

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/28/2015

Date

Honorable Dan Patrick
President of the Senate

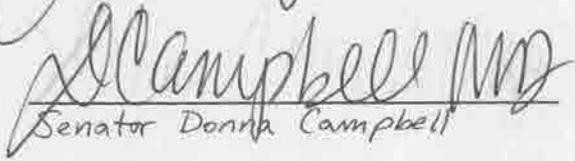
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1139 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

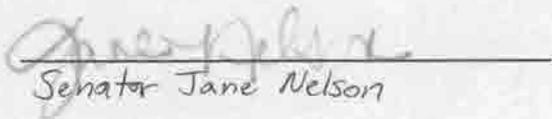


Senator Joan Huffman

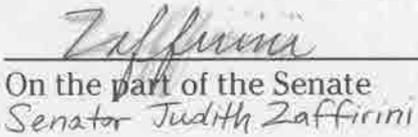


Senator Donna Campbell

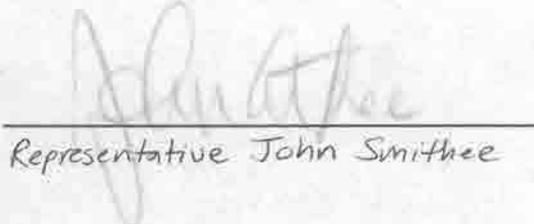
Senator Tray Fraser



Senator Jane Nelson

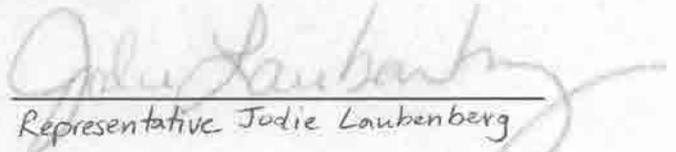


On the part of the Senate
Senator Judith Zaffirini

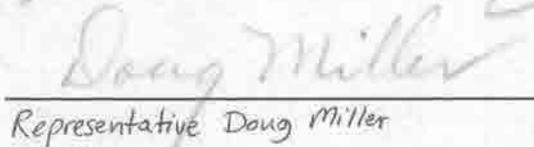


Representative John Smithee

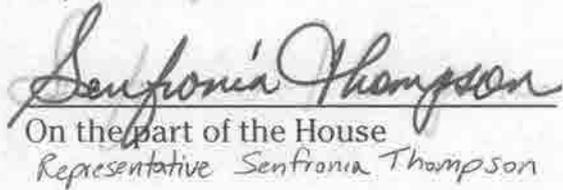
Representative Jessica Farrar



Representative Judie Laubenberg



Representative Doug Miller



On the part of the House
Representative Senfronia Thompson

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1139

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation and administration of and practice in
3 courts in the judicial branch of state government, the composition
4 of certain juvenile boards, and the increase of certain filing
5 fees.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. ASSOCIATE JUDGES FOR CHILD SUPPORT AND CHILD PROTECTION
8 CASES

9 SECTION 1.01. Section 201.101, Family Code, is amended by
10 amending Subsections (b) and (d) and adding Subsection (b-1) to
11 read as follows:

12 (b) If the presiding judge of an administrative judicial
13 region determines under Subsection (a) that the courts in the
14 region require the appointment of an associate judge, the presiding
15 judge shall appoint an associate judge from a list of the qualified
16 applicants who have submitted an application to the office of court
17 administration. Before making the appointment, the presiding judge
18 must provide the list to the judges of the courts from which cases
19 will be referred to the associate judge. Each judge may recommend
20 to the presiding judge the names of one or more applicants for
21 appointment. An associate judge appointed under this subsection
22 serves for a term of four years from the date the associate judge is
23 appointed and qualifies for office. The appointment of an
24 associate judge for a term does not affect the at-will employment

1 status of the associate judge. The presiding judge [~~may limit the~~
2 ~~appointment to a specified time period and~~] may terminate an
3 appointment at any time.

4 (b-1) Before reappointing an associate judge appointed
5 under Subsection (b), the presiding judge must notify each judge of
6 the courts from which cases will be referred to the associate judge
7 of the presiding judge's intent to reappoint the associate judge to
8 another term. Each judge may submit to the presiding judge a
9 recommendation on whether the associate judge should be
10 reappointed.

11 (d) [~~If the presiding judge determines that a court requires~~
12 ~~an associate judge for Title IV-D cases, the presiding judge shall~~
13 ~~appoint an associate judge for that purpose.] Except as provided
14 under Subsection (e), if an associate judge is appointed for a court
15 under this subchapter, all Title IV-D cases shall be referred to the
16 associate judge by a general order for each county issued by the
17 judge of the court for which the associate judge is appointed, or,
18 in the absence of that order, by a general order issued by the
19 presiding judge who appointed the associate judge. Referral of
20 Title IV-D cases may not be made for individual cases or case by
21 case.~~

22 SECTION 1.02. Section 201.1066, Family Code, is amended to
23 read as follows:

24 Sec. 201.1066. SUPERVISION OF ASSOCIATE JUDGES. (a) The
25 office of court administration shall assist the presiding judges
26 in:

27 (1) monitoring the associate judges' compliance with

1 job performance standards and federal and state laws and policies;

2 (2) addressing the training needs and resource
3 requirements of the associate judges;

4 (3) conducting annual performance evaluations for the
5 associate judges and other personnel appointed under this
6 subchapter based on written personnel performance standards
7 adopted by the presiding judges and performance information
8 solicited from the referring courts and other relevant persons; and

9 (4) receiving, investigating, and resolving
10 complaints about particular associate judges or the associate judge
11 program under this subchapter based on a uniform process adopted by
12 the presiding judges.

13 (b) The office of court administration shall develop
14 procedures and a written evaluation form to be used by the presiding
15 judges in conducting the annual performance evaluations under
16 Subsection (a)(3).

17 (c) Each judge of a court that refers cases to an associate
18 judge under this subchapter may submit to the presiding judge or the
19 office of court administration information on the associate judge's
20 performance during the preceding year based on a uniform process
21 adopted by the presiding judges.

22 SECTION 1.03. Section 201.201, Family Code, is amended by
23 amending Subsections (a), (b), and (d) and adding Subsection (b-1)
24 to read as follows:

25 (a) The presiding judge of each administrative judicial
26 region, after conferring with the judges of courts in the region
27 having family law jurisdiction and a child protection caseload,

1 shall determine which courts require the appointment of a full-time
2 or part-time associate judge to complete cases under Subtitle E
3 within the times specified under that subtitle.

4 (b) If the presiding judge of an administrative judicial
5 region determines under Subsection (a) that the courts in the
6 region require the appointment of an associate judge, the presiding
7 judge shall appoint an associate judge from a list of the qualified
8 applicants who have submitted an application to the office of court
9 administration. Before making the appointment, the presiding judge
10 must provide the list to the judges of the courts from which cases
11 will be referred to the associate judge. Each judge may recommend
12 to the presiding judge the names of one or more applicants for
13 appointment. An associate judge appointed under this subsection
14 serves for a term of four years from the date the associate judge is
15 appointed and qualifies for office. The appointment of an
16 associate judge for a term does not affect the at-will employment
17 status of the associate judge. The presiding judge ~~may limit the~~
18 ~~appointment to a specified period and~~ may terminate an appointment
19 at any time.

20 (b-1) Before reappointing an associate judge appointed
21 under Subsection (b), the presiding judge must notify each judge of
22 the courts from which cases will be referred to the associate judge
23 of the presiding judge's intent to reappoint the associate judge to
24 another term. Each judge may submit to the presiding judge a
25 recommendation on whether the associate judge should be
26 reappointed.

27 (d) ~~[If the presiding judge determines that a court requires~~

1 ~~an associate judge, the presiding judge shall appoint an associate~~
2 ~~judge.]~~ If an associate judge is appointed for a court, all child
3 protection cases shall be referred to the associate judge by a
4 general order for each county issued by the judge of the court for
5 which the associate judge is appointed or, in the absence of that
6 order, by a general order issued by the presiding judge who
7 appointed the associate judge.

8 SECTION 1.04. Section 201.2061, Family Code, is amended to
9 read as follows:

10 Sec. 201.2061. SUPERVISION OF ASSOCIATE JUDGES. (a) The
11 office of court administration shall assist the presiding judges
12 in:

13 (1) monitoring the associate judges' compliance with
14 any applicable job performance standards, uniform practices
15 adopted by the presiding judges, and federal and state laws and
16 policies;

17 (2) addressing the training needs and resource
18 requirements of the associate judges;

19 (3) conducting annual performance evaluations for the
20 associate judges and other personnel appointed under this
21 subchapter based on written personnel performance standards
22 adopted by the presiding judges and performance information
23 solicited from the referring courts and other relevant persons; and

24 (4) receiving, investigating, and resolving
25 complaints about particular associate judges or the associate judge
26 program under this subchapter based on a uniform process adopted by
27 the presiding judges.

1 (b) The office of court administration shall develop
2 procedures and a written evaluation form to be used by the presiding
3 judges in conducting the annual performance evaluations under
4 Subsection (a)(3).

5 (c) Each judge of a court that refers cases to an associate
6 judge under this subchapter may submit to the presiding judge or the
7 office of court administration information on the associate judge's
8 performance during the preceding year based on a uniform process
9 adopted by the presiding judges.

10 SECTION 1.05. (a) The changes in law made by this article
11 apply to the appointment of an associate judge under Subchapters B
12 and C, Chapter 201, Family Code, on or after the effective date of
13 this Act.

14 (b) An associate judge serving under Subchapter B or C,
15 Chapter 201, Family Code, on the effective date of this Act is
16 subject to the changes in law made by this article on and after that
17 date. A presiding judge of an administrative judicial region who
18 appoints or reappoints associate judges under those subchapters is
19 subject to the changes in law made by this article on and after that
20 date.

21 (c) Not later than October 1, 2015, the presiding judge
22 shall either reappoint an associate judge serving under Subchapter
23 B or C, Chapter 201, Family Code, or appoint a new associate judge
24 to serve under those subchapters consistent with the changes in law
25 made by this article.

26 ARTICLE 2. DISTRICT COURTS AND DISTRICT ATTORNEYS

27 SECTION 2.01. Section 24.154(b), Government Code, is

1 amended to read as follows:

2 (b) The terms of the 52nd District Court begin on the first
3 Mondays in January and July [~~June~~].

4 SECTION 2.02. (a) Effective January 1, 2017, Section
5 24.275, Government Code, is amended to read as follows:

6 Sec. 24.275. 216TH JUDICIAL DISTRICT (GILLESPIE[~~7~~
7 ~~KENDALL~~7] AND KERR COUNTIES). The 216th Judicial District is
8 composed of Gillespie[~~7~~~~Kendall~~7] and Kerr counties.

