them as their services are required by the judges of the courts using the interchangeable jury panel. The assigned deputy has general control of the persons on the panel when they are not in actual service as jurors.

(b) In a county with at least nine district courts, a majority of the district judges, with the approval of the commissioners court, may appoint a bailiff, and the assistant or deputy bailiffs that the judges consider necessary, to be in charge of the central jury room and the general panel. If the district judges in such a county appoint a bailiff and the necessary assistant or deputy bailiffs, the sheriff may not assign a deputy to the central jury room and the general panel. If the district judges do not appoint a bailiff to be in charge of the central jury room and the general panel, the sheriff shall perform the duties in connection with the jury room and general panel as provided by law.

(c) A bailiff or assistant or deputy bailiff appointed by the district judges serves a two-year term beginning January 1 of each odd-numbered year. The salary of each is set by the commissioners court on the recommendation of the district judges.

(d) The bailiffs and assistant and deputy bailiffs appointed by the district judges shall take care of the general panel and perform the duties in connection with the supervision of the central

jury room and the general panel that are required by the district judges. They may notify prospective jurors whose names are drawn from the jury wheel or selected by other means provided by law to appear for jury service and may serve notices on absent jurors as directed by the district judge having control of the general jury panel. (V.A.C.S. Art. 2102 (part); Art. 2292e, Sec. 1.)

Sec. 62.020. **ALTERNATE JURORS.** (a) In district court, the judge may direct that not more than four jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

(b) In county court, the judge may direct that not more than two jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

(c) Alternate jurors shall be drawn and selected in the same manner as regular jurors. An alternate juror must meet the same qualifications, is subject to the same examination and challenges, shall take the same oath, has the same functions, powers, and privileges, and shall be accorded the same facilities and security as a regular juror.

(d) In the order in which they are called, alternate jurors shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict.

(e) Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law or by rule if one or two alternate jurors are to be impaneled. Each side is entitled to two peremptory challenges in addition to those otherwise allowed by law or by rule if three or four alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law or by rule may not be used against an alternate juror. (V.A.C.S. Art. 2191a.)

Sec. 62.021. **DISMISSAL OF JUROR REMOVED FROM PANEL.** In a county with a population of 1,100,000 or more, a prospective juror removed from a jury panel for cause, by peremptory challenge or for any other reason, must be dismissed from jury service. After dismissal, the person may not be placed on another jury panel until his name is returned to the jury wheel and drawn again for jury service. (V.A.C.S. Art. 2094a.)

[Sections 62.022-62.100 reserved for expansion]

## SUBCHAPTER B. JUROR QUALIFICATIONS

Sec. 62.101. **JURY SERVICE.** All individuals are competent petit jurors unless disqualified under this subchapter and are liable for jury service except as otherwise provided by this subchapter. (V.A.C.S. Arts. 2133 (part), 2135 (part).)

Sec. 62.102. **GENERAL QUALIFICATIONS FOR JURY SERVICE.** A person is disqualified to serve as a petit juror unless he:

- (1) is at least 18 years of age;
- (2) is a citizen of this state and of the county in which he is to serve as a juror;
- (3) is qualified under the constitution and laws to vote in the county in which he is to serve as a juror;
- (4) is of sound mind and good moral character;
- (5) is able to read and write;
- (6) has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
- (7) has not been convicted of a felony; and
- (8) is not under indictment or other legal accusation of misdemeanor or felony theft or any other felony. (V.A.C.S. Art. 2133 (part).)

Sec. 62.103. **SUSPENSION OF GENERAL QUALIFICATIONS.** (a) A court may suspend the qualification for jury service that requires a person to be able to read and write if it appears to the court that the requisite number of jurors able to read and write cannot be found in the county.

(b) A court may suspend the qualification for jury service that requires a person to have less than six days of service as a petit juror during the preceding three months in the county court or during the preceding six months in the district court if it appears to the court that the county's sparse population makes its enforcement seriously inconvenient. (V.A.C.S. Art. 2133 (part).)

Sec. 62.104. **DISQUALIFICATION FOR LEGAL BLINDNESS.** (a) A person who is legally blind is not disqualified to serve as a juror in a civil case solely because of his legal blindness except as provided by this section.

(b) A legally blind person is disqualified to serve as a juror in a civil case if, in the opinion of the court, his blindness renders him unfit to serve as a juror in that particular case.

(c) In this section, "legally blind" means having:

- (1) no more than 20/200 of visual acuity in the better eye with correcting lenses; or
- (2) visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. (V.A.C.S. Art. 2133 (part).)

Sec. 62.105. **DISQUALIFICATION FOR PARTICULAR JURY.** A person is disqualified to serve as a petit juror in a particular case if he:

- (1) is a witness in the case;
- (2) is interested, directly or indirectly, in the subject matter of the case;
- (3) is related by consanguinity or affinity within the third degree to a party in the case;
- (4) has a prejudice in favor of or against a party in the case; or
- (5) has served as a petit juror in a former trial of the same case or in another case involving the same questions of fact. (V.A.C.S. Art. 2134.)

Sec. 62.106. **EXEMPTION FROM JURY SERVICE.** A person qualified to serve as a petit juror may establish an exemption from jury service if he:

- (1) is over 65 years of age;
- (2) has legal custody of a child or children younger than 10 years of age and his service on the jury requires leaving the child or children without adequate supervision;
- (3) is a student of a public or private secondary school; or
- (4) is a person enrolled and in actual attendance at an institution of higher education. (V.A.C.S. Art. 2135.)

Sec. 62.107. **PROCEDURES FOR ESTABLISHING EXEMPTIONS.** (a) A person who is notified to appear for jury service may establish an exemption from the service under Section 62.106 without appearing in person by filing a signed statement of the ground of his exemption with the clerk of the court before the date on which he is summoned to appear.

(b) A person may also claim an exemption from jury service under Section 62.106 by filing with the sheriff, tax assessor-collector, or district or county clerk of the county of his residence a sworn statement that sets forth the ground of and claims the exemption. The name of a person who claims his exemption by filing the sworn statement may not be placed in the jury wheel for the ensuing year.

(c) A person who files a statement with a clerk of the court, as provided by Subsection (a), claiming an exemption because he is over 65 years of age, may also claim the permanent exemption on that ground authorized by Section 62.108 by including in the statement filed with the clerk a declaration that he desires the permanent exemption. Promptly after a statement claiming a permanent exemption on the basis of age is filed, the clerk of the court with whom it is filed shall have a copy delivered to the county tax assessor-collector. (V.A.C.S. Arts. 2137, 2137a, Sec. 3.)

Sec. 62.108. **PERMANENT EXEMPTION FOR ELDERLY.** (a) A person who is entitled to exemption from jury service because he is over 65 years of age may establish a permanent exemption on that ground as provided by this section or Section 62.107.

(b) A person may claim a permanent exemption:

- (1) by filing with the county tax assessor-collector, by mail or personal delivery, a signed statement affirming that he is over 65 years of age and desires a permanent exemption on that ground; or
- (2) in the manner provided by Section 62.107(c).

(c) The county tax assessor-collector shall maintain a current register indicating the name of each person who has claimed and is entitled to a permanent exemption from jury service because he is over 65 years of age.

(d) The name of a person on the register of persons permanently exempt from jury service may not be placed in the jury wheel or otherwise used in preparing the record of names from which a jury is selected.

(e) A person who has claimed a permanent exemption from jury service because he is over 65 years of age may rescind the exemption at any time by filing a signed request for the rescission with the county tax assessor-collector. Rescission of a permanent exemption does not affect the person's right to claim permanent exemption at a later time. (V.A.C.S. Art. 2137a, Secs. 1, 2, 4, 5, 6.)

Sec. 62.109. **EXEMPTION FOR PHYSICAL OR MENTAL IMPAIRMENT OR INABILITY TO COMPREHEND ENGLISH.** (a) The judge of a district court by order may permanently or for a specified period exempt from service as a juror in all the county and district courts in the county a person with a physical or mental impairment or with an inability to comprehend or communicate in the English language that makes it impossible or very difficult for the person to serve on a jury.

(b) A person requesting an exemption under this section must submit to the court an affidavit stating the person's name and address and the reason for and the duration of the requested exemption. A person requesting an exemption due to a physical or mental impairment must attach to the affidavit a statement from a physician. The affidavit and physician's statement may be submitted to the court at the time the person is summoned for jury service or at any other time.

(c) The clerk of the district court shall promptly notify the county tax assessor-collector of the name and address of each person exempted and state whether the exemption is permanent or for a specified period. The tax assessor-collector shall maintain a current register showing separately the name and address of each person permanently exempt from jury service under this section and the name and address of each person exempt from jury service under this section for a specified period.

(d) A person listed on the register may not be summoned for jury service during the period for which the person is exempt. The name of a person listed on the register may not be placed in the jury wheel or otherwise used in preparing the record of names from which a jury list is selected during the period for which the person is exempt.

(e) A person exempt from jury service under this section may rescind the exemption at any time by filing a signed request for the rescission with the county tax assessor-collector.

(f) An affidavit accompanying a request for an exemption from jury service because of a physical or mental impairment may be presented by the affiant or by a friend or relative of the affiant. The affidavit must state:

- (1) the name and address of the physician whose statement accompanies the affidavit;
- (2) whether the request is for a permanent or temporary exemption;
- (3) the period of time for which a temporary exemption is requested; and
- (4) that as a direct result of the physical or mental impairment it is impossible or very difficult for the affiant to serve on a jury.

(g) An affidavit accompanying a request for an exemption from jury service because of an inability to comprehend or communicate in the English language must be presented by the affiant in person. The affidavit must:

- (1) be sworn to by the affiant in person before the district clerk or a deputy district clerk; and
- (2) be subscribed with a statement by a third party that the affidavit was read to the affiant before signing and that the affiant stated that it was his request to be permanently exempted from jury service in the county.

(h) The name and address of a person exempted from jury service under this section shall be added to or deleted from the list or register at any time permitted by law and when the names and addresses of eligible jurors are regularly deleted or added to the list or register. (V.A.C.S. Art. 2120a.)

Sec. 62.110. JUDICIAL EXCUSE OF JURORS. (a) Except as provided by this section, a court may hear any reasonable sworn excuse of a prospective juror and release him from jury service entirely or until another day of the term.

(b) The court may not excuse a prospective juror for an economic reason unless each party of record is present and approves the release of the juror for that reason. (V.A.C.S. Art. 2120.)

Sec. 62.111. PENALTY FOR DEFAULTING JURORS. A juror lawfully notified shall be fined not less than \$10 nor more than \$100 if he:

- (1) fails to attend court in obedience to the notice without reasonable excuse; or
- (2) files a false claim of exemption from jury service. (V.A.C.S. Art. 2121.)

[Sections 62.112-62.200 reserved for expansion]

### SUBCHAPTER C. DISTRICT COURT JURIES

Sec. 62.201. NUMBER OF JURORS. The jury in a district court is composed of 12 persons, except that the parties may agree to try a particular case with fewer than 12 jurors. (V.A.C.S. Art. 2191 (part).)

Sec. 62.202. MEALS DURING JURY DELIBERATION. (a) In a county in which the commissioners court has approved payment by the county for meals for jurors who are serving on a jury in a civil case, a district judge may keep the jurors together for deliberation to expedite the final disposition of a civil case in the district court instead of dismissing the jurors for meals.

(b) The district judge may draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. Not more than \$3 per meal may be spent for a juror serving on a jury in a civil case. (V.A.C.S. Art. 2194a.)



[Sections 62.203-62.300 reserved for expansion]

### SUBCHAPTER D. COUNTY COURT JURIES

Sec. 62.301. NUMBER OF JURORS. The jury in the county courts is composed of six persons. (V.A.C.S. Art. 2191 (part).)

Sec. 62.302. DRAWING NAMES FOR JURY SERVICE IN CERTAIN COUNTY COURTS. (a) The county judge or a judge of a county court at law in a county with at least two county courts at law may order the drawing of names from the jury wheel if the judge considers the number of prospective jurors already drawn to be insufficient or if an interchangeable general jury panel is not drawn as provided by Sections 62.016 and 62.017.

(b) The prospective jurors whose names are drawn as provided by this section are available for service in the county court and county courts at law and for the period of time reasonably required for the trials in those courts.

(c) The county judge and a judge of a county court at law concurrently have the same power to determine and remedy a deficiency in the number of prospective jurors as the district judge designated to control a general jury panel as provided by Section 62.016(f). Except as otherwise provided by this section, the applicable general provisions in Subchapter A that govern the drawing of names of prospective jurors by the district judge govern the drawing of names under this section. (V.A.C.S. Art. 2103a.)

[Sections 62.303-62.400 reserved for expansion]

### SUBCHAPTER E. JUSTICE COURT JURIES

Sec. 62.401. NEED FOR JURORS IN JUSTICE COURT. (a) If jury cases are pending for trial at a term of justice court, the justice of the peace shall order the sheriff or constable to summon for jury service the number of persons qualified to serve as jurors that the justice considers necessary.

(b) The justice shall name a time and place for the appearance before him of the persons summoned for jury service. (V.A.C.S. Art. 2413 (part).)

Sec. 62.402. OFFICER'S OATH. On delivering the order to summon a required number of persons for jury service, the justice of the peace shall administer to the officer the following oath:

"You do solemnly swear that you will, to the best of your skill and ability, and without bias or favor toward a party in a case, summon the number of persons ordered by the court; that you will summon only impartial, sensible, and sober persons who are qualified under the law to serve as petit jurors; that you will not, directly or indirectly, converse or communicate with a juror about a case pending for trial; and that you will not, by any means, attempt to influence, advise, or control a juror in his opinion in a case that may be tried by a jury on which he serves; so help you God." (V.A.C.S. Art. 2413 (part).)

Sec. 62.403. SUMMONS FOR JURY SERVICE. (a) The officer shall immediately summon the required number of persons to appear for jury service as ordered by the justice of the peace.

(b) The summons must notify the person that he is required to appear for jury service before the justice at the specified time and place. The officer shall orally deliver the summons to the person. (V.A.C.S. Art. 2414.)

Sec. 62.404. EXCUSE FROM JURY SERVICE. (a) At the time fixed by the justice of the peace for taking up jury cases, the justice shall call the names of persons summoned for jury service.

(b) The justice may hear any reasonable sworn excuse of a person summoned for jury service and may excuse the person from jury service for a particular case or for one or more days of the term. (V.A.C.S. Arts. 2415, 2416.)

Sec. 62.405. PENALTY FOR DEFAULTING JURORS. (a) If a person summoned for jury service in a justice court fails or refuses to appear as ordered, the justice of the peace shall enter a fine nisi against the person of not more than \$5.

(b) The fine is for the use of the county and becomes final, with costs, unless the person, after being cited to do so, shows a good and sufficient excuse for his failure or refusal. (V.A.C.S. Art. 2417.)

Sec. 62.406. ADDITIONAL JURORS. The justice of the peace shall order the sheriff or constable to summon a sufficient number of additional persons qualified to serve as jurors if he considers it necessary or if the number of persons present and not excused is less than six. (V.A.C.S. Art. 2418.)

[Sections 62.407-62.500 reserved for expansion]

**SUBCHAPTER F. MUNICIPAL COURT JURIES**

Sec. 62.501. **QUALIFICATION.** To be eligible to serve on a jury of a municipal court, including a municipal court of record, a person must be resident of the municipality for which the court is established. (V.A.C.S. Art. 1200h.)

[Chapters 63-70 reserved for expansion]

**SUBTITLE F. COURT ADMINISTRATION**

**CHAPTER 71. TEXAS JUDICIAL COUNCIL**

**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 71.001. **DEFINITIONS**

Sec. 71.002. **SUNSET PROVISION**

[Sections 71.003-71.010 reserved for expansion]

**SUBCHAPTER B. ADMINISTRATIVE PROVISIONS**

Sec. 71.011. **NUMBER AND CLASSES OF MEMBERS**

Sec. 71.012. **EX OFFICIO MEMBERS**

Sec. 71.013. **TERMS OF EX OFFICIO MEMBERS; DELEGATION OF FUNCTIONS**

Sec. 71.014. **CITIZEN MEMBERS**

Sec. 71.015. **TERMS OF CITIZEN MEMBERS**

Sec. 71.016. **MEETINGS**

Sec. 71.017. **QUORUM**

Sec. 71.018. **OFFICERS; COMMITTEES**

Sec. 71.019. **RULES**

Sec. 71.020. **EXPENSES**

[Sections 71.021-71.030 reserved for expansion]

**SUBCHAPTER C. POWERS AND DUTIES**

Sec. 71.031. **CONTINUOUS STUDY**

Sec. 71.032. **RECEIPT OF ADVICE ON REMEDIES**

Sec. 71.033. **METHODS FOR IMPROVEMENT**

Sec. 71.034. **REPORTS; INVESTIGATIONS**

Sec. 71.035. **STATISTICS; ENFORCEMENT BY MANDAMUS**

Sec. 71.036. **PUBLIC HEARINGS**

**CHAPTER 71. TEXAS JUDICIAL COUNCIL**

**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 71.001. **DEFINITIONS.** In this chapter:

(1) "Council" means the Texas Judicial Council.

(2) "President" means the president of the council. (New.)

Sec. 71.002. **SUNSET PROVISION.** The council is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this chapter expires effective September 1, 1987. (V.A.C.S. Art. 2328a, Sec. 1a.)

[Sections 71.003-71.010 reserved for expansion]

**SUBCHAPTER B. ADMINISTRATIVE PROVISIONS**

Sec. 71.011. **NUMBER AND CLASSES OF MEMBERS.** The Texas Judicial Council is an agency of the state composed of 10 ex officio and nine appointive members. (V.A.C.S. Art. 2328a, Secs. 1 (part), 2.)

Sec. 71.012. EX OFFICIO MEMBERS. (a) The ex officio members are:

- (1) the chief justice of the supreme court;
- (2) the presiding judge of the court of criminal appeals;
- (3) the chairman of the Senate Jurisprudence Committee;
- (4) the immediate past chairman of the Senate Jurisprudence Committee;
- (5) the chairman of the House Judiciary Committee;
- (6) the immediate past chairman of the House Judiciary Committee;
- (7) two justices of the courts of appeals designated by the governor; and
- (8) two presiding judges of the administrative judicial districts designated by the governor.

(b) If the chairman of the Senate Jurisprudence Committee or House Judiciary Committee is reappointed as chairman, his immediate predecessor shall continue to serve on the council as immediate past chairman.

