

BILL ANALYSIS

Senate Research Center
81R11112 YDB-F

H.B. 4685
By: Homer (Eltife)
Jurisprudence
5/22/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, Titus County has no specific statute that sets the terms and jurisdiction of its constitutional county court.

H.B. 4685 specifies the terms and jurisdiction of the County Court of Titus County (court). This bill provides that the court has the general jurisdiction of a probate court, juvenile jurisdiction, and original and appellate jurisdiction in all matters over which county courts have jurisdiction under the constitution and general laws of Texas. The bill also authorizes the county judge and a judge of a district court in the county to enter into a written agreement granting the county court jurisdiction to hear certain types of cases under certain circumstances.

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 Subchapter E, Chapter 26, Government Code, by adding Section 26.325, as follows:

Sec. 26.325. TITUS COUNTY. (a) Provides that the County Court of Titus County has the general jurisdiction of a probate court, juvenile jurisdiction as provided by Section 26.042(b) (relating to the juvenile jurisdiction of a county court), and original and appellate jurisdiction in all matters over which county courts have jurisdiction under the constitution and general laws of this state.

(b) Provides that the terms of the county court continue until the court has disposed of its business. Authorizes the commissioners court to change the court terms under Section 26.002 (Terms).

(c) Authorizes a judge of a district court in Titus County and the judge of the county court to enter into a written agreement granting the county court jurisdiction to hear guilty pleas in felony cases, default judgments, uncontested civil and family law cases in which a final judgment will be entered, and civil and family law cases in which an agreed final judgment will be entered.

(d) Prohibits the county court judge from entering into an agreement under Subsection (c) unless the county is included in at least two judicial districts that contain more than one county, the county does not have a county court at law, the county court retains original misdemeanor jurisdiction, and the county judge is an attorney who is licensed to practice law in this state and meets the qualifications for holding the office of district court judge.

(e) Authorizes an agreement under Subsection (c) to provide that a final judgment be approved by the district court judge.

(f) Provides that the county judge has the same judicial immunity as the district court judge when presiding over cases authorized under Subsection (c).

(g) Provides that all pleadings, documents, records, and other papers in district court cases heard by a county court judge remain under the control of the district clerk. Authorizes the district clerk to establish a separate docket for the cases considered by the county court judge.

SECTION 2. Effective date: upon passage or September 1, 2009.