9 (b) Effective January 1, 2017, Subchapter C, Chapter 24,
10 Government Code, is amended by adding Section 24.591 to read as
11 follows:

12 Sec. 24.591. 451ST JUDICIAL DISTRICT (KENDALL COUNTY).

13 (a) The 451st Judicial District is composed of Kendall County.

14 (b) In addition to the other jurisdiction provided by law,
15 the 451st District Court has concurrent jurisdiction with the
16 County Court of Kendall County in all civil and criminal matters
17 over which the county court would have original or appellate
18 jurisdiction, including probate matters and proceedings under
19 Subtitle C, Title 7, Health and Safety Code.

20 (c) All civil and criminal matters within the concurrent
21 jurisdiction of the county and district courts must be filed with
22 the county clerk in the county court. The county clerk serves as
23 the clerk of the district court for those matters.

24 (c) Effective January 1, 2017, Section 44.001, Government
25 Code, is amended to read as follows:

26 Sec. 44.001. ELECTION. The voters of each of the following
27 counties elect a criminal district attorney: Anderson, Austin,

1 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
2 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
3 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
4 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro,
5 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
6 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
7 Waller, Wichita, Wood, and Yoakum.

8 (d) Effective January 1, 2017, Subchapter B, Chapter 44,
9 Government Code, is amended by adding Section 44.230 to read as
10 follows:

11 Sec. 44.230. KENDALL COUNTY. (a) The criminal district
12 attorney of Kendall County must meet the following qualifications:

- 13 (1) be at least 30 years old;
14 (2) have been a practicing attorney in this state for
15 at least five years; and
16 (3) have been a resident of Kendall County for at least
17 one year before election or appointment.

18 (b) The criminal district attorney has all the powers,
19 duties, and privileges in Kendall County that are conferred by law
20 on county and district attorneys in the various counties and
21 districts.

22 (c) The criminal district attorney shall attend each term
23 and session of the district and inferior courts of Kendall County,
24 except municipal courts, held for the transaction of criminal
25 business and shall exclusively represent the state in all criminal
26 matters before those courts.

27 (d) The criminal district attorney shall represent Kendall

1 County in any court in which the county has pending business. This
2 subsection does not require the criminal district attorney to
3 represent the county in a delinquent tax suit or condemnation
4 proceeding and does not prevent the county from retaining other
5 legal counsel in a civil matter at any time it considers appropriate
6 to do so.

7 (e) The criminal district attorney shall collect the fees,
8 commissions, and perquisites that are provided by law for similar
9 services rendered by a district or county attorney.

10 (f) The criminal district attorney is entitled to receive in
11 equal monthly installments compensation from the state equal to the
12 amount paid by the state to district attorneys. The state
13 compensation shall be paid by the comptroller as appropriated by
14 the legislature. The Commissioners Court of Kendall County shall
15 pay the criminal district attorney an additional amount so that the
16 total compensation of the criminal district attorney equals at
17 least 90 percent of the total salary paid to the judge of the 451st
18 District Court in Kendall County. The compensation paid by the
19 county shall be paid in semiweekly or bimonthly installments, as
20 determined by the commissioners court.

21 (g) The criminal district attorney or the Commissioners
22 Court of Kendall County may accept gifts and grants from any
23 individual, partnership, corporation, trust, foundation,
24 association, or governmental entity for the purpose of financing or
25 assisting effective prosecution, crime prevention or suppression,
26 rehabilitation of offenders, substance abuse education, treatment
27 and prevention, or crime victim assistance programs in Kendall

1 County. The criminal district attorney shall account for and
2 report to the commissioners court all gifts or grants accepted
3 under this subsection.

4 (h) The criminal district attorney, for the purpose of
5 conducting affairs of the office, may appoint a staff composed of
6 assistant criminal district attorneys, investigators,
7 stenographers, clerks, and other personnel that the commissioners
8 court may authorize. The salary of a staff member is an amount
9 recommended by the criminal district attorney and approved by the
10 commissioners court. The commissioners court shall pay the
11 salaries of the staff in equal semiweekly or bimonthly installments
12 from county funds.

13 (i) The criminal district attorney shall, with the advice
14 and consent of the commissioners court, designate one or more
15 individuals to act as an assistant criminal district attorney with
16 exclusive responsibility for assisting the commissioners court. An
17 individual designated as an assistant criminal district attorney
18 under this subsection must have extensive experience in
19 representing public entities and knowledge of the laws affecting
20 counties, including the open meetings and open records laws under
21 Chapters 551 and 552.

22 (j) Kendall County is entitled to receive from the state an
23 amount equal to the amount provided in the General Appropriations
24 Act to district attorneys for the payment of staff salaries and
25 office expenses.

26 (k) The legislature may provide for additional staff
27 members to be paid from state funds if it considers supplementation

1 of the criminal district attorney's staff to be necessary.

2 (1) The criminal district attorney and assistant criminal
3 district attorney may not engage in the private practice of law or
4 receive a fee for the referral of a case.

5 (e) Effective January 1, 2017, Section 46.002, Government
6 Code, is amended to read as follows:

7 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
8 applies to the state prosecuting attorney, all county prosecutors,
9 and the following state prosecutors:

10 (1) the district attorneys for Kenedy and Kleberg
11 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, [~~25th,~~
12 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
13 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
14 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
15 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
16 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
17 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
18 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
19 452nd, and 506th judicial districts;

20 (2) the criminal district attorneys for the counties
21 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
22 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
23 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
24 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
25 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
26 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
27 Waller, Wichita, Wood, and Yoakum; and

1 (3) the county attorneys performing the duties of
2 district attorneys in the counties of Andrews, Aransas, Callahan,
3 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
4 Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee,
5 Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange,
6 Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and
7 Willacy.

8 (f) Effective January 1, 2017, the office of county attorney
9 of Kendall County is abolished.

10 (g) Sections 25.1321 and 25.1322, Government Code, are
11 repealed, and the County Court at Law of Kendall County is abolished
12 on the date the 451st District Court is created.

13 (h) On the date the 451st District Court is created, all
14 cases from Kendall County pending in the 216th District Court are
15 transferred to the 451st District Court. On the date the County
16 Court at Law of Kendall County is abolished, all cases pending in
17 the court are transferred to the 451st District Court. When a case
18 is transferred from one court to another as provided by this
19 section, all processes, writs, bonds, recognizances, or other
20 obligations issued from the transferring court are returnable to
21 the court to which the case is transferred as if originally issued
22 by that court. The obligees in all bonds and recognizances taken in
23 and for a court from which a case is transferred and all witnesses
24 summoned to appear in a court from which a case is transferred are
25 required to appear before the court to which a case is transferred
26 as if originally required to appear before the court to which the
27 transfer is made.

1 (i) The 451st Judicial District is created January 1, 2017.

2 SECTION 2.03. (a) Effective January 1, 2017, Subchapter C,
3 Chapter 24, Government Code, is amended by adding Section 24.584 to
4 read as follows:

5 Sec. 24.584. 440TH JUDICIAL DISTRICT (CORYELL COUNTY). The
6 440th Judicial District is composed of Coryell County.

7 (b) The 440th Judicial District is created January 1, 2017.

8 (c) Subchapter D, Chapter 74, Government Code, is amended by
9 adding Section 74.0971 to read as follows:

10 Sec. 74.0971. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR
11 CORYELL COUNTY. Notwithstanding Section 74.091(b), the local
12 administrative district judge for Coryell County is selected on the
13 basis of seniority from the district judges of the 52nd Judicial
14 District and the 440th Judicial District.

15 SECTION 2.04. (a) Subchapter C, Chapter 24, Government
16 Code, is amended by adding Section 24.590 to read as follows:

17 Sec. 24.590. 446TH JUDICIAL DISTRICT (ECTOR COUNTY). The
18 446th Judicial District is composed of Ector County.

19 (b) The 446th Judicial District is created September 1,
20 2015.

21 SECTION 2.05. (a) Effective January 1, 2016, Subchapter D,
22 Chapter 24, Government Code, is amended by adding Section 24.641 to
23 read as follows:

24 Sec. 24.641. 507TH JUDICIAL DISTRICT (HARRIS COUNTY). The
25 507th Judicial District is composed of Harris County.

26 (b) The 507th Judicial District is created January 1, 2016.

27 SECTION 2.06. (a) Subchapter D, Chapter 24, Government

1 Code, is amended by adding Sections 24.642 and 24.643 to read as
2 follows:

3 Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The
4 469th Judicial District is composed of Collin County. The 469th
5 District Court shall hear family law matters.

6 Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The
7 470th Judicial District is composed of Collin County. The 470th
8 District Court shall hear family law matters.

9 (b) The 469th and 470th Judicial Districts are created
10 September 1, 2015.

11 SECTION 2.07. (a) Subchapter D, Chapter 24, Government
12 Code, is amended by adding Section 24.644 to read as follows:

13 Sec. 24.644. 505TH JUDICIAL DISTRICT (FORT BEND COUNTY).
14 The 505th Judicial District is composed of Fort Bend County.

15 (b) The 505th Judicial District is created September 1,
16 2015.

17 SECTION 2.08. (a) Effective September 1, 2015, Section
18 46.002, Government Code, is amended to read as follows:

19 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
20 applies to the state prosecuting attorney, all county prosecutors,
21 and the following state prosecutors:

22 (1) the district attorneys for Kenedy and Kleberg
23 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 25th,
24 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
25 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
26 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
27 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,

1 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
2 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
3 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
4 452nd, and 506th judicial districts;

5 (2) the criminal district attorneys for the counties
6 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
7 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
8 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
9 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
10 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
11 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
12 Waller, Wichita, Wood, and Yoakum; and

13 (3) the county attorneys performing the duties of
14 district attorneys in the counties of Andrews, Aransas, Callahan,
15 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
16 Gonzales, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion,
17 Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River,
18 Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

19 (b) Section 43.156(b), Government Code, is repealed.

20 ARTICLE 3. STATUTORY COUNTY COURTS, COUNTY COURTS, COUNTY
21 ATTORNEYS, AND CERTAIN COUNTY JUDGES

22 SECTION 3.01. (a) Section 25.0331(a), Government Code, is
23 amended to read as follows:

24 (a) Cameron County has the following statutory county
25 courts:

26 (1) County Court at Law No. 1 of Cameron County;

27 (2) County Court at Law No. 2 of Cameron County; [~~and~~]

- (3) County Court at Law No. 3 of Cameron County;
- (4) County Court at Law No. 4 of Cameron County; and
- (5) County Court at Law No. 5 of Cameron County.

(b) Section 25.0332, Government Code, is amended by adding Subsection (b) to read as follows:

(b) The County Court at Law No. 4 of Cameron County shall give preference to probate, guardianship, and mental health matters.

