

BILL ANALYSIS

C.S.H.B. 3155
By: Escobar
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Kleberg and Kenedy counties are now served by the 105th District Court based in Corpus Christi, but the part-time nature of this court delays legal proceedings in these two outlying parts of the 105th Judicial District. Kleberg County has been seeking a court based in Kingsville since at least 1981. The Kleberg County Commissioners Court has adopted at least seven formal resolutions over the years asking the Legislature to create such a court including on January 26, 1981, February 9, 1981, March 13, 1995, February 19, 1996, Feb. 12, 2001, February 1999 and November 22, 2004.

HB 3155 would create a new 423rd District Court by removing Kenedy and Kleberg counties from the jurisdiction of the 105th Judicial District. The Jurisdiction of the 105th District Court would, thereafter, be limited to Nueces County. The result will be, at the same time, a court that gave now give its fulltime attention to the crowded docket in Corpus Christi and a new District Court for Kleberg and Kenedy counties to handle the growing dockets in those counties. (Under agreements with the U.S. Attorney will refer many federal drug cases to the state court. This will allow the cases to be handled sooner and increases the income to the counties, helping them bear the cost of the court.)

The new court is to give preference to criminal cases and will also have concurrent jurisdiction with the county courts in Kenedy and Kleberg counties and with the statutory county court in Kleberg County. Cases may be filed and transferred from one court to another with the approval of judges involved.

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

HB 3150 creates a new 423 District Court with jurisdiction over Kenedy and Kleberg counties. It also removes those counties from the jurisdiction of the existing 105th Judicial District based in Nueces County. The 105th District Court is to transfer all current cases involving Kenedy and Kleberg counties on September 1, 2005.

The new court is to give preference to criminal cases. It will share jurisdiction with the existing county courts and statutory courts in Kenedy and Kleberg counties.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute changes the heading to Section 43.148, Government Code, and changes the text of that section to reflect that the voters of all 3 of the counties which formerly comprised the 105th judicial district continue to elect the district attorney even though the new district is comprised of only 2 counties.