

BILL ANALYSIS

Senate Research Center
77R8407 JMC-D

H.B. 2307
By: Clark (Haywood)
Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Currently, Cooke County has a county court and one district court and is experiencing a backlog. H.B. 2307 creates a statutory county court in Cooke County to help alleviate the problem.

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 Chapter 25C, Government Code, by adding Sections 25.0511 and 25.0512, as follows:

Sec. 25.0511. COOKE COUNTY. Provides that Cooke County has one statutory county court, the County Court at Law of Cooke County.

Sec. 25.0512. COOKE COUNTY COURT AT LAW PROVISIONS. (a) Requires the judge of a county court at law in Cooke County, in addition to meeting the qualifications of office in Section 25.0014, to meet the qualifications of office for a district judge provided by Section 7 (Judicial Districts; District Judges; Terms or Sessions; Absence, Disability, or Disqualification of Judge), Article V, Texas Constitution.

(b) Prohibits the judge of a county court at law from engaging in the private practice of law.

(c) Requires the judge of a county court at law to be paid annual compensation equal to the annual compensation, including all supplements, paid from any public source to a district judge in the county. Requires the salary of the judge of a county court at law to be paid in equal installments at least monthly.

(d) Authorizes the commissioners court, on proper request by the appropriate official in charge of a department, to employ as many additional assistant attorneys, deputy sheriffs, and deputy clerks as are shown to the commissioners court's satisfaction to be necessary to serve each county court at law.

(e) Requires a court officer appointed by the judge of a county court at law to be sworn by the judge by an oath in the general form provided by law for appointed officials. Requires the judge to modify the oath to apply to the particular officer and duties or to conform to any statutory oath required for the particular position.

(f) Authorizes an official court reporter of a county court at law to be paid annual compensation equal to the annual compensation paid the official court reporters serving each district court in Cooke County, and any longevity pay to which the reporter is

entitled under a county compensation program.

(g) Provides that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Authorizes jurors regularly impaneled for a week by the district court to, on request of the judge of a county court at law, be made available and requires them to serve for the week in a county court at law. Provides that the jury in a county court at law is composed of six members.

(h) Provides that practice and procedure, appeals, and writs of error in a county court at law are as prescribed by law for county courts, except that practice and procedure, rules of evidence, and all other matters pertaining to the conduct of trials and hearings in a county court at law, other than the number of jurors, that involve eminent domain cases and cases in which a district court and county court at law have concurrent jurisdiction are governed by the laws and rules pertaining to district courts.

(i) Authorizes the judges of each district court and county court at law in Cooke County to enter joint local administrative orders providing for the exchange of benches in cases in which a district court and county court at law have concurrent jurisdiction.

SECTION 2. Amends Chapter 26E, Government Code, by adding Section 26.149, as follows:

Sec. 26.149. COOKE COUNTY. (a) Provides that the County Court of Cooke County does not have probate, guardianship, mental health, juvenile, civil, criminal, or appellate jurisdiction.

(b) Provides that the judge of the County Court of Cooke County is exempt from the judicial training and instruction required under Chapter 22.

SECTION 3. Provides that the County Court at Law of Cooke County is created and this Act takes effect December 1, 2001.

SECTION 4. (a) Requires the judge of the County Court of Cooke County to transfer any case that is pending in the county court on the effective date of this Act over which the court loses jurisdiction under this Act to the County Court at Law of Cooke County.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligee in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.