(c) The County Court at Law No. 4 of Cameron County is created January 1, 2017.

(d) The County Court at Law No. 5 of Cameron County is created January 1, 2018.

SECTION 3.02. (a) Section 25.0451(a), Government Code, is amended to read as follows:

(a) Collin County has the following statutory county courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County;
- (5) County Court at Law No. 5 of Collin County; ~~and~~
- (6) County Court at Law No. 6 of Collin County; and
- (7) County Court at Law No. 7 of Collin County.

(b) The County Court at Law No. 7 of Collin County is created on the effective date of this Act.

SECTION 3.03. (a) Section 25.0811, Government Code, is amended to read as follows:

1 Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the
2 following statutory county courts:

- 3 (1) County Court at Law No. 1 of Fort Bend County;
4 (2) County Court at Law No. 2 of Fort Bend County;
5 (3) County Court at Law No. 3 of Fort Bend County;
6 ~~[and]~~
7 (4) County Court at Law No. 4 of Fort Bend County; and
8 (5) County Court at Law No. 5 of Fort Bend County.

9 (b) The County Court at Law No. 5 of Fort Bend County is
10 created January 1, 2016.

11 SECTION 3.04. (a) Effective January 1, 2016, Section
12 25.1031(b), Government Code, is amended to read as follows:

13 (b) Harris County has the following county criminal courts:

- 14 (1) County Criminal Court at Law No. 1 of Harris
15 County, Texas;
16 (2) County Criminal Court at Law No. 2 of Harris
17 County, Texas;
18 (3) County Criminal Court at Law No. 3 of Harris
19 County, Texas;
20 (4) County Criminal Court at Law No. 4 of Harris
21 County, Texas;
22 (5) County Criminal Court at Law No. 5 of Harris
23 County, Texas;
24 (6) County Criminal Court at Law No. 6 of Harris
25 County, Texas;
26 (7) County Criminal Court at Law No. 7 of Harris
27 County, Texas;

1 (8) County Criminal Court at Law No. 8 of Harris
2 County, Texas;

3 (9) County Criminal Court at Law No. 9 of Harris
4 County, Texas;

5 (10) County Criminal Court at Law No. 10 of Harris
6 County, Texas;

7 (11) County Criminal Court at Law No. 11 of Harris
8 County, Texas;

9 (12) County Criminal Court at Law No. 12 of Harris
10 County, Texas;

11 (13) County Criminal Court at Law No. 13 of Harris
12 County, Texas;

13 (14) County Criminal Court at Law No. 14 of Harris
14 County, Texas; ~~and~~

15 (15) County Criminal Court at Law No. 15 of Harris
16 County, Texas; and

17 (16) County Criminal Court at Law No. 16 of Harris
18 County, Texas.

19 (b) The County Criminal Court at Law No. 16 of Harris County
20 is created January 1, 2016.

21 SECTION 3.05. Section 25.1112(e), Government Code, is
22 amended to read as follows:

23 (e) The district clerk serves as the clerk of a county court
24 at law for all criminal and civil matters except that the county
25 clerk serves as the clerk of the county court at law in
26 ~~[uncontested]~~ probate and guardianship matters. ~~[The county clerk~~
27 ~~shall transfer to the district clerk any contested probate and~~

1 ~~guardianship matters filed with the county clerk.]~~

2 SECTION 3.06. Section 25.2222(a), Government Code, is
3 amended to read as follows:

4 (a) A county court at law in Tarrant County has jurisdiction
5 over all civil matters and causes, original and appellate,
6 prescribed by law for county courts. The County Court at Law No. 1
7 of Tarrant County also has jurisdiction over all criminal matters
8 and causes, original and appellate, prescribed by law for county
9 courts. The County Courts at Law Nos. 2 and 3 of Tarrant County do
10 not have criminal jurisdiction. Notwithstanding any other
11 provision, a county court at law in Tarrant County has jurisdiction
12 on any appeal from a municipal court of record in Tarrant County
13 that is not an appeal of a criminal law case or proceeding.

14 SECTION 3.07. (a) Subchapter D, Chapter 25, Government
15 Code, is amended by adding Section 25.2607 to read as follows:

16 Sec. 25.2607. DESIGNATION OF ADMINISTRATIVE COUNTY FOR
17 MULTICOUNTY STATUTORY COUNTY COURTS. (a) If a statute that
18 establishes a multicounty statutory county court does not designate
19 one of the counties that compose the multicounty statutory county
20 court as the administrative county for that court, the county with
21 the greatest population of the counties composing the court at the
22 time the court is established is the administrative county for that
23 court.

24 (b) The commissioners courts of the counties that compose a
25 multicounty statutory county court may enter into an agreement to
26 provide support for the court. The administrative county for the
27 court may receive contributions from the other counties composing

1 the court to pay the operating expenses of the court.

2 (c) Except for money provided by state appropriations or
3 under an agreement under Subsection (b), the administrative county
4 shall pay out of the county's general fund the salaries,
5 compensation, and expenses incurred in operating the multicounty
6 statutory county court.

7 (d) Notwithstanding Section 25.0015, the state shall
8 annually compensate the administrative county of a multicounty
9 statutory county court in an amount equal to 100 percent of the
10 state salary of a district court judge in the county for the salary
11 of the judge of the multicounty statutory county court.

12 (e) The court fees and costs collected by the clerk of a
13 multicounty statutory county court shall be deposited in the
14 appropriate county fund as provided by law.

15 (b) Effective January 1, 2019, Section 25.2701, Government
16 Code, is amended to read as follows:

17 Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER[
18 ~~MITCHELL,~~] AND NOLAN COUNTIES). Fisher[~~, Mitchell,~~] and Nolan
19 Counties have a multicounty statutory county court composed of
20 those counties, the 1st Multicounty Court at Law.

21 (c) Section 25.2702, Government Code, is amended by adding
22 Subsection (c-1) to read as follows:

23 (c-1) Nolan County is the administrative county for the 1st
24 Multicounty Court at Law.

25 (d) Section 25.2702(g), Government Code, is repealed.

26 SECTION 3.08. Section 26.223, Government Code, is amended
27 by amending Subsection (a) and adding Subsection (a-1) to read as

1 follows:

2 (a) If the county judge is licensed to practice law in this
3 state, the [The] County Court of Jefferson County has [the general]
4 jurisdiction concurrent with the County Court at Law of Jefferson
5 County over all causes and proceedings, civil and criminal, [of a
6 probate court and] juvenile and probate, original and appellate,
7 over which by the constitution and general laws of this state county
8 courts have jurisdiction [as provided by Section 26.042(b) but has
9 no other civil or criminal jurisdiction].

10 (a-1) If the county judge is not licensed to practice law in
11 this state, the County Court of Jefferson County has concurrent
12 jurisdiction with the county courts at law in Jefferson County only
13 in probate proceedings, administrations of estates, guardianship
14 proceedings, mental illness proceedings, and juvenile matters as
15 provided by Section 26.042(b).

16 SECTION 3.09. (a) Section 43.122, Government Code, is
17 amended to read as follows:

18 Sec. 43.122. 36TH JUDICIAL DISTRICT. The voters of
19 [Aransas and] San Patricio County [counties] elect a district
20 attorney for the 36th Judicial District who represents the state in
21 that district court only in that county [those counties]. In
22 addition to exercising the duties and authority conferred on
23 district attorneys by general law, the district attorney represents
24 the state in all criminal cases in the district courts in that
25 county [those counties].

26 (b) Subchapter B, Chapter 45, Government Code, is amended by
27 adding Section 45.104 to read as follows:

1 Sec. 45.104. ARANSAS COUNTY. (a) In Aransas County, the
2 county attorney of Aransas County shall perform the duties imposed
3 on and have the powers conferred on district attorneys by general
4 law.

5 (b) The county attorney of Aransas County or the
6 Commissioners Court of Aransas County may accept gifts or grants
7 from any individual, partnership, corporation, trust, foundation,
8 association, or governmental entity for the purpose of financing or
9 assisting the operation of the office of county attorney in Aransas
10 County. The county attorney shall account for and report to the
11 commissioners court all gifts or grants accepted under this
12 subsection.

13 SECTION 3.10. (a) Effective January 1, 2017, Subchapter B,
14 Chapter 45, Government Code, is amended by adding Section 45.194 to
15 read as follows:

16 Sec. 45.194. GUADALUPE COUNTY. (a) In Guadalupe County
17 the county attorney of Guadalupe County shall perform the duties
18 imposed on and have the powers conferred on district attorneys by
19 general law and is entitled to be compensated by the state in the
20 manner and amount set by general law relating to the salary paid to
21 district attorneys by the state.

22 (b) The county attorney of Guadalupe County or the
23 Commissioners Court of Guadalupe County may accept gifts or grants
24 from any individual, partnership, corporation, trust, foundation,
25 association, or governmental entity for the purpose of financing or
26 assisting the operation of the office of county attorney in
27 Guadalupe County. The county attorney shall account for and report

1 to the commissioners court all gifts or grants accepted under this
2 subsection.

3 (b) Effective January 1, 2017, Section 43.112, Government
4 Code, as amended by Chapters 644 (H.B. 717) and 872 (H.B. 696), Acts
5 of the 83rd Legislature, Regular Session, 2013, is repealed.

6 (c) On January 1, 2017, the office of district attorney for
7 the 25th Judicial District is abolished.

8 ARTICLE 4. ELECTRONIC FILING

9 SECTION 4.01. Section 51.851(b), Government Code, is
10 amended to read as follows:

11 (b) In addition to other fees authorized or required by law,
12 the clerk of the supreme court, a court of appeals, a district
13 court, a county court, a statutory county court, or a statutory
14 probate court shall collect a \$30 [~~\$20~~] fee on the filing of any
15 civil action or proceeding requiring a filing fee, including an
16 appeal, and on the filing of any counterclaim, cross-action,
17 intervention, interpleader, or third-party action requiring a
18 filing fee to be used as provided by Section 51.852.

19 SECTION 4.02. Section 51.607, Government Code, does not
20 apply to the imposition of a fee assessed under Section 51.851(b),
21 Government Code, as amended by this article.

22 SECTION 4.03. The change in law made by amending Section
23 51.851(b), Government Code, applies only to a fee that becomes
24 payable on or after September 1, 2015. A fee that becomes payable
25 before that date is governed by the law in effect when the fee
26 became payable, and the former law is continued in effect for that
27 purpose.

ARTICLE 5. BAILIFFS

SECTION 5.01. Chapter 53, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. BAILIFFS FOR COUNTY COURTS AT LAW

IN TARRANT COUNTY

Sec. 53.101. ASSIGNMENT OF BAILIFF. At least one bailiff shall be assigned regularly to each county court at law of Tarrant County.

