

BILL ANALYSIS

C.S.H.B. 1077
By: Crabb
Redistricting
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 1077 implements a redistricting plan for the Courts of Appeals proposed by the fourteen Chief Justices of the Courts of Appeals working together as the Council of Chief Justices. This plan was unanimously adopted by the House Committee on Redistricting for the 78th Legislature in response to an interim study charge.

This plan reduces the number of counties in the state under concurrent (overlapping) jurisdiction of two courts from twenty-two to fifteen.

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

SECTION 1. Amends Sections 22.201(b), (f), (j), (k), (m), and (o), Government Code, to remove Burleson, Trinity, and Walker Counties from the First Court of Appeals District and Fourteenth Court of Appeals District; to remove Van Zandt County from the Fifth Court of Appeals District; to remove Angelina County from the Ninth Court of Appeals District; to add Burleson and Walker Counties to the Tenth Court of Appeals District; and to add Angelina and Trinity Counties to and to remove Hopkins, Kaufman, and Panola Counties from the Twelfth Court of Appeals District.

SECTION 2. Repeals Sections 22.207(c) and 22.213(d), Government Code.

SECTION 3. (a) Provides that Burleson, Trinity, and Walker Counties may not impose a fee under Section 22.2021(b), Government Code, for cases filed on or after the effective date of this Act; and as soon as practicable after the effective date of this Act, shall transfer the money collected under that section to the First and Fourteenth Courts of Appeals.

(b) Provides that Van Zandt County may not impose a fee under Section 22.2061(b), Government Code, for cases filed on or after the effective date of this Act; and as soon as practicable after the effective date of this Act, shall transfer the money collected under that section to the Fifth Court of Appeals.

(c) Provides that Burleson, Trinity, and Walker Counties shall reimburse Harris County, as required under Section 22.202(c), Government Code, for the costs incurred by Harris County from March 1, 2005, until the effective date of this Act to support the First and Fourteenth Courts of Appeals Districts.

SECTION 4. Provides that this Act does not affect the jurisdiction on appeal of any case from a county that is transferred by this Act to a different court of appeals district if the transcripts for the case were filed before September 1, 2005, in the appropriate court of appeals district.

SECTION 5. Effective date.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that the original included sections that dealt with the assignment of cases in various counties and that instructed the Supreme Court to determine which legal precedent will apply for a case transferred from one court of appeals to another court of appeals.