

CHAPTER 197

S.B. No. 1361

AN ACT

relating to the creation of a statutory county court in Kaufman County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1311 and 25.1312 to read as follows:

*Sec. 25.1311. KAUFMAN COUNTY. Kaufman County has one statutory county court, the County Court at Law of Kaufman County.*

*Sec. 25.1312. KAUFMAN COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Kaufman County has, except as limited by Subsection (b), the jurisdiction provided by the constitution and general law for district courts.*

*(b) A statutory county court in Kaufman County does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:*

- (1) felony cases involving capital murder;*
- (2) suits on behalf of the state to recover penalties or escheated property;*
- (3) misdemeanors involving official misconduct; or*
- (4) contested elections.*

(c) *The district clerk serves as clerk of a statutory county court except that the county clerk serves as clerk of the statutory county court in matters of mental health, probate, juvenile and criminal misdemeanor docket, and all civil matters in which the statutory county court does not have concurrent jurisdiction with the district court.*

(d) *Jurors regularly impaneled for the week by the district courts may, at the request of a statutory county court judge, be made available by the district judge in the numbers requested and shall serve for the week or until released in the statutory county court.*

(e) *A statutory county court may summon jurors through the county clerk for service in the statutory county court in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts. Jurors summoned shall be paid in the same manner and at the same rate as jurors for district courts in Kaufman County. By order of the judge of a statutory county court, jurors summoned to the statutory county court may be transferred to the district court for service in noncapital felony cases.*

(f) *Notwithstanding Sections 74.091 and 74.0911, a district judge serves as the local administrative judge for the district and statutory county courts in Kaufman County. The judges of district courts shall elect a district judge as local administrative judge for a term of not more than two years. The local administrative judge may not be elected on the basis of rotation or seniority.*

(g) *When administering a case for the statutory county court, the district clerk shall charge civil fees and court costs as if the case had been filed in the district court. In a case of concurrent jurisdiction, the case shall be assigned to either the district court or statutory county court in accordance with local administrative rules established by the local administrative judge.*

(h) *The judge of the statutory county court shall appoint an official court reporter for the court and shall set the official court reporter's annual salary, subject to approval by the county commissioners court. The official court reporter of the statutory county court shall take an oath or affirmation as an officer of the court, holds office at the pleasure of the judge of the court, and shall be provided a private office in close proximity to the court. The official court reporter is entitled to all rights and benefits afforded all other county employees.*

(i) *With the approval of the county commissioners court and through the county budget process, the judge of the statutory county court shall hire a staff. The staff of the judge of the statutory county court consists of a court coordinator and a bailiff. Court personnel employed under this subsection are entitled to receive a salary set by the commissioners court and other employment benefits received by county employees.*

(j) *Not later than one year after the date of appointment, the bailiff of a statutory county court must have received a peace officer license under Chapter 415 from the Commission on Law Enforcement Officer Standards and Education. The sheriff of Kaufman County shall deputize the bailiff of a statutory county court. The bailiff of a statutory county court is subject to the training and continuing education requirements of a sheriff's deputy of the county. The sheriff shall remove from office a bailiff who does not receive a peace officer license within one year of appointment as required by this subsection.*

(k) *The judge of a statutory county court must be a United States citizen at the time of appointment or election.*

(l) *The judge of a statutory county court shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law.*

(m) *In matters of concurrent jurisdiction, the judge of a statutory county court and the district judge may exchange benches, transfer cases, subject to acceptance, assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.*

(n) *The judge of a statutory county court has the same judicial immunity as a district judge.*

SECTION 2. The County Court at Law of Kaufman County is created and this Act takes effect January 1, 1995.

SECTION 3. 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 May 5, 1993, by a viva-voce vote; passed the House on May 11, 1993, by a non-record vote.

Approved May 19, 1993.

Effective Jan. 1, 1995.