Sec. 53.102. OFFICE OF BAILIFF; APPOINTMENT. (a) The judge of each county court at law of Tarrant County may appoint one person to serve as bailiff of that court.

(b) The bailiff is an officer of the court and performs the duties of the office under the direction and supervision of the judge of the court.

Sec. 53.103. TERM OF OFFICE. The bailiff holds office at the will of the judge of the court served by the bailiff.

Sec. 53.104. DUTIES. A bailiff shall perform the duties imposed on bailiffs under the general laws of this state and the other duties required by the judge of the court served.

Sec. 53.105. ASSIGNMENT OF BAILIFF BY SHERIFF. (a) If the judge of a county court at law of Tarrant County does not appoint a person to serve as bailiff under Section 53.102, the sheriff of Tarrant County shall assign a bailiff for the court on written request of the judge.

(b) A bailiff assigned by the sheriff serves at the pleasure of the court to which the bailiff is assigned and shall perform the duties required by the judge of the court.

1 appointment from the judge, a constable of the county may deputize
2 the bailiff in addition to other deputies authorized by law.

3 Sec. 53.125. OATH. The following oath must be administered
4 by the appointing judge to the bailiff appointed under this
5 subchapter: "I solemnly swear that I will perform faithfully and
6 impartially all duties required of me and required by law so help me
7 God."

8 Sec. 53.126. TERM OF OFFICE. The bailiff holds office at
9 the will of the judge of the court served by the bailiff.

10 Sec. 53.127. DUTIES. A bailiff shall perform the duties
11 imposed on bailiffs under the general laws of this state and the
12 other duties required by the judge of the court served.

13 Sec. 53.128. COMPENSATION. The bailiff shall be
14 compensated out of the general fund of the county in an amount to be
15 set by the Commissioners Court of Tarrant County.

16 ARTICLE 6. CERTAIN CRIMINAL LAW MAGISTRATE COURTS, CERTAIN
17 CRIMINAL LAW HEARING OFFICERS, AND A JUVENILE BOARD

18 SECTION 6.01. (a) Section 54.732, Government Code, is
19 amended to read as follows:

20 Sec. 54.732. CREATION. The El Paso Criminal Law Magistrate
21 Court is a court having the jurisdiction provided by this
22 subchapter over offenses allegedly committed in El Paso County
23 [~~except for that portion of the county in the corporate limits of~~
24 ~~Vinton, Texas~~].

25 (b) Section 54.733, Government Code, is amended by adding
26 Subsection (j) to read as follows:

27 (j) The criminal law magistrate court has concurrent

1 criminal jurisdiction with the justice courts located in El Paso
2 County.

3 (c) Section 54.735, Government Code, is amended to read as
4 follows:

5 Sec. 54.735. POWERS AND DUTIES. (a) The criminal law
6 magistrate court or a judge of the criminal law magistrate court may
7 issue writs of injunction and all other writs necessary for the
8 enforcement of the jurisdiction of the court and may issue
9 misdemeanor writs of habeas corpus in cases in which the offense
10 charged is within the jurisdiction of the court or of any other
11 court of inferior jurisdiction in the county. The court and the
12 judge may punish for contempt as provided by law for district
13 courts. A judge of the criminal law magistrate court has all other
14 powers, duties, immunities, and privileges provided by law for:

15 (1) justices of the peace when acting in a Class C
16 misdemeanor case;

17 (2) county court judges when acting in a Class A or
18 Class B misdemeanor case; and

19 (3) [for] district court judges when acting in a
20 felony case.

21 (b) A judge of the criminal law magistrate court may hold an
22 indigency hearing and a capias pro fine hearing. When acting as the
23 judge who issued the capias pro fine, a judge of the criminal law
24 magistrate court may make all findings of fact and conclusions of
25 law required of the judge who issued the capias pro fine. In
26 conducting a hearing under this subsection, the judge of the
27 criminal law magistrate court is empowered to make all findings of

1 fact and conclusions of law and to issue all orders necessary to
2 properly dispose of the capias pro fine or indigency hearing in
3 accordance with the provisions of the Code of Criminal Procedure
4 applicable to a misdemeanor or felony case of the same type and
5 level.

6 (d) Section 54.736(b), Government Code, is amended to read
7 as follows:

8 (b) The council of judges shall ensure that the criminal law
9 magistrate court gives preference to magistrate duties, as those
10 duties apply to the county jail inmate population first and then to
11 newly detained individuals, until the commissioners court provides
12 funds for more than one judge to sit on the criminal law magistrate
13 court.

14 (e) Section 54.737(c), Government Code, is amended to read
15 as follows:

16 (c) The rules must provide that[+]

17 [~~1~~] ~~a criminal law magistrate judge may not, on a~~
18 ~~regular basis, hold court or perform magistrate duties after 7 p.m.~~
19 ~~or before 7 a.m.; and~~

20 [~~2~~] a criminal law magistrate judge may only release
21 a defendant under Article 17.031, Code of Criminal Procedure, under
22 guidelines established by the council of judges.

23 (f) Sections 54.738(a) and (c), Government Code, are
24 amended to read as follows:

25 (a) Except as provided by Subsection (b) or local
26 administrative rules, the local administrative judge or a judge of
27 the criminal law magistrate court may transfer between courts a

1 case that is pending in the court of any magistrate in the criminal
2 law magistrate court's jurisdiction if the case is:

- 3 (1) an [any] unindicted felony case;
4 (2) a[7] Class A [misdemeanor case7] or Class B
5 misdemeanor case if an information has not been filed; or
6 (3) a Class C misdemeanor [and if the] case [is pending
7 in the court of any magistrate in the criminal law magistrate
8 court's jurisdiction].

9 (c) Except as provided by Subsection (d) or local
10 administrative rules, the local administrative judge may assign a
11 judge on the council of judges, a judge of the criminal law
12 magistrate court, a retired judge, or any other magistrate to act as
13 presiding judge in a case that is pending in the court of any
14 magistrate in the criminal law magistrate court's jurisdiction if
15 the case is:

- 16 (1) an [any] unindicted felony case;
17 (2) a[7] Class A [misdemeanor case7] or Class B
18 misdemeanor case if an information has not been filed; or
19 (3) a Class C misdemeanor [and if the] case [is pending
20 in the court of any magistrate in the criminal law magistrate
21 court's jurisdiction].

22 (g) Section 54.739(d), Government Code, is amended to read
23 as follows:

24 (d) A case assigned under this subchapter to the criminal
25 law magistrate court from a district court, ~~[or]~~ a county court at
26 law, or a justice court remains on the docket of the assigning court
27 and in the assigning court's jurisdiction.

1 (h) Section 54.741, Government Code, is amended to read as
2 follows:

3 Sec. 54.741. FORFEITURES. Bail bonds and personal bonds
4 may be forfeited by the criminal law magistrate court in the manner
5 provided by Chapter 22, Code of Criminal Procedure, and those
6 forfeitures shall be filed with:

7 (1) the district clerk if associated with a felony
8 case;

9 (2) [~~except in cases in which~~] the county clerk if
10 associated with a Class A or Class B misdemeanor case; or

11 (3) the same justice court clerk associated with the
12 Class C misdemeanor case in which the bond was originally filed [~~is~~
13 ~~the clerk under this subchapter~~].

14 (i) Section 54.742, Government Code, is amended by adding
15 Subsection (c) to read as follows:

16 (c) When a justice clerk is the clerk under this subchapter,
17 the justice clerk shall charge the same court costs for cases filed
18 in, transferred to, or assigned to the criminal law magistrate
19 court that are charged in the justice courts.

20 (j) Section 54.744, Government Code, is amended to read as
21 follows:

22 Sec. 54.744. JUDGES ON EL PASO COUNCIL OF JUDGES. Unless
23 the local rules of administration provide otherwise, the judges on
24 the El Paso Council of Judges and the judges on the criminal law
25 magistrate court may sit and act for any magistrate in El Paso
26 County on any unindicted felony or Class A or B misdemeanor case if
27 an information has not been filed or any Class C misdemeanor case

1 filed in a justice court.

2 (k) Section 54.745(a), Government Code, is amended to read
3 as follows:

4 (a) As a condition for a defendant to enter any pretrial
5 diversion program, including a behavioral modification program, a
6 health care program, a specialty court program, or the functional
7 equivalent that may be operated in El Paso County by El Paso County,
8 Emergence Health Network, the City of El Paso, the West Texas
9 Regional Adult Probation Department, a community partner approved
10 by the council of judges, or a county or district attorney of El
11 Paso County, a defendant must file in the court in which the charges
12 are pending a sworn waiver of speedy trial motion requesting the
13 court to approve without a hearing defendant's waiver of his speedy
14 trial rights under the constitution and other law. If the court
15 approves the waiver, the defendant is eligible for consideration
16 for acceptance into a pretrial diversion program or equivalent
17 program.

18 (l) Sections 54.746(d) and (e), Government Code, are
19 amended to read as follows:

20 (d) A judge of a county court at law in El Paso County shall
21 exercise jurisdiction granted by Subsection (a) over felony
22 indictments and felony informations and justice court cases
23 [~~information~~] only as a judge presiding for the court in which the
24 felony or Class C misdemeanor is pending and only if the El Paso
25 Council of Judges has so provided in the local administrative rules
26 by a unanimous vote. The exercise of this jurisdiction outside El
27 Paso County is as provided by Chapter 74 and other law.

1 (e) A judge of a district court in El Paso County shall
2 exercise jurisdiction granted by Subsection (a) over misdemeanor
3 information and justice court cases only as a judge presiding for
4 the court in which the misdemeanor is pending and only if the
5 council of judges has so provided in the local administrative rules
6 by a unanimous vote. The exercise of this jurisdiction outside El
7 Paso County is as provided by the Court Administration Act (Chapter
8 74) and other law.

9 (m) Section 54.750, Government Code, is amended by adding
10 Subsection (d) to read as follows:

11 (d) When conducting a capias pro fine hearing for any court,
12 the criminal law magistrate court acts in the same capacity and with
13 the same authority as the judge who issued the capias pro fine.

14 (n) Sections 54.753(a) and (b), Government Code, are
15 amended to read as follows:

16 (a) The district clerk serves as clerk of the criminal law
17 magistrate court, except that:

18 (1) after a Class A or Class B misdemeanor information
19 is filed in the county court at law and assigned to the criminal law
20 magistrate court, the county clerk serves as clerk for that
21 misdemeanor case; and

22 (2) after a Class C misdemeanor is filed in a justice
23 court and assigned to the criminal law magistrate court, the
24 originating justice court clerk serves as clerk for that
25 misdemeanor case.