(c) The justices and judges to be named by the governor under Subsection (a) may be either active justices and judges or retired justices and judges of the same grade who are legally eligible for assignment to part-time judicial duties.

(d) Ex officio members have the same powers and duties under this chapter as the citizen members of the council. (V.A.C.S. Art. 2328a, Secs. 3(a) (part), (c), (d) (part), (e).)

Sec. 71.013. TERMS OF EX OFFICIO MEMBERS; DELEGATION OF FUNCTIONS. (a) The chief justice of the supreme court and the presiding judge of the court of criminal appeals are members of the council as long as they hold those offices.

(b) Justices of the courts of appeals and presiding judges of the administrative judicial districts are members of the council for staggered terms of four years with one justice's and one judge's term expiring on February 1 of each odd-numbered year.

(c) A legislative member whose membership in the legislature ceases continues as a member of the council for his full term on the council. If a legislative membership is vacant, the presiding officer of the appropriate house of the legislature shall name a person to fill the vacancy for the unexpired term.

(d) A vacancy in a judicial membership must be filled for the unexpired term in the same manner as the original appointment.

(e) A judicial or legislative member of the council serves until his successor is chosen and has qualified.

(f) The chief justice of the supreme court and the presiding judge of the court of criminal appeals may each designate a member of his court to act in his stead under this chapter. The designated person serves at the will of the official who chose him for service. (V.A.C.S. Art. 2328a, Secs. 3(a) (part), (b), (d) (part), 4 (part).)

Sec. 71.014. CITIZEN MEMBERS. (a) The governor shall appoint the nine citizen members on the council.

(b) A citizen member must be a resident citizen of the state. Seven of the nine citizen members must be members of the State Bar of Texas and two must be persons who are not licensed to practice law, including at least one who is by profession a journalist. (V.A.C.S. Art. 2328a, Sec. 4 (part).)

Sec. 71.015. TERMS OF CITIZEN MEMBERS. (a) Citizen members serve for staggered terms of six years with three members' terms expiring on June 30 of each odd-numbered year.

(b) A vacancy in citizen membership is filled for the unexpired term by appointment by the governor.

(c) A citizen member serves on the council until his successor is appointed and has qualified. (V.A.C.S. Art. 2328a, Sec. 4 (part).)

Sec. 71.016. MEETINGS. (a) The council shall meet at least once in each calendar year and may meet at other times as ordered by the council or under its authority.

(b) The council may meet at a place and time designated by it or under its authority. (V.A.C.S. Art. 2328a, Sec. 5 (part).)

Sec. 71.017. QUORUM. Five members of the council constitute a quorum. (V.A.C.S. Art. 2328a, Sec. 4 (part).)

Sec. 71.018. OFFICERS; COMMITTEES. (a) The council may elect members to serve as president and as the other officers of the council that it considers advisable. It may elect a secretary who is not a member.

(b) The council may prescribe the duties of an officer of the council.

(c) The council may appoint committees from its membership. It may prescribe the duties of and delegate powers under this chapter to a committee except as otherwise limited by this chapter.

(d) The president may appoint committees for the duration of his presidency that he considers necessary for the organization of the council. (V.A.C.S. Art. 2328a, Sec. 6 (part).)

Sec. 71.019. RULES. The council may adopt rules expedient for the administration of its functions. (V.A.C.S. Art. 2328a, Sec. 6 (part).)

Sec. 71.020. EXPENSES. (a) A member of the council may not receive compensation for service on the council.

(b) A member is entitled to reimbursement for actual and necessary expenses incurred in performing the duties of the council and approved for payment as provided by this section.

(c) The council, its officers, and its committees are entitled to reimbursement for the actual and necessary clerical expenses incurred in performing functions under this chapter and approved for payment as provided by this section.

(d) Before any expenses incurred by the council, its members or officers, or its committees may be paid, the president of the council or the vice-president, if authorized by the president in writing to do so, must approve a verified and itemized account of the expenses. (V.A.C.S. Art. 2328a, Sec. 7.)

[Sections 71.021-71.030 reserved for expansion]

### SUBCHAPTER C. POWERS AND DUTIES

Sec. 71.031. CONTINUOUS STUDY. The council continuously shall study the organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement. (V.A.C.S. Art. 2328a, Secs. 1 (part), 5 (part).)

Sec. 71.032. RECEIPT OF ADVICE ON REMEDIES. The council shall receive and consider advice from judges, public officials, members of the bar, and citizens concerning remedies for faults in the administration of justice. (V.A.C.S. Art. 2328a, Sec. 5 (part).)

Sec. 71.033. METHODS FOR IMPROVEMENT. The council shall design methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice. (V.A.C.S. Art. 2328a, Sec. 5 (part).)

Sec. 71.034. REPORTS; INVESTIGATIONS. (a) The council shall file a complete detailed report with the governor and the supreme court before December 2 of each year on council activities, information from the council's study, and council recommendations.

(b) The council may file a supplemental report on council activities, findings, or recommendations at a time it considers advisable.

(c) The council shall investigate and report on a matter concerning the administration of justice that the supreme court or the legislature refers to the council.

(d) The yearly or supplemental reports of the council are public information and may be given to the press when filed. (V.A.C.S. Art. 2328a, Secs. 1 (part), 5 (part).)

Sec. 71.035. STATISTICS; ENFORCEMENT BY MANDAMUS. (a) The council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state.

(b) The council may require a state justice, judge, clerk, or other court official, as an official duty, to comply with reasonable requirements for supplying statistics pertaining to the amount and character of the civil and criminal business transacted by the court or other information on the conduct, operation, or business of his court or the office of the clerk of his court that is within the scope of the functions of the council. If the official does not supply the information within a reasonable time after the request, he is presumed to have wilfully refused the request. The council may prescribe procedures and forms for supplying the statistics and other information.

(c) The duty provided by this section to supply information may be enforced by writ of mandamus in:

(1) the district court of the county of residence of the respondent if the petition for mandamus is filed against a district clerk or a clerk, judge, or other official of a trial court other than a district court;

(2) the court of appeals for the supreme judicial district in which the respondent resides if the petition for mandamus is filed against a district judge or a clerk of a court of appeals; or

(3) the supreme court in any other case.

(d) Except as provided by this subsection, the attorney general shall file and prosecute an action for mandamus on behalf of the council if requested to do so in writing by the council. To be valid, the written request must be signed by the president or by at least five members of the council. The attorney general may refuse to file an action if he certifies in writing that the action is without merit. (V.A.C.S. Art. 2328a, Secs. 5 (part), 6 (part).)

Sec. 71.036. PUBLIC HEARINGS. (a) The council may appoint a committee of at least three members to hold a public hearing.

(b) The committee may:

- (1) order the production of books or other documents;
- (2) require a report from a state court, including a court that is not a court of record;
- (3) administer oaths; or
- (4) take testimony.

(c) An officer of the council, either prior to or while sitting at a hearing, or a member of the council sitting at a hearing may issue a subpoena or similar order to a prospective witness under his official signature.

(d) The subpoena or similar order may be served by registered or certified mail or by an adult person.

(e) If a witness fails to comply with a subpoena or similar order issued as provided by this section, the council or its committee holding the hearing may request in writing that a district judge of the county of residence of the witness enforce its subpoena or similar order. When requested to enforce a subpoena or order as provided by this section, the district judge shall order compliance with the council's order by the same means that the judge may compel the appearance and testimony of witnesses in a trial in his own court. (V.A.C.S. Art. 2328a, Sec. 6 (part).)

**CHAPTER 72. OFFICE OF COURT ADMINISTRATION**  
**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 72.001. DEFINITIONS

Sec. 72.002. EFFECT ON JURISDICTION OR JUDICIAL DISCRETION

[Sections 72.003-72.010 reserved for expansion]

**SUBCHAPTER B. ADMINISTRATIVE PROVISIONS**

Sec. 72.011. OFFICE OF COURT ADMINISTRATION

Sec. 72.012. DIRECTOR

[Sections 72.013-72.020 reserved for expansion]

**SUBCHAPTER C. POWERS AND DUTIES**

Sec. 72.021. BUDGET; EXPENDITURES

Sec. 72.022. PERSONNEL

Sec. 72.023. CONSULTATION AND ASSISTANCE

Sec. 72.024. METHODS; RECOMMENDATIONS

Sec. 72.025. ANNUAL REPORT

Sec. 72.026. RULES

Sec. 72.027. ADDITIONAL DUTIES

**CHAPTER 72. OFFICE OF COURT ADMINISTRATION**  
**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 72.001. DEFINITIONS. In this chapter:

- (1) "Court" means any tribunal forming a part of the judiciary.
- (2) "Director" means the administrative director of the courts appointed as provided by this chapter.
- (3) "Office" means the Office of Court Administration of the Texas Judicial System.
- (4) "Trial court" means any tribunal forming a part of the judiciary, except the supreme court, the court of criminal appeals, and the courts of appeals. (V.A.C.S. Art. 2328b, Secs. 1, 4(a) (part).)

Sec. 72.002. EFFECT ON JURISDICTION OR JUDICIAL DISCRETION. This chapter or a rule adopted under this chapter does not authorize:

- (1) a judge to act in a case of which his court would not have potential jurisdiction under the Texas Constitution or other state law; or
- (2) an infringement of the judicial discretion of a judge in the trying of a case properly before his court. (V.A.C.S. Art. 2328b, Secs. 8, 9.)

[Sections 72.003-72.010 reserved for expansion]

### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 72.011. **OFFICE OF COURT ADMINISTRATION.** (a) *The office of court administration is an agency of the state and operates under the direction and supervision of the supreme court.*

(b) *The office shall exercise the powers and perform the duties or functions imposed on the office by this chapter or the supreme court. (V.A.C.S. Art. 2328b, Secs. 3(a), (b) (part).)*

Sec. 72.012. **DIRECTOR.** (a) *The supreme court shall appoint the administrative director of the courts.*

(b) *The director serves at the will of the supreme court and acts by authority of and under the direction of the chief justice of the supreme court.*

(c) *The director shall:*

(1) *implement this chapter and direct the operations of the office of court administration; and*

(2) *as an additional duty of his office, serve as the executive director of the Texas Judicial Council.*

(d) *The director shall devote full time to his official duties. (V.A.C.S. Art. 2328b, Secs. 4(a) (part), 4(b), 6 (part).)*

[Sections 72.013-72.020 reserved for expansion]

### SUBCHAPTER C. POWERS AND DUTIES

Sec. 72.021. **BUDGET; EXPENDITURES.** (a) *The director shall prepare and submit an estimated budget for the appropriation of funds necessary for the maintenance and operation of the judicial system.*

(b) *The director shall study and recommend expenditures of funds appropriated for the maintenance and operation of the judicial system. (V.A.C.S. Art. 2328b, Sec. 6 (part).)*

Sec. 72.022. **PERSONNEL.** (a) *The director, with the approval of the chief justice of the supreme court, shall employ the personnel needed to administer the office, including personnel needed for the Texas Judicial Council.*

(b) *The office shall provide staff functions necessary for the efficient operation of the Texas Judicial Council.*

(c) *This chapter does not limit the authority of a court to appoint clerical personnel. (V.A.C.S. Art. 2328b, Secs. 3(b) (part), 5, 7.)*

Sec. 72.023. **CONSULTATION AND ASSISTANCE.** (a) *The director shall assist the justices and judges in discharging their administrative duties.*

(b) *The director shall consult with the administrative judges and assist them in discharging duties imposed by law or by a rule adopted by the supreme court.*

(c) *The director, to provide for the efficient administration of justice, shall consult with and assist:*

(1) *court clerks;*

(2) *other court officers or employees; and*

(3) *clerks or other officers or employees of offices related to and serving a court.*

(d) *The director, to provide for uniform administration of the courts and efficient administration of justice, shall consult with and make recommendations to administrators and coordinators of the courts. (V.A.C.S. Art. 2328b, Sec. 6 (part).)*

Sec. 72.024. **METHODS; RECOMMENDATIONS.** (a) *The director shall examine the judicial dockets, practices, and procedures of the courts and the administrative and business methods or systems used in the office of a clerk of a court or in an office related to and serving a court.*

(b) *He shall recommend:*

(1) *a necessary improvement to a method or system;*

(2) *a form or other document used to record judicial business; or*

(3) *any other change that will promote the efficient administration of justice.*

(c) *The director shall recommend to the supreme court appropriate means to implement this chapter. (V.A.C.S. Art. 2328b, Sec. 6 (part).)*

Sec. 72.025. **ANNUAL REPORT.** (a) *The director shall prepare an annual report of the activities of the office.*

(b) *The report must be published in the annual report of the Texas Judicial Council. (V.A.C.S. Art. 2328b, Sec. 6 (part).)*

Sec. 72.026. RULES. (a) The supreme court shall adopt rules of administration for the efficient administration of justice in the state and as necessary for the enforcement of this chapter.

(b) The supreme court shall request the advice of the court of criminal appeals before adopting rules for the administration of criminal justice.

(c) The director, under the supervision of the chief justice, shall implement a rule of administration or other rules adopted by the supreme court for the efficient administration of justice. (V.A.C.S. Art. 2328b, Secs. 2, 6 (part).)

Sec. 72.027. ADDITIONAL DUTIES. The supreme court or the chief justice of the supreme court may assign the director a duty in addition to those imposed by this chapter. (V.A.C.S. Art. 2328b, Secs. 4(a) (part), 6 (part).)

CHAPTER 73. ADMINISTRATION OF COURTS OF APPEALS  
SUBCHAPTER A. TRANSFER OF CASES

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CHAPTER 73. ADMINISTRATION OF COURTS OF APPEALS  
SUBCHAPTER A. TRANSFER OF CASES

Sec. 73.001. AUTHORITY TO TRANSFER. The supreme court may order cases transferred from one court of appeals to another at any time that, in the opinion of the supreme court, there is good cause for the transfer. (V.A.C.S. Art. 1738 (part).)

Sec. 73.002. JURISDICTION WHEN TRANSFERRED. (a) The court of appeals to which a case is transferred has jurisdiction of the case without regard to the district in which the case originally was tried and to which it is returnable on appeal.

(b) The court to which a case is transferred shall deliver, enter, and render the opinions, orders, and decisions in a transferred case at the place where the court to which the case is transferred regularly sits as provided by law. (V.A.C.S. Art. 1738 (part).)

Sec. 73.003. ORAL ARGUMENT. (a) Except as provided by Subsection (b), the justices of the court of appeals to which a case is transferred shall hear oral argument, after due notice to the parties or their attorneys, at the place from which the case is originally transferred.

(b) If requested by all parties or their attorneys, the oral argument in a transferred case may be heard in the regular place of the court to which the case is transferred.

(c) The actual and necessary traveling and living expenses of the justices in hearing an oral argument at the place from which the case is transferred shall be paid by the state from funds appropriated for that purpose. (V.A.C.S. Art. 1738 (part).)

[Sections 73.004-73.010 reserved for expansion]

SUBCHAPTER B. ASSIGNMENT OF JUSTICES

Sec. 73.011. ACTIVE JUSTICE. The chief justice of the supreme court may temporarily assign a justice of a court of appeals to another court of appeals regardless of whether a vacancy exists in the court of appeals to which the justice is assigned. (V.A.C.S. Art. 1812(d) (part).)

Sec. 73.012. RETIRED JUSTICE OR JUDGE. The chief justice of the supreme court may assign a qualified retired justice or judge of the supreme court, of the court of criminal appeals, or of a court of appeals to a court of appeals for active service regardless of whether a vacancy exists in the court to which the justice or judge is assigned. (V.A.C.S. Art. 1812(d) (part).)

Sec. 73.013. STATE PAYMENT OF EXPENSES AND PER DIEM. (a) An active or retired justice or judge assigned as provided by this subchapter out of the county of his residence is entitled to receive the same expenses and per diem as those allowed a district judge assigned as provided by Chapter 74.

(b) The state shall pay the expenses and per diem on certificates of approval by the chief justice of the supreme court or the chief justice of the court of appeals to which the justice or judge is assigned.

(c) The compensation authorized by this section is in addition to all other compensation authorized by law. (V.A.C.S. Art. 1812(d) (part).)

Sec. 73.014. COUNTY PAYMENT OF SUPPLEMENTAL COMPENSATION TO ACTIVE JUSTICE. An active justice assigned out of the county of his residence as provided by this subchapter is entitled to receive, pro rata for the time serving on assignment, supplemental compensation from the county or counties paying supplemental compensation under Chapter 31 to an associate justice of the court of appeals to which the justice is assigned. (V.A.C.S. Art. 1812(d) (part).)

Sec. 73.015. STATE AND COUNTY PAYMENT TO RETIRED JUSTICE OR JUDGE. (a) A retired justice or judge assigned as provided by this subchapter is entitled to receive, pro rata for the time serving on assignment, from money appropriated from the general revenue fund for that purpose, an amount equal to the difference between the total amount of the justice's or judge's judicial retirement benefits and the salary paid by the state to an associate justice of a court of appeals.

(b) A retired justice or judge assigned as provided by this subchapter is entitled to receive, pro rata for the time serving on assignment, supplemental compensation from the county or counties paying supplemental compensation under Chapter 31 to an associate justice of the court of appeals to which the justice or judge is assigned. (V.A.C.S. Art. 1812(d) (part).)

**CHAPTER 74. ADMINISTRATION OF DISTRICT COURTS**

**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 74.001. DEFINITIONS

Sec. 74.002. ADMINISTRATIVE DISTRICTS

Sec. 74.003. FACILITIES; FUNDING

[Sections 74.004-74.010 reserved for expansion]

**SUBCHAPTER B. PRESIDING JUDGE**

Sec. 74.011. APPOINTMENT

Sec. 74.012. TERM

Sec. 74.013. QUALIFICATIONS

Sec. 74.014. MEETINGS OF PRESIDING JUDGES

Sec. 74.015. COUNCIL OF JUDGES

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Sec. 74.017. ADMINISTRATIVE ASSISTANT

Sec. 74.018. COMPENSATION

[Sections 74.019-74.030 reserved for expansion]

**SUBCHAPTER C. DISTRICT JUDGES**

Sec. 74.031. ASSIGNMENT OF JUDGES

Sec. 74.032. JUDGES SUBJECT TO ASSIGNMENT

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Sec. 74.036. POWERS AND DUTIES

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Sec. 74.038. EXPENSES AT MEETINGS



[Sections 74.039-74.060 reserved for expansion]

## SUBCHAPTER D. PROVISIONS APPLICABLE IN CERTAIN COUNTIES

### Sec. 74.061. ASSIGNMENT IN HARRIS COUNTY

## CHAPTER 74. ADMINISTRATION OF DISTRICT COURTS

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 74.001. DEFINITIONS. In this chapter:

(1) "Administrative district" means an administrative judicial district created by Section 74.002.

