

BILL ANALYSIS

Senate Research Center

H.B. 1143
By: Patterson (Ratliff)
Jurisprudence
4-11-97
Engrossed

DIGEST

Currently, the district courts that serve Lamar County have experienced increased caseloads, which led to a backlog of cases. The county commissioners have passed a resolution requesting the legislature to create the County Court at Law of Lamar County to relieve this backlog of cases. H.B. 1143 creates a Lamar County Court and sets forth provisions for its maintenance and administration.

PURPOSE

As proposed, H.B. 1143 provides for the creation of the County Court at Law of Lamar County.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 25C, Government Code, by adding Section 25.1411, as follows:

Sec. 25.1411. LAMAR COUNTY. Provides that Lamar County has one statutory county court, the County Court at Law of Lamar County.

SECTION 2. Amends Chapter 25C, Government Code, by adding Section 25.1412, as follows:

Sec. 25.1412. LAMAR COUNTY COURT AT LAW PROVISIONS. Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Lamar County has concurrent jurisdiction with the district court in certain matters and proceedings, and concurrent jurisdiction with the county and district courts over all suits arising under the Family Code. Requires the judge of a county court at law to meet certain qualifications. Prohibits the judge of a county court at law from engaging in the private practice of law, and requires the judge to comply with Canon 4 of the Code of Judicial Conduct. Sets forth the terms by which a judge is entitled to certain expenses and must be paid an annual salary. Establishes the conditions by which a special judge is authorized to be appointed or elected, and compensated. Sets forth the terms by which the district clerk or the county clerk serves as clerk of a county court under certain circumstances. Authorizes a judge to appoint or contract for the services of an official court reporter. Provides that practice in a county court at law is that prescribed by law for county courts, with certain exceptions. Establishes that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Sets forth the procedure regarding an appeal in a civil or criminal case, or a case appealed from a justice court or other inferior court in Lamar County. Provides that a judge has the same immunity as a district judge.

SECTION 3. Sets forth the procedure for filling the initial vacancy in the office of judge on creation of the County Court at Law of Lamar County, and for filling a vacancy after the initial vacancy.

SECTION 4. Provides that this Act takes effect and the County Court at Law of Lamar County is created September 1, 1997.

SECTION 5. Emergency clause.