26 (b) The district clerk shall establish a docket and keep the
27 minutes for the cases filed in or transferred to the criminal law

1 magistrate court. The district clerk shall perform any other
2 duties that local administrative rules require in connection with
3 the implementation of this subchapter. The local administrative
4 judge shall ensure that the duties required under this subsection
5 are performed. To facilitate the duties associated with serving as
6 the clerk of the criminal law magistrate court, the district clerk
7 and the deputies of the district clerk may serve as deputy justice
8 clerks and deputy county clerks at the discretion of the district
9 clerk.

10 (o) Section 54.759, Government Code, is amended to read as
11 follows:

12 Sec. 54.759. LOCATION OF COURT. (a) The criminal law
13 magistrate court may be held at one or more locations [~~the location~~
14 ~~that is~~] provided by the local administrative rules or ordered by
15 the local administrative judge.

16 (b) A defendant may be brought before the court in person or
17 by means of an electronic broadcast system through which an image of
18 the defendant is presented to the court. For purposes of this
19 subsection, "electronic broadcast system" means a two-way
20 electronic communication of image and sound between the defendant
21 and the court.

22 SECTION 6.02. (a) Section 54.1356(a), Government Code, is
23 amended to read as follows:

24 (a) A criminal law hearing officer appointed under this
25 subchapter has limited concurrent jurisdiction over criminal cases
26 filed in the district courts, statutory county courts, and justice
27 courts of the county. The jurisdiction of the criminal law hearing

1 officer is limited to:

2 (1) determining probable cause for further detention
3 of any person detained on a criminal complaint, information, or
4 indictment filed in the district courts, statutory county courts,
5 or justice courts of the county;

6 (2) committing the defendant to jail, discharging the
7 defendant from custody, or admitting the defendant to bail, as the
8 law and facts of the case require;

9 (3) issuing search warrants and arrest warrants as
10 provided by law for magistrates;

11 (4) as to criminal cases filed in justice courts,
12 disposing of cases as provided by law, other than by trial, and
13 collecting fines and enforcing judgments and orders of the justice
14 courts in criminal cases;

15 (5) hearing, considering, and ruling on writs of
16 habeas corpus filed under Article 17.151, Code of Criminal
17 Procedure; ~~and~~

18 (6) on motion of the district attorney:

19 (A) dismissing a criminal case when the arresting
20 agency has not timely filed the offense report with the district
21 attorney; and

22 (B) reducing the amount of bond on prisoners held
23 at the county jail whose cases have not been filed in a district
24 court or a statutory county court; and

25 (7) presiding over an extradition proceeding under
26 Article 51.13, Code of Criminal Procedure.

27 (b) Section 54.1358, Government Code, is amended by adding

1 Subsections (f) and (g) to read as follows:

2 (f) In accordance with Article 26.13, Code of Criminal
3 Procedure, a criminal law hearing officer may accept a plea of
4 guilty or nolo contendere.

5 (g) A criminal law hearing officer may determine whether a
6 defendant is indigent and appoint counsel for an indigent
7 defendant.

8 (c) Subchapter BB, Chapter 54, Government Code, is amended
9 by adding Section 54.1362 to read as follows:

10 Sec. 54.1362. PROCEEDINGS THAT MAY BE REFERRED. A district
11 judge or a county court at law judge may refer to a criminal law
12 hearing officer any criminal case for proceedings involving:

13 (1) a bond forfeiture;

14 (2) the arraignment of defendants;

15 (3) the determination of whether a defendant is
16 indigent and the appointment of counsel for an indigent defendant;
17 and

18 (4) a negotiated plea of guilty or nolo contendere
19 before the court, in accordance with Article 26.13, Code of
20 Criminal Procedure.

21 SECTION 6.03. Section 152.0131(a), Human Resources Code, is
22 amended to read as follows:

23 (a) The juvenile board of Atascosa County is composed of the
24 county judge, ~~and~~ the district judges in Atascosa County, and the
25 judge of the County Court at Law of Atascosa County.

26 ARTICLE 7. TEMPORARY JUSTICES IN CERTAIN JUSTICE PRECINCTS

27 SECTION 7.01. Section 27.055, Government Code, is amended

1 by adding Subsection (g) to read as follows:

2 (g) This subsection applies to a county with a population
3 of at least 120,000 but not more than 130,000, with territory less
4 than 940 square miles that includes a state park, and with not more
5 than two justice precincts provided that at least one of the
6 precincts contains all or part of a municipality with a population
7 of at least 190,000 but not more than 200,000. The county judge of a
8 county to which this subsection applies may appoint a qualified
9 person to serve as a temporary justice of the peace for the precinct
10 within which a municipality or part of a municipality is located to
11 hold court and perform the duties of the justice when necessary to
12 dispose of accumulated business in the precinct.

13 ARTICLE 8. TELEPHONE INTERPRETER SERVICES IN CRIMINAL PROCEEDING

14 SECTION 8.01. Article 38.30(a-1), Code of Criminal
15 Procedure, is amended to read as follows:

16 (a-1) A qualified telephone interpreter may be sworn to
17 interpret for the person in any criminal [~~the trial of a Class C~~
18 ~~misdemeanor or a~~] proceeding before a judge or magistrate if an
19 interpreter is not available to appear in person at the proceeding
20 [~~before the court~~] or if the only available interpreter is not
21 considered to possess adequate interpreting skills for the
22 particular situation or is unfamiliar with the use of slang. In
23 this subsection, "qualified telephone interpreter" means a
24 telephone service that employs:

25 (1) licensed court interpreters as defined by Section
26 157.001, Government Code; or

27 (2) federally certified court interpreters.

1 ARTICLE 9. COURTS AUTHORIZED TO HEAR MATTERS RELATED TO CAPIAS PRO
2 FINE

3 SECTION 9.01. Article 43.05, Code of Criminal Procedure, is
4 amended by adding Subsection (c) to read as follows:

5 (c) If the court that issued the capias pro fine is
6 unavailable, the arresting officer may take the defendant to one of
7 the following locations in lieu of placing the defendant in jail:

8 (1) if the court that issued the capias pro fine was a
9 county court or a statutory county court with Class A and Class B
10 misdemeanor jurisdiction, to another court in the same county with
11 concurrent jurisdiction over Class A and Class B misdemeanors or to
12 a county criminal law magistrate in the same county; or

13 (2) if the court that issued the capias pro fine was a
14 district court with felony jurisdiction, to another court in the
15 same county with concurrent jurisdiction over felony cases or to a
16 county criminal law magistrate in the same county.

17 SECTION 9.02. Article 45.045, Code of Criminal Procedure,
18 is amended by adding Subsection (a-1) to read as follows:

19 (a-1) If the court that issued the capias pro fine is
20 unavailable, the arresting officer may take the defendant to one of
21 the following locations in lieu of placing the defendant in jail:

22 (1) if the court that issued the capias pro fine was a
23 justice of the peace, to a justice of the peace or county criminal
24 law magistrate court with jurisdiction over Class C misdemeanors
25 that is located within the same county; or

26 (2) if the court that issued the capias pro fine was a
27 municipal court, to a municipal court judge that is located within

1 the same city.

2 SECTION 9.03. Article 45.046, Code of Criminal Procedure,
3 is amended by adding Subsection (d) to read as follows:

4 (d) For purposes of a hearing described by Subsection (a),
5 if the court that issued the capias pro fine is unavailable, the
6 following judicial officers may conduct the hearing:

7 (1) if the court that issued the capias pro fine was a
8 justice of the peace, a justice of the peace or a county criminal
9 law magistrate with jurisdiction over Class C misdemeanors that is
10 located within the same county as the issuing court; or

11 (2) if the court that issued the capias pro fine was a
12 municipal court, a municipal court judge that is located within the
13 same city as the issuing municipal court.

14 ARTICLE 10. EFFECTIVE DATE

15 SECTION 10.01. Except as otherwise provided by this Act,
16 this Act takes effect September 1, 2015.

Senate Bill 1139
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

ARTICLE 1. ASSOCIATE JUDGES FOR CHILD SUPPORT AND CHILD PROTECTION CASES

ARTICLE 1. Same as House version.

No equivalent provision.

SECTION 1.01. Section 201.101, Family Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

SECTION 1.01. Same as House version.

(b) If the presiding judge of an administrative judicial region determines under Subsection (a) that the courts in the region require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of the qualified applicants who have submitted an application to the office of court administration. Before making the appointment, the presiding judge must provide the list to the judges of the courts from which cases will be referred to the associate judge. Each judge may recommend to the presiding judge the names of one or more applicants for appointment. An associate judge appointed under this subsection serves for a term of four years from the date the associate judge is appointed and qualifies for office. The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. The presiding judge [may limit the appointment to a specified time period and] may terminate an appointment at any time.

(b-1) Before reappointing an associate judge appointed under Subsection (b), the presiding judge must notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. Each judge may submit to the presiding judge a recommendation on whether the associate judge should be reappointed.

~~(d) [If the presiding judge determines that a court requires an associate judge for Title IV-D cases, the presiding judge shall~~

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~~appoint an associate judge for that purpose.]~~ Except as provided under Subsection (e), if an associate judge is appointed for a court under this subchapter, all Title IV-D cases shall be referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed, or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge. Referral of Title IV-D cases may not be made for individual cases or case by case.

No equivalent provision.

SECTION 1.02. Section 201.1066, Family Code, is amended to read as follows:

Sec. 201.1066. SUPERVISION OF ASSOCIATE JUDGES.

(a) The office of court administration shall assist the presiding judges in:

- (1) monitoring the associate judges' compliance with job performance standards and federal and state laws and policies;
- (2) addressing the training needs and resource requirements of the associate judges;
- (3) conducting annual performance evaluations for the associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information solicited from the referring courts and other relevant persons; and
- (4) receiving, investigating, and resolving complaints about particular associate judges or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance

SECTION 1.02. Same as House version.

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evaluations under Subsection (a)(3).

(c) Each judge of a court that refers cases to an associate judge under this subchapter may submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

No equivalent provision.

SECTION 1.03. Section 201.201, Family Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (b-1) to read as follows:

(a) The presiding judge of each administrative judicial region, after conferring with the judges of courts in the region having family law jurisdiction and a child protection caseload, shall determine which courts require the appointment of a full-time or part-time associate judge to complete cases under Subtitle E within the times specified under that subtitle.

(b) If the presiding judge of an administrative judicial region determines under Subsection (a) that the courts in the region require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of the qualified applicants who have submitted an application to the office of court administration. Before making the appointment, the presiding judge must provide the list to the judges of the courts from which cases will be referred to the associate judge. Each judge may recommend to the presiding judge the names of one or more applicants for appointment. An associate judge appointed under this subsection serves for a term of four years from the date the associate judge is appointed and qualifies for office. The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. The presiding judge [may limit the appointment to a specified period and]

SECTION 1.03. Same as House version.