(2) "Chief justice" means the chief justice of the supreme court.

(3) "Presiding judge" means the presiding judge of an administrative district. (New.)

Sec. 74.002. ADMINISTRATIVE DISTRICTS. (a) The state is divided into nine administrative judicial districts.

(b) The First Administrative Judicial District is composed of the counties of Anderson, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rockwall, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood.

(c) The Second Administrative Judicial District is composed of the counties of Angelina, Bastrop, Brazoria, Brazos, Burleson, Chambers, Fort Bend, Freestone, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Montgomery, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, Washington, and Wharton.

(d) The Third Administrative Judicial District is composed of the counties of Austin, Bell, Blanco, Bosque, Burnet, Caldwell, Colorado, Comal, Comanche, Coryell, Falls, Fayette, Gonzales, Guadalupe, Hamilton, Hays, Hill, Johnson, Lampasas, Lavaca, Llano, Mason, McLennan, Milam, Navarro, San Saba, Somervell, Travis, and Williamson.

(e) The Fourth Administrative Judicial District is composed of the counties of Aransas, Atascosa, Bee, Bexar, Calhoun, DeWitt, Dimmit, Frio, Goliad, Jackson, Karnes, LaSalle, Live Oak, Maverick, McMullen, Refugio, San Patricio, Victoria, Webb, Wilson, Zapata, and Zavala.

(f) The Fifth Administrative Judicial District is composed of the counties of Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Starr, and Willacy.

(g) The Sixth Administrative Judicial District is composed of the counties of Bandera, Brewster, Crockett, Culberson, Edwards, El Paso, Gillespie, Hudspeth, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Medina, Pecos, Presidio, Reagan, Real, Sutton, Terrell, Upton, Uvalde, and Val Verde.

(h) The Seventh Administrative Judicial District is composed of the counties of Andrews, Borden, Brown, Callahan, Coke, Coleman, Concho, Crane, Dawson, Ector, Fisher, Gaines, Garza, Glasscock, Haskell, Howard, Irion, Jones, Kent, Loving, Lynn, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reeves, Runnels, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Taylor, Throckmorton, Tom Green, Ward, and Winkler.

(i) The Eighth Administrative Judicial District is composed of the counties of Archer, Clay, Cooke, Denton, Eastland, Erath, Hood, Jack, Montague, Palo Pinto, Parker, Stephens, Tarrant, Wichita, Wise, and Young.

(j) The Ninth Administrative Judicial District is composed of the counties of Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, King, Knox, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Wilbarger, and Yoakum. (V.A.C.S. Art. 200a, Sec. 1.)

Sec. 74.003. FACILITIES; FUNDING. (a) Adequate quarters for the operation of each administrative district and the preservation of its records shall be provided in the courthouse of the county in which the presiding judge resides.

(b) Except for the salaries, compensation, and expenses provided by state appropriations, the counties composing the administrative district shall pay, out of the general funds of the counties, the salaries, compensation, and expenses authorized and incurred to administer this chapter.

(c) Except as provided by Section 74.018, the salaries, compensation, and expenses shall be paid in proportion to the number of weeks provided by law for holding district court in the respective counties and on certificates of approval of the presiding judges. (V.A.C.S. Art. 200a, Secs. 2(a) (part), 9.)

[Sections 74.004-74.010 reserved for expansion]

### SUBCHAPTER B. PRESIDING JUDGE

Sec. 74.011. **APPOINTMENT.** (a) The governor, with the advice and consent of the senate, shall appoint one judge in each administrative district as presiding judge of the district.

(b) On the death, resignation, or expiration of the term of office of a presiding judge, the governor immediately shall appoint or reappoint a presiding judge. (V.A.C.S. Art. 200a, Sec. 2(a) (part).)

Sec. 74.012. **TERM.** A presiding judge serves for a term of office of four years from the date of qualification as the presiding judge. (V.A.C.S. Art. 200a, Sec. 2(a) (part).)

Sec. 74.013. **QUALIFICATIONS.** (a) A presiding judge must be:

- (1) a regularly elected or retired district judge; or
- (2) an active or retired appellate judge with judicial experience on a district court.

(b) If the judge is retired, he must have voluntarily retired from office, must reside within the administrative district, and must have certified his willingness to serve. (V.A.C.S. Art. 200a, Sec. 2(a) (part).)

Sec. 74.014. **MEETINGS OF PRESIDING JUDGES.** (a) The chief justice shall call and preside over an annual meeting of the presiding judges on a date and at a time and place in the state designated by the chief justice.

(b) The chief justice may call and convene additional meetings of the presiding judges that he considers necessary for the promotion of the orderly and efficient administration of justice.

(c) At the meetings, the judges shall:

- (1) study the statistics reflecting the condition of the dockets of the courts of the state to determine the need for the assignment of judges under this chapter;
- (2) compare the local rules of court to achieve the uniformity of rules that is practicable and consistent with local conditions;
- (3) consider uniformity in the administration of this chapter in the various administrative districts; and
- (4) promote more effective administration of justice through the use of this chapter.

(d) The expenses of the presiding judges attending these meetings shall be paid as provided by Sections 74.003 and 74.038. (V.A.C.S. Art. 200a, Secs. 2a(1), (2).)

Sec. 74.015. **COUNCIL OF JUDGES.** (a) Once each year, the presiding judge shall call a regular meeting of the district judges of the judicial districts composing the administrative district at a time and place designated by the presiding judge. In addition, the presiding judge may call a special meeting of the district judges at any time he considers necessary.

(b) The purposes of the meetings or council of judges are consultation and counseling concerning the state of the civil and criminal business in the district courts of the administrative district and arranging for the disposition of the business pending on the district court dockets.

(c) The council of judges may adopt:

- (1) rules to regulate and facilitate the order of trials and the recordkeeping in the counties in the district in which judges are sent from one district to another to aid the disposition of cases; and
- (2) rules necessary to the practical operation of this chapter.

(d) The district judges shall lay before each council of judges:

- (1) a list of all pending cases;
- (2) the exact status of their dockets; and
- (3) other information required by the rules of the council. (V.A.C.S. Art. 200a, Sec. 4 (part).)

Sec. 74.016. **PERFORMANCE OF DUTIES BY CHIEF JUSTICE.** The chief justice may make assignments within an administrative district and perform the other duties of a presiding judge in the following situations:

(1) on the death or resignation of the presiding judge and until a successor presiding judge is appointed;

(2) on notification to the chief justice by the presiding judge or other appropriate source that an absence, disabling illness, or other incapacity of the presiding judge prevents the judge from performing his official duties for a period of time and until the presiding judge is again able to perform the duties; and

(3) in a particular matter in which the presiding judge disqualifies himself from performing the duties of presiding judge in that matter. (V.A.C.S. Art. 200a, Sec. 2(b).)

Sec. 74.017. **ADMINISTRATIVE ASSISTANT.** (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant.

(b) An administrative assistant must have the qualifications established by rule of the supreme court.

(c) An administrative assistant shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

- (1) perform the duties that are required by the presiding judge and by the rules of administration;
- (2) conduct correspondence for the presiding judge;
- (3) keep a record of the proceedings of the administrative district and a complete record of the cases pending in the courts of the administrative district, including the time of their filing, the style and purposes of the causes, and their final disposition;
- (4) under the direction of the presiding judge, make an annual report of the activities of the administrative district and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and
- (5) attend to other matters that are prescribed by the council of judges.

(d) An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the council of judges. The cost shall be divided pro rata among the counties and paid by the counties on the certificate of the presiding judge.

(e) An administrative assistant is entitled to receive the compensation from the state provided by the General Appropriations Act. (V.A.C.S. Art. 200a, Sec. 7.)

Sec. 74.018. COMPENSATION. (a) In addition to all other compensation, expenses, and perquisites authorized by law, including this chapter, a presiding judge shall receive compensation as provided by this section for performing the duties of a presiding judge.

(b) Except as provided by Subsection (c), a presiding judge shall receive a salary not to exceed \$5,000 a year. The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned according to the population of each judicial district comprising the administrative district, and the amount apportioned to each judicial district shall be apportioned to each county comprising the judicial district according to the population of the county.

(c) A presiding judge who is a retired district or appellate judge and presides over an administrative district with 40 or more district courts is entitled to an annual salary of not less than \$5,000 a year or more than the following amount, according to the number of district courts in the administrative district:

Number of Courts	Salary Limit
40 to 59	\$15,000
60 to 79	\$25,000
80 or more	\$30,000

(d) The council of judges shall set the salaries under Subsection (c) biennially by majority vote. The salary shall be apportioned according to the assessed property valuation of each judicial district comprising the administrative district, and that amount shall be apportioned to the counties comprising the judicial district according to the assessed property valuation of each county.

(e) Each county comprising the administrative district shall pay annually to the presiding judge, out of the officers' salary fund or the general fund of the county, the amount of the salary apportioned to it as provided by this section and the other expenses authorized by this chapter that are not paid by state appropriations. The presiding judge shall place each county's payment of salary and other expenses in an administrative fund, from which the salary and other expenses shall be paid. The salary shall be paid from the administrative fund in 12 equal monthly payments. (V.A.C.S. Art. 200a, Sec. 11.)

[Sections 74.019-74.030 reserved for expansion]

SUBCHAPTER C. DISTRICT JUDGES

Sec. 74.031. ASSIGNMENT OF JUDGES. Judges may be assigned in the manner provided by this chapter to hold district court when:

- (1) the regular judge of the district court is absent or is disabled or disqualified for any cause;
- (2) the regular judge of the district court is present or is trying cases as authorized by the constitution and laws of this state; or
- (3) the office of district judge is vacant. (V.A.C.S. Art. 200a, Sec. 5.)

Sec. 74.032. JUDGES SUBJECT TO ASSIGNMENT. The following judges may be assigned as provided by this chapter by the presiding judge of the administrative district in which the assigned judge resides:

- (1) a regular district judge in this state;
- (2) a district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes, and who has consented to be subject to assignment; and
- (3) a former district judge who:

- (A) is not more than 70 years of age;

- (B) was elected at a general election or appointed by the governor, and has not been defeated for reelection or removed from office by impeachment, the supreme court, the governor on address of the legislature, the State Commission on Judicial Conduct, or the abolishment of the judge's court by the legislature; and

- (C) certifies to the presiding judge a willingness to serve and to comply with the prohibitions relating to the practice of law imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes. (V.A.C.S. Art. 200a, Sec. 5a (part).)

Sec. 74.033. **ASSIGNMENT BY PRESIDING JUDGE.** (a) Under rules prescribed by the council of judges, a presiding judge from time to time shall assign the judges of the administrative district to hold special or regular terms of court in any county of the administrative district to try cases and dispose of accumulated business. The assignment may be made during or after the consultation concerning the state of the business of the courts at a meeting of the district judges of the administrative district and with or without an additional meeting of the judges.

(b) The presiding judge of one administrative district may request the presiding judge of another administrative district to furnish judges to aid in the disposition of litigation pending in a judicial district in the administrative district of the presiding judge who makes the request. (V.A.C.S. Art. 200a, Secs. 4 (part), 6 (part).)

Sec. 74.034. **ASSIGNMENT BY CHIEF JUSTICE.** (a) In addition to the assignment of judges by the presiding judges as authorized by this chapter, the chief justice may assign judges of one or more administrative districts for service in other administrative districts when he considers the assignment necessary to the prompt and efficient administration of justice.

(b) A judge assigned by the chief justice shall perform the same duties and functions authorized by this chapter that the judge would perform if he were assigned by the presiding judge. (V.A.C.S. Art. 200a, Sec. 2a(3).)

Sec. 74.035. **DUTY TO SERVE WHEN ASSIGNED.** (a) Except as provided by this section, a district judge assigned by the presiding judge to a court in the same administrative district, or to a court in another administrative district at the request of the presiding judge of the other administrative district, shall serve in the court or administrative district to which he is assigned.

(b) The presiding judge of a judge's administrative district may relieve the judge of an assignment on presentation of good cause in writing by the assigned judge to the presiding judge.

(c) If the presiding judge refuses to relieve a district judge from assignment after receiving from the judge a written statement declining the assignment for good cause, the district judge may, not later than the fifth day after refusal by the presiding judge, petition the chief justice for relief from the assignment for good cause. The chief justice may grant or refuse a petition for relief from assignment at his discretion. (V.A.C.S. Art. 200a, Sec. 5a (part).)

Sec. 74.036. **POWERS AND DUTIES.** (a) A judge assigned under the provisions of this chapter has all the powers of a district judge.

(b) A district judge shall extend the regular terms of the court, or call the special terms, that are necessary to carry out the purposes of this chapter and to dispose of pending litigation. If a term is extended, the other terms of the court may be opened and held as usual, and a term of court in that district does not fail because of the extension. By entering an order on the minutes of the court, the judge of a district court or a judge assigned to a district by the presiding judge may convene a special term of the court for the trial of cases, the entry of orders, and the disposition of the business before the court.

(c) A district judge shall:

- (1) diligently discharge the administrative responsibilities of the office;

- (2) rule on a case within three months after the case is taken under advisement;

- (3) request the presiding judge to assign another judge of the administrative district to hear a motion relating to the recusal of the district judge from a case pending in his court; and

- (4) if an election contest or suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge of the administrative district who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit. (V.A.C.S. Art. 200a, Secs. 5a (part), 6 (part).)

Sec. 74.037. **COMPENSATION WHILE ASSIGNED.** (a) The salary, compensation, and expenses of a judge while assigned under this chapter shall be paid in accordance with this chapter and other law of this state.

(b) While serving in a county outside his judicial district, an active district judge is entitled to receive, in addition to his necessary expenses, additional compensation from the county to which he is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f), and the compensation received from all sources by the judge of the court to which he is assigned. The county shall pay the compensation provided by this subsection on approval of the presiding judge of the administrative district in which the court to which the judge is assigned is located.

(c) The salary of a retired judge while assigned under this chapter shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the difference between all the retirement benefits received by the judge as a retired district judge and the compensation from all sources of the judge of the court to which he is assigned. The salary of a retired judge while assigned shall be determined pro rata for the period of time that the judge actually sits as the assigned judge.

(d) For services actually performed while assigned under this chapter, a former district judge shall receive from county funds and money appropriated by the legislature the same amount of salary, compensation, and expenses that the regular judge is entitled to receive from the county and from the state for those services. The presiding judge of the administrative district shall certify to the county and the state the services rendered under this chapter by a former district judge and the share to be paid by the state. The amount certified by the presiding judge as the state's share shall be paid from an item in the Judicial Section--Comptroller's Department of the General Appropriations Act for the payment of salaries of district and criminal district judges.

(e) When a district judge is assigned under this chapter to a court outside his own district and out of his own counties, the judge, in addition to all other compensation authorized by law, is entitled to receive his actual expenses in going to and returning from his assignment and his actual living expenses while in the performance of his duties under the assignment. The county in which the duties are performed shall pay the expenses out of the general fund of the county on accounts certified and approved by the presiding judge of the administrative district for that county.

(f) When a district judge is assigned under this chapter to a court outside his own district and out of his own counties, the judge, in addition to all other compensation and expenses authorized by law, is entitled to receive a per diem of \$25 for each day or fraction of a day that the judge spends outside his district and his counties in the performance of his duties under the assignment. The state shall pay the per diem in the same manner that it pays the judge's salary on certificates of approval by the chief justice or the presiding judge of the administrative district in which the judge resides. (V.A.C.S. Art. 200a, Secs. 2a(4), 5a (part), 5c, 10, 10a.)

Sec. 74.038. EXPENSES AT MEETINGS. A judge who is required to attend an annual or special meeting prescribed by this chapter, in addition to all other compensation allowed by law, is entitled to receive his actual travel expenses going to and returning from the place of the meeting and his actual expenses while attending the meeting. (V.A.C.S. Art. 200a, Sec. 8.)

[Sections 74.039-74.060 reserved for expansion]

#### SUBCHAPTER D. PROVISIONS APPLICABLE IN CERTAIN COUNTIES

Sec. 74.061. ASSIGNMENT IN HARRIS COUNTY. Notwithstanding any other provision of this chapter, neither the chief justice nor the presiding judge of the administrative judicial district in which Harris County is located may assign a judge to a court in Harris County if the regular district judge is present or trying cases unless the assignment is for the regular docket of:

- (1) the presiding administrative judge and the judge is present attending to administrative duties; or
- (2) the presiding judge of a court created by the legislature and the judge is trying a capital murder case. (V.A.C.S. Art. 200a, Sec. 5f.)

