

By: King

H.B. No. 3600

A BILL TO BE ENTITLED

AN ACT

1
2 relating to jurisdiction, practice, and procedures of county courts
3 at law in Parker County and to the creation of the County Court at
4 Law No. 2 of Parker County.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 25.1861(a), Government Code, is amended
7 to read as follows:

8 (a) Parker County has the following ~~[one]~~ statutory county
9 courts:

10 (1) [court,] the County Court at Law of Parker County;
11 and

12 (2) the County Court at Law No. 2 of Parker County.

13 SECTION 2. Section 25.1862, Government Code, is amended by
14 amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and
15 adding Subsections (c) and (n)-(x) to read as follows:

16 (a) In addition to the jurisdiction provided by Section
17 25.0003 and other law, and except as limited by Subsection (b), a
18 county court at law in Parker County has the ~~[concurrent]~~
19 jurisdiction provided by the constitution and by general law for
20 [with the] district courts [court in:

21 ~~[(1) civil cases in which the matter in controversy~~
22 ~~exceeds \$500 but does not exceed \$500,000, excluding interest,~~
23 ~~statutory or punitive damages and penalties, and attorney's fees~~
24 ~~and costs, as alleged on the face of the petition, and~~

1 ~~[(2) family law cases and proceedings].~~

2 (b) A ~~[This section does not affect the right to appeal to a]~~
3 county court at law does not have jurisdiction of felony cases,
4 except as otherwise provided ~~[from the justice courts in cases in~~
5 ~~which the right of appeal to the county court exists]~~ by law.

6 (c) A county court at law does not have general supervisory
7 control over the commissioners court.

8 (d) A ~~[The judge of a]~~ county court at law may not issue
9 writs of habeas corpus in felony cases ~~[engage in the private~~
10 ~~practice of law].~~

11 (e) The district clerk serves as clerk of a county court at
12 law in cases in the concurrent jurisdiction of the county courts at
13 law and the district courts, and the county clerk serves as the
14 clerk in all other cases. The district clerk shall establish a
15 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
16 ~~paid an annual salary of at least \$40,000].~~

17 (f) A special judge of a county court at law ~~[If the regular~~
18 ~~judge of a county court at law is absent, disabled, or disqualified~~
19 ~~from presiding, a special judge with the same qualifications as the~~
20 ~~regular judge]~~ may be appointed or elected in the manner provided by
21 law for the appointment or election of a special county judge.

22 (i) The district attorney or county attorney and the county
23 sheriff, in person or by deputy, shall attend a county court at law
24 as required by the judge.

25 (k) If a jury trial is requested in a case that is in a
26 county court at law's jurisdiction as provided by Subsection (a),
27 the jury shall be composed of six members unless the constitution

1 requires a 12-member jury. Failure to object before a six-member
2 jury is seated and sworn constitutes a waiver of a 12-member jury.

3 ~~[With the approval of the commissioners court, the judge of a county~~
4 ~~court at law may appoint personnel necessary to administer court~~
5 ~~activities. The appointed personnel shall perform the duties~~
6 ~~prescribed by the judge and shall cooperate with state agencies for~~
7 ~~the uniform and efficient operation of the courts and the~~
8 ~~administration of justice. The personnel are entitled to be paid~~
9 ~~from county funds the compensation, fees, and allowances that are~~
10 ~~set by the commissioners court or as otherwise provided by law.]~~

11 (m) On request of a county court at law judge, jurors
12 regularly impaneled for a week by the district courts may be made
13 available and shall serve for the week in the county court at law
14 ~~[Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county~~
15 ~~court at law in Parker County].~~

16 (n) A county court at law of Parker County may summon jurors
17 for service in the court in the manner provided by law for county
18 courts. Juries summoned for the County Court of Parker County or a
19 county court at law of Parker County may, by order of the judge of
20 the court in which they are summoned, be transferred to the other
21 court for service.

22 (o) The judge of a county court at law shall be paid an
23 annual salary that is at least equal to the amount that is \$1,000
24 less than the total annual salary, including supplements, received
25 by a district judge in the county.

26 (p) A vacancy in the office of judge of a county court at law
27 is filled by appointment by the commissioners court.

1 (q) The judges of the county courts at law may divide each
2 term of court into as many sessions as they consider necessary for
3 the disposition of business and may extend a particular term of
4 court if practicable for the efficient and justiciable disposition
5 of individual proceedings and matters.

6 (r) The official court reporter of a county court at law
7 must be well skilled in the court reporter's profession. The
8 official court reporter of a county court at law is a sworn officer
9 of the court who holds office at the pleasure of the court. The
10 official court reporter of a county court at law is entitled to
11 receive at least the same amount as compensation as the official
12 court reporters in the district courts in the county. The
13 compensation shall be paid in the same manner that the district
14 court reporters are paid.

15 (s) If any cause or proceeding is lodged with the district
16 clerk and the district clerk files, docketed, or assigns the cause or
17 proceeding in or to a county court at law and the county court at law
18 does not have subject matter jurisdiction over the cause or
19 proceeding, then the filing, docketing, or assignment of the cause
20 or proceeding in or to a county court at law is considered a
21 clerical error and that clerical error shall be corrected by a
22 judgment or order nunc pro tunc. The cause or proceeding is
23 considered filed, docketed, or assigned to the district court of
24 the local administrative judge in the first instance rather than to
25 a county court at law. The judge of a county court at law who acts
26 in the cause or proceeding is considered assigned to the district
27 court of the local administrative judge for that purpose and has all

1 the powers of the judge of that district court under the assignment.

2 (t) A county court at law judge has jurisdiction to grant an
3 order permitting a marriage ceremony to take place during a 72-hour
4 period immediately following the issuance of a marriage license in
5 Parker County.

6 (u) The judges of the county courts at law have the same
7 judicial immunity as a district judge.

8 (v) In matters of concurrent jurisdiction, a judge of a
9 county court at law and a judge of a district court or another
10 county court at law may transfer cases between the courts in the
11 same manner judges of district courts transfer cases under Section
12 24.303.

13 (w) A judge of a county court at law and a judge of a
14 district court may exchange benches and may sit and act for each
15 other in any matter pending before the court.

16 (x) The judges of the county courts at law may from time to
17 time transfer criminal misdemeanor cases to other county courts at
18 law to equalize the criminal misdemeanor dockets of the county
19 courts at law for the efficient operation of the court system and
20 the effective administration of justice.

21 SECTION 3. Section 25.1863(b), Government Code, is amended
22 to read as follows:

23 (b) A county court at law has concurrent jurisdiction with
24 the district court over contested probate matters. Notwithstanding
25 the requirement in Subsection (b), Section 5, Texas Probate Code,
26 that the judge of the constitutional county court transfer a
27 contested probate proceeding to the district court, the judge of

1 the constitutional county court shall transfer the proceeding under
2 that section to either the County Court at Law of Parker County [~~a~~
3 ~~county court at law~~] or the district court. The county court at law
4 has the jurisdiction, powers, and duties that a district court has
5 under Subsection (b), Section 5, Texas Probate Code, for the
6 transferred proceeding, and the county clerk acts as clerk for the
7 proceeding. The contested proceeding may be transferred between
8 the county court at law and the district court as provided by local
9 rules of administration.

10 SECTION 4. This Act takes effect September 1, 2003.