

1 SECTION 5.02. Subchapter C, Chapter 27, Government Code, is
2 amended by adding Section 27.060 to read as follows:

3 Sec. 27.060. SMALL CLAIMS. (a) A justice court shall
4 conduct proceedings in a small claims case, as that term is defined
5 by the supreme court, in accordance with rules of civil procedure
6 promulgated by the supreme court to ensure the fair, expeditious,
7 and inexpensive resolution of small claims cases.

8 (b) Except as provided by Subsection (c), rules of the
9 supreme court must provide that:

10 (1) if both parties appear, the judge shall proceed to
11 hear the case;

12 (2) formal pleadings other than the statement are not
13 required;

14 (3) the judge shall hear the testimony of the parties
15 and the witnesses that the parties produce and shall consider the
16 other evidence offered;

17 (4) the hearing is informal, with the sole objective
18 being to dispense speedy justice between the parties;

19 (5) discovery is limited to that considered
20 appropriate and permitted by the judge; and

21 (6) the judge shall develop the facts of the case, and
22 for that purpose may question a witness or party and may summon any
23 party to appear as a witness as the judge considers necessary to a
24 correct judgment and speedy disposition of the case.

25 (c) The rules of the supreme court must provide specific
26 procedures for an action by:

27 (1) an assignee of a claim or other person seeking to

- 1 bring an action on an assigned claim;
- 2 (2) a person primarily engaged in the business of
- 3 lending money at interest; or
- 4 (3) a collection agency or collection agent.
- 5 (d) The rules adopted by the supreme court may not:
- 6 (1) require that a party in a case be represented by an
- 7 attorney;
- 8 (2) be so complex that a reasonable person without
- 9 legal training would have difficulty understanding or applying the
- 10 rules; or
- 11 (3) require that discovery rules adopted under the
- 12 Texas Rules of Civil Procedure or the Texas Rules of Evidence be
- 13 applied except to the extent the justice of the peace hearing the
- 14 case determines that the rules must be followed to ensure that the
- 15 proceeding is fair to all parties.
- 16 (e) A committee established by the supreme court to
- 17 recommend rules to be adopted under this section must include
- 18 justices of the peace.

19 SECTION 5.03. Subchapter C, Chapter 27, Government Code, is

20 amended by adding Section 27.061 to read as follows:

21 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the

22 peace in each county shall, by majority vote, adopt local rules of

23 administration.

24 SECTION 5.04. Subchapter E, Chapter 15, Civil Practice and

25 Remedies Code, is amended by adding Section 15.0821 to read as

26 follows:

27 Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The

1 justices of the peace in each county shall, by majority vote, adopt
2 local rules of administration regarding the transfer of a pending
3 case from one precinct to a different precinct.

4 SECTION 5.05. Article 4.12, Code of Criminal Procedure, is
5 amended by adding Subsection (e) to read as follows:

6 (e) The justices of the peace in each county shall, by
7 majority vote, adopt local rules of administration regarding the
8 transfer of a pending misdemeanor case from one precinct to a
9 different precinct.

10 SECTION 5.06. (a) Chapter 28, Government Code, is
11 repealed.

12 (b) On the effective date of this section, each small claims
13 court under Chapter 28, Government Code, is abolished.

14 SECTION 5.07. Not later than May 1, 2013, the Texas Supreme
15 Court shall promulgate:

16 (1) rules to define cases that constitute small claims
17 cases;

18 (2) rules of civil procedure applicable to small
19 claims cases as required by Section 27.060, Government Code, as
20 added by this article; and

21 (3) rules for eviction proceedings.

22 SECTION 5.08. (a) Immediately before the date the small
23 claims court in a county is abolished in accordance with this
24 article, the justice of the peace sitting as judge of that court
25 shall transfer all cases pending in the court to a justice court in
26 the county.

27 (b) When a case is transferred as provided by Subsection (a)

1 of this section, all processes, writs, bonds, recognizances, or
2 other obligations issued from the transferring court are returnable
3 to the court to which the case is transferred as if originally
4 issued by that court. The obligees on all bonds and recognizances
5 taken in and for the transferring court and all witnesses summoned
6 to appear in the transferring court are required to appear before
7 the court to which the case is transferred as if originally required
8 to appear before that court.

9 SECTION 5.09. Sections 5.02 and 5.06 of this article take
10 effect May 1, 2013.

11 ARTICLE 6. ASSOCIATE JUDGES

12 SECTION 6.01. Subtitle D, Title 2, Government Code, is
13 amended by adding Chapter 54A to read as follows:

14 CHAPTER 54A. ASSOCIATE JUDGES

15 SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

16 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
17 district court or a statutory county court that hears criminal
18 cases.

19 Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject
20 to this subchapter may appoint a full-time or part-time associate
21 judge to perform the duties authorized by this subchapter if the
22 commissioners court of the county in which the court has
23 jurisdiction has authorized the creation of an associate judge
24 position.

25 (b) If a court has jurisdiction in more than one county, an
26 associate judge appointed by that court may serve only in a county
27 in which the commissioners court has authorized the appointment.