### CHAPTER 75. OTHER COURT ADMINISTRATION

#### SUBCHAPTER A. ASSIGNMENT OF JUDICIAL RETIREES WHO ELECT TO BE JUDICIAL OFFICERS

Sec. 75.001. ELECTION TO BE JUDICIAL OFFICER

Sec. 75.002. ASSIGNMENT AS JUDICIAL OFFICER

[Sections 75.003-75.010 reserved for expansion]

#### SUBCHAPTER B. ADMINISTRATION BY JUDGES IN COUNTY

Sec. 75.011. ADMINISTRATION IN CERTAIN COUNTIES

Sec. 75.012. PRESIDING CIVIL JUDGE OF BEXAR COUNTY

Sec. 75.013. PRESIDING CRIMINAL JUDGE OF BEXAR COUNTY

[Sections 75.014-75.100 reserved for expansion]

**SUBCHAPTER C. SENIOR DISTRICT JUDGES FOR  
THE FIRST ADMINISTRATIVE JUDICIAL DISTRICT**

Sec. 75.101. PURPOSE

Sec. 75.102. APPOINTMENT

Sec. 75.103. LISTS OF APPOINTED SENIOR JUDGES

Sec. 75.104. QUALIFICATIONS

Sec. 75.105. AREAS OF EXPERTISE

Sec. 75.106. JUDGES NOT LIMITED TO CERTAIN CASES

Sec. 75.107. PRACTICE PROHIBITED

Sec. 75.108. REAPPOINTMENT OF SENIOR JUDGES

Sec. 75.109. COMPENSATION OF SENIOR JUDGES

Sec. 75.110. ASSIGNMENT OF SENIOR JUDGES

Sec. 75.111. ASSIGNMENT OF OTHER JUDGES

Sec. 75.112. RETIREMENT BENEFITS; MEMBERSHIP

Sec. 75.113. PAYMENT OF CONTRIBUTIONS BY DALLAS COUNTY

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Sec. 75.116. ASSIGNMENT UNDER OTHER STATUTE

[Sections 75.117-75.200 reserved for expansion]

**SUBCHAPTER D. ASSIGNMENT CLERKS**

Sec. 75.201. ASSIGNMENT CLERKS IN DALLAS AND TARRANT COUNTIES

Sec. 75.202. ASSIGNMENT CLERKS IN NUECES COUNTY

Sec. 75.203. ASSIGNMENT CLERKS IN BEXAR COUNTY

Sec. 75.204. TERM

[Sections 75.205-75.300 reserved for expansion]

**SUBCHAPTER E. COURT COORDINATOR SYSTEM**

Sec. 75.301. APPLICABILITY

Sec. 75.302. COURT COORDINATORS

Sec. 75.303. APPOINTMENT

Sec. 75.304. DUTIES

Sec. 75.305. STAFF

Sec. 75.306. COMPENSATION

[Sections 75.307-75.400 reserved for expansion]

**SUBCHAPTER F. ADMINISTRATION OF CERTAIN COUNTY COURTS**

Sec. 75.401. COURT ADMINISTRATOR SYSTEM FOR COUNTY COURTS IN CERTAIN COUNTIES

Sec. 75.402. COURT MANAGER AND COORDINATOR SYSTEM FOR CERTAIN HARRIS COUNTY COURTS

Sec. 75.403. PRESIDING JUDGE IN HARRIS COUNTY

[Sections 75.404-75.500 reserved for expansion]

**SUBCHAPTER G. COURT ADMINISTRATOR IN JEFFERSON COUNTY**

Sec. 75.501. APPLICATION

Sec. 75.502. ESTABLISHMENT OF SYSTEM

Sec. 75.503. APPOINTMENT AND DUTIES OF COURT ADMINISTRATOR

Sec. 75.504. STAFF

Sec. 75.505. COMPENSATION AND FACILITIES

**CHAPTER 75. COURT ADMINISTRATION****SUBCHAPTER A. ASSIGNMENT OF JUDICIAL RETIREES WHO ELECT TO BE JUDICIAL OFFICERS**

Sec. 75.001. ELECTION TO BE JUDICIAL OFFICER. (a) A retiree under Subtitle E, Title 110B, Revised Statutes, may elect to be a judicial officer.

(b) An election under this section may be made:

(1) within 90 days after the date of the person's retirement in a document addressed to the chief justice of the supreme court; or

(2) after the 90th day after the date of the person's retirement in a petition addressed to the supreme court.

(c) An election under Subsection (b)(2) takes effect only on approval of the petition by the supreme court. (Sec. 42.101, Title 110B, Revised Statutes.)

Sec. 75.002. ASSIGNMENT AS JUDICIAL OFFICER. (a) A retiree who makes an election under Section 75.001 is, with the retiree's consent to each assignment, subject to assignment:

(1) by the chief justice of the supreme court to sit on any court of the state of the same or lesser dignity as that on which the person sat before retirement;

(2) by the presiding judge of the court of criminal appeals to sit as a commissioner of that court; and

(3) by the presiding judge of an administrative judicial district to sit on a court in that administrative district or, on request of the presiding judge of another administrative judicial district, on a court in that other administrative district, if in either circumstance the court is of the same or lesser dignity as that on which the person sat before retirement.

(b) Assignment of a retiree to sit on a district court is subject to the requirement for assignments in Subchapter C, Chapter 74.

(c) A retiree assigned under this subchapter has all the powers of a judge of the court to which the retiree has been assigned. (Sec. 42.102, Title 110B, Revised Statutes.)

[Sections 75.003-75.010 reserved for expansion]

**SUBCHAPTER B. ADMINISTRATION BY JUDGES IN COUNTY**

Sec. 75.011. ADMINISTRATION IN CERTAIN COUNTIES. (a) This section applies only in counties in which there are at least three courts, including criminal district courts, with any of the jurisdiction conferred on district courts by the constitution and laws of this state.

(b) A judge of a court with any district court jurisdiction may hear and determine a matter pending in another court having any district court jurisdiction regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts, regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active or retired judge assigned to a court having any district court jurisdiction as provided by Chapter 74 or Subtitle E, Title 110B, Revised Statutes.

(c) The judges of the courts having any district court jurisdiction may elect, at any time by majority vote, one of their number as presiding judge. The judges set the presiding judge's term.

(d) Under rules adopted under Subsection (i), the presiding judge may:

(1) assign and transfer a case or proceeding pending in any of the courts to another court or judge;

(2) direct the manner in which transferred cases are filed and docketed; and

(3) assign the judge of any of the courts to try a case or hear a proceeding pending in another court.

(e) The judges shall try any case and hear any proceeding as assigned by the presiding judge.

(f) The district clerk shall file, docket, transfer, and assign the cases as directed by the presiding judge in accordance with the rules adopted under Subsection (i).

(g) The rules adopted under Subsection (i) may authorize a presiding judge elected under Subsection (c) to appoint and to remove at any time a presiding judge of the courts giving preference to a specified class of cases, such as civil, criminal, juvenile, or family law cases.

(h) With respect to the specified class of cases and the judges of the courts giving preference to those cases, a presiding judge of specialized courts has the same authority under the rules adopted under Subsection (i) as the presiding judge of all the courts in the county.

(i) The judges of the courts having district court jurisdiction, by majority vote, may make and amend rules governing the assignment, docketing, transfer, and hearing of cases in those courts, including rules for civil, criminal, juvenile, and family law cases.

(j) The judges may also make and amend rules of practice and procedure in those courts that are not inconsistent with the statutes of this state and with the rules of procedure promulgated by the supreme court.

(k) The rules adopted under this section do not authorize a judge to act in a case over which his own court does not have jurisdiction under the constitution and laws of this state. (V.A.C.S. Arts. 200b, 2093d (part), 2093f.)

**Sec. 75.012. PRESIDING CIVIL JUDGE OF BEXAR COUNTY.** (a) The district judges of Bexar County, not later than January 1 and July 1 of each year, or at any other time as determined by a majority of the district judges, shall elect one of the district judges as the presiding civil judge to serve at the will of the judges.

(b) The presiding civil judge, as necessary, shall adjust the business and dockets of the courts and transfer or cause to be transferred causes from any of the courts to any other of the courts to equalize the business of the courts so that each judge has cases or proceedings to try or consider.

(c) The presiding civil judge shall ensure that the trial of a case will not be delayed because of the disqualification of the judge in whose court it is pending.

(d) When a case is transferred, proper orders shall be entered on the minutes of the court as evidence of the transfer. (V.A.C.S. Art. 199(37)(H) (part).)

**Sec. 75.013. PRESIDING CRIMINAL JUDGE OF BEXAR COUNTY.** (a) A majority of the judges of the district courts giving preference to criminal cases in Bexar County shall select a presiding criminal judge to serve at the will of the judges.

(b) The presiding criminal judge shall be the judge receiving bills of indictment for that term. All indictments shall be returned to a district court in Bexar County giving preference to criminal cases. The presiding criminal judge, in rotation in the order in which indictments are returned or as agreed to by a majority of judges trying criminal cases, shall assign indictments to the judicial districts for trial. The presiding criminal judge shall adjust the case flow so that each of those courts receives approximately an equal share of the indictments for trial.

(c) The presiding criminal judge shall handle all preindictment bond problems and preindictment appointment of counsel.

(d) Any other judge may preside in the absence of the presiding criminal judge or at his request.

(e) The presiding criminal judge, as necessary, shall adjust the business and dockets of the criminal courts and transfer or cause to be transferred causes from any of the courts to any other of the courts to equalize the business of the courts so that each judge has cases or proceedings to try or consider. (V.A.C.S. Art. 199(37)(G)(1).)

[Sections 75.014-75.100 reserved for expansion]

### SUBCHAPTER C. SENIOR DISTRICT JUDGES FOR THE FIRST ADMINISTRATIVE JUDICIAL DISTRICT

**Sec. 75.101. PURPOSE.** The purpose of this subchapter is to establish a system by which qualified judges will be made available to serve in cases in which the regularly elected judges are not available to sit or need assistance because of the case load. (V.A.C.S. Art. 200c, Sec. 1 (part).)

**Sec. 75.102. APPOINTMENT.** (a) The presiding judge of the First Administrative Judicial District shall appoint senior district court judges under this subchapter.

(b) An appointment made under this subchapter is subject to senate confirmation.

(c) The presiding judge may appoint a judge as a senior criminal district court judge, a senior civil district court judge, or a senior family court judge. (V.A.C.S. Art. 200c, Secs. 1 (part), 4(a).)

**Sec. 75.103. LISTS OF APPOINTED SENIOR JUDGES.** The presiding judge of the First Administrative Judicial District shall establish and maintain:

(1) a list of retired and former judges of district courts appointed to serve as senior criminal district court judges in Dallas County;



(2) a list of retired and former judges of district courts appointed to serve as senior civil court judges in Dallas County; and

(3) a list of retired and former judges appointed to serve as family court judges in Dallas County. (V.A.C.S. Art. 200c, Sec. 2.)

Sec. 75.104. **QUALIFICATIONS.** A senior judge must:

(1) have served as the judge of a district court for 12 years, regardless of whether or not the service was consecutive, exercising primarily criminal, civil, or family court jurisdiction;

(2) have developed an expertise in criminal law, civil law, or family law;

(3) not have been removed from office by impeachment, the supreme court, the governor on address by the legislature, or the State Commission on Judicial Conduct;

(4) certify a willingness to serve; and

(5) be 65 years of age or younger. (V.A.C.S. Art. 200c, Secs. 3(a) (part), (c), (d).)

Sec. 75.105. **AREAS OF EXPERTISE.** (a) Except as provided by Subsection (b), a judge may only be appointed to the list applicable to his area of previous expertise.

(b) On request, an applicant may be appointed to one or more lists if the applicant meets the requirements established for each area of expertise. (V.A.C.S. Art. 200c, Secs. 3(a) (part), (b).)

Sec. 75.106. **JUDGES NOT LIMITED TO CERTAIN CASES.** This subchapter does not limit a senior criminal district court judge to sitting only in criminal cases, a senior civil district court judge to sitting only in civil cases, or a senior family court judge to sitting only in cases involving family law. (V.A.C.S. Art. 200c, Sec. 12(a).)

Sec. 75.107. **PRACTICE PROHIBITED.** A senior district court judge appointed and confirmed under this subchapter may not, during the term of appointment, appear and plead as an attorney in any court in this state. (V.A.C.S. Art. 200c, Sec. 4(b).)

Sec. 75.108. **REAPPOINTMENT OF SENIOR JUDGES.** A senior district court judge is subject every four years to reappointment by the presiding judge of the First Administrative Judicial District and to confirmation by the senate. (V.A.C.S. Art. 200c, Sec. 5.)

Sec. 75.109. **COMPENSATION OF SENIOR JUDGES.** (a) The compensation, salary, and expenses of a senior district court judge shall be paid in accordance with the laws of this state out of funds appropriated from the general revenue fund of Dallas County. Except as provided by Subsection (b), the compensation, salary, and expenses of a senior district court judge shall be in an amount equal to the highest compensation, salary, and expenses paid to any regular district court judge in the state, whether paid from county or state funds, or both, but funds paid from the general revenue fund of the county must have commissioners court approval.

(b) A senior district court judge appointed under this subchapter who is a retiree of the Judicial Retirement System of Texas or the Texas County and District Retirement System is entitled to compensation, salary, and expenses from the general revenue fund of Dallas County in an amount equal to the amount computed under Subsection (a) less the amount of any annuity the judge receives during the same period from either or both of the retirement systems. (V.A.C.S. Art. 200c, Sec. 6.)

Sec. 75.110. **ASSIGNMENT OF SENIOR JUDGES.** (a) The presiding judge of the First Administrative Judicial District shall assign judges under this subchapter.

(b) A senior district court judge assigned under this subchapter shall serve in the district court to which he is assigned unless, for good cause presented in writing by the assigned judge to the presiding judge of the administrative judicial district, the senior district court judge is relieved of the assignment by the presiding judge.

(c) Nothing in this subchapter prevents assignment of a senior district court judge to a county other than Dallas County if the other county reimburses Dallas County for the compensation, salary, and expenses of the senior district court judge during the assignment.

(d) A senior district court judge is entitled, during a period of assignment, to all per diem allowances paid by the state to judges sitting outside the county of their residence. (V.A.C.S. Art. 200c, Sec. 7.)

Sec. 75.111. **ASSIGNMENT OF OTHER JUDGES.** This subchapter does not prevent the assignment of a judge other than a senior district court judge in an instance in which no senior district court judge is available to sit. (V.A.C.S. Art. 200c, Sec. 8.)

Sec. 75.112. **RETIREMENT BENEFITS; MEMBERSHIP.** (a) A senior district court judge appointed under this subchapter who is a retiree of the Judicial Retirement System of Texas or the Texas County and District Retirement System is entitled to receive retirement benefits otherwise payable during the period an appointment is in effect but may not resume membership or receive credit in any of those retirement systems from which the judge has retired.

(b) A senior district court judge appointed under this subchapter who is not a retiree of the Judicial Retirement System of Texas retains or resumes membership and accrues service credit in that retirement system for each month the appointment is in effect.

(c) A senior district court judge appointed under this subchapter who is not a retiree of the Texas County and District Retirement System is subject to the conditions for membership in that retirement system during the period the appointment is in effect that are provided by Sections 52.201, 52.202, and 52.203, Title 110B, Revised Statutes. If a senior district court judge begins, retains, or resumes membership in the Texas County and District Retirement System, the judge accrues service credit in that retirement system for each month of membership in which the appointment is in effect. (V.A.C.S. Art. 200c, Secs. 9(a), (b), (c).)

Sec. 75.113. PAYMENT OF CONTRIBUTIONS BY DALLAS COUNTY. (a) Not later than the 15th of each month, the custodian of county funds of Dallas County shall pay or cause to be paid to the Judicial Retirement System of Texas at the system's office:

(1) a contribution deducted from the compensation of each senior district court judge at the rate required of other members of the system for current service and based on the state salary paid to elected district judges during that period; and

(2) a contribution from the county general revenue fund for each senior district court judge at the effective rate of state contributions to the system, determined by the Judicial Retirement System of Texas as a monthly percentage of the salary that would be paid by the state if the judge were an elected district judge that is based on the ratio of legislative appropriations to finance benefits payable from the system to the state salaries payable to contributing members of the system for the period.

(b) The custodian of county funds of Dallas County shall pay or cause to be paid to the Texas County and District Retirement System member and subdivision contributions based on the portion of compensation paid by the county under this subchapter that exceeds the amount computed under Subsection (a)(1) for each senior district court judge who is a contributing member of the retirement system during the most recent payroll period. The contributions shall be paid in the manner provided by Sections 55.403 and 55.404, Title 110B, Revised Statutes.

(c) Retirement system contributions paid as provided by this section shall be deposited by the respective retirement systems in the funds of each retirement system in which similar contributions are deposited for other members of the retirement system. (V.A.C.S. Art. 200c, Secs. 9(d), (e), (f).)

Sec. 75.114. EXPENSES. When a senior district court judge is assigned under this subchapter to a court located in a county other than the county in which the assigned judge resides, the judge shall, in addition to all other compensation permitted or authorized by law, receive the actual expenses incurred in going to and returning from the assignment and the actual living expenses incurred while in the performance of his duties under assignment. The expenses shall be paid out of the general revenue fund of the county in which the senior district court judge actually sat. (V.A.C.S. Art. 200c, Sec. 10.)

Sec. 75.115. CONTINUING JUDICIAL EDUCATION. A senior district court judge must be able to demonstrate yearly that he participated in the preceding 12 months in at least 10 days of continuing judicial education at a program sponsored by a state bar association, by the American Bar Association, or by a law school. Failure to meet this criterion is grounds for denying reappointment as a senior district court judge. (V.A.C.S. Art. 200c, Sec. 11.)

Sec. 75.116. ASSIGNMENT UNDER OTHER STATUTE. Except as provided by Section 75.111, this subchapter does not prohibit assignment of a retired or former judge as a visiting judge under any other statute. (V.A.C.S. Art. 200c, Sec. 12(b).)

[Sections 75.117-75.200 reserved for expansion]

#### SUBCHAPTER D. ASSIGNMENT CLERKS

Sec. 75.201. ASSIGNMENT CLERKS IN DALLAS AND TARRANT COUNTIES. (a) In Dallas County and Tarrant County, a majority of the district judges with civil jurisdiction may appoint an assignment clerk to serve under the judges of the district courts of each county in the setting and disposing of cases on the general jury docket.

(b) The commissioners court of each county shall set the salary of the assignment clerk on recommendation of the district judges. The salary shall be paid in monthly installments on vouchers approved by the presiding judge of the district courts. (V.A.C.S. Art. 2093c (part).)

Sec. 75.202. ASSIGNMENT CLERKS IN NUECES COUNTY. (a) A majority of the district judges in Nueces County may appoint an assignment clerk to serve under the presiding judge of the district courts in the setting and disposing of cases on the general docket. The assignment clerk shall perform the duties that are assigned to him by the district judges in connection with the setting and disposing of cases.

(b) The commissioners court shall set the salary of the assignment clerk and provide for the payment of the salary out of the general fund or the jury fund of the county. The salary shall be paid in monthly installments on vouchers approved by the presiding judge of the district courts. (V.A.C.S. Art. 2093d (part); Art. 199(105), Secs. 2 (part), 3 (part).)

Sec. 75.203. **ASSIGNMENT CLERKS IN BEXAR COUNTY.** (a) A majority of the judges of district courts having jurisdiction in Bexar County may appoint an assignment clerk to serve under the presiding judge of the district courts in the coordination, setting, and disposing of cases on the general docket. The assignment clerk shall perform the duties that are assigned to him by the district judges in connection with the coordination, setting, and disposing of cases.

