

- SUBJECT:** Creating additional judicial districts in certain counties
- COMMITTEE:** Judiciary — committee substitute recommended
- VOTE:** 6 ayes — Hartnett, Alonzo, Gonzales, Hopson, Solis, Van Arsdale
0 nays
3 absent — Hughes, Keel, Straus
- SENATE VOTE:** On final passage, April 28 — 31-0
- WITNESSES:** For — April Bacon, Travis County Commissioners Court, Travis County District Judges, Travis County Auditor. (*Registered, but did not testify:* John Rolater, Dallas County Criminal District Attorney Bill Hill)
Against — None
- BACKGROUND:** Every county has a juvenile board that oversees the juvenile justice system in the county. In most counties, a judge may receive additional compensation for serving on the juvenile board. In Llano, San Saba, Burnet, and Blanco counties, the chairman of the board and its chief administrative officer is the juvenile court judge.
- DIGEST:** CSSB 1189 would create and make changes to a number of district courts and county juvenile boards.
- District courts.** CSSB 1189 would create the following judicial districts as of September 1, 2005:
- 412th Judicial District, composed of Brazoria County;
 - 428th Judicial District, composed of Hays County;
 - 423rd Judicial District, composed of Kenedy and Kleberg counties;
 - 424th Judicial District, composed of Blanco, Burnet, Llano, and San Saba counties; and
 - 6th and 7th criminal judicial districts, composed of Dallas County.

The following judicial districts would be created as of January 1, 2007:

- 425th Judicial District, composed of Williamson County;
- 426th Judicial District, composed of Bell County;
- 427th Judicial District, composed of Travis County, the district court of which would give preference to criminal matters;
- 430th Judicial District, composed of Hidalgo County, the district court of which would give preference to family violence and criminal matters;
- 433rd Judicial District, composed of Comal County; and
- 434th Judicial District, composed of Fort Bend County.

For existing Hidalgo County district courts, CSSB 1189 would eliminate the preference for family violence and criminal matters for the 398th district court and the preference for criminal matters for the 389th district court.

The terms of the new court created in Bell County would begin on the first Mondays of January, April, July, and October. The bill also would add the 264th and 426th judicial districts to the list of districts that have concurrent jurisdiction in Bell County. The 264th Judicial District would have concurrent jurisdiction as of September 1, 2005, and the 426th would be added as of January 1, 2007.

The 424th District Court would have concurrent jurisdiction with the 33rd District Court and have the same terms as the 33rd District Court. The judge of the 424th District Court could select a jury commissioners and impanel a grand jury in each county. The judge could alternate drawings of grand juries with other judges of district courts within the judicial district and could order grand or petit juries to be drawn as necessary for any term of the court. Indictments in each county could be returned to either court within that county.

The 424th District Court could hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury could not be demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing was held. Unless an objection was filed by a party to the suit, the 424th District Court could hear, in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in

which citation was by publication, regardless of whether the case was filed in the county in which the hearing was held.

The local administrative judge for Blanco, San Saba, Burnet, and Llano counties would be selected on the basis of seniority from the district judges of the 33rd and 424th judicial districts.

The terms of the 6th and 7th judicial districts would begin on the first Mondays in January, April, July, and October. Government Code, secs. 24.115 and 24.901 would apply to these judicial districts.

The 423rd Judicial District would be required to give preference to criminal matters. It would have concurrent jurisdiction with the county courts in Kenedy and Kleberg counties and the statutory county court in Kleberg County over civil and criminal matters and original and appellate jurisdiction. Matters in the concurrent jurisdiction of the 423rd District Court and the county court or county court at law could be filed in either court, and all cases of concurrent jurisdiction could be transferred between the 423rd District Court, the county court, and the county court at law. A case could not be transferred without the consent of the judge of the court to which it was transferred.

The 105th Judicial District would be composed exclusively of Nueces County and would give preference to criminal cases. All cases pending in the 105th district court from Kleberg and Kenedy Counties would be transferred to the 423rd District Court by September 1, 2005. The term of the district court would begin on the first Mondays in February and August. The bill also would amend Government Code, sec 43.148 to reflect that the voters of Kenedy, Kleberg, and Nueces counties would elect a district attorney.

The term of the 207th District Court would begin on the first Mondays in February and August in Hays County, on the first Mondays in March and September in Caldwell County, and on the first Mondays in January and July in Comal County. The judge of the 207th District Court would be able to appoint a bailiff to serve the court in Comal County, subject to the approval of the local administrative judge.

The 103rd, 357th, and 404th district courts would be composed exclusively of Cameron County. The 103rd, 107th, and 138th district courts would have concurrent jurisdiction in Cameron County. The 107th

and 138th district courts would have concurrent jurisdiction in Willacy County.

All civil cases in the 92nd, 93rd, 139th, 206th, 275th, 332nd, 370th, 389th, and 398th district courts would be assigned and docketed at random by the district clerk using an automated system.

Juvenile boards. The bill would make the judge of the 33rd District Court, rather than the judge of the juvenile court, the chairman of the board and the chief administrative officer of the juvenile board in Blanco, Burnet, Llano, and San Saba counties.

In Tarrant County, a judge serving on the juvenile board would not be able to receive additional compensation for serving on the juvenile board as provided under the Human Resources Code, sec. 152.

CSSB 1189 also would change the composition of the Comal County Juvenile Board to include a judge of each county court at law in the county rather than the local administrative statutory county judge. In Webb County, the county judge would be able to designate any member of the commissioners court to represent the judge on the board. Finally, the bill would include a judge from the 87th Judicial District on the juvenile board of Leon County.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSSB 1189 would promote judicial efficiency by creating new district courts in Texas counties where overloaded dockets currently are denying parties the right to obtain timely justice.

Texas has experienced massive population growth in the last five years. The rapidly growing population has had a significant impact on the district courts. The workload in the district courts has increased significantly, causing long docket delays and forcing judges to work exceedingly long hours. Adding districts courts would be a cost effective way to relieve existing district courts of overcrowded dockets while speeding up the administration of justice.

Adding new courts would decrease the necessity of using visiting judges. The visiting judge fund was cut substantially in 2003, and because neither the House nor Senate version of the general appropriations bill would

increase funding of the program in fiscal 2006-07 to its former level, it is unlikely that counties could rely on the use of visiting judges in the future.

OPPONENTS
SAY:

This bill would cost the state \$1.6 million in fiscal 2006-07 and \$1.3 million in each fiscal year thereafter, money that should be directed toward more pressing state budget needs. If counties need help to reduce their dockets, they should rely on visiting judges already paid for by money appropriated to the visiting judge fund.

OTHER
OPPONENTS
SAY:

The number of district courts in Willacy County should have been reduced to one. One district court would have been sufficient to meet the docket needs of the county, and the change would have saved the county and the state a considerable amount of money.

NOTES:

The substitute would create the criminal judicial district courts 6 and 7 in Dallas County. The substitute also would create the 423rd Judicial District in Kenedy and Kleberg counties and remove those counties from the 105th Judicial District. CSSB 1189 also deletes a provision in the Senate version that would have removed Willacy county from the 138th Judicial District.

According to the fiscal note, CSSB 1189 would cost the state approximately \$1.6 million in general revenue-related funds in fiscal 2006-07.