

BILL ANALYSIS

Senate Research Center

S.B. 524
By: Eltife
Jurisprudence
5/24/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Cass County commissioners court recognizes a need for the creation of a county court at law to administer the existing and forecasted case load of the Cass County judicial system. Cass County is currently served by the 5th District Court located in Texarkana (Bowie County). Civil and criminal filings from Cass County are backlogged in the 5th District Court, and a county court at law in Cass County would help alleviate the backlog and provide for the efficient administration of justice.

S.B. 524 creates a county court at law in Cass 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. Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0361 and 25.0362, as follows:

Sec. 25.0361. CASS COUNTY. Provides that Cass County has one statutory county court, the County Court at Law of Cass County.

Sec. 25.0362. CASS 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 Cass County has the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction in certain areas.

(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 types of cases.

(c) Prohibits the judge of a county court at law from engaging in the private practice of law.

(d) Provides that the district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of a county court at law in probate matters.

(e) Requires the clerk of a county court at law in Cass County to collect the additional fees and costs required under Section 51.702 (Additional Fees and Costs in Certain Statutory County Courts).

(f) Requires a jury in a county court at law to be composed of six members, unless the constitution requires a 12-member jury, except as otherwise provided by this subsection. Provides that failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. Sets forth the circumstances under which a 12-member jury may be used when the constitution does not require a 12-member jury. Sets forth the circumstances under which the parties may agree to try the case with any number of jurors and have the verdict rendered

and returned by the vote of any number of those jurors that is less than the total number of jurors.

(g) Authorizes a judge of a county court at law and a judge of a district court in Cass County, in matters of concurrent jurisdiction, to transfer cases between the courts in a certain manner.

(h) Entitles a judge of a county court at law in Cass County to a budget for travel and continuing education in a certain amount.

SECTION 2. Creates the County Court at Law of Cass County on the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.