(b) The district judges shall determine reasonable compensation for the assignment clerk, which may not exceed an amount equal to 70 percent of the salary paid by the state to each district judge. The commissioners court shall provide for the payment of the salary of the assignment clerk out of the general fund or the jury fund of the county. (V.A.C.S. Art. 2093e (part).)

Sec. 75.204. **TERM.** An assignment clerk authorized by this subchapter is appointed for a term of two years but is subject to dismissal by a majority of the district judges for inefficiency or misconduct. (V.A.C.S. Arts. 2093c (part), 2093d (part), 2093e (part).)

[Sections 75.205-75.300 reserved for expansion]

### SUBCHAPTER E. COURT COORDINATOR SYSTEM

Sec. 75.301. **APPLICABILITY.** This subchapter applies to the criminal district courts and the district courts of general jurisdiction giving preference to criminal cases in Bexar, Dallas, Harris, and Tarrant counties. (V.A.C.S. Art. 1918a (part).)

Sec. 75.302. **COURT COORDINATORS.** The courts may establish a court coordinator system to improve criminal justice and expedite the processing of criminal cases through the district courts. (V.A.C.S. Art. 1918a (part).)

Sec. 75.303. **APPOINTMENT.** The court coordinators are appointed by and serve at the pleasure of the district courts. (V.A.C.S. Art. 1918a (part).)

Sec. 75.304. **DUTIES.** (a) The district courts by rule shall designate the duties of the court coordinators.

(b) To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with administrative judges and state agencies having duties in the area of the operation of the courts. (V.A.C.S. Art. 1918a (part).)

Sec. 75.305. **STAFF.** The district courts may appoint appropriate staff and support personnel according to the needs in each county. (V.A.C.S. Art. 1918a (part).)

Sec. 75.306. **COMPENSATION.** (a) The judges of the district courts shall determine reasonable compensation for the court coordinators, which may not exceed an amount equal to 70 percent of the salary paid by the state to each district judge.

(b) On the order and directive of the district courts to be served, the commissioners court of each county shall provide the necessary funding for the court coordinator system from the fines and fees collected by those courts. If the fines or fees are insufficient to provide the total funding for the program, the county shall provide the additional necessary funds. (V.A.C.S. Art. 1918a (part).)

[Sections 75.307-75.400 reserved for expansion]

### SUBCHAPTER F. ADMINISTRATION OF CERTAIN COUNTY COURTS

Sec. 75.401. **COURT ADMINISTRATOR SYSTEM FOR COUNTY COURTS IN CERTAIN COUNTIES.** (a) In a county that has more than one county criminal court or more than one county court at law having both criminal and civil jurisdiction, those courts may establish and maintain, on approval of the commissioners court, a court administrator system.

(b) The judges of the county criminal courts or the county courts at law having both criminal and civil jurisdiction shall by rule designate the duties of the court administrator. The court administrator shall cooperate with the administrative judges and state agencies having duties relating to the operation of the courts to promote uniform and efficient administration of justice.

(c) The court administrator is appointed by the judges of the county criminal courts or the county courts at law having both criminal and civil jurisdiction and serves at the pleasure of the judges.

(d) A court administrator is entitled to reasonable compensation as set by the commissioners court in an amount not to exceed 70 percent of the salary paid by the county to the judges.

(e) The judges shall appoint appropriate staff and support personnel according to the needs of the local jurisdiction.

(f) On order and directive of the judges, the commissioners court shall fund the court administrator system from fines collected by the courts served by the court administrator. If the fines collected are insufficient to provide the total funding for the program, the county shall provide the additional funds needed. (V.A.C.S. Art. 1934b.)

**Sec. 75.402. COURT MANAGER AND COORDINATOR SYSTEM FOR CERTAIN HARRIS COUNTY COURTS.** (a) The courts in Harris County that have the same criminal jurisdiction as county courts with criminal jurisdiction may establish and maintain a court manager and coordinator system.

(b) The judges of the courts to which this section applies may appoint a court manager, one or more court coordinators, and other staff as appropriate to the needs of the local jurisdiction. The judges shall by rule designate the qualifications and duties of the court manager and the coordinators to improve criminal justice and expedite the processing of criminal cases through the county courts. The court manager and the coordinators shall cooperate with state agencies having duties relating to the operation of the courts to promote uniform and efficient justice.

(c) The court manager and the coordinators serve at the pleasure of the judges.

(d) A court manager and coordinators are entitled to reasonable compensation as set by the judges of the courts served. The amount paid the court manager may not exceed 60 percent of the salary paid the judges unless the commissioners court by order sets the court manager's compensation at a greater amount. The amount paid the coordinators may not exceed 50 percent of the salary paid the judges.

(e) On the judges' orders, the commissioners court shall fund the court manager and coordinator system from fines collected by the courts served by the court manager and coordinators. If the fines collected are insufficient to provide the total funding for the program, the county shall provide the additional funds needed.

(f) This section does not diminish the statutory duties and powers of the sheriff, district attorney, clerk of the court, or any court officer. (V.A.C.S. Art. 1934c.)

**Sec. 75.403. PRESIDING JUDGE IN HARRIS COUNTY.** (a) The judges of the courts in Harris County that have the same criminal jurisdiction as county courts with criminal jurisdiction may select from among themselves a presiding judge.

(b) The presiding judge shall be selected during the month preceding the term the judge is to serve by a vote of two-thirds of the judges. The presiding judge serves a term of six months unless by a vote of two-thirds of the judges the selection is canceled and another judge is selected to serve the unexpired term. Each judge shall enter on the minutes of the court an order reciting the selection of the presiding judge.

(c) A co-presiding judge may be selected in the same manner as the presiding judge. The co-presiding judge serves when the presiding judge is absent or disabled for any reason and has the same duties as the presiding judge.

(d) The presiding judge shall:

(1) preside at any session of the judges;

(2) hold ex officio membership on all committees created by the judges in session that pertain to the goal of achieving more equal and efficient justice and the orderly dispatch of business; and

(3) serve as chief administrator of the offices of county court manager and county court coordinators, and of pretrial release services and all other court-related ministerial services in misdemeanor cases as required by the judges having jurisdiction over those cases.

(e) If a judge is absent or for any reason unable to preside, the presiding judge may appoint a special judge to serve as presiding judge. The qualifications, duties, and powers of a special judge are the same as for the regular judge. The provisions of Articles 30.04, 30.05, and 30.06, Code of Criminal Procedure, 1965, relating to the oath, compensation, and record of appointment of certain special judges apply to the appointment of a special judge under this subsection.

(f) The judges may adopt rules consistent with the Code of Criminal Procedure, 1965, and the Texas Rules of Civil Procedure for practice and procedure in the courts. A rule may be adopted by a two-thirds vote of the judges, and on adoption shall be entered verbatim in the minutes of each court. The clerk of the court shall supply copies of the rules to any interested person. (V.A.C.S. Art. 1934d.)

[Sections 75.404-75.500 reserved for expansion]

## SUBCHAPTER G. COURT ADMINISTRATOR IN JEFFERSON COUNTY

**Sec. 75.501. APPLICATION.** This Act applies to the district courts and to the county courts at law that give preference to criminal cases in Jefferson County. (V.A.C.S. Art. 1918e, Sec. 1.)

**Sec. 75.502. ESTABLISHMENT OF SYSTEM.** The courts may establish a court administrator system to improve criminal justice and to expedite the processing of criminal cases. (V.A.C.S. Art. 1918e, Sec. 2(a).)

**Sec. 75.503. APPOINTMENT AND DUTIES OF COURT ADMINISTRATOR.** (a) The court administrator is appointed by and serves at the pleasure of the judges of the courts subject to this subchapter.

(b) The courts shall designate by rule the duties of the court administrator.

(c) To promote uniform and efficient administration of justice, the court administrator shall cooperate with administrative judges and state agencies with duties relating to the operation of the courts. (V.A.C.S. Art. 1918e, Secs. 2(b), 3.)

Sec. 75.504. STAFF. (a) The courts may appoint the necessary staff and support personnel for the administrator.

(b) As part of the staff, the courts may appoint witness coordinators who, in addition to other duties designated by the court administrator, shall execute criminal process.

(c) On appointment, the courts shall commission each witness coordinator as a peace officer. (V.A.C.S. Art. 1918e, Sec. 4.)

Sec. 75.505. COMPENSATION AND FACILITIES. The court administrator and the staff are entitled to reasonable compensation, facilities, and equipment as determined by the commissioners court. (V.A.C.S. Art. 1918e, Sec. 5.)

[Chapters 76-80 reserved for expansion]

[Subtitle G reserved for State Bar Act, Board of Law Examiners,  
and statutes relating to licensing of attorneys]

## SUBTITLE H. INFORMATION RESOURCES

### CHAPTER 91. STATE LAW LIBRARY

Sec. 91.001. DEFINITIONS

Sec. 91.002. LIBRARY OPERATIONS

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## SUBTITLE H. INFORMATION RESOURCES

### CHAPTER 91. STATE LAW LIBRARY

Sec. 91.001. DEFINITIONS. In this chapter:

(1) "Board" means the State Law Library Board.

(2) "Director" means the director of the State Law Library.

(3) "Library" means the State Law Library. (V.A.C.S. Art. 5444b, Sec. 1.)

Sec. 91.002. LIBRARY OPERATIONS. (a) The library shall maintain a legal reference facility that includes the statutes and case reports from the several states and legal periodicals and journals.

(b) The facility may be used by the members and staff of the supreme court, court of criminal appeals, the office of the attorney general, and other state entities and by citizens of the state. (V.A.C.S. Art. 5444b, Sec. 4.)

Sec. 91.003. BOARD; ADMINISTRATION. (a) The library is administered by the board.

(b) The board is composed of the chief justice of the supreme court, the presiding judge of the court of criminal appeals, and the attorney general.

(c) A member of the board may designate a personal representative to serve for him. (V.A.C.S. Art. 5444b, Sec. 3(a).)

Sec. 91.004. COMPENSATION. A member of the board or his personal representative may not receive compensation for his service on the board. A member or his representative is entitled to reimbursement for actual and necessary expenses incurred in attending meetings or performing other official duties, to be paid out of funds appropriated to the board. (V.A.C.S. Art. 5444b, Sec. 3(b).)

Sec. 91.005. PERSONNEL. (a) The board shall employ a director of the library and shall set his salary. The director serves at the will of the board and is accountable only to the board.

(b) The director may employ professional and clerical personnel with the approval of the board. The board shall set their salaries. (V.A.C.S. Art. 5444b, Sec. 5.)

Sec. 91.006. TRANSFER OF LIBRARY MATERIALS. (a) The board by unanimous vote may transfer library books, papers, or publications to the library of the Law School of The University of Texas at Austin.

(b) The transferred materials may be recalled by a majority vote of the board. (V.A.C.S. Art. 5444b, Sec. 8.)

Sec. 91.007. RULES. The board shall adopt rules necessary to ensure the efficient operation of the library. (V.A.C.S. Art. 5444b, Sec. 9.)

Sec. 91.008. SUNSET PROVISION. The library is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the library is abolished and this chapter expires September 1, 1987. (V.A.C.S. Art. 5444b, Sec. 2a.)

**SECTION 2. CONFORMING AMENDMENT.** Article 319, Revised Statutes, is amended to read as follows:

"Article 319. OFFICERS NOT TO APPEAR. A [No judge or clerk of the Supreme Court, Courts of Appeals or Criminal Appeals, or District Court, or] sheriff, [or] deputy, or constable *may not* [; shall be allowed to] appear and plead as an attorney at law in any Court of record in this State. [No county judge or county clerk who is licensed to practice law shall be allowed to appear and practice as an attorney at law in any County or Justice Court, except in cases where the Court over which such judge presides, or over which such clerk is clerk has neither original nor appellate jurisdiction. No county clerk who is licensed to practice law shall be allowed to appear and practice as an attorney at law in any District Court, Court of Appeals, Court of Criminal Appeals, or the Supreme Court unless the Court of which such clerk is clerk has neither original nor appellate jurisdiction.]"

**SECTION 3. CONFORMING AMENDMENT.** Section 10d, Chapter 442, Acts of the 59th Legislature, Regular Session, 1965 (Article 1926-44, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 10d. [A. Creation and Jurisdiction. The Criminal District Court No. 3 of Tarrant County is created. Its jurisdiction is identical with that provided by law for the Criminal District Court of Tarrant County and the Criminal District Court No. 2 of Tarrant County and shall be exercised concurrently.

"[B. Terms of Court. The terms of the Criminal District Court No. 3 begin on the first Monday in April, the first Monday in July, the first Monday in October, and the first Monday in January of each year. Each term of court continues until the next succeeding term convenes.

"[C. Judge. As soon as practicable after the effective date of this Act, the Governor shall appoint to the Criminal District Court No. 3 a person qualified to serve as a District Judge under the Constitution and laws of this state. The judge appointed holds office until the next general election at which his successor is duly elected and until he qualifies; and each elected successor holds office for a term of four years. The judge appointed and his successor is entitled to the same compensation and allowances provided by law for District Judges of Tarrant County, Texas.

"[D. Appropriation. A sum of \$16,000.00 for the fiscal year ending August 31, 1966, and a sum of \$16,000.00 for fiscal year ending August 31, 1967, is hereby appropriated from the General Revenue Fund for the salary of the Judge of the Criminal District Court No. 3 of Tarrant County. The salary shall be paid as provided by law.

"[E. Court Officials. (a) The Judge of the Criminal District Court No. 3 may appoint an official court reporter, who must meet the qualifications prescribed by law for that office and who is entitled to the same compensation, fees, and allowances provided by law for the official district court reporters of Tarrant County, Texas.

"[(b) The Sheriff, Criminal District Attorney, and District Clerk of Tarrant County, Texas, shall serve as Sheriff, Criminal District Attorney, and Clerk, respectively, of the Criminal District Court No. 3. The Commissioners Court of Tarrant County, Texas, may employ as many additional deputy sheriffs, assistant criminal district attorneys, and deputy clerks as are necessary to serve the court created by this Act. Those serving shall perform the duties, and are entitled to the same compensation, fees, and allowances, prescribed by law for their respective offices in Tarrant County, Texas.

"[F. Practice. (a) The rules of practice and procedure applicable to the District Courts of this state govern practice in the Criminal District Court No. 3, and the judge of said court shall have the same power as any other District Judge in Tarrant County.

"[(b) The judges of all three criminal district courts in Tarrant County may freely transfer causes to and from the dockets of their respective courts. The judges may also freely exchange benches and courtrooms with each other and with the judges of the 17th, 48th, 67th, 96th, and 153rd judicial districts and with any other District Court in Tarrant County, so that if a judge is ill, disqualified, or otherwise absent, another judge may hold court for him without the necessity of transferring the cause involved.

“[(e) The Criminal District Judges of Tarrant County shall each appoint two officers of each of the said courts to act as Bailiffs for said courts and no less than three (3) Bailiffs shall be assigned regularly to each of the Criminal District Courts of Tarrant County, Texas; with the judge of each court, respectively, appointing two (2) Bailiffs and the Sheriff of such county appointing one (1) Bailiff for each of said courts; and the Sheriff of such county shall appoint such Bailiff for each court in the same manner as is now authorized by law.]”

“The Judges of County Criminal Courts Nos. 1 and 2 of Tarrant County shall each appoint one officer to act as a Bailiff for said courts and no less than two (2) Bailiffs shall be assigned regularly to each of the said County Criminal Courts, with the judge of each of said courts respectively appointing one (1) Bailiff for each of said courts and the Sheriff of Tarrant County shall appoint one (1) Bailiff for each of said courts in the same manner as now authorized by law. [The Bailiffs appointed under the provisions hereof by the said courts shall be paid a salary out of the general fund of the county of such courts as may be set by the judges of said courts with the approval of the Commissioners Court of Tarrant County.] The Bailiffs so appointed by each of the said courts of Tarrant County shall perform such duties as are required by the judges. The said Bailiffs thus appointed by each of the judges, under the provisions hereof, are subject to removal without cause at the will of the judge in whose court such Bailiff or Bailiffs may be assigned. [Bailiffs thus appointed by any such judge or judges, under the provisions hereof shall be duly deputized by the Sheriff of such county upon the request of the Criminal District Judges in the manner now authorized by law; and such Bailiffs shall be in addition to all other deputies now authorized by law.]”

**SECTION 4. CONFORMING AMENDMENT.** Article 2351, Revised Statutes, is amended to read as follows:

“Article 2351. **CERTAIN POWERS SPECIFIED.** Each commissioners court shall:

“1. [~~Lay off their respective counties into precincts, not less than four, and not more than eight, for the election of justices of the peace and constables; fix the times and places of holding justices courts; and shall establish places in such precincts where elections shall be held; and shall establish justices precincts and justices courts for the unorganized counties as provided by law.~~”

“[2.] Establish public ferries whenever the public interest may require.

“2. [~~3.] Lay out and establish, change and discontinue public roads and highways.~~”

“3. [~~4.] Build bridges and keep them in repair.~~”

“4. [~~5.] Appoint road overseers and apportion hands.~~”

“5. [~~6.] Exercise general control over all roads, highways, ferries and bridges in their counties.~~”

“6. [~~7.] Provide and keep in repair court houses, jails and all necessary public buildings.~~”

“7. [~~8.] Provide for the protection, preservation and disposition of all lands granted to the county for education or schools.~~”

“8. [~~9.] Provide seals required by law for the district and county courts.~~”

“9. [~~10.] Audit and settle all accounts against the county and direct their payment.~~”

“10. [~~11.] Provide for the support of paupers and such idiots and lunatics as cannot be admitted into the lunatic asylum, residents of their county, who are unable to support themselves. By the term resident as used herein, is meant a person who has been a bona fide inhabitant of the county not less than six months and of the State not less than one year.~~”

“11. [~~12.] Provide for the burial of paupers.~~”

“12. [~~13.] Punish contempts by fine not to exceed twenty-five dollars or by imprisonment not to exceed twenty-four hours, and in case of fine, the party may be held in custody until the fine is paid.~~”

“13. [~~14.] Issue all such notices, citations, writs and process as may be necessary for the proper execution of the powers and duties imposed by such court and to enforce its jurisdiction.~~”

“14. [~~15.] Said court shall have all such other powers and jurisdiction, and shall perform all such other duties, as are now or may hereafter be prescribed by law.~~”

“15. [~~16.] Said Court shall have the authority to use county road machinery and funds from the General Fund or Road and Bridge Funds in cleaning streams and in aiding flood control when such improvements are deemed to be of aid to the county in the maintenance and the building of county roads, in counties having a population of from nineteen thousand, eight hundred and fifty (19,850) to nineteen thousand, eight hundred and ninety-five (19,895) according to the last Federal Census.~~”

“16. [~~17.] a. The Commissioners Court of each county of this State, in addition to the powers already conferred on it by law, is hereby empowered to create a revolving fund or funds and to make appropriations thereto out of the general revenue of such county; and such revolving fund shall be used by such county only in cooperation with the United States Department of~~”

Agriculture to aid and assist in carrying out the purposes and provisions of an Act of Congress of the United States pertaining to the distribution of commodities to persons in need of assistance, under the direction of the United States Department of Agriculture; provided, however, that the county shall have on hand at all times either the moneys appropriated to such revolving fund or funds or the equivalent thereof in stamps issued by the United States Department of Agriculture under the Food and/or Cotton Stamp Plan, which stamps are convertible into cash at any time.

