

## CHAPTER 354

S.B. No. 1398

## AN ACT

relating to abolishing the County Criminal Court No. 5 of Tarrant County and to creating the Tarrant County Criminal Court of Appeals.

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

SECTION 1. Subsection (b), Section 25.2221, Government Code, is amended to read as follows:

(b) Tarrant County has the following county criminal courts:

- (1) County Criminal Court No. 1 of Tarrant County;
- (2) County Criminal Court No. 2 of Tarrant County;
- (3) County Criminal Court No. 3 of Tarrant County;
- (4) County Criminal Court No. 4 of Tarrant County;
- (5) ~~County Criminal Court No. 5 of Tarrant County;~~
- [~~6~~] County Criminal Court No. 6 of Tarrant County;
- (6) [~~7~~] County Criminal Court No. 7 of Tarrant County;
- (7) [~~8~~] County Criminal Court No. 8 of Tarrant County;
- (8) [~~9~~] County Criminal Court No. 9 of Tarrant County; and
- (9) [~~10~~] County Criminal Court No. 10 of Tarrant County.

SECTION 2. Section 25.2221, Government Code, is amended by adding Subsection (d) to read as follows:

*(d) Tarrant County has one county criminal court of appeals, the County Criminal Court of Appeals of Tarrant County.*

SECTION 3. Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2225 to read as follows:

**Sec. 25.2225. TARRANT COUNTY CRIMINAL COURT OF APPEALS PROVISIONS.**

*(a) A county criminal court of appeals in Tarrant County has concurrent jurisdiction in the county of all appeals from criminal convictions for violation of state law or municipal ordinances of municipalities located in the county in justice courts, municipal courts, or municipal courts of record in the county.*

*(b) A judge of a county criminal court of appeals must:*

- (1) be a citizen of the United States and of this state;*
- (2) have been a practicing attorney of this state or a judge of a court of this state for the four years immediately preceding appointment or election; and*
- (3) have resided in the county for the two years immediately preceding appointment or election.*

*(c) A judge of a county criminal court of appeals shall be paid an annual salary that is equal to an amount that is \$1,000 less than the total annual salary, including supplements and salary increases, received by a district judge in the county. The salary shall be paid out of the county treasury by the commissioners court.*

*(d) A judge of a county criminal court of appeals may not engage in the private practice of law and shall devote the judge's entire time to the duties of the office.*

*(e) A county criminal court of appeals or its judge may issue writs of habeas corpus and grant injunctions for the enforcement of the penal laws in cases in which the offense charged*

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is within the jurisdiction of the court or any court or tribunal of inferior jurisdiction. The court or its judge may punish for contempt as prescribed by general law.

(f) The commissioners court, in the manner provided by law for setting terms of county courts, shall set at least four terms of court each year for each county criminal court of appeals.

(g) Practice in a county criminal court of appeals and appeals from a county criminal court of appeals are as provided by law for county courts.

(h) A special judge of a county criminal court of appeals may be appointed or elected in the manner provided by law for the appointment or election of a special county judge.

(i) The county sheriff, in person or by deputy, shall attend a county criminal court of appeals as required by the judge.

(j) The official court reporter of a county criminal court of appeals is not required to take testimony in a case in which neither party nor the judge demands it. If the court reporter takes testimony, the clerk shall collect a \$3 fee as costs in the case. The fee shall be paid into the county treasury.

(k) The official court reporter of a county criminal court of appeals is entitled to receive the same fees and salary as a district court reporter and shall perform the same duties and take the oath of office as provided by law for district court reporters.

(l) Sections 25.0003(a) and (c) do not apply to a county criminal court of appeals in Tarrant County. Section 25.0007 does not apply to the County Criminal Court of Appeals of Tarrant County.

SECTION 4. This Act takes effect January 1, 1995.

SECTION 5. 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 7, 1993: Yeas 30, Nays 0; the Senate concurred in House amendment on May 19, 1993, by a viva-voce vote; passed the House, with amendment, on May 14, 1993, by a non-record vote.

Approved May 30, 1993.

Effective Jan. 1, 1995.