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may terminate an appointment at any time.

(b-1) Before reappointing an associate judge appointed under Subsection (b), the presiding judge must notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. Each judge may submit to the presiding judge a recommendation on whether the associate judge should be reappointed.

~~(d) [If the presiding judge determines that a court requires an associate judge, the presiding judge shall appoint an associate judge.]~~ If an associate judge is appointed for a court, all child protection cases shall be referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge.

No equivalent provision.

SECTION 1.04. Section 201.2061, Family Code, is amended to read as follows:

Sec. 201.2061. SUPERVISION OF ASSOCIATE JUDGES.

(a) The office of court administration shall assist the presiding judges in:

- (1) monitoring the associate judges' compliance with any applicable job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies;
- (2) addressing the training needs and resource requirements of the associate judges;
- (3) conducting annual performance evaluations for the associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information

SECTION 1.04. Same as House version.

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solicited from the referring courts and other relevant persons;
and

(4) receiving, investigating, and resolving complaints about particular associate judges or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations under Subsection (a)(3).

(c) Each judge of a court that refers cases to an associate judge under this subchapter may submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

No equivalent provision.

SECTION 1.05. (a) The changes in law made by this article apply to the appointment of an associate judge under Subchapters B and C, Chapter 201, Family Code, on or after the effective date of this Act.

(b) An associate judge serving under Subchapter B or C, Chapter 201, Family Code, on the effective date of this Act is subject to the changes in law made by this article on and after that date. A presiding judge of an administrative judicial region who appoints or reappoints associate judges under those subchapters is subject to the changes in law made by this article on and after that date.

(c) Not later than October 1, 2015, the presiding judge shall either reappoint an associate judge serving under Subchapter B or C, Chapter 201, Family Code, or appoint a new associate judge to serve under those subchapters consistent with the changes in law made by this article.

SECTION 1.05. Same as House version.

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ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS

ARTICLE 2. Same as Senate version.

ARTICLE 2. Same as Senate version.

SECTION 1.01. Section 24.154(b), Government Code, is amended.

SECTION 2.01. Same as Senate version.

SECTION 2.01. Same as Senate version.

SECTION 1.02.

SECTION 2.02.

SECTION 2.02. Same as Senate version.

(a) Effective January 1, 2017, Section 24.275, Government Code, is amended to read as follows:

Sec. 24.275. 216TH JUDICIAL DISTRICT (GILLESPIE[~~;~~ KENDALL~~;~~] AND KERR COUNTIES). The 216th Judicial District is composed of Gillespie[~~;~~ Kendall~~;~~] and Kerr counties.

No equivalent provision.

(b) Effective January 1, 2017, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.591 to read as follows:

Sec. 24.591. 451ST JUDICIAL DISTRICT (KENDALL COUNTY). (a) The 451st Judicial District is composed of Kendall County.

No equivalent provision.

(b) In addition to the other jurisdiction provided by law, the 451st District Court has concurrent jurisdiction with the County Court of Kendall County in all civil and criminal matters over which the county court would have original or appellate jurisdiction, including probate matters and proceedings under Subtitle C, Title 7, Health and Safety Code.

(c) All civil and criminal matters within the concurrent jurisdiction of the county and district courts must be filed with the county clerk in the county court. The county clerk serves

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as the clerk of the district court for those matters.

(c) Effective January 1, 2017, Section 44.001, Government Code, is amended to read as follows:

Sec. 44.001. ELECTION. The voters of each of the following counties elect a criminal district attorney: Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum.

No equivalent provision.

(d) Effective January 1, 2017, Subchapter B, Chapter 44, Government Code, is amended by adding Section 44.230 to read as follows:

Sec. 44.230. KENDALL COUNTY. (a) The criminal district attorney of Kendall County must meet the following qualifications:

(1) be at least 30 years old;

(2) have been a practicing attorney in this state for at least five years; and

(3) have been a resident of Kendall County for at least one year before election or appointment.

(b) The criminal district attorney has all the powers, duties, and privileges in Kendall County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall attend each term and session of the district and inferior courts of Kendall County,

No equivalent provision.

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except municipal courts, held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(d) The criminal district attorney shall represent Kendall 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.

(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 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 as appropriated by the legislature. The Commissioners Court of Kendall 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 the judge of the 451st District Court in Kendall County. The compensation paid by the county shall be paid in semiweekly or bimonthly installments, as determined by the commissioners court.

(g) The criminal district attorney or the Commissioners Court of Kendall County may accept gifts and grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting effective prosecution, crime prevention or suppression, rehabilitation of offenders, substance abuse education, treatment and prevention, or crime victim

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assistance programs in Kendall County. The criminal district attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

(h) The criminal district attorney, for the purpose of conducting 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 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 semiweekly or bimonthly installments from county funds.

(i) The criminal district attorney shall, with the advice and consent of the commissioners court, designate one or more individuals to act as an assistant criminal district attorney with exclusive responsibility for assisting the commissioners court. An individual designated as an assistant criminal district attorney under this subsection must have extensive experience in representing public entities and knowledge of the laws affecting counties, including the open meetings and open records laws under Chapters 551 and 552.

(j) Kendall County is entitled to receive from the state an amount equal to the amount provided in the General Appropriations Act to district attorneys for the payment of staff salaries and office expenses.

(k) 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.

(l) The criminal district attorney and assistant criminal district attorney may not engage in the private practice of law or receive a fee for the referral of a case.

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(e) Effective January 1, 2017, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, ~~[25th,]~~ 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

(f) Effective January 1, 2017, the office of county attorney

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Effective January 1, 2017, Section 46.002, Government Code, is amended to read as follows: [FA2(1)-(2)]

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, ~~[25th,]~~ 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and [FA2(3)]

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

(f)-(i) [Deleted by FA2(4)]

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of Kendall County is abolished.

(g) Sections 25.1321 and 25.1322, Government Code, are repealed, and the County Court at Law of Kendall County is abolished on the date the 451st District Court is created.

(h) On the date the 451st District Court is created, all cases from Kendall County pending in the 216th District Court are transferred to the 451st District Court. On the date the County Court at Law of Kendall County is abolished, all cases pending in the court are transferred to the 451st District Court. When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. 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 court from which a case is transferred are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

(i) The 451st Judicial District is created January 1, 2017.

SECTION 1.03. (a) Effective January 1, 2017, Subchapter C, Chapter 24, Government Code, is amended.

(b) The 440th Judicial District is created January 1, 2017.

(c) Subchapter D, Chapter 74, Government Code, is amended.

SECTION 1.04. (a) Subchapter C, Chapter 24, Government Code, is amended.

SECTION 2.03. Same as Senate version.

SECTION 2.03. Same as Senate version.

SECTION 2.04. Same as Senate version.

SECTION 2.04. Same as Senate version.

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(b) The 446th Judicial District is created September 1, 2015.

SECTION 1.05. (a) Effective January 1, 2016, Subchapter D, Chapter 24, Government Code, is amended.

(b) The 507th Judicial District is created January 1, 2016.

SECTION 1.06. (a) Subchapter D, Chapter 24, Government Code, is amended by adding Sections 24.642 and 24.643 to read as follows:

Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The 469th Judicial District is composed of Collin County.

Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The 470th Judicial District is composed of Collin County.

(b) The 469th and 470th Judicial Districts are created September 1, 2015.

SECTION 1.07. (a) Subchapter D, Chapter 24, Government Code, is amended.

(b) The 505th Judicial District is created September 1, 2015.

SECTION 1.08. (a) Effective September 1, 2015, Section 46.002, Government Code, is amended.

(b) Section 43.156(b), Government Code, is repealed.

SECTION 2.05. Same as Senate version.

SECTION 2.06. (a) Subchapter D, Chapter 24, Government Code, is amended by adding Sections 24.642 and 24.643 to read as follows:

Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The 469th Judicial District is composed of Collin County. ***The 469th District Court shall hear family law matters.***

Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The 470th Judicial District is composed of Collin County. ***The 470th District Court shall hear family law matters.***

(b) The 469th and 470th Judicial Districts are created September 1, 2015.

SECTION 2.07. Same as Senate version.

SECTION 2.08. Same as Senate version.

SECTION 2.05. Same as Senate version.

SECTION 2.06. Same as House version.

SECTION 2.07. Same as Senate version.

SECTION 2.08. Same as Senate version.

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ARTICLE 2. STATUTORY COUNTY COURTS, COUNTY ATTORNEYS, AND CERTAIN COUNTY JUDGES

SECTION 2.01.

(a) Section 25.0331(a), Government Code, is amended.

(b) Section 25.0332, Government Code, is amended.

(c) The County Court at Law No. 4 of Cameron County is created *January 1, 2016*.

(d) The County Court at Law No. 5 of Cameron County is created January 1, 2018.

SECTION 2.02. (a) Section 25.0451(a), Government Code, is amended.

(b) The County Court at Law No. 7 of Collin County is created on the effective date of this Act.

SECTION 2.03. (a) Section 25.0811, Government Code, is amended.

(b) The County Court at Law No. 5 of Fort Bend County is created January 1, 2016.

SECTION 2.04. (a) Effective January 1, 2016, Section 25.1031(b), Government Code, is amended.

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ARTICLE 3. STATUTORY COUNTY COURTS, *COUNTY COURTS*, COUNTY ATTORNEYS, AND CERTAIN COUNTY JUDGES [FA3(1)]

SECTION 3.01.

(a) Same as Senate version.

(b) Same as Senate version.

(c) The County Court at Law No. 4 of Cameron County is created *January 1, 2017*. [FA1]

(d) Same as Senate version.

SECTION 3.02. Same as Senate version.

SECTION 3.03. Same as Senate version.

SECTION 3.04. Same as Senate version.

CONFERENCE

ARTICLE 3. Same as House version.

SECTION 3.01. Same as House version.

SECTION 3.02. Same as Senate version.

SECTION 3.03. Same as Senate version.

SECTION 3.04. Same as Senate version.

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(b) The County Criminal Court at Law No. 16 of Harris County is created January 1, 2016.

SECTION 2.05. Section 25.1112(e), Government Code, is amended.

SECTION 2.06. Section 25.2222(a), Government Code, is amended.

SECTION 2.07. (a) Subchapter D, Chapter 25, Government Code, is amended.

(b) Effective January 1, 2019, Section 25.2701, Government Code, is amended.

(c) Section 25.2702, Government Code, is amended.

(d) Section 25.2702(g), Government Code, is repealed.

No equivalent provision.

SECTION 3.05. Same as Senate version.

SECTION 3.06. Same as Senate version.

SECTION 3.07. Same as Senate version.

