

SUBJECT: Municipal courts of record in Richardson

COMMITTEE: Judicial Affairs — committee substitute recommended

VOTE: 8 ayes — Thompson, Hartnett, Clark, Crabb, Luna, Shields, Solis, Zbranek
0 nays
1 present, not voting — Garcia

SENATE VOTE: On final passage, April 17, Local and Uncontested Calendar — 31-0

WITNESSES: No public hearing

BACKGROUND : Texas law creates a municipal court in every municipality, but municipal courts are not courts of record unless specifically established by statute. In a court of record the trial of a case is recorded in a transcript, and any appeal is based on the record prepared in the municipal court. If a court is not a court of record, appeals from decisions of that court are normally by trial *de novo*, requiring the court considering the appeal to re-try the case.

DIGEST: CSSB 1063 would allow establishment of municipal courts of record in Richardson. The courts would follow procedures and requirements applied to other municipal courts of record including:

- jurisdiction over cases involving city ordinances and concurrent jurisdiction with justice courts;
- the power to grant writs;
- standard provisions for appointing of judges, qualifications, and grounds for removal;
- standard provisions allowing for a clerk and court reporter;
- a requirement that all prosecutions be handled by the city attorney or an assistant or deputy city attorney;
- standard jury requirements and court rules;
- rights to appeal a decision of a municipal court of record to county criminal courts;

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- preparation of the transcript and statement of facts; and
- standard provisions governing the effect of new trials.

CSSB 1063 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

NOTES:

The committee substitute to SB 1063 would add standard language specifying that:

- the defendant would not be liable for the costs of appeal when the state appealed a case;
- the appellate court would determine the appeal on the point of error set out in the appellant's brief;
- a record would be prepared without charge if the defendant was indigent; and
- the defendant's cost of appeal could be refunded if the case were reversed on appeal.