

BILL ANALYSIS

Senate Research Center
79R9476 YDB-D

H.B. 788
By: Hardcastle (Duncan)
Jurisprudence
5/4/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Prior to the 76th Legislature, Regular Session, 1999, county judges in the 50th Judicial District could not accept a not guilty plea. In order to set a trial date and start proceedings, the county judge had to turn the case over to the district judge. During the 76th regular session a bill was passed to provide that county courts of the 50th Judicial District could hear both contested and uncontested cases.

H.B. 788 clarifies the Government Code to provide that the 50th Judicial District court may hear any contested or uncontested case that the county court in Baylor, Cottle, King, and Knox County does not retain. This bill also lays out the procedure in which matters of concurrent jurisdiction may be transferred from one of the county courts to the district court. The transfers are permissive.

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 24.152, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Sets forth that the district court in Baylor, Cottle, King, and Knox counties, in addition to other jurisdiction provided by law, has the civil and criminal jurisdiction of a county court.

(d) Authorizes the judge of the county court in Baylor, Cottle, King, or Knox County, in matters of concurrent jurisdiction, to transfer a case to the judge of the 50th District Court with the approval of the district judge. Provides that when a case is transferred, 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. Requires the obligees 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, 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.

SECTION 2. Effective date: September 1, 2005.