SECTION 3.08. Section 26.223, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the county judge is licensed to practice law in this state, the [The] County Court of Jefferson County has [the general] jurisdiction concurrent with the County Court at Law of Jefferson County over all causes and proceedings, civil and criminal, [of a probate court and] juvenile and probate, original and appellate, over which by the constitution and general laws of this state county courts have jurisdiction [as provided by Section 26.042(b) but has no other civil or

SECTION 3.05. Same as Senate version.

SECTION 3.06. Same as Senate version.

SECTION 3.07. Same as Senate version.

SECTION 3.08. Same as House version.

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~~criminal jurisdiction~~].

(a-1) If the county judge is not licensed to practice law in this state, the County Court of Jefferson County has concurrent jurisdiction with the county courts at law in Jefferson County only in probate proceedings, administrations of estates, guardianship proceedings, mental illness proceedings, and juvenile matters as provided by Section 26.042(b). [FA3(2)]

SECTION 2.08. (a) Section 43.122, Government Code, is amended.

(b) Subchapter B, Chapter 45, Government Code, is amended.

SECTION 2.09. (a) Effective January 1, 2017, Subchapter B, Chapter 45, Government Code, is amended.

(b) Effective January 1, 2017, Section 43.112, Government Code, as amended by Chapters 644 (H.B. 717) and 872 (H.B. 696), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

(c) On January 1, 2017, the office of district attorney for the 25th Judicial District is abolished.

No equivalent provision.

No equivalent provision.

SECTION 3.08. Same as Senate version.

SECTION 3.09. Same as Senate version.

ARTICLE 4. ELECTRONIC FILING

SECTION 4.01. Section 51.851(b), Government Code, is amended to read as follows:

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate

SECTION 3.09. Same as Senate version.

SECTION 3.10. Same as Senate version.

ARTICLE 4. Same as House version.

SECTION 4.01. Same as House version.

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court shall collect a \$30 [~~\$20~~] fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

No equivalent provision.

SECTION 4.02. Section 51.607, Government Code, does not apply to the imposition of a fee assessed under Section 51.851(b), Government Code, as amended by this article.

SECTION 4.02. Same as House version.

No equivalent provision.

SECTION 4.03. The change in law made by amending Section 51.851(b), Government Code, applies only to a fee that becomes payable on or after September 1, 2015. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 4.03. Same as House version.

ARTICLE 3. BAILIFFS

ARTICLE 5. Same as Senate version.

ARTICLE 5. Same as Senate version.

SECTION 3.01. Chapter 53, Government Code, is amended.

SECTION 5.01. Same as Senate version.

SECTION 5.01. Same as Senate version.

SECTION 3.02. Chapter 53, Government Code, is amended.

SECTION 5.02. Same as Senate version.

SECTION 5.02. Same as Senate version.

ARTICLE 4. CERTAIN CRIMINAL LAW MAGISTRATE COURTS, CERTAIN CRIMINAL LAW HEARING OFFICERS, AND A JUVENILE BOARD

ARTICLE 6. Same as Senate version.

ARTICLE 6. Same as Senate version.

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SECTION 4.01. (a) Section 54.732, Government Code, is amended.

(b) Section 54.733, Government Code, is amended.

(c) Section 54.735, Government Code, is amended.

(d) Section 54.736(b), Government Code, is amended.

(e) Section 54.737(c), Government Code, is amended.

(f) Sections 54.738(a) and (c), Government Code, are amended.

(g) Section 54.739(d), Government Code, is amended.

(h) Section 54.741, Government Code, is amended.

(i) Section 54.742, Government Code, is amended.

(j) Section 54.744, Government Code, is amended.

(k) Section 54.745(a), Government Code, is amended.

(l) Sections 54.746(d) and (e), Government Code, are amended.

(m) Section 54.750, Government Code, is amended.

(n) Sections 54.753(a) and (b), Government Code, are amended.

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SECTION 6.01. Same as Senate version.

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SECTION 6.01. Same as Senate version.

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(o) Section 54.759, Government Code, is amended.

SECTION 4.02. (a) Section 54.1356(a), Government Code, is amended.

(b) Section 54.1358, Government Code, is amended.

(c) Subchapter BB, Chapter 54, Government Code, is amended.

SECTION 4.03. Section 152.0131(a), Human Resources Code, is amended.

No equivalent provision.

No equivalent provision.

SECTION 6.02. Same as Senate version.

SECTION 6.03. Same as Senate version.

ARTICLE 7. TEMPORARY JUSTICES IN CERTAIN JUSTICE PRECINCTS

SECTION 7.01. Section 27.055, Government Code, is amended by adding Subsection (g) to read as follows:

(g) This subsection applies to a county with a population of at least 120,000 but not more than 130,000, with territory less than 940 square miles that includes a state park, and with not more than two justice precincts provided that at least one of the precincts contains all or part of a municipality with a population of at least 190,000 but not more than 200,000. The county judge of a county to which this subsection applies may appoint a qualified person to serve as a temporary justice of the peace for the precinct within which a municipality or part of a municipality is located to hold court and perform the duties of the justice when necessary to dispose of accumulated

SECTION 6.02. Same as Senate version.

SECTION 6.03. Same as Senate version.

ARTICLE 7. Same as House version.

SECTION 7.01. Same as House version.

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ARTICLE 5. TELEPHONE INTERPRETER SERVICES IN CRIMINAL PROCEEDING

SECTION 5.01. Article 38.30(a-1), Code of Criminal Procedure, is amended.

ARTICLE 6. COURTS AUTHORIZED TO HEAR MATTERS RELATED TO CAPIAS PRO FINE

SECTION 6.01. Article 43.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) A capias pro fine authorizes a peace officer to place the defendant in jail until the business day following the date of the defendant's arrest if the defendant cannot be brought before the court immediately. Instead of placing the defendant in jail as authorized by this subsection, the peace officer may bring the defendant before another court that is in the same territorial jurisdiction as, and that has concurrent jurisdiction with, the court that issued the capias pro fine.

No equivalent provision.

business in the precinct.

ARTICLE 8. Same as Senate version.

SECTION 8.01. Same as Senate version.

ARTICLE 9. Same as Senate version.

No equivalent provision.

SECTION 9.01. Article 43.05, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If the court that issued the capias pro fine is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:

(1) if the court that issued the capias pro fine was a county court or a statutory county court with Class A and Class B misdemeanor jurisdiction, to another court in the same county

ARTICLE 8. Same as Senate version.

SECTION 8.01. Same as Senate version.

ARTICLE 9. Same as Senate version.

Same as House version.

SECTION 9.01. Same as House version.

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with concurrent jurisdiction over Class A and Class B misdemeanors or to a county criminal law magistrate in the same county; or

(2) if the court that issued the *capias pro fine* was a district court with felony jurisdiction, to another court in the same county with concurrent jurisdiction over felony cases or to a county criminal law magistrate in the same county.

SECTION 6.02. Article 45.045, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) *Instead of placing the defendant in jail as authorized by Subsection (a), the peace officer may bring the defendant before another court that is in the same county as, and that has concurrent jurisdiction with, the court that issued the *capias pro fine*.*

SECTION 9.02. Article 45.045, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) *If the court that issued the *capias pro fine* is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:*

(1) *if the court that issued the *capias pro fine* was a justice of the peace, to a justice of the peace or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located within the same county; or*

(2) *if the court that issued the *capias pro fine* was a municipal court, to a municipal court judge that is located within the same city.*

SECTION 9.02. Same as House version.

SECTION 6.03. Article 45.046, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a hearing described by Subsection (a), *if the defendant cannot be immediately brought before the court that entered the judgment and sentence against the defendant, another court that is in the same county as, and that has concurrent jurisdiction with, the court that entered the judgment and sentence* may conduct the hearing.

SECTION 9.03. Article 45.046, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a hearing described by Subsection (a), *if the court that issued the *capias pro fine* is unavailable, the following judicial officers* may conduct the hearing:

(1) *if the court that issued the *capias pro fine* was a justice of the peace, a justice of the peace or a county criminal law magistrate with jurisdiction over Class C misdemeanors that is located within the same county as the issuing court; or*

SECTION 9.03. Same as House version.

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(2) if the court that issued the capias pro fine was a municipal court, a municipal court judge that is located within the same city as the issuing municipal court.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

ARTICLE 10. Same as Senate version.

SECTION 10.01. Same as Senate version.

ARTICLE 10. Same as Senate version.

SECTION 10.01. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
 Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1139 by Huffman (Relating to the operation and administration of and practice in courts in the judicial branch of state government, the composition of certain juvenile boards, and the increase of certain filing fees.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1139, Conference Committee Report: a negative impact of (\$2,923,883) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,276,961)
2017	(\$1,646,922)
2018	(\$1,846,566)
2019	(\$1,903,233)
2020	(\$1,917,566)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>Statewide Electronic Filing System</i> 5157	Change in Number of State Employees from FY 2015
2016	(\$1,276,961)	\$5,299,818	5.7
2017	(\$1,646,922)	\$5,299,818	8.1
2018	(\$1,846,566)	\$5,299,818	9.0
2019	(\$1,903,233)	\$5,299,818	9.0
2020	(\$1,917,566)	\$5,299,818	9.0

Fiscal Analysis

The bill would amend the Government Code to remove Kendall County from the 216th Judicial District. Under provisions of the bill, the 216th Judicial District would be composed of Gillespie and Kerr counties. The bill would create a new judicial district in Kendall County, the 451st Judicial District to be created on January 1, 2017.

The bill would amend the Government Code to where voters in the 451st Judicial District would elect a criminal district attorney to represent the state before the district court. The criminal district attorney would be listed within the Professional Prosecutors Act effective January 1, 2017 and would receive state compensation in an amount equal to that paid by the state to a district judge. The bill would abolish the County Attorney, Kendall County effective the same date as creation of the Kendall County Criminal Defense Attorney.

The bill would amend the Government Code to create new judicial districts in: Coryell County, the 440th district Judicial District created January 1, 2017; Ector County, the 446th Judicial District created September 1, 2015; Harris County, the 507th Judicial District created January 1, 2017; Collin County, the 469th and 470th Judicial Districts both created September 1, 2015, and Fort Bend County, the 505th Judicial District created September 1, 2015.

The bill would amend the Government Code within the Professional Prosecutors Act effective September 1, 2015 to add the state prosecutor of the 132nd Judicial District and the county attorney performing the duties of a district attorney in Aransas County. This state prosecutor of the 132nd Judicial District and the county attorney for Aransas County would be prohibited from the private practice of law.

The bill would amend the Government Code within the Professional Prosecutors Act effective January 1, 2017 to remove the state prosecutor of the 25th Judicial District and add the county attorney performing the duties of a district attorney in Guadalupe County. The county attorney of Guadalupe County would be prohibited from the private practice of law.