“b. In such counties of this State exercising the powers herein granted, an issuing officer shall be appointed to carry out the provisions of this Act and to administer the funds herein appropriated. Such issuing officer shall be a citizen of the State of Texas and appointed by the County Judge of such County subject to the approval of the Commissioners Court thereof. He shall be required to furnish a good and sufficient surety bond in such amount and upon such terms and conditions as may be required by the Commissioners Court and the United States Department of Agriculture. Such issuing officer shall receive a salary, to be paid out of the general fund or any other fund of the county, except constitutional funds, not otherwise appropriated, not to exceed Two Hundred Dollars (\$200) per month, and may appoint such cashiers and other assistants as may be authorized by such Court. The premiums of all bonds which may be required of such issuing officer, cashiers or other assistants, shall be paid by the Commissioners Court out of any available funds therefor belonging to such county.

“c. Provided however the powers herein granted to such counties may be exercised by two (2) or more counties in conjunction with each other and in cooperation with the United States Department of Agriculture. And when such powers are exercised by two (2) or more counties jointly, the County Judges of such counties shall appoint the issuing officer, fix such appointee's bond and [tø] do all other things necessary to cooperate with the United States Department of Agriculture in the same and like manner as is herein granted to any one county of this State.

“d. Provided that such Commissioners Courts of such counties may cooperate with any incorporated city or town within such county or counties on such conditions and requirements as may be promulgated by such Commissioners Court or Courts.

“e. Whenever any county herein authorized to create such a revolving fund ceases to participate therein the issuing officer appointed under the provisions hereof shall forthwith reduce all stamps to their equivalent in money and return such moneys then on hand to the fund from which same was originally appropriated and render a full account of his administration thereof to the Commissioners Court or Courts as the case may be.

“17 [48](a) The Commissioners Court of each county of this State, in addition to the powers already conferred on it by law, is empowered in all cases where said county has heretofore acquired, or may hereafter acquire, land for an airport through purchase or gift from any person or source whatever, including the Federal Government, or any agency thereof, to lease said land and/or the facilities thereof, or any part thereof to any person or corporation upon such terms as the Commissioners Court shall deem advisable for airport purposes, or other purposes, provided any such lease is not inhibited by the terms of the grant to such county. Said counties through such Commissioners Courts are also hereby expressly authorized and empowered to contract with reference to oil, gas or other minerals or natural resources which may be vested in said counties by virtue of the ownership of such airports and to execute and deliver to any person upon such conditions and for such consideration, including oil payments, gas payments, overriding royalties, etc. as the Commissioners Court may deem advisable, mineral deeds or mineral leases of all or any part of said minerals, or the rights thereto, which are vested in the county and to generally contract for the exploration and development of the minerals underlying said land or any part thereof.

“(b) The proceeds from the sale of any minerals or mineral rights, or the consideration for the execution of any mineral leases, including cash bonuses, delay rentals and royalties, need not be devoted to the maintenance, upkeep, improvement and operation of such airport, but may be expended by the Commissioners Court for any lawful purpose.

“(c) The proceeds received, or to be received from any person from the lease of the surface of said land, or from the lease of the facilities thereof, or any part thereof, for purposes other than airport purposes, or for purposes other than those relating to the operation of an airport, may likewise be expended by the Commissioners Court for any lawful purpose.

“(d) The proceeds received, or to be received, from any person for any lease of the surface of said land, or for the lease of the facilities thereof, or any part thereof, for airport purposes, or for purposes related to the operation of an airport, shall be devoted, first, to the maintenance, upkeep, improvement and operation of such airport and the facilities, structures and improvements thereof, but any surplus remaining at the close of any fiscal year of operation may be expended by such Commissioners Court for any lawful purpose.

“(e) The proceeds received, or to be received, from any charges for the use of said airport for airport purposes shall be devoted, first, to the maintenance, upkeep, improvement and operation of such airport and the facilities, structures and improvements thereof, but any surplus



remaining at the close of the fiscal year of operation may be expended by the Commissioners Court for any lawful purpose.

"18 [10](a) The Commissioners Court of each county of this State, in addition to the powers already conferred upon it by law, is expressly authorized and empowered to contract with the United States Government, or with any agency thereof, and particularly with the Federal Works Administrator, the Housing and Home Finance Administrator, and/or the National Housing Administrator, or their successor or successors, for the acquisition of any land, or interest in land, in such county, owned by the United States Government, or any agency thereof, and for the acquisition of any temporary housing on land which the United States Government, or any agency thereof, may own or control; and each such county in this State is authorized and empowered to acquire by purchase, gift or otherwise, any such land and any such housing from the United States Government, or any agency thereof, and to own and operate such land and housing.

"(b) Each Commissioners Court in this State is authorized and empowered to adopt a resolution or order requesting the transfer to said county of any such land or housing, or interest therein, which the United States Government, or any agency thereof, is now, or may be hereafter, authorized to convey or transfer to such county, and each such county, through its Commissioners Court, is expressly authorized and empowered to bind itself to comply with any and all terms and conditions which the United States Government, or any agency thereof, may impose as a prerequisite to the transfer or conveyance of any of such land or housing, or either of them, or any interest therein; and any instrument or deed conveying to said county any such land or any such housing, or any interest therein, may contain any conditions and provisions, covenants and warranties which may be prescribed by the United States Government, or any agency thereof, and agreed upon by said county acting through its Commissioners Court, provided that such terms and conditions are not inhibited by the Constitution of the State of Texas.

"(c) For the purpose of purchasing or otherwise acquiring said lands or housing, or both, and improving, enlarging, extending or repairing the same, the Commissioners Court of any county may issue negotiable bonds of the county and levy taxes to provide for the interest and sinking funds of any such bonds so issued, the authority hereby given for the issuance of such bonds and the levying and collection of such taxes to be exercised in accordance with the provisions of Chapter 1 of Title 22 of the Revised [Civil] Statutes [of Texas, 1925, as amended].

"(d) Counties are expressly authorized and empowered to lease or rent any lands, housing, or facilities acquired by them pursuant to this Act and to establish and revise the rent or charges therefor; to arrange or contract for the furnishing by any person or agency, public or private, of services, or facilities for, or in connection with, any of such lands, housing or facilities, or the occupants thereof;

"(e) Said counties are further authorized to sell and convey all or any part of the land or housing so acquired or to lease or exchange same; and said counties are further expressly authorized to execute oil, gas or mineral leases covering all or any part of said lands so acquired on such terms and conditions as may be deemed advisable by the Commissioners Court and for such consideration, including oil payments, gas payments, overriding royalties, etc. as may be deemed advisable; and such counties, through their Commissioners Courts, are expressly authorized and empowered to execute conveyances of minerals or mineral rights, and to generally contract for the exploration and development of the minerals underlying said land, if any, or any part thereof.

"19. [20.] The Commissioners Court of each county of this State, in addition to the powers already conferred on it by law, is authorized and empowered in all cases where such county has acquired a water supply from subterranean waters for county purposes, to sell, contract to sell and deliver any or all of such water which is not needed for county purposes to any public or municipal corporation, or political subdivision of this State, including any water control and improvement district, or fresh water supply district now created and existing, or which may hereafter be created under the laws of this State; any such water sold or contracted to be sold and delivered to any such public or municipal corporation or political subdivision of this State, may be used or re-sold for any lawful purpose; and said Commissioners Court shall have the right to fix and determine the rate or rates at which such water shall be sold to any such public or municipal corporation or political subdivision of this State, and to enter into contracts to sell and supply such water at such determined rate or rates for any term of years not exceeding forty (40); and all monies received by the county from the sale of such water shall be placed to the credit of the General Fund of the county and may be expended for general county purposes as now or hereafter permitted by law."

**SECTION 5. CONFORMING AMENDMENT.** Section 13, Chapter 465, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 3912e, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. The Commissioners' Court in counties having a population of twenty thousand (20,000) inhabitants or more, and less than one hundred and ninety thousand (190,000) inhabitants according to the last preceding Federal Census, is hereby authorized and it shall be its duty to fix the salaries of all the following named officers, to-wit: sheriff, assessor and collector of taxes, county judge, [county attorney, including criminal district attorneys and county attorneys who perform the duties of district attorneys,] district clerk, county clerk, treasurer, hide and animal inspector. Each of said officers shall be paid in money an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation by him in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under laws existing on August 24, 1935; provided that in counties having a population of twenty thousand (20,000) and less than thirty-seven thousand five hundred (37,500) according to the last preceding Federal Census, and having an assessed valuation in excess of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved preceding tax roll of such county the maximum amount allowed such officers as salaries may be increased one (1%) per cent for each One Million (\$1,000,000.00) Dollars valuation or fractional part thereof, in excess of said Fifteen Million (\$15,000,000.00) Dollars valuation over and above the maximum amount allowed such officers under laws existing on August 24, 1935; and provided that in counties having a population of thirty-seven thousand five hundred (37,500) and less than sixty thousand (60,000) according to the last preceding Federal Census, and having an assessed valuation in excess of Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such county, the maximum amount allowed such officers as salaries, may be increased one (1%) per cent for each One Million (\$1,000,000.00) Dollars valuation or fractional part thereof, in excess of said Twenty Million (\$20,000,000.00) Dollars valuation over and above the maximum amount allowed such officer under laws existing on August 24, 1935.

"(a) The Commissioners Court may authorize the employment of a stenographer by the county judge and pay for such services out of the General Fund of the county to an amount not to exceed Fifteen Hundred Dollars (\$1500) per year.

"(b) In those counties wherein the county officials are on a salary basis and in which counties there is a criminal district attorney or a county attorney performing the duties of a district attorney, there shall be deposited in the officers salary fund on the first day of September, January and May of each year, such sums as may be apportioned to such county under the provisions of this Act out of the available appropriations, made by the Legislature for such purposes; provided, however, that in counties wherein the Commissioners Court is authorized to determine whether county officers shall be compensated on a salary basis; no apportionment shall be made to such county until the Comptroller of Public Accounts shall have been notified of the order of the Commissioners Court that the county officers of such county shall be compensated on a salary basis for the fiscal year. It shall be the duty of the Comptroller of Public Accounts to annually apportion to such counties any monies appropriated for said year for such apportionment; each such county entitled to participate in such apportionment shall receive for the benefit of its officers salary fund or funds its proportionate part of the appropriation which shall be distributed among the several counties entitled to participate therein, on the basis of the per capita population of each such county according to the last preceding Federal Census; provided the annual apportionment for such purposes shall be determined as follows: the apportionment shall not exceed Ten Cents (10¢) per capita of said population in those counties under eighty five hundred (8500) inhabitants; the apportionment shall not exceed Seven and One-half Cents (7 1/2¢) per capita of said population in those counties having a population of not less than eighty five hundred (8500) and not more than nineteen thousand (19,000) inhabitants; the apportionment shall not exceed Five Cents (5¢) per capita of said population in those counties having a population of not less than nineteen thousand and one (19,001) and not more than seventy five thousand (75,000) inhabitants and the apportionment shall not exceed Four Cents (4¢) per capita in those counties having a population of over seventy five thousand (75,000) inhabitants. Provided the provisions of this Act shall also apply to Harris County for the constitutional office of the District Attorney for the Criminal District Court of Harris County at not to exceed Four Cents (4¢) per capita. The Comptroller shall, at the option of the criminal district attorney, pay directly to the criminal district attorney in all counties with a population in excess of six hundred thousand (600,000) inhabitants according to the last preceding Federal Census a sum equal to the sum authorized in the general appropriations bill for district attorneys. Such sum shall be paid in twelve (12) equal installments on the first day of each month. Any such sums so paid shall be deducted from any sum due to said county under the provisions of this Act. In no event shall the total salary and allowances of the criminal district attorney of any such county from all sources be less than the salary of such criminal district attorney paid by said county on the effective date of this Act.]

“(c) The Commissioners Courts of the respective counties of Texas having a population of more than forty-six thousand, one hundred (46,100) and less than forty-six thousand, two hundred (46,200), according to the last preceding Federal Census, are hereby authorized to fix the salary of the County Treasurer of their particular county at any sum not less than Fifty Dollars (\$50) per month. In the determination of such salary the Court will consider the fees received by such office during the preceding fiscal year, the expenses of that office during the same period, and the relative duties incumbent on such officer; and shall in their discretion affix to such office such compensation as they deem just and necessary for the services rendered, within the limits hereinbefore provided.

“(d) The Commissioners Courts of the respective counties of Texas having a population of more than ninety thousand (90,000), and less than one hundred and twelve thousand (112,000), according to the last preceding Federal Census, are hereby authorized to fix the salary of the County Treasurer of the particular county at a sum not less than Six Hundred Dollars (\$600) per year, nor more than Thirty-six Hundred Dollars (\$3600) per year.

“(e) The Commissioners Court is hereby authorized, when in their judgment the financial condition of the county and the needs of the officers justify the increase, to enter an order increasing the compensation of the precinct, county and district officers in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did not exceed the sum of Thirty-six Hundred (\$3600.00) Dollars.”

**SECTION 6. CONFORMING AMENDMENT.** Section 19(r), Chapter 465, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 3912e, Vernon's Texas Civil Statutes), is amended to read as follows:

“(r) The moneys received from the State by each such county under the provisions of Section 6 [~~and subsection b of Section 13~~] of this Act shall be apportioned by the Commissioners' Court to the proper Officers' Salary Fund of each such county.”

**SECTION 7. CONFORMING AMENDMENT.** Section 1, Chapter 426, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5139FFF, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 1. There is established a county juvenile board in Eastland County. The board is composed of the county judge, the judge of the 91st district court, the *criminal district [county]* attorney, and the sheriff. The official title of the board shall be the Eastland County Juvenile Board. The judge of the court which is designated as the juvenile court of the county shall be the chairman of the board and its chief administrative officer.”

**SECTION 8. CONFORMING AMENDMENT.** Title 82, Revised Statutes, is amended by adding Article 5139.2 to read as follows:

“**Article 5139.2. COUNTY JUVENILE BOARD IN COUNTIES WITH FAMILY DISTRICT COURT.** (a) *Except as otherwise provided in this section, when a family district court is created in a county, that county's juvenile board is composed of the county judge, the family district court judge or judges, the district judge or judges whose jurisdiction includes the county, and the judges of all other courts in the county having jurisdiction over juvenile matters. Except in counties in which there is only one family district court judge, the members of the juvenile board shall select a family district court judge to serve as chairman of the board. The juvenile board has the powers and duties prescribed by law.*

“(b) *The juvenile board shall appoint a chief juvenile probation officer who shall serve as the chief administrative officer of the family district court at the pleasure of the juvenile board. Subject to approval of the juvenile board, the chief juvenile probation officer shall select as many assistant probation officers and other personnel as are necessary to perform the duties assigned him by the juvenile board.*

“(c) *The commissioners court may compensate juvenile board members for their duties performed on the juvenile board beyond the compensation otherwise provided for by law, and this compensation is in addition to all other compensation paid by the state or county to district, family district, and county judges. On recommendation of the juvenile board, the commissioners court shall also:*

“(1) *fix the compensation of the chief juvenile probation officer and the members of his staff; and*

“(2) *provide the physical facilities necessary to operate the juvenile board.*

“(d) *The creation of a family district court in a county also creates a juvenile board in that county if one does not exist.*

“(e) *This article does not affect the composition or organization of a juvenile board existing on September 1, 1977. (V.A.C.S. Art. 1926a, Sec. 1.07.)*”

**SECTION 9. CONFORMING AMENDMENT.** Subsection (a), Article 5972, Revised Statutes, is amended to read as follows:

“(a) By ‘incompetency’ as used herein *and for purposes of Article XV, Section 6, of the Texas Constitution* is meant gross ignorance of official duties, or gross carelessness in the discharge of them; or an officer may be found to be incompetent when, by reason of some serious physical or mental defect, not existing at the time of his election, he has become unfit or unable to discharge promptly and properly the duties of his office.”

**SECTION 10. CONFORMING AMENDMENT.** Section 42.103, Title 110B, Revised Statutes, is amended to read as follows:

“Section 42.103. **INELIGIBILITY FOR MEMBERSHIP.** A retiree who makes an election under Section 75.001, *Government Code*, [~~42.101 of this subtitle~~] may not rejoin the retirement system or receive credit in the retirement system for service performed under assignment as provided by Section 75.002, *Government Code* [~~42.102 of this subtitle~~].”

**SECTION 11. CONFORMING AMENDMENT.** Subsection (a), Section 42.104, Title 110B, Revised Statutes, is amended to read as follows:

“(a) While serving under assignment as provided by Section 75.002, *Government Code* [~~42.102 of this subtitle~~], a retiree is entitled to be paid, instead of the annuity otherwise payable under this subtitle, a retirement allowance equal to the salary of the judge of the court to which the retiree has been assigned.”

**SECTION 12. CONFORMING AMENDMENT.** Section 1, Chapter 48, General Laws, Acts of the 44th Legislature, Regular Session, 1935 (Article 6813b, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 1. *All [From and after the effective date of this Act, all] salaries of all State officers and State employees, including the salaries paid any individual out of the General Revenue Fund, shall be in such sums or amounts as may be provided for by the Legislature in the biennial Appropriations Act. [It is specifically declared to be one of the intents hereof that the Legislature shall also fix the amount of supplemental salaries hereafter, out of court fees and receipts, to be paid to the clerks and other employees of the Courts of Appeals, the Supreme Court and the Court of Criminal Appeals.]* It is further provided that in instances where the biennial Appropriations Act does not specify or regulate the salaries or compensation of a State official or employee, the law specifying or regulating the salary or compensation of such official or employee is not suspended by this Act.”

