

BILL ANALYSIS

Senate Research Center
79R11353 RMB-D

H.B. 2913
By: Luna (Hinojosa)
Jurisprudence
4/24/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Pursuant to Section 74.094, Government Code, certain county courts at law in Nueces County have not regarded as binding the dispositions of district courts regarding misdemeanor offenses committed along with felonies being disposed of by the district court.

H.B. 2913 clarifies the statute to reduce caseloads. It specifically authorizes certain district courts in Nueces County to accept guilty pleas and to dispose of misdemeanor cases which are related to actions already under the district court's jurisdiction. This is a unique arrangement which does not exist in other counties.

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. Amends Section 24.130, Government Code, by adding Subsection (d), to provide that the 28th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 2. Amends Section 24.196, Government Code, by adding Subsection (d), to provide that the 94th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 3. Amends Section 24.207, Government Code, by adding Subsection (d), to provide that the 105th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 4. Amends Section 24.219, Government Code, by adding Subsection (d), to provide that the 117th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 5. Amends Section 24.353, Government Code, by adding Subsection (c), to provide that the 148th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 6. Amends Section 24.393, Government Code, by adding Subsection (c), to provide that the 214th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 7. Amends Section 24.493, Government Code, as follows:

Sec. 24.493. 347TH JUDICIAL DISTRICT (NUECES COUNTY). (a) Creates this subsection from existing text.

(b) Provides that the 347th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 8. Amends Section 24.627, Government Code, by adding Subsection (c), to provide that the 319th District Court, in addition to other jurisdiction provided by law, has concurrent jurisdiction with the county courts at law in Nueces County to receive a guilty plea in a misdemeanor case pending in a county court at law in Nueces County and dispose of the case, regardless of whether the case is transferred to the district court. Provides that the judgment, order, or action of the district court is valid and binding as if the case were pending in the district court.

SECTION 9. Provides that this Act applies to a case that is pending or filed on or after the effective date of the Act.

SECTION 10. Effective date: upon passage or September 1, 2005.