The bill would amend the Government Code to create new statutory county courts: Cameron County, County Court at Law No. 4 would be created January 1, 2017 and County Court at Law No. 5 would be created January 1, 2018; Collin County, County Court at Law No. 7 would be created the effective date of the Act, or September 1, 2015; Fort Bend County, County Court at Law No. 5 would be created January 1, 2016; and Harris County, County Criminal Court at Law No. 16 would be created January 1, 2017. The bill would abolish the Kendall County, County Court at Law effective January 1, 2017.

The bill would amend the Government Code to require the state to annually compensate the administrative county of a multicounty statutory county court in an amount equal to 100 percent of a state district court judge salary, or \$140,000. Under provisions of the bill, Mitchell County would be removed from the 1st Multicounty Court at Law and Nolan County would be designated as the administrative county for this court, effective January 1, 2019.

The bill would amend the Government Code to repeal a provision that the State should compensate Fisher, Mitchell, and Nolan counties each an amount equal to 60 percent of a district judge's state salary using funding from the Judicial Fund.

The bill would amend the Government Code to abolish the 25th Judicial District in Gonzales and Guadalupe Counties, effective January 1, 2017. Under provisions of the bill, the District Attorney of the 25th Judicial District would be abolished, effective January 1, 2017.

The bill would amend the Government Code to increase the statewide electronic filing system fund fee from \$20 to \$30. This civil filing fee is assessed at county-level, district, and appellate courts on the filing of any civil action or proceeding requiring a filing fee.

Methodology

The annual salary provided by the state for a district judge is \$140,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$38,190 in fiscal year 2016 and \$38,686 in fiscal year 2017, with differences between the two years due to estimated increases in insurance costs. The total annual salary and benefits cost for a district judge is estimated to be \$178,190 in fiscal year 2016 and \$178,686 in fiscal year 2017 and subsequent years. These costs are traditionally met through a mix of General Revenue Fund and Judicial Fund No. 573 funding, however for the past several fiscal years Judicial Fund No. 573 revenues have not been sufficient to meet all judicial salary obligations. Due to this, General Revenue funding has been used to meet the remaining obligations. Therefore, this estimate assumes General Revenue funding would be needed to cover the full state obligations for any additional new courts created by the 84th Legislature. In addition, the cost for creation of 507th District Court in Harris County are prorated for eight months in fiscal year 2016 and the 440th District Court in Coryell County and the 451st District Court in Kendall County are prorated for eight months in fiscal year 2017 because these courts would be created on January 1st.

For county courts at law, the annual recurring cost to the state would be \$84,000 from General Revenue. Under current law, the state provides a county court-at-law judge a salary supplement up to 60 percent of the state salary of a district judge (\$84,000). Traditionally, funding for this supplement is provided through Judicial Fund No. 573, however due to the aforementioned funding levels in Judicial Fund No. 573, it is estimated that General Revenue would be needed to meet these supplement obligations.

In addition, the costs for creation of certain courts are prorated for eight months due to court creation dates falling on January 1st within the fiscal year. This pertains to the following courts that the bill would create: County Court at Law No. 5 in Fort Bend County and County Criminal Court at Law No. 16 in Harris County both created on January 1, 2016; County Court at Law No. 4 in Cameron County created on January 1, 2017; and County Court at Law No. 5 in Cameron County created on January 1, 2018. These costs are offset by savings from abolishment of the Kendall County Court at Law on January 1, 2017 with prorated savings due to court abolishment occurring on January 1st within the fiscal year.

The annual salary for a district attorney listed in the Professional Prosecutors Act is \$140,000 from the state plus benefits which are estimated to be \$38,190 in fiscal year 2016 and \$38,686 in fiscal year 2017. According to the Comptroller of Public Accounts, the state is currently compensating the district attorney for the 132nd Judicial District an annual salary of \$112,000 plus \$23,796 in benefits for a total of \$135,796. Therefore, the state's obligations for this position would be \$42,394 in fiscal year 2016 and \$42,890 for fiscal year 2017 and subsequent years. Costs associated with creation of the Criminal District Attorney position in Kendall County are prorated in fiscal year 2017 due to creation of this position on January 1, 2017. Costs associated with listing the County Attorney in Guadalupe County within the Professional Prosecutors Act is prorated in fiscal year 2017 due to this listing going into effect January 1, 2017. These costs are offset due to savings from abolishment of the 25th Judicial District and removal of this district from the Professional Prosecutors Act is prorated due to this abolishment going into effect January 1, 2017. There are additional savings from abolishment of the County Attorney position in

Kendall County.

Increasing the state compensation to the administrative county of the 1st Multicounty Court at Law to \$140,000 is offset by \$84,000 currently provided to the court as a state salary supplement to the judge for a net total of \$56,000. This amount is prorated for 8 months, or \$37,333) because this provision would go into effect on January 1, 2019.

Finally, regarding the bill's increasing of the statewide electronic filing system fund fee from \$20 to \$30 within certain courts. This estimate assumes civil case filings will remain at approximately fiscal year 2014 levels for the 2016-17 biennium. For the filing fees for civil cases, utilizing historical revenue collections from fiscal year 2014, OCA estimates that every \$1 of this type of civil filing fee annually raises \$345,363 in revenue at the district court level and \$180,374 at the county court level. Based on these per dollar revenue increases, OCA estimates that a \$10 increase in the statewide electronic filing system fund fee would result in an increase of \$3,453,630 in district courts, \$1,803,740 in county level courts, and \$42,448 in the intermediate appellate courts and Supreme Court, for a total estimated annual revenue increase of \$5,299,818 to the state each fiscal year. This provision would take effect September 1, 2015.

Local Government Impact

The bill would establish new courts, which would require annual costs for personnel and operating expenses and in may require one-time costs, such as furniture, to establish.

According to the Comptroller of Public Accounts (CPA), Kerr County, Kendall County, Colin County, San Patricio County, Aransas County, Hidalgo County, El Paso County, and Gillespie County reported that the fiscal impact could not be determined.

According to the CPA, the Guadalupe County Auditor's Office reported a savings of \$77,036 in the county attorney's office for nine months in fiscal year 2017. There would be a savings of \$102,715 each year thereafter.

According to the CPA, the Scurry County Auditor's Office reported the county would no longer pay a monthly supplement of \$2,722 per month to the district attorney. There would be a savings of \$10,888 in fiscal year 2017 and a savings of \$32,644 each year thereafter. The Borden County District Attorney's Office reported that no fiscal impact is anticipated.

According to the CPA, Coryell County would be responsible for paying the salary and benefits for court personnel for the 440th Judicial District. The Coryell County Auditor's Office estimated the annual cost for the new court in fiscal year 2017-20 for salary and benefits would be \$312,500 and \$7,200 for operating expenses. The court is anticipated to generate about \$60,000 annually from fines and fees. There would be one-time start-up costs of \$80,000 and \$25,000 for new technology in fiscal year 2017.

According to the CPA, Ector County would be responsible for paying the salary and benefits for court personnel for the 446th Judicial District. The Ector County Auditor's Office estimates a 3.8 percent increase in expenditures for each fiscal year from 2016 to 2020. There would be a one-time expenditure of \$25,000 for furnishings and equipment in fiscal year 2015. The salary and benefits for personnel would be pro-rated for one month, which are anticipated to be \$16,797 for a total cost of \$41,797 in fiscal year 2015.

According to the CPA, Harris County would be responsible for paying the salary and benefits for 507th Judicial District court personnel. According to the Harris County Budget Office, fiscal year

2015 expenditures for the new court would be pro-rated for two months, totaling \$73,534. The expenditures would be \$905,224 in fiscal year 2016, \$932,381 in fiscal year 2017, \$960,352 in fiscal year 2018, \$989,163 in fiscal year 2019, \$1,018,838 in fiscal year 2020. Technology costs would be approximately \$3,660 for equipment. To implement the Harris County Court at Law No. 16, the estimated starting baseline would be \$2,333,661 in fiscal year 2016 and increasing by 2.45 percent every year thereafter.

According to the CPA, Collin County would be responsible for paying the salary and benefits for the 469th and 470th judicial family district courts' personnel. According to the Collin County Budget Office, the projected expenses for both courts total \$632,124 in fiscal year 2015. The projected technology cost for both courts is \$426,008; the one-time cost for furniture for both courts is \$112,436; the operations for both courts is \$32,970; and the one month pro-rated salary and benefits for six employees for both courts is \$60,710. According to the Collin County Budget office, the expenditures including salaries, benefits, and operations for both courts is \$762,970 in fiscal year 2016. There will be an increase in expenses for both courts ranging from 1.6 percent to 2.5 percent for fiscal year 2017-2020.

According to the CPA, Fort Bend County Auditor's Office would be responsible for paying the salary and benefits for the 505th judicial district courts' personnel. The Fort Bend County Judge's Office reported a 2.35 percent increase in compensation and benefits for personnel and a 3 percent increase in operating costs. The projected costs would be an estimated \$1,733,600 for fiscal year 2017, \$1,759,940 in fiscal year 2018, \$1,789,869 in fiscal year 2019, \$1,814,401 in fiscal year 2020. Fiscal year 2016 costs would be pro-rated for one month totaling \$150,226.

According to the CPA, the Cameron County Auditor's Office reported a one-time start-up construction cost of approximately \$1 million for each building for the two courts. Additionally, there would a cost of \$540,000 per court per fiscal year for personnel, \$40,000 in operational expenditures per court per fiscal year and \$14,000 per court per fiscal year in technology expenditures. Cameron County also reported that the bill would generate additional fine revenue of \$45,000 per court per fiscal year.

According to the CPA, the Tarrant County Budget Office reported that to implement the bill's provision requiring a bailiff to be placed upon appointment or request by each judge in the court would cost Tarrant County approximately \$225,000 in fiscal year 2016 and increase each fiscal year by approximately 4.76 percent.

According to the CPA, the Atascosa County Auditor reported that the addition of a new juvenile board member would cost the county \$800 per year.

Finally, Fisher and Nolan Counties may realize possible county savings of up to \$55,000 annually since they would not have to provide compensation for a total salary of not less than \$1,000 less than the compensation of a district judge due to the bill setting the state compensation for this position at a district judge salary level.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 696 Department of Criminal Justice

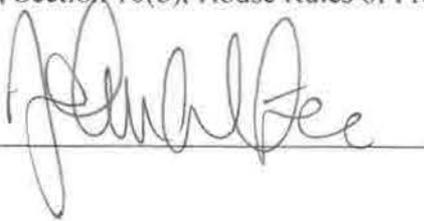
LBB Staff: UP, FR, MW, GDz, SD, KVe

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB 1139 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

(name)



(date)

5-28-15