

By: Crabb

H.B. No. 1077

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the composition of certain courts of appeals districts
3 and to the assignment and transfer of cases in certain courts of
4 appeals districts.

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

6 SECTION 1. Sections 22.201(b), (f), (j), (k), (m), and (o),
7 Government Code, are amended to read as follows:

8 (b) The First Court of Appeals District is composed of the
9 counties of Austin, Brazoria, [~~Burleson~~] Chambers, Colorado, Fort
10 Bend, Galveston, Grimes, Harris, [~~Trinity, Walker~~] Waller, and
11 Washington.

12 (f) The Fifth Court of Appeals District is composed of the
13 counties of Collin, Dallas, Grayson, Hunt, Kaufman, and Rockwall[
14 ~~and Van Zandt~~].

15 (j) The Ninth Court of Appeals District is composed of the
16 counties of [~~Angelina~~] Hardin, Jasper, Jefferson, Liberty,
17 Montgomery, Newton, Orange, Polk, San Jacinto, and Tyler.

18 (k) The Tenth Court of Appeals District is composed of the
19 counties of Bosque, Burleson, Brazos, Coryell, Ellis, Falls,
20 Freestone, Hamilton, Hill, Johnson, Leon, Limestone, Madison,
21 McLennan, Navarro, Robertson, [~~and~~] Somervell, and Walker.

22 (m) The Twelfth Court of Appeals District is composed of the
23 counties of Anderson, Angelina, Cherokee, Gregg, Henderson,
24 [~~Hopkins~~] Houston, [~~Kaufman~~] Nacogdoches, [~~Panola~~] Rains, Rusk,

1 Sabine, San Augustine, Shelby, Smith, Trinity, Upshur, Van Zandt,
2 and Wood.

3 (o) The Fourteenth Court of Appeals District is composed of
4 the counties of Austin, Brazoria, [~~Burleson~~] Chambers, Colorado,
5 Fort Bend, Galveston, Grimes, Harris, [~~Trinity, Walker~~] Waller,
6 and Washington.

7 SECTION 2. Section 22.206, Government Code, is amended by
8 adding Subsection (d) to read as follows:

9 (d) All civil and criminal cases from Hunt County directed
10 to the Fifth or Sixth Court of Appeals shall be filed in either the
11 Fifth or Sixth Court of Appeals as provided by this subsection. The
12 trial clerk shall write the numbers of the two courts of appeals on
13 identical slips of paper and place the slips in a container. When a
14 notice of appeal or appeal bond is filed, the trial court clerk
15 shall draw a number from the container at random, in a public place,
16 and shall assign the case and any companion cases to the court of
17 appeals for the corresponding number drawn.

18 SECTION 3. Section 22.207(c), Government Code, is amended
19 to read as follows:

20 (c) All civil and criminal cases from Gregg, Rusk, Upshur,
21 or Wood Counties directed to the Sixth or Twelfth Court of Appeals
22 shall be filed in either the Sixth or Twelfth Court of Appeals as
23 provided by this subsection. The trial clerk shall write the
24 numbers of the two courts of appeals on identical slips of paper and
25 place the slips in a container. When a notice of appeal or appeal
26 bond is filed, the trial court clerk shall draw a number from the
27 container at random, in a public place, and shall assign the case

1 ~~and any companion cases to the court of appeals for the~~
2 ~~corresponding number drawn [criminal cases from Hopkins County~~
3 ~~directed to the Sixth or Twelfth Court of Appeals shall be filed in~~
4 ~~either the Sixth or Twelfth Court of Appeals as provided by this~~
5 ~~subsection. The trial court clerk shall write the numbers of the~~
6 ~~two courts of appeals on identical slips of paper and place the~~
7 ~~slips in a container. When a notice of appeal is filed, the trial~~
8 ~~court clerk shall draw a number from the container at random, in a~~
9 ~~public place, and shall assign the case and any companion cases to~~
10 ~~the court of appeals for the corresponding number drawn].~~

11 SECTION 4. Section 73.001, Government Code, is amended to
12 read as follows:

13 Sec. 73.001. AUTHORITY TO TRANSFER. (a) The supreme court
14 may order cases transferred from one court of appeals to another at
15 any time that, in the opinion of the supreme court, there is good
16 cause for the transfer.

17 (b) For a case transferred from one court of appeals to
18 another court of appeals under this section, the supreme court in
19 the transferring order shall:

20 (1) determine which legal precedent will apply for
21 addressing potential conflicting courts of appeals decisions; and

22 (2) consider requiring the legal precedent of the
23 court of appeals district in which the case originated to apply in
24 the case.

25 (c) The supreme court may adopt rules necessary to
26 administer this section.

27 SECTION 5. Section 22.213(d), Government Code, is repealed.

1 SECTION 6. (a) Burleson, Trinity, and Walker Counties:

2 (1) may not impose a fee under Section 22.2021(b),
3 Government Code, for cases filed on or after the effective date of
4 this Act; and

5 (2) as soon as practicable after the effective date of
6 this Act, shall transfer the money collected under that section to
7 the First and Fourteenth Courts of Appeals.

8 (b) Van Zandt County:

9 (1) may not impose a fee under Section 22.2061(b),
10 Government Code, for cases filed on or after the effective date of
11 this Act; and

12 (2) as soon as practicable after the effective date of
13 this Act, shall transfer the money collected under that section to
14 the Fifth Court of Appeals.