

BILL ANALYSIS

Senate Research Center
78R12336 YDB-D

C.S.S.B. 1552
By: Duncan
Jurisprudence
4/23/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 1552 creates an additional county court at law in Collin County, in Comal County, in Rockwall County, and in Henderson County.

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) Amends Section 25.0451, Government Code, as follows:

- (a) Provides that Collin County has certain statutory county courts, including the County Court at Law No. 6 of Collin County.
- (b) Provides that the County Court at Law No. 6 of Collin County is created and this section takes effect January 1, 2005.

SECTION 2. (a) Amends Section 25.0481, Government Code, as follows:

- Sec. 25.0481. COMAL COUNTY. Provides that Comal County has certain statutory county courts, including the County Court at Law No. 1 of Comal County and the County Court at Law No. 2 of Comal County.
- (b) Provides that the County Court at Law No. 2 of Comal County is created and this section takes effect September 1, 2003.

SECTION 3. (a) Amends Section 25.1091, Government Code, as follows:

- Sec. 25.1091. HENDERSON COUNTY. Provides that Henderson County has certain statutory county courts, including the County Court at Law No. 2 of Henderson County.
- (b) Amends Sections 152.1131(a) and (c), Human Resources Code, to amend “judge” to “judges” and “court” to “courts.”
- (c) Provides that notwithstanding Section 25.1091, Government Code, as amended by this section, 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.

SECTION 4. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.2011 and 25.2012, as follows:

- Sec. 25.2011. ROCKWALL COUNTY. Provides that Rockwall County has one statutory county court, the County Court at Law of Rockwall County.
- Sec. 25.2012. ROCKWALL 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 Rockwall County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district 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 certain matters.

(c) Provides that the district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of the county court at law in matters of mental health, the probate and criminal misdemeanor docket, and all civil matters in which the county court at law does not have concurrent jurisdiction with the district court.

(d) Authorizes jurors regularly impaneled for the week by the district courts to, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and to serve for the week or until released in the county court at law.

(e) Authorizes a county court at law to summon jurors through the county clerk for service in the county court at law in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts. Requires jurors summoned to be paid in the same manner and at the same rate as jurors for district courts in Rockwall County. Authorizes jurors summoned to the county court at law, by order of the judge of a county court at law, to be transferred to the district court for service in noncapital felony cases.

(f) Provides that notwithstanding Sections 74.091 and 74.0911, a district judge serves as the local administrative judge for the district and statutory county courts in Rockwall County. Requires the judges of district courts to elect a district judge as local administrative judge for a term of not more than two years. Prohibits the local administrative judge from being elected on the basis of rotation or seniority.

(g) Requires the district clerk, when administering a case for the county court at law, to charge civil fees and court costs as if the case had been filed in the district court. Requires the case, in a case of concurrent jurisdiction, to be assigned to either the district court or the county court at law in accordance with local administrative rules established by the local administrative judge.

(h) Requires the judge of the county court at law to appoint an official court reporter for the court and to set the official court reporter's annual salary, subject to approval by the county commissioners court. Requires the official court reporter of the county court at law to take an oath or affirmation as an officer of the court. Provides that the official court reporter holds office at the pleasure of the judge of the court and shall be provided a private office in close proximity to the court. Provides that the official court reporter is entitled to all rights and benefits afforded all other county employees.

(i) Requires the judge of the county court at law to hire a staff with the approval of the county commissioners court and through the county budget process. Provides that the staff of the judge of the county court at law consists of a court coordinator and a bailiff. Provides that court personnel employed under this subsection are entitled to receive a salary set by the commissioners court and other employment benefits received by county employees.

(j) Requires the bailiff of a county court at law, not later than one year after the date of appointment, to obtain a peace officer license under Chapter 1701, Occupations Code, from the Commission on Law Enforcement Officer Standards and Education. Requires the sheriff of Rockwall County to deputize the bailiff of

a county court at law. Provides that the bailiff of a county court at law is subject to the training and continuing education requirements of a sheriff's deputy of the county. Requires the sheriff to remove from office a bailiff who does not receive a peace officer license within one year of appointment as required by this subsection.

(k) Requires the judge of a county court at law to be a United States citizen at the time of appointment or election.

(l) Requires the judge of a county court at law to diligently discharge the duties of the office on a full-time basis and prohibits engaging in the private practice of law.

(m) Authorizes the judge of a county court at law and the district judge, in matters of concurrent jurisdiction, to exchange benches, transfer cases subject to acceptance, assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.

(n) Provides that the judge of a county court at law has the same judicial immunity as a district judge.

(b) Provides that the County Court at Law of Rockwall County is created and this section takes effect September 1, 2003.

SECTION 5. Effective date: September 1, 2003, except as otherwise provided by this Act.