

BILL ANALYSIS

H.B. 3600
By: King
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently the judges and staff of the 43rd Judicial District (Parker County) and the County Court at Law for Parker County are extremely busy and are becoming backlogged. Without a second county court at law, Parker County would be forced to utilize visiting judges, extend weekday work schedules, or adopt weekend work schedules. This could ultimately damage overall efficiency and morale.

H.B. 3600 creates County Court at Law No. 2 for Parker County, establishes a pay scale for the current and new county court at law judges, and raises the jurisdiction of the current and new county court at law to a level consistent with that of a district court. Furthermore, the bill establishes a procedure for the district clerk to manage the referral of cases to both county courts at law and the 43rd District Court.

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

H.B. 3600 creates a second County Court at Law in Parker County. This bill also gives the county courts at law in Parker County the general jurisdiction of the district courts, but provides that the county courts at law do not, with certain exceptions, have general jurisdiction over felony cases nor do they have general supervisory authority over the commissioners' court. A county court at law also may not issue writs of habeas corpus in felony cases.

The bill also details the procedures of the county courts at law in Parker County in addition to specifying their powers and duties. The bill also details personnel procedures including both the district clerk and the court reporter as well as establishes the level of pay for county court at law judges. In addition, the bill sets forth certain procedures regarding juries in the county courts at law, and specifies that a jury shall be composed of six members unless the constitution requires a 12 member jury. Failure to object before a six member jury is seated and sworn constitutes a waiver of the 12 member jury.

The bill also provides for certain procedures in the conduct of proceedings in the county courts at law and the exchange of benches and transfer of cases between the county courts at law and the district court. The bill also specifies certain provisions regarding the issuance of a marriage license in Parker County as well as provides for the immunity of the judges of the county courts at law.

EFFECTIVE DATE

September 1, 2003.