

SUBJECT: Location for 6th Court of Appeals to hear cases and transact business

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 7 ayes — Thompson, Hartnett, Capelo, Deshotel, Garcia, Talton, Uresti

0 nays

2 absent — Hinojosa, Solis

WITNESSES: None

BACKGROUND: Government Code, sec. 22.207 allows the 6th Court of Appeals to transact business either in Texarkana or in the county courthouse of any county in the district. If a case is appealed from a court within Bowie County, the appeal must be heard in Texarkana.

DIGEST: HB 317 would amend the Government Code to allow the 6th Court of Appeals to transact business anywhere in the county seat of a district county, rather than only in the county courthouse.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS SAY: The change proposed in HB 317 is needed because the current statute is too restrictive. Some county courthouses in the 6th District cannot accommodate a three-judge panel, and current law does not permit the use of other, more suitable sites at the county seat.

Driving times from the district seat at Texarkana to the county seats more remote counties such as Fannin (Bonham), Rains (Emory), Gregg (Longview), and Panola (Carthage) range from an hour and a half to two hours and 15 minutes. These travel times increase the cost of the litigation to the parties and prevent some members of the public from attending court. Although the court would like to hear oral arguments throughout its district, both to familiarize the public with the court's operations and to make proceedings more convenient for the parties, it cannot always do so under current law.

OPPONENTS SAY: HB 317 would set no guidelines for the kinds of locations at which it would be appropriate for the court to hear cases. Given the flexibility proposed in this bill, the court could choose a location for oral arguments that would be less inconvenient for the parties and the public.