

BILL ANALYSIS

C.S.H.B. 3322
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Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, six of the 14 court of appeals districts have “Chapter 22” funds, also known as Appellate Judicial Systems. These consist of funds collected from filing fees within the district and are used to facilitate the operations of the court of appeals. These districts are the 1st/14th (Houston), 2nd (Fort Worth), 4th (San Antonio), 5th (Dallas), and the 13th (Corpus Christi).

C.S.H.B. 3322 creates an Appellate Judicial System for the 11th Court of Appeals (Eastland). On April 7, 2003, the House Committee on Judicial Affairs voted in favor of a similar bill to create an Appellate Judicial System for the 8th Court of Appeals (El Paso) (H.B. 3270 - Gallego).

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3322 amends the Government Code to provide for the creation of an appellate judicial system for the eleventh court of appeals to assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, county courts at law, probate courts, and district courts; and to defray costs and expenses incurred by the county in the court’s transaction of its business.

The bill mandates that the commissioners court of each county in the eleventh court of appeals shall set a court costs fee of \$5 for each civil suit filed in county court, county court at law, probate court, or district court in the county. This fee does not apply to a suit filed by a government entity or to a suit for delinquent taxes.

The bill provides certain procedures for the collection of these funds by the clerk of court and for the use and management of these funds, and provides that the commissioners court has the authority necessary to assist the court of appeals in the administration and management of the system and to contract with any private corporation, public corporation or combination of those corporations. The commissioners court shall vest management of the system in the chief justice of the court of appeals.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute is a Legislative Council draft, whereas the original is not. There are no substantive changes.

