

BILL ANALYSIS

Senate Research Center
79R6538 QS-D

S.B. 1189
By: Wentworth
Jurisprudence
3/28/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, several counties are experiencing backlogs in the courts within their counties. The establishment of new judicial districts may help alleviate the backlog of cases.

As proposed, S.B. 1189 creates new judicial districts in certain counties and modifies the composition of other judicial districts.

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 24.135, Government Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes the judge of the 33rd District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 33rd District Court to alternate the drawing of grand juries with the judge of any other district court in each county within the 33rd Judicial District and to order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Authorizes indictments within each county to be returned to either court within that county.

(d) Authorizes the 33rd District Court to hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury may not be demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing is held. Authorizes the 33rd District Court, unless an objection is filed by a party to the suit, to hear in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in which citation was by publication, regardless of whether the case was filed in the county in which the hearing is held.

SECTION 2. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.568, as follows:

Sec. 24.568. 424TH JUDICIAL DISTRICT (BLANCO, BURNET, LLANO, AND SAN SABA COUNTIES). (a) Provides that the 424th Judicial District is composed of Blanco, Burnet, Llano, and San Saba counties.

(b) Provides that the jurisdiction of the 424th District Court is concurrent with the jurisdiction of the 33rd District Court.

(c) Provides that the 424th District Court has the same terms of court as the 33rd District Court.

(d) Authorizes the judge of the 424th District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 424th

District Court to alternate the drawing of grand juries with the judge of any other district court in each county within the 424th Judicial District and to order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Authorizes indictments within each county to be returned to either court within that county.

(e) Authorizes the 424th District Court to hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury is prohibited from being demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing is held. Authorizes the 424th District Court, unless an objection is filed by a party to the suit, to hear, in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in which citation was by publication, regardless of whether the case was filed in the county in which the hearing is held.

(b) Provides that the 424th Judicial District is created September 1, 2005.

(c) Provides that this section takes effect September 1, 2005.

SECTION 3. Amends Subchapter D, Chapter 74, Government Code, by adding Section 74.097, as follows:

Sec. 74.097. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR BLANCO, BURNET, LLANO, AND SAN SABA COUNTIES. Provides that, notwithstanding Section 74.091(b), the local administrative district judge for Blanco, Burnet, Llano, and San Saba counties is elected on the basis of seniority from the district judges of the 33rd Judicial District and the 424th Judicial District.

SECTION 4. Amends Section 152.0221(b), Human Resources Code, to provide that the judge of the 33rd District Court, rather than the juvenile court judge, is the chairman of the board and its chief administrative officer. Makes conforming changes.

SECTION 5. Amends Section 152.0331(b), Human Resources Code, to make conforming changes.

SECTION 6. Amends Section 152.1561(b), Human Resources Code, to make conforming changes.

SECTION 7. Amends Section 152.2121(b), Human Resources Code, to make conforming changes.

SECTION 8. (a) Amends Section 24.149(c), Government Code, to amend the beginning of the terms of the beginning of the 47th District Court.

(b) Provides that this section takes effect January 1, 2006.

SECTION 9. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.556, as follows:

Sec. 24.556. 412TH JUDICIAL DISTRICT (BRAZORIA COUNTY). Provides that the 412th Judicial District is composed of Brazoria County.

(b) Provides that the 412th Judicial District is created September 1, 2005.

(c) Provides that this section takes effect September 1, 2005.

SECTION 10. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.570, as follows:

Sec. 24.570. 426TH JUDICIAL DISTRICT (BELL COUNTY). (a) Provides that the 426th Judicial District is composed of Bell County.

(b) Provides that the terms of the 426th District Court begin on the first Mondays in January, April, July, and October.

(c) Provides that Section 24.129, relating to the 27th District Court, contains provisions applicable to both that court and the 426th District Court.

(b) Amends Section 24.129(b), Government Code, to include the 264th and 426th judicial districts along with existing judicial districts as having concurrent jurisdiction in Bell County.

(c) Provides that the 426th Judicial District is created September 1, 2005.

(d) Provides that this section takes effect September 1, 2005.

SECTION 11. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.572, as follows:

Sec. 24.572. 428TH JUDICIAL DISTRICT (HAYS COUNTY). Provides that the 428th Judicial District is composed of Hays County.

(b) Provides that the 428th Judicial District is created September 1, 2005.

(c) Provides that this section takes effect September 1, 2005.

SECTION 12. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.574, as follows:

Sec. 24.574. 430TH JUDICIAL DISTRICT (COMAL COUNTY). Provides that the 430th Judicial District is composed of Comal County.

(b) Provides that the 430th Judicial District is created September 1, 2005.

(c) Provide that this section takes effect September 1, 2005.

SECTION 13. Effective date: September 1, 2005, except as otherwise provided by this Act.