

BILL ANALYSIS

C.S.S.B. 1552
By: Duncan
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Population and caseload growth necessitates the creation of additional county courts at law in Collin, Comal, Henderson, Orange, Parker, and Rockwall counties. C.S.S.B. 1552 creates a new county court at law in each of these counties and makes certain changes in jurisdiction, procedure, and number of jurors required in certain circumstances in particular counties.

The House Committee on Judicial Affairs has previously approved each of these as separate bills (H.B. 357, 871, 3553, 3557, 3600 and 738 respectively). C.S.S.B. 1552 combines these into one bill.

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.S.B. 1552 amends the Government Code to create an additional county court at law in Collin County. This new court is not created until January 1, 2005.

The bill amends the Government Code to create an additional county court at law in Comal County.

The bill amends the Government Code to create a second county court at law in Henderson County. This County Court at Law No. 2 is created December 1, 2007, or on an earlier date determined by the commissioners court. The bill also amends the Human Resources Code to add the new county court at law judge to the juvenile board of Henderson County.

The bill amends the Government Code to create a second county court at law for Orange County. The bill also specifies that except as otherwise required by law, a jury in a county court at law in Orange County is composed of six members.

The bill amends the Government Code to create 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 in Parker County. 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.

The bill amends the Government Code to create a statutory county court at law in Rockwall County. The bill also sets forth provisions relating to the jurisdiction of this court, jurors in this court, and the respective duties of the district clerk and the county clerk. The bill also sets forth provisions regarding the appointment of an administrative judge, the administration of cases when the county court at law and the district court have concurrent jurisdiction, and the appointment of an official court reporter.

The bill sets forth provisions for the hiring and payment of court staff, as well as the qualifications of a court bailiff in Rockwall County. The bill also requires that the judge of the county court at law must be a citizen of the United States, that he or she may not engage in the private practice of law, that he or she has the same judicial immunity as a district judge, and that in matters of concurrent jurisdiction, the judge of the county court at law and the district judge may exchange benches, transfer cases subject to acceptance, assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.

EFFECTIVE DATE

The sections relating to the county courts at law for Comal, Orange, Parker and Rockwall counties are effective September 1, 2003.

The section relating to Collin County is effective January 1, 2005.

The section relating to Henderson County is effective September 1, 2003, and the County Court at Law No. 2 of Henderson County is created December 1, 2007 or on an earlier date determined by the commissioners court by an order entered in its minutes.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds the provisions for Orange County.