**SECTION 13. CONFORMING AMENDMENT.** Sections 1 and 2, Chapter 363, Acts of the 59th Legislature, Regular Session, 1965 (Article 6819a-40, Vernon’s Texas Civil Statutes), are amended to read as follows:

“Section 1. [~~(a)~~] The Commissioners Court of McLennan County shall supplement the salary of [~~the District Court Judges whose jurisdiction lies in McLennan County;~~] the Judge of the County Court at Law of McLennan County [~~;~~] and the salary of the County Judge of McLennan County in an amount not less than \$1,500 nor more than \$5,000 a year for services rendered to the Juvenile Board of McLennan County.

[~~(b) The Commissioners Court may also supplement District Judges’ salary by not more than \$5,000 a year for administrative services rendered to the County.~~]

“Section 2. The supplemental salary described in Section 1 of this Act is in addition to all other salary now paid or authorized to be paid by the State to the Judges [~~of the District Courts;~~] of the County Court at Law and of the County Court of McLennan County.”

**SECTION 14. CONFORMING AMENDMENT.** Chapter 26, Code of Criminal Procedure, 1965, is amended by adding Article 26.041 to read as follows:

“*Article 26.041. ASSISTANCE FOR COURT-APPOINTED COUNSEL IN HARRIS COUNTY.* (a) To assist the courts in providing timely and effective assistance of counsel to indigents in criminal cases, the Commissioners Court of Harris County may contract with:

“(1) an established bar association;

“(2) a nonprofit corporation;

“(3) a nonprofit trust association; or

“(4) any other nonprofit entity whose primary purpose is to provide timely and effective assistance of counsel for an indigent accused of a crime.

“(b) The contract may provide that the contracting entity provide additional legal counseling and advice to the court-appointed attorney and provide necessary investigative services authorized by Article 26.05 of this code.

“(c) To provide a judge with the necessary information to determine if a defendant should be released on personal bond, as authorized by Article 17.03 of this code, the commissioners court may contract with an entity listed in Subsection (a) of this article to:

“(1) interview the defendant;

“(2) verify the information given by the defendant;

“(3) recommend to the judge having jurisdiction of the case if the defendant should be released on a personal bond; and

“(4) assist the court in securing the presence in court of a defendant who was released on personal bond.

“(d) The commissioners court may not contract for services under this article for more than one year, but the commissioners court may renew a contract. Either party to a contract may terminate the contract by giving six months’ advance notice of intent to terminate.

“(e) The commissioners court shall pay for contracted services from county general funds. The commissioners court may accept grants, federal funds, and other financial assistance to assist the program. (V.A.C.S. Art. 2372p-1.)”

**SECTION 15. CONFORMING AMENDMENT.** Chapter 26, Code of Criminal Procedure, 1965, is amended by adding Article 26.042 to read as follows:

“Article 26.042. **TARRANT COUNTY PUBLIC DEFENDER.** (a) Each judge of a criminal district court having jurisdiction in Tarrant County shall appoint an attorney to serve as a public defender. The appointing judge shall define the powers and duties of the public defender appointed to serve that court.

“(b) A public defender serves at the pleasure of the appointing judge. A public defender is entitled to receive an annual salary in an amount set by the commissioners court.

“(c) To be eligible for appointment as a public defender, a person must:

“(1) be a member of the State Bar of Texas;

“(2) have practiced law for at least three years; and

“(3) have experience in the practice of criminal law.

“(d) Except as authorized by this article, a public defender may not engage in the private practice of criminal law or accept anything of value for services rendered in a criminal case.

“(e) A public defender or a practicing attorney appointed by a court of competent jurisdiction shall represent each indigent person who is charged with a criminal offense in a Tarrant County court or who is a party in a juvenile delinquency proceeding in Tarrant County.

“(f) A public defender may investigate the financial condition of any person the public defender is appointed to represent. The public defender shall report the results of any investigation to the appointing judge. The court may hold a hearing to determine if the defendant is indigent and entitled to representation by a public defender.

“(g) At any stage of a criminal proceeding including appeal or other postconviction proceedings, the court may assign a substitute attorney to represent an indigent defendant.

“(h) Except for the provisions relating to daily appearance fees, Article 26.05 of this code applies to public defenders.

“(i) An attorney other than a public defender who is appointed to represent an indigent defendant is entitled to the compensation provided by Article 26.05 of this code. (V.A.C.S. Art. 341-1, Secs. 2, 3, 4, 5.)”

**SECTION 16. CONFORMING AMENDMENT.** Chapter 26, Code of Criminal Procedure, 1965, is amended by adding Article 26.043 to read as follows:

“Article 26.043. **PUBLIC DEFENDER IN WICHITA COUNTY.** (a) The Commissioners Court of Wichita County may appoint an attorney to serve as a public defender. The public defender serves at the pleasure of the commissioners court.

“(b) To be eligible for appointment as a public defender, a person must:

“(1) be a member of the State Bar of Texas;

“(2) have practiced law for at least three years; and

“(3) have experience in the practice of criminal law.

“(c) With the approval of the commissioners court, the public defender may employ assistant public defenders, investigators, secretaries, and other necessary personnel. An assistant public defender must be a licensed attorney and may perform the duties of a public defender under this article.

“(d) Chapter 622, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3912k, Vernon’s Texas Civil Statutes), applies to the compensation of personnel and the payment of office expenses, except that the public defender may not receive a salary that is greater than the salary paid to the district attorney serving Wichita County.

“(e) Except as authorized by this article, a public defender or assistant public defender may not:

“(1) engage in the private practice of criminal law;

“(2) engage in the private practice of civil law in a county court, county court at law, or district court in Wichita County; or

“(3) accept anything of value not authorized by this article for services rendered under this article.

“(f) The commissioners court may remove a public defender or assistant public defender who violates a provision of Subsection (e) of this article.

“(g) The public defender or an assistant public defender shall represent each indigent person who is charged with a criminal offense in Wichita County and each indigent minor who is a party to a juvenile delinquency proceeding in the county.

“(h) A public defender or an assistant public defender shall investigate the financial condition of any person the public defender is appointed to represent. The defender shall report the results of the investigation to the appointing judge. The judge may hold a hearing to determine if the defendant or minor is indigent and entitled to representation under this article.

“(i) If at any stage of the proceeding the judge determines that a conflict of interest exists between the public defender and the defendant or minor, the judge may appoint another attorney to represent the person. The attorney must be licensed to practice law in this state and is entitled to the compensation provided by Article 26.05 of this code.

“(j) Except for the provisions relating to daily appearance fees, Article 26.05 of this code applies to the public defender and assistant public defenders.

“(k) The commissioners court may accept gifts and grants from any source to finance an adequate and effective public defender program. (V.A.C.S. Art. 341-3.)”

**SECTION 17. CONFORMING AMENDMENT.** Chapter 26, Code of Criminal Procedure, 1965, is amended by adding Article 26.044 to read as follows:

“**Article 26.044. PUBLIC DEFENDER IN COUNTY WITH FOUR COUNTY COURTS AND FOUR DISTRICT COURTS.** (a) The commissioners court of any county having four county courts and four district courts may appoint one or more attorneys to serve as a public defender. A public defender serves at the pleasure of the commissioners court.

“(b) To be eligible for appointment as a public defender, a person must:

“(1) be a member of the State Bar of Texas;

“(2) have practiced law for at least three years; and

“(3) have experience in the practice of criminal law.

“(c) The public defender is entitled to receive an annual salary in an amount fixed by the commissioners court and paid out of the appropriate county fund.

“(d) Except as authorized by this article, a public defender may not:

“(1) engage in the private practice of criminal law; or

“(2) accept anything of value not authorized by this article for services rendered under this article.

“(e) The judge may remove a public defender who violates a provision of Subsection (d) of this article.

“(f) A public defender or an attorney appointed by a court of competent jurisdiction shall represent each indigent person who is charged with a criminal offense in a county having at least four county courts and at least four district courts and each indigent minor who is a party to a juvenile delinquency proceeding in the county.

“(g) A public defender may investigate the financial condition of any person the public defender is appointed to represent. The defender shall report the results of the investigation to the appointing judge. The judge may hold a hearing to determine if the person is indigent and entitled to representation under this article.

“(h) If an attorney other than a public defender is appointed, the attorney is entitled to the compensation provided by Article 26.05 of this code.

“(i) At any stage of the proceeding, including appeal or other postconviction proceedings, the judge may appoint another attorney to represent the person. The substitute attorney is entitled to the compensation provided by Article 26.05 of this code.

“(j) Except for the provisions relating to daily appearance fees, Article 26.05 of this code applies to a public defender appointed under this article. (V.A.C.S. Art. 341-2.)”

**SECTION 18. CONFORMING AMENDMENT.** Chapter 42, Code of Criminal Procedure, 1965, is amended by adding Article 42.122, to read as follows:

“**Article 42.122.** The adult probation officer of the 222nd Judicial District receives a salary of not less than \$15,000 per annum. Also, the probation officer receives allowances, not to exceed the amount allowed by the federal government for traveling the most practical route to and from the place where the duties are discharged, for his necessary travel and hotel expenses. Upon the sworn statement of the officer, approved by the judge, the respective counties of the judicial district pay the

expenses incurred for their regular or special term of court out of the general county fund. In lieu of travel allowances the commissioners court of each county, by agreement, may provide transportation under the same terms and conditions as provided for sheriffs. (V.A.C.S. Art. 199a, Sec. 3.049(d).)"

**SECTION 19. CONFORMING AMENDMENT.** Chapter 11, Family Code, is amended by adding Section 11.171 to read as follows:

"Section 11.171. **ADOPTION FILING FEE.** (a) The clerk of the district court or other court having jurisdiction of a suit affecting the parent-child relationship under Title 2 of this code shall, on the filing of any suit affecting the parent-child relationship in which the adoption of a child is sought, collect an additional fee of \$15.

"(b) The clerk shall send the fees collected under this section to the Texas Department of Human Resources.

"(c) The Texas Department of Human Resources shall deposit the fees received under this section to the credit of a special fund in the State Treasury.

"(d) The legislature may appropriate the money in the special fund only for the operation of the central record file under Section 11.17 of this code and for the administration of the central registry under Chapter 49, Human Resources Code. (V.A.C.S. Art. 3927c.)"

**SECTION 20. CONFORMING AMENDMENT.** If the proposed Title 3, Government Code, is not enacted by the 69th Legislature, Regular Session, or does not become law, Title 1, Government Code, is enacted to read as follows:

## "TITLE 1. GENERAL PROVISIONS

### "CHAPTER 1. GENERAL PROVISIONS

"Section 1.001. **PURPOSE OF CODE.** (a) This code is enacted as a part of the state's continuing statutory revision program, begun by the Texas Legislative Council in 1963 as directed by the legislature in Chapter 448, Acts of the 58th Legislature, Regular Session (Article 5429b-1, Vernon's Texas Civil Statutes). The program contemplates a topic-by-topic revision of the state's general and permanent statute law without substantive change.

"(b) Consistent with the objectives of the statutory revision program, the purpose of this code is to make the law encompassed by this code more accessible and understandable, by:

"(1) rearranging the statutes into a more logical order;

"(2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;

"(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and 1

"(4) restating the law in modern American English to the greatest extent possible. (New.)

"Section 1.002. **CONSTRUCTION OF CODE.** The Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) applies to the construction of each provision in this code, except as otherwise expressly provided by this code. (New.)

"Section 1.003. **INTERNAL REFERENCES.** In this code:

"(1) a reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of this code; and

"(2) a reference to a subtitle, subchapter, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of this code in which the reference appears. (New.)

"[Chapters 2-20 reserved for expansion]"

**SECTION 21. CONFORMING AMENDMENT.** If the proposed Title 3, Government Code, is enacted by the 69th Legislature, Regular Session, and becomes law, Sections 33.003, 42.006, 47.010, 52.014, 71.002, and 91.008, Government Code, are amended to read as follows:

"Section 33.003. **APPLICATION OF SUNSET ACT.** The State Commission on Judicial Conduct is subject to the Texas Sunset Act (*Chapter 325*) [~~Article 5420k, Vernon's Texas Civil Statutes~~], but is not abolished under that Act. The commission shall be reviewed under that Act during the period for review of state agencies abolished September 1, 1987, and every 12th year after 1987. (V.A.C.S. Art. 5966a, Sec. 1A.)"

"Section 42.006. **SUNSET PROVISION.** The office of the state prosecuting attorney is subject to the Texas Sunset Act (*Chapter 325*) [~~Article 5420k, Vernon's Texas Civil Statutes~~]. Unless continued in existence as provided by that Act, the office is abolished effective September 1, 1987. (V.A.C.S. Art. 1811aa.)"

"Section 47.010. SUNSET PROVISION. The council is subject to the Texas Sunset Act (*Chapter 325*) [~~Article 5420k, Vernon's Texas Civil Statutes~~]. Unless continued in existence as provided by that Act, the council is abolished and this chapter expires effective September 1, 1985. (V.A.C.S. Art. 332d-1.)"

"Section 52.014. SUNSET PROVISION. The Court Reporters Certification Board is subject to the Texas Sunset Act (*Chapter 325*) [~~Article 5420k, Vernon's Texas Civil Statutes~~]. Unless continued in existence as provided by that Act, the board is abolished September 1, 1987. (V.A.C.S. Art. 2324b, Sec. 5A.)"

"Section 71.002. SUNSET PROVISION. The council is subject to the Texas Sunset Act (*Chapter 325*) [~~Article 5420k, Vernon's Texas Civil Statutes~~]. Unless continued in existence as provided by that Act, the council is abolished and this chapter expires effective September 1, 1987. (V.A.C.S. Art. 2328a, Sec. 1a.)"

"Section 91.008. SUNSET PROVISION. The library is subject to the Texas Sunset Act (*Chapter 325*) [~~Article 5420k, Vernon's Texas Civil Statutes~~]. Unless continued in existence as provided by that Act, the library is abolished and this chapter expires September 1, 1987. (V.A.C.S. Art. 5444b, Sec. 2a.)"

**SECTION 22. CONFORMING AMENDMENT.** If the proposed Title 2, Code of Criminal Procedure, is enacted by the 69th Legislature, Regular Session, and becomes law, Section 29.009(e), Government Code, is amended to read as follows:

"(e) Each officer collecting court costs under this section shall file the reports required under *Article 103.005, Code of Criminal Procedure* [~~Articles 944 and 945, Code of Criminal Procedure, 1925 (Articles 1001 and 1002, Part II, Vernon's Texas Code of Criminal Procedure, 1965)~~]. If no funds due as costs under this section have been collected in any quarter, the report required for each quarter shall be filed in the regular manner, and the report must state that no funds due under this section were collected."

**SECTION 23. CONFORMING AMENDMENT.** If the proposed Title 2, Code of Criminal Procedure, is enacted by the 69th Legislature, Regular Session, and becomes law, Section 30.122(b), Government Code, is amended to read as follows:

"(b) A bond taken in a proceeding in the court must be payable to the state for the use and benefit of the city. The court may not assess court costs other than:

"(1) warrant fees or capias fees authorized for municipal courts by the Code of Criminal Procedure, 1965; and

"(2) fees for the criminal justice planning fund as authorized by *Article 102.051, Code of Criminal Procedure* [~~Chapter 935, Acts of the 62nd Legislature, Regular Session, 1974 (Article 1082, Part 2, Vernon's Texas Code of Criminal Procedure)~~]."

**SECTION 24. CONFORMING AMENDMENT.** On the date a county court at law is created in Kleberg County or on January 1, 1986, whichever occurs first, Section 24.130 of this code is amended to read as follows:

"Section 24.130. 28TH JUDICIAL DISTRICT ( [~~KENEDY, KLEBERG, AND~~] NUECES COUNTY [~~COUNTIES~~]). (a) The 28th Judicial District is composed of [~~Kenedy, Kleberg, and~~] Nueces County [~~Counties~~].

"(b) The 28th District Court has concurrent jurisdiction with the 94th and 117th district courts in Nueces County.

"(c) The terms of the 28th District Court begin *on the first Mondays in January and July. The terms are designated the January-July and July-January terms* [:

"[(1) in Kenedy County on the first Mondays in April and October;

"[(2) in Kleberg County on the first Mondays in March and September; and

"[(3) in Nueces County on the first Mondays in January and July and the terms are designated the January/July and July/January terms:

"[(d) The judge may devote as much time to court business in Kenedy and Kleberg counties as the docket requires and shall devote the remainder of his time to court business in Nueces County]. (V.A.C.S. Art. 199(28); Art. 199(94), Sec. 2 (part).)"

**SECTION 25.** If the proposed Civil Practice and Remedies Code is enacted by the 69th Legislature, Regular Session, and becomes law, Section 28.011, Government Code, is amended to read as follows:

"Section 28.011. VENUE. An action in small claims court must be brought in the county and precinct in which the defendant resides, except that:

"(1) an action on an obligation that the defendant has contracted to perform in a certain county may be brought in that county; and

"(2) an action for which venue is proper under *Section 15.069, Civil Practice and Remedies Code* [~~Article 2302, Revised Statutes~~], may be brought as provided by that *section* [~~article~~]. (V.A.C.S. Art. 2460a, Sec. 3.)"



