

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4833
By: Hunter et al. (Wentworth)
Jurisprudence
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each session, the legislature routinely approves the creation of new district courts for counties that exhibit substantial judicial need. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. *Measuring Current Judicial Workload in Texas*, a research report issued by the Office of Court Administration in 2008, also provided valuable data regarding judicial need and was used in the analysis.

C.S.H.B. 4833 establishes new district courts in certain counties to support a more efficient and effective statewide judiciary.

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. (a) Provides that effective January 1, 2011, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.575, as follows:

Sec. 24.575. 431ST JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 431st Judicial District is composed of Denton County.

(b) Provides that the 431st Judicial District is created on January 1, 2011.

SECTION 2. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.576, as follows:

Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) Provides that the 432nd Judicial District is composed of Tarrant County.

(b) Requires the 432nd District Court to give preference to criminal matters.

SECTION 3. (a) Provides that effective October 1, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.580, as follows:

Sec. 24.580. 436TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) Provides that the 436th Judicial District is composed of Bexar County.

(b) Requires the 436th District Court to give preference to juvenile matters.

(b) Provides that the 436th Judicial District is created on October 1, 2009.

SECTION 4. (a) Provides that effective December 15, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.581, as follows:

Sec. 24.581. 437TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) Provides that the 437th Judicial District is composed of Bexar County.

(b) Requires the 437th District Court to give preference to criminal matters.

(b) Provides that the 437th Judicial District is created on December 15, 2009.

SECTION 5. (a) Provides that effective September 1, 2010, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.582, as follows:

Sec. 24.582. 438TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) Provides that the 438th Judicial District is composed of Bexar County.

(b) Requires the 438th District Court to give preference to civil matters.

(b) Provides that the 438th Judicial District is created on September 1, 2010.

SECTION 6. (a) Amends Section 25.0171(b), Government Code, as follows:

(b) Provides that Bexar County has certain county courts at law, including County Court at Law No. 13 of Bexar County, Texas, County Court at Law No. 14 of Bexar County, Texas, and County Court at Law No. 15 of Bexar County, Texas.

(b) Amends Section 25.0172, Government Code, by adding Subsection (c-1) and amending Subsections (d), (l), (n), (o), (u), and (v), as follows:

(c-1) Requires the County Court at Law No. 13 of Bexar County, Texas, to give preference to cases prosecuted under Section 22.01 (Assault), Penal Code, in which the victim is a person whose relationship to or association with the defendant is described by Chapter 71 (Definitions), Family Code, and Section 25.07 (Violation of Protective Order or Magistrate's Order), Penal Code.

(d) Provides that the County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 have six terms of court beginning on the first Mondays in January, March, May, July, September, and November. Provides that the County Court at Law No. 2 has six terms of court beginning on the first Mondays in February, April, June, August, October, and December. Makes a nonsubstantive change.

(l) Authorizes that a special judge be appointed or elected in the manner provided by law for the appointment or election of a special county judge if the judge of the County Court at Law No. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, or 15 is absent, disabled, or disqualified from presiding. Makes a nonsubstantive change.

(n) Makes conforming changes.

(o) Makes conforming changes.

(u) Makes conforming changes.

(v) Provides that Section 25.0006(a) (relating to the judge of a statutory county executing a bond as prescribed by law for county judges) does not apply to County Courts at Law Nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Bexar County. Provides that Section 25.0006(b) (relating to the judge of a statutory county being removed from office) does not apply to County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Bexar County. Makes nonsubstantive changes.

(c) Provides that the County Courts at Law Nos. 13, 14, and 15 of Bexar County, Texas, are created on the effective date of this Act.

SECTION 7. (a) Provides that effective October 1, 2009, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0201 and 25.0202, as follows:

Sec. 25.0201. BOSQUE COUNTY. Provides that Bosque County has one statutory county court, the County Court at Law of Bosque County.

Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a) Provides that in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in family law cases and proceedings, civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000, excluding interest, court costs, and attorney's fees, and contested probate matters under Section 5(b) (Transfer of Proceeding), Texas Probate Code.

(b) Provides that the County Court at Law of Bosque County has primary jurisdiction over juvenile matters.

(c) Provides that a county court at law has the same terms of court as the County Court of Bosque County.

(d) Prohibits the judge of a county court at law from engaging in the private practice of law and requires the judge to meet the qualifications established by Section 25.0014 (Qualifications of Judge).

(e) Requires that the judge of a county court at law be paid as provided by Section 25.0005 (Judge's Salary). Requires that the judge's salary be paid out of the county treasury on order of the commissioners court. Entitles the judge, notwithstanding any other law, to necessary office and operational expenses, including administrative and clerical personnel, on the approval of the commissioners court. Provides that administrative and clerical personnel to which a judge is entitled on approval under this subsection includes a court coordinator, court reporter, and bailiff.

(f) Requires that the jury, if a family law case or proceeding is tried before a jury, be composed of 12 members. Requires that the jury, in all other cases, except as otherwise required by law, be composed of six members.

(g) Authorizes jurors regularly impaneled for a week by the district court, on request of the county judge or the judge of a county court at law, to be made available and be required to serve for the week in the county court or the county court at law.

(b) Provides that effective October 1, 2009, Section 152.0241(a), Human Resources Code, is amended as follows:

(a) Provides that Bosque County is included in the Bosque, Comanche, and Hamilton counties juvenile board. Provides that the juvenile board is composed of the county judge in Bosque County, the county judge in Comanche County, the county judge in Hamilton County, the 220th Judicial District judge, and the judge of the County Court at Law in Bosque County. Makes a nonsubstantive change.

(c) Provides that the County Court at Law of Bosque County is created on October 1, 2009.

SECTION 8. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0761 and 25.0762, as follows:

Sec. 25.0761. FANNIN COUNTY. Provides that Fannin County has one statutory county court, the County Court at Law of Fannin County.

Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law and except as provided by Subsection (b), a county court at law in

Fannin County has concurrent jurisdiction with the district court in family law cases and proceedings, including proceedings under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child), Family Code, and proceedings under Title 3 (Juvenile Justice Code), Family Code.

(b) Provides that a county court at law does not have jurisdiction of proceedings under Section 262.201 (Full Advisory Hearing; Findings of the Court), Family Code; or Section 54.03 (Adjudication Hearing) or 54.04 (Disposition Hearing), Family Code.

(c) Requires that a county court at law transfer a family law case or proceeding instituted under Chapter 262, Family Code, from that court to the district court before a hearing governed by Section 262.201, Family Code, is commenced. Requires that a case or proceeding transferred as required by this subsection be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the district court. Prohibits the district court from transferring the case or proceeding back to the county court at law, except as provided by Section 262.203(a) (relating to the transfer of suit on the motion of a party or the court's own motion), Family Code.

(d) Requires that a county court at law transfer a juvenile case or proceeding instituted under Title 3, Family Code, from that court to another court designated as a juvenile court under Section 51.04 (Jurisdiction), Family Code, before a hearing governed by Section 54.03, Family Code, is commenced. Requires that a case or proceeding transferred as required by this subsection be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the juvenile court. Prohibits the juvenile court from transferring the case or proceeding back to the county court at law.

(b) Provides that the County Court at Law of Fannin County is created on the effective date of this Act.

SECTION 9. (a) Provides that effective September 1, 2011, Section 25.1101(a), Government Code, is amended, as follows:

(a) Provides that Hidalgo County has certain statutory county courts, including County Court at Law No. 7 of Hidalgo County and County Court at Law No. 8 of Hidalgo County.

(b) Provides that the County Court at Law No. 7 of Hidalgo County is created on September 1, 2011.

(c) Provides that, notwithstanding Section 25.1101(a)(7), Government Code, as added by this Act, the County Court at Law No. 8 of Hidalgo County is created on September 1, 2012.

SECTION 10. (a) Amends Section 25.1182, Government Code, by adding Subsections (a) and (a-1), as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Hunt County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy does not exceed \$250,000, and in family law cases and proceedings.

(a-1) Provides that a county court at law does not have jurisdiction of felony cases.

(b) Amends Sections 152.1221(a), (b), and (d), Human Resources Code, as follows:

(a) Provides that the Hunt County Juvenile Board (board) is composed of the county judge, the district judges in Hunt County, and the judges of the county courts at law, rather than the judge of the court at law.

(b) Requires the board to designate a juvenile court judge as, rather than provides that the juvenile court judge is, the chairman of the board and its chief administrative officer.

(d) Authorizes, rather than requires, each judge on the board to appoint one citizen to serve on the advisory council. Provides that members of the advisory council serve without compensation.

SECTION 11. (a) Provides that effective January 1, 2011, Section 25.1671, Government Code, is amended, as follows:

Sec. 25.1671. MIDLAND COUNTY. Provides that Midland County has the following statutory county courts: County Court at Law of Midland County; County Court at Law No. 2 of Midland County; and County Court at Law No. 3 of Midland County. Makes nonsubstantive changes.

(b) Provides that effective January 1, 2011, Section 25.1672, Government Code, is amended by amending Subsection (a) and adding Subsection (h), as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, the County Court at Law of Midland County and the County Court at Law No. 2 of Midland County have, rather than a county court at law in Midland County has, concurrent jurisdiction with the district court in family law cases and proceedings and civil cases in which the matter in controversy exceeds \$500 but does not exceed \$500,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition.

(h) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, the County Court at Law No. 3 of Midland County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy does not exceed \$250,000, family law cases and proceedings, and state jail felony cases.

(c) Provides that the County Court at Law No. 3 of Midland County is created on January 1, 2011.

SECTION 12. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.1771 and 25.1772, as follows:

Sec. 25.1771. NAVARRO COUNTY. Provides that Navarro County has one statutory county court, the County Court at Law of Navarro County.

Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Navarro County has concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct jury trials on assignment of a district judge presiding in Navarro County and acceptance of the assignment by the judge of the county court at law; Class A and Class B misdemeanor cases; family law matters; juvenile matters; probate matters; and appeals from the justice and municipal courts.

(b) Provides that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of suits on behalf of this state to recover penalties or escheated property, felony cases involving capital murder, misdemeanors involving official misconduct, or contested elections.

(c) Requires that the judge of a county court at law have the same qualifications as those required by law for a district judge.

(d) Requires that the judge of a county court at law be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. Provides that a district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

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

(f) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and requires the county clerk to serve as clerk of a county court at law in all other matters. Requires that each clerk establish a separate docket for a county court at law.

(g) Entitles the official court reporter of a county court at law to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

(h) Authorizes jurors summoned for a county court at law or a district court in the county to by order of the judge of the court to which they are summoned be transferred to another court for service and are authorized to be used as if summoned for the court to which they are transferred.

(b) Provides that notwithstanding Section 25.1771, Government Code, as added by this section, the County Court at Law of Navarro County is created on January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County by an order entered in its minutes.

SECTION 13. (a) Provides that effective January 1, 2011, Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2362, as follows:

Sec. 25.2362. VAN ZANDT COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Van Zandt County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy does not exceed \$250,000, and in family law cases and proceedings.

(b) Provides that a county court at law does not have jurisdiction of felony cases.

(b) Provides that effective January 1, 2011, Section 152.2401(a), Human Resources Code, is amended, as follows:

(a) Provides that the Van Zandt County Juvenile Board is composed of the county judge, the criminal district attorney of Van Zandt County, the judge of the 294th Judicial District, and the judge of the county court at law. Makes a nonsubstantive change.

(c) Requires that the initial vacancy in the office of judge of the County Court at Law of Van Zandt County, notwithstanding Section 25.0009 (Vacancy), Government Code, be filled by election. Provides that the office exists for purposes of the primary and general elections in 2010. Provides that a vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

(d) Provides that this section takes effect January 1, 2011.

SECTION 14. Effective date: September 1, 2009.