

BILL ANALYSIS

Senate Research Center
77R7046 RJA-F

H.B. 3643
By: Seaman (Armbrister)
Intergovernmental Relations
5/8/2001
Engrossed

DIGEST AND PURPOSE

Currently, there is no statutory authority for the creation of a county court at law in Aransas County. Aransas County is currently served by three district courts, and the demands of the district judges in other counties cause unnecessary delay for legal matters in Aransas County. Because Aransas County has experienced population growth of more than 25 percent during the last decade, the legal community in Aransas County has requested the creation of a county court at law to meet the growing legal needs of Aransas County. H.B. 3643 creates the County Court at Law of Aransas County and establishes its jurisdiction in regard to probate, juvenile, family, civil, and certain criminal cases.

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 25.0061 and 25.0062, as follows:

Sec. 25.0061. ARANSAS COUNTY. Provides that Aransas County has one statutory county court, the County Court at Law of Aransas County.

Sec. 25.0062. ARANSAS 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 of Aransas County has concurrent jurisdiction with the district court in certain cases and proceedings.

(b) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of a county court at law in all other cases. Requires the district clerk to establish a separate docket for a county court at law. Requires the commissioners court to provide the deputy clerks, bailiffs, and other personnel necessary to operate a county court at law.

(c) Provides that the jury is composed of 12 members in all matters of concurrent jurisdiction with the district court and six members in misdemeanor criminal cases and all other cases.

SECTION 2. Amends Chapter 26E, Government Code, by adding Section 26.104. as follows:

Sec. 26.104. ARANSAS COUNTY. Provides that the County Court of Aransas County has no probate, juvenile, civil, or criminal jurisdiction.

SECTION 3. Provides that, notwithstanding Section 25.0061, Government Code, as added by this Act, the County Court at Law of Aransas County is created December 31, 2002, or on an earlier date

determined by the commissioners court by an order entered in its minutes.

SECTION 4. Provides that, except as provided by Subsection (b) of this section, the effective date of this Act is upon passage or September 1, 2001. Provides that Section 2 of this Act takes effect on the date the County Court at Law of Aransas County is created.

SECTION 5. Requires the judge of the County Court of Aransas County, on the effective date of Section 2 of this Act, to transfer all pending probate, juvenile, civil, and criminal cases in the court to the County Court at Law of Aransas County.

SECTION 6. Provides that, when a case is transferred as provided by Section 5 of this Act, all processes, writs, or other obligations issued from the County Court of Aransas County are returnable to the County Court at Law of Aransas County as if originally issued by that court. Provides that the obligees on all bonds taken for the County Court of Aransas County and all witnesses summoned to appear in the County Court of Aransas County are required to appear before the County Court at Law of Aransas County as if originally required to appear before it.