**SECTION 26. REPEALER.** The following laws are repealed:

(1) the following articles and acts as compiled in Vernon's Texas Civil Statutes: 198; 199; 200; 200a; 200b; 200c; 321; 322; 322a-1; 322b; 322c; 323; 324; 324a; 324b; 325; 325a; 325b; 326; 326b; 326c; 326f; 326g; 326h; 326i; 326j; 326k; 326k-1; 326k-3; 326k-4; 326k-5; 326k-5a; 326k-6; 326k-8; 326k-9; 326k-10; 326k-11; 326k-12; 326k-13; 326k-14; 326k-15; 326k-16; 326k-18; 326k-19; 326k-20; 326k-21; 326k-22; 326k-23; 326k-24; 326k-25; 326k-26; 326k-27; 326k-28; 326k-29a; 326k-30; 326k-30a; 326k-31; 326k-32; 326k-33; 326k-35; 326k-36; 326k-36a; 326k-37; 326k-38b; 326k-40; 326k-42; 326k-43; 326k-43a; 326k-44; 326k-45; 326k-45a; 326k-46; 326k-47; 326k-47a; 326k-48; 326k-48a; 326k-49; 326k-49a; 326k-50; 326k-51; 326k-52; 326k-53; 326k-54; 326k-55; 326k-56; 326k-57; 326k-58; 326k-59; 326k-60; 326k-60a; 326k-61; 326k-61a; 326k-61b; 326k-62; 326k-63; 326k-64; 326k-64a; 326k-65; 326k-66; 326k-67; 326k-68; 326k-69; 326k-70; 326k-71; 326k-72; 326k-73; 326k-74; 326k-75; 326k-76; 326k-77; 326k-78; 326k-79; 326k-80; 326k-81; 326k-82; 326k-83; 326k-84; 326k-85; 326k-86; 326k-87; 326k-88; 326l-1; 326l-2; 326l-3; 326m; 326n; 326o; 327; 328; 329; 330; 331; 331a; 331b; 331b-1; 331b-2; 331b-3; 331c; 331d; 331e; 331f; 331f-1; 331g; 331g-1; 331g-2; 331h; 331i; 331j; 331k; 331l; 331m; 332; 332a; 332b; 332b-1; 332b-2; 332b-3; 332b-4; 332b-5; 332d; 332d-1; 333; 334; 335; 336; 337; 338; 339; 340; 341; 341-1; 341-2; 341-3; 1194; 1194A; 1195; 1196; 1196(a); 1197; 1197a; 1198; 1199; 1199a; 1200; 1200a; 1200b; 1200c; 1200d; 1200e; 1200f; 1200g; 1200h; 1200aa; 1200bb; 1200cc; 1200dd; 1200ee; 1200ee-2; 1200ff-1; 1200gg; 1200hh; 1200ii; 1200jj; 1200kk; 1200ll; 1200mm; 1715; 1716; 1717; 1718; 1719; 1720; 1721; 1723; 1724; 1725; 1726; 1727; 1728; 1729; 1730; 1731; 1731a; 1732; 1733; 1734; 1735; 1735a; 1737; 1738; 1738a; 1748; 1749; 1750; 1751; 1752; 1753; 1754; 1760; 1781; 1782; 1783; 1784; 1785; 1786; 1787; 1788; 1792; 1793; 1794; 1795; 1796; 1797; 1798; 1800a; 1801; 1802; 1803; 1804; 1805; 1806; 1807; 1808; 1809; 1810; 1811; 1811e; 1811aa; 1811bb; 1812; 1812a; 1813; 1814; 1815; 1816; 1817; 1817a; 1817a-1; 1817b; 1817c; 1817d; 1817e; 1817f; 1818; 1819; 1820; 1821; 1822; 1823; 1824; 1824a; 1827; 1828; 1829; 1830; 1831; 1831b; 1832; 1833; 1834; 1835; 1836; 1836a; 1884; 1885; 1886; 1887; 1888; 1889; 1890; 1891; 1892; 1893; 1894; 1895; 1896; 1897; 1898; 1899; 1899a; 1899b; 1899c; 1900; 1901; 1901a; 1902; 1903; 1904; 1905; 1906; 1906a; 1908; 1909; 1910; 1911a; 1912; 1913; 1914; 1915; 1916; 1916a; 1917; 1918a; 1918b; 1918c; 1918d; 1918e; 1919; 1919a; 1920; 1921; 1923; 1924; 1925; 1926a; 1926-1; 1926-11; 1926-12; 1926-13; 1926-14; 1926-15; 1926-16; 1926-21; 1926-22; 1926-26; 1926-27; 1926-41; 1926-42; 1926-42a; 1926-43; 1926-45; 1926-51; 1926-61; 1926-62; 1926-63; 1927; 1928; 1930; 1931; 1932; 1933; 1933a; 1934; 1934a; 1934a-1; 1934a-2; 1934a-3; 1934a-4; 1934a-5; 1934a-6; 1934a-7, as amendeded by Chs. 27 and 451, Acts 47th Legis., R.S.; 1934a-8; 1934a-9; 1934a-10; 1934a-11; 1934a-12; 1934a-13; 1934a-14; 1934a-15; 1934a-16; 1934a-17; 1934a-18; 1934b; 1934c; 1934d; 1935; 1936; 1946; 1947; 1948; 1949; 1950; 1951; 1952; 1953; 1954; 1956; 1957; 1958; 1959; 1960; 1960-1; 1960-2; 1960-3; 1960-4; 1961; 1962; 1963; 1964; 1965; 1966; 1968; 1969; 1970-136a; 1970-141a; 1970-166a; 1970-166b; 1970-166c; 1970-190; 1970-191; 1970-192; 1970-193; 1970-194; 1970-195; 1970-196; 1970-197; 1970-198; 1970-199; 1970-200; 1970-201; 1970-202; 1970-203; 1970-204; 1970-205; 1970-206; 1970-207; 1970-208; 1970-209; 1970-210; 1970-211; 1970-212; 1970-213; 1970-214; 1970-215; 1970-216; 1970-217; 1970-218; 1970-219; 1970-220; 1970-221; 1970-222; 1970-223; 1970-224; 1970-225; 1970-226; 1970-227; 1970-228; 1970-229; 1970-230; 1970-231; 1970-232; 1970-233; 1970-234; 1970-235; 1970-236; 1970-237; 1970-238; 1970-239; 1970-240; 1970-241; 1970-242; 1970-243; 1970-244; 1970-245; 1970-246; 1970-247; 1970-248; 1970-249; 1970-250; 1970-251; 1970-252; 1970-253; 1970-254; 1970-255; 1970-256; 1970-257; 1970-258; 1970-259; 1970-260; 1970-261; 1970-262; 1970-263; 1970-264; 1970-265; 1970-266; 1970-267; 1970-268; 1970-269; 1970-270; 1970-271; 1970-272; 1970-273; 1970-274; 1970-275; 1970-276; 1970-277; 1970-278; 1970-279; 1970-280; 1970-281; 1970-282; 1970-283; 1970-284; 1970-285; 1970-286; 1970-287; 1970-288; 1970-289; 1970-290; 1970-291; 1970-292; 1970-293; 1970-294; 1970-295; 1970-296; 1970-297; 1970-298a; 1970-299; 1970-300; 1970-300a; 1970-302; 1970-303; 1970-303a; 1970-304; 1970-306; 1970-307; 1970-308; 1970-311; 1970-312; 1970-313; 1970-314a; 1970-315; 1970-316; 1970-317; 1970-318; 1970-318a; 1970-319; 1970-320; 1970-321; 1970-322; 1970-322a; 1970-323a; 1970-326; 1970-328; 1970-330a; 1970-331c; 1970-333; 1970-333a; 1970-334; 1970-335; 1970-337; 1970-338A; 1970-338B; 1970-353; 2075; 2092; 2093c; 2093d; 2093e; 2093f; 2094; 2094a; 2095; 2096; 2097; 2098; 2099; 2100; 2100a; 2101; 2102; 2103; 2103a; 2116d; 2117; 2118; 2120; 2120a; 2121; 2122; 2123; 2133; 2134; 2135; 2137; 2137a; 2151a; 2166a; 2172a; 2191; 2191a; 2194a; 2292a; 2292b; 2292c; 2292d; 2292e; 2292f; 2292g; 2292h; 2292i; 2292j; 2292k; 2292l; 2292m; 2292n; 2292o; 2292p; 2292-1; 2292-2; 2292-3; 2321; 2322; 2323; 2323a; 2324; 2324a; 2324b; 2326; 2326a; 2326a-1; 2326b; 2326c; 2326d; 2326d-1; 2326e; 2326f; 2326g; 2326g-1; 2326h; 2326i; 2326j; 2326j-1; 2326j-3; 2326j-3a; 2326j-3b; 2326j-4; 2326j-4a; 2326j-5; 2326j-6; 2326j-8; 2326j-9; 2326j-10; 2326j-11; 2326j-12; 2326j-13a; 2326j-14; 2326j-15; 2326j-15a; 2326j-16; 2326j-16a; 2326j-17; 2326j-18; 2326j-18a; 2326j-19; 2326j-20; 2326j-21; 2326j-22; 2326j-23; 2326j-24; 2326j-24a; 2326j-25; 2326j-25a; 2326j-25b; 2326j-26; 2326j-27; 2326j-28; 2326j-29a; 2326j-30; 2326j-31; 2326j-32b; 2326j-33; 2326j-34; 2326j-36; 2326j-37; 2326j-38; 2326j-39; 2326j-41a; 2326j-42; 2326j-43; 2326j-44; 2326j-45; 2326j-46; 2326j-47; 2326j-48a; 2326j-50; 2326j-51;

2326j-51a; 2326j-52; 2326j-53a; 2326j-54; 2326j-55; 2326j-56; 2326j-57; 2326j-58; 2326j-59; 2326j-60; 2326j-61; 2326j-62; 2326j-62a; 2326j-63; 2326j-64; 2326j-64a; 2326j-65; 2326j-66; 2326j-67; 2326j-68; 2326j-69; 2326j-70; 2326j-71; 2326j-72; 2326j-73; 2326j-74; 2326j-75; 2326j-76; 2326j-77; 2326j-78; 2326j-79; 2326j-80; 2326j-81; 2326j-81a; 2326j; 2326l-1; 2326l-2; 2326m; 2326n; 2326o; 2327; 2327a-1; 2327b; 2327b-1; 2327c; 2327d; 2328a; 2328b; 2338-1.1; 2338-1c; 2338-1d; 2338-2; 2338-2b; 2338-2c, Secs. 1 and 2; 2338-9b.2; 2372p-1; 2373; 2374; 2375; 2376; 2377; 2378; 2379; 2380; 2383; 2384; 2385; 2386; 2387; 2393a; 2399; 2413; 2414; 2415; 2416; 2417; 2418; 2460a; 3883i, Secs. 8(d) and 10; 3886; 3886a; 3886b; 3886b-1, Sec. 1; 3886b-2; 3886b-3; 3886d; 3886e; 3886f; 3886g; 3886h; 3886j; 3886k; 3887; 3887a; 3887a-1; 3887a-2; 3887b; 3902, Sec. 3a; 3903; 3903a; 3903b; 3903d; 3903e; 3912e, Secs. 19(h-2) and 19(h-3); 3912e-4c, Sec. 2; 3912e-4d, Sec. 8; 3912e-14; 3912k, Sec. 3; 3923; 3924; 3927; 3927a; 3927c; 3928; 5429h; 5444b; 5965; 5966; 5966a; 5972, Sec. (b); 6819a-2; 6819a-3; 6819a-5; 6819a-7; 6819a-11; 6819a-12; 6819a-12a; 6819a-13a; 6819a-14; 6819a-15; 6819a-18a; 6819a-19; 6819a-19a; 6819a-19b; 6819a-19c; 6819a-20; 6819a-21; 6819a-22; 6819a-23; 6819a-23a; 6819a-24; 6819a-25; 6819a-25a; 6819a-26, Secs. 1, 2, and 3; 6819a-27; 6819a-28; 6819a-29; 6819a-30; 6819a-31; 6819a-32; 6819a-33; 6819a-34; 6819a-35, Sec. 1; 6819a-36; 6819a-37; 6819a-39; 6819a-41; 6819a-42; 6819a-43; 6819a-44a; 6819a-45; 6819a-46; 6819a-47; 6819a-48; 6819a-49; 6819a-50; 6819a-51; 6819a-52; 6819a-53; 6819a-54; 6819b; 6819c; 6820; and 6821;

(2) the following sections of Title 110B, Revised Statutes: 42.101 and 42.102; and

(3) the following uncompiled session laws: 16th Leg., 1 C.S., Ch. 26, G.L.; 17th Leg., R.S., Ch. 19, G.L.; 17th Leg., R.S., Ch. 71, G.L.; 18th Leg., R.S., Ch. 11, G.L.; 18th Leg., R.S., Ch. 26, G.L.; 18th Leg., R.S., Ch. 35, G.L.; 18th Leg., R.S., Ch. 66, G.L.; 19th Leg., R.S., Ch. 10, G.L.; 19th Leg., R.S., Ch. 49, G.L.; 19th Leg., R.S., Ch. 71, G.L.; 19th Leg., R.S., Ch. 109, G.L.; 20th Leg., R.S., Ch. 32, G.L.; 20th Leg., R.S., Ch. 68, G.L.; 20th Leg., R.S., Ch. 73, G.L.; 21st Leg., R.S., Ch. 46, G.L.; 21st Leg., R.S., Ch. 53, G.L.; 21st Leg., R.S., Ch. 97, G.L.; 21st Leg., R.S., Ch. 128, G.L., Sec. 2; 23rd Leg., R.S., Ch. 9, G.L., Sec. 2; 23rd Leg., R.S., Ch. 16, G.L.; 23rd Leg., R.S., Ch. 24, G.L.; 23rd Leg., R.S., Ch. 65, G.L.; 24th Leg., R.S., Ch. 8, G.L.; 24th Leg., R.S., Ch. 27, G.L.; 24th Leg., R.S., Ch. 44, G.L.; 24th Leg., R.S., Ch. 45, G.L.; 24th Leg., R.S., Ch. 65, G.L.; 25th Leg., R.S., Ch. 31, G.L.; 25th Leg., R.S., Ch. 36, G.L.; 25th Leg., R.S., Ch. 66, G.L.; 25th Leg., R.S., Ch. 74, G.L.; 25th Leg., R.S., Ch. 80, G.L.; 25th Leg., R.S., Ch. 127, G.L.; 27th Leg., R.S., Ch. 7, G.L.; 27th Leg., R.S., Ch. 37, G.L.; 27th Leg., R.S., Ch. 82, G.L.; 27th Leg., R.S., Ch. 83, G.L.; 28th Leg., R.S., Ch. 5, G.L.; 28th Leg., R.S., Ch. 14, G.L.; 28th Leg., R.S., Ch. 29, G.L.; 28th Leg., R.S., Ch. 33, G.L.; 28th Leg., R.S., Ch. 35, G.L.; 28th Leg., R.S., Ch. 46, G.L.; 28th Leg., R.S., Ch. 62, G.L.; 29th Leg., R.S., Ch. 6, G.L.; 29th Leg., R.S., Ch. 10, G.L.; 29th Leg., R.S., Ch. 45, G.L.; 29th Leg., R.S., Ch. 79, G.L.; 29th Leg., R.S., Ch. 92, G.L.; 29th Leg., R.S., Ch. 98, G.L.; 29th Leg., R.S., Ch. 126, G.L.; 30th Leg., R.S., Ch. 17, G.L.; 30th Leg., R.S., Ch. 25, G.L.; 30th Leg., R.S., Ch. 34, G.L.; 30th Leg., R.S., Ch. 58, G.L.; 30th Leg., R.S., Ch. 101, G.L.; 31st Leg., R.S., Ch. 5, G.L., Sec. 5; 31st Leg., R.S., Ch. 6, G.L.; 31st Leg., R.S., Ch. 37, G.L.; 31st Leg., R.S., Ch. 63, G.L.; 31st Leg., 1 C.S., Ch. 5, G.L.; 34th Leg., R.S., Ch. 59, G.L.; 34th Leg., R.S., Ch. 88, G.L.; 34th Leg., R.S., Ch. 125, G.L.; 35th Leg., R.S., Ch. 19, G.L.; 35th Leg., R.S., Ch. 70, G.L., Sec. 5; 35th Leg., R.S., Ch. 89, G.L.; 35th Leg., R.S., Ch. 96, G.L., Secs. 15, 16, and 17; 36th Leg., R.S., Ch. 11, G.L.; 36th Leg., R.S., Ch. 33, G.L.; 36th Leg., 1 C.S., Ch. 13, G.L.; 36th Leg., 2 C.S., Ch. 17, G.L.; 36th Leg., 3 C.S., Ch. 12, G.L.; 38th Leg., R.S., Ch. 63, G.L., Sec. 5; 39th Leg., 1 C.S., Ch. 58, S.L.; 41st Leg., R.S., Ch. 14, Sec. 6; 41st Leg., R.S., Ch. 19, Sec. 5; 42nd Leg., R.S., Ch. 298, G.L.; 42nd Leg., R.S., Ch. 320, G.L.; 42nd Leg., R.S., Ch. 367, G.L., Secs. 8 and 14; 42nd Leg., R.S., Ch. 369, G.L., Sec. 7; 42nd Leg., R.S., Ch. 35, S.L.; 43rd Leg., R.S., Ch. 21, S.L.; 46th Leg., R.S., Ch. 18, p. 189, G.L.; 46th Leg., R.S., Ch. 22, p. 195, G.L.; 51st Leg., R.S., Ch. 330, Sec. 9; 51st Leg., R.S., Ch. 432, Sec. 3; 52nd Leg., R.S., Ch. 7, Sec. 10; 53rd Leg., R.S., Ch. 316; 53rd Leg., R.S., Ch. 431; 54th Leg., R.S., Ch. 105; 54th Leg., R.S., Ch. 337, Sec. 5; 54th Leg., R.S., Ch. 379, Sec. 3; 55th Leg., R.S., Ch. 37; 55th Leg., R.S., Ch. 127; 55th Leg., R.S., Ch. 196; 55th Leg., R.S., Ch. 383; 55th Leg., R.S., Ch. 510, Sec. 11; 56th Leg., R.S., Ch. 2; 56th Leg., 2 C.S., Ch. 7; 58th Leg., R.S., Ch. 507, Sec. 6; 59th Leg., R.S., Ch. 486; 60th Leg., R.S., Ch. 44; 60th Leg., R.S., Ch. 378; 60th Leg., R.S., Ch. 774; 62nd Leg., R.S., Ch. 89; 62nd Leg., R.S., Ch. 273; 62nd Leg., R.S., Ch. 295; 62nd Leg., R.S., Ch. 592; 65th Leg., R.S., Ch. 860, Sec. 10; 66th Leg., R.S., Ch. 208; 67th Leg., R.S., Ch. 794; 68th Leg., R.S., Ch. 644; 68th Leg., R.S., Ch. 794; and 68th Leg., R.S., Ch. 847.

**SECTION 27. LEGISLATIVE INTENT.** This Act is enacted pursuant to Article III, Section 43, of the Texas Constitution. This Act is intended as a recodification only, and no substantive change in the law is intended by this Act.

**SECTION 28. EFFECTIVE DATE.** This Act takes effect September 1, 1985.

**SECTION 29. 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 24, 1985, by a viva-voce vote; passed the House on May 17, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: September 1, 1985