

## **BILL ANALYSIS**

Senate Research Center

H.B. 2300  
By: Thompson (Bernsen)  
Jurisprudence  
5/7/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, district courts created by the state experience some difficulty meeting the demands of the caseloads of those courts. In hopes of remedying this situation, some counties have requested that the legislature create statutory county courts and increase the jurisdiction of those courts to attempt to handle the surplus caseloads of the district courts. There are some concerns regarding the funding for such courts. H.B. 2300 allows the state to retain fees; requires all counties with statutory county courts to charge fees; requires the state to provide equal funding for each statutory court judge; and amends other related provisions.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.0005, Government Code, as follows:

- (a) Deletes existing text regarding an exception to certain judges. Requires a statutory county court judge to be paid a total annual salary set by a commissioners court at an amount that is at least equal to the amount that is \$1,000 less than the total annual salary received by a district judge in the county or the amount received as salary by the statutory county court judge on January 1, 2001, whichever amount is greater, rather than August 31, 1999.
  - (b) Deletes existing text of Subsection (b) regarding the setting of the salary of certain statutory county court judges and reletters existing text of Subsection (c) as Subsection (b).
  - (c) Reletters existing text of Subsection (d) as Subsection (c).
  - (d) Reletters existing text of Subsection (e) as Subsection (d). Provides that a county is not required to meet the salary requirements of Subsection (a) for a particular court under certain conditions.
  - (e) Reletters existing text of Subsection (f) as Subsection (e). Makes conforming changes.
- Deletes existing text of Subsection (g) regarding a certain exemption.

SECTION 2. Amends Section 25.0015, Government Code, to require the state, beginning on the first day of the state fiscal year, to annually compensate each county, rather than each county that collects the additional fees and costs under Section 51.702, in an amount that is \$52,000 less than the state salary provided for a district judge under the article of the General Appropriations Act relating to the judiciary, rather than equal to \$35,000, for each statutory county court in the county. Deletes existing text regarding certain statutory county court judges. Deletes existing text regarding the source of each \$35,000 paid to a county.

SECTION 3. Amends Section 25.0016(c), Government Code, to require the comptroller, in determining the amount deposited in the judicial fund under Section 51.702 for a county that collects fees and costs as provided by that section, to credit \$50, rather than \$40, of each fee deposited in the judicial fund under Section 51.701 by that county for cases assigned to a statutory county court as fees deposited under Section 51.702.

SECTION 4. Amends Section 51.702, Government Code, as follows:

Sec. 51.702. New heading: **ADDITIONAL FEES AND COSTS IN STATUTORY COUNTY COURTS.** (a) Deletes existing text regarding a certain exception. Requires the clerk of a statutory county court, in addition to all other fees authorized or required by other law, to collect a \$55, rather than \$40, filing fee in each civil case filed in the court to be used for certain purposes.

(d) Requires the clerk to send \$50 of each fee collected under Subsection (a), rather than the fees, and the costs collected under Subsection (b) to the comptroller at least as frequently as monthly.

(f) Deletes existing text of Subsections (f) - (i) and reletters existing text of Subsection (j) as Subsection (f).

Deletes Subsection (k) regarding money collected under this section.

SECTION 5. Amends Section 51.703(a) and (c), Government Code, to delete existing text regarding a judge who is entitled to a certain annual salary supplement. Makes conforming changes.

SECTION 6. Amends Chapter 25A, Government Code, by adding Section 25.0019, as follows:

Sec. 25.0019. **PRIVATE PRACTICE OF LAW PROHIBITED.** Prohibits a statutory county court judge from engaging in the private practice of law.

SECTION 7. Amends Section 25.0452(d), Government Code, to delete existing text regarding the prohibition of a judge of a county court at law from engaging in the private practice of law.

SECTION 8. Amends Section 25.0632(b), Government Code, to delete existing text regarding the regular judge of a statutory county court.

SECTION 9. Amends Section 25.0812(m), Government Code, to delete a certain statute citation.

SECTION 10. Amends Section 25.0962(h), Government Code, to make a conforming change.

SECTION 11. Amends Section 25.1152(e), Government Code, to make a conforming change.

SECTION 12. Amends Section 25.1182(e), Government Code, to make a conforming change.

SECTION 13. Amends Section 25.1312(l), Government Code, to make a conforming change.

SECTION 14. Amends Section 25.1412(c), Government Code, to make a conforming change.

SECTION 15. Amends Section 25.1762(e), Government Code, to make a conforming change.

SECTION 16. Amends Section 25.1792(e), Government Code, to make a conforming change.

SECTION 17. Amends Section 25.1852(e), Government Code, to make a conforming change.

SECTION 18. Amends Section 25.1862(m), Government Code, to make a conforming change.

SECTION 19. Amends Section 25.1902(l), Government Code, to make a conforming change.

SECTION 20. Amends Section 25.2223(e), Government Code, to delete existing text regarding the authority of certain judges to engage in the private practice of law.

SECTION 21. Amends Section 25.2282(d), Government Code, to make a conforming change.

SECTION 22. Amends Section 26.006(a) and (b), Government Code, to delete existing text regarding the portion of functions performed by a county judge. Makes conforming changes.

SECTION 23. Amends Chapter 51D, Government Code, by adding Section 51.321, as follows:

Sec. 51.321. FAMILY VIOLENCE PREVENTION FEE. (a) Authorizes the commissioners court of a county to adopt a family violence prevention fee in an amount not to exceed \$15.

(b) Requires the district clerk to collect the family violence prevention fee at the time a suit for dissolution of a marriage under Chapter 6 (Suit for Dissolution of Marriage), Family Code, is filed. Provides that the fee is in addition to any other fee collected by the district clerk. Prohibits the fee from being collected from an individual who is a protected person subject to an order under Title 4 (Protective Orders and Family Violence), Family Code, or Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure.

(c) Requires the district clerk to pay a fee collected under this section to the appropriate officer of the county in which the suit is filed for deposit in the county treasury to the credit of the family violence prevention account. Authorizes the account to be used by the commissioners court of the county only to fund public or private nonprofit organizations providing shelter or services to victims of family violence, including legal civil services.

(d) Defines "family violence."

SECTION 24. Amends Section 118.052, Local Government Code, to set forth the fee schedule for each clerk of a county court for certain services rendered.

SECTION 25. Repeals Sections 25.0016 and 25.0742, Government Code, and 46 subsections of the Government Code, relating to the authority of certain judges to engage in the private practice of law and other related provisions.

SECTION 26. (a) Provides that except as provided by Section 25 of this Act, this Act takes effect as provided by this section.

(b) Effective date: September 1, 2001, except as provided by Subsections (c) and (d). Makes application of this Act prospective.

(c) Provides that Sections 1, 2, and 22 of this Act take effect October 1, 2001. Makes application of Sections 1, 2, and 22 of this Act prospective.

(d) Provides that Section 25.0019, Government Code, as added by this Act, does not apply to a person who on August 31, 2001, was serving as a statutory county court judge; was engaging in the private practice of law; and was not prohibited under state law from engaging in the private practice of law.

SECTION 27. Makes the effect of this Act contingent upon the enactment into law of H.B. 1884, 77th Legislature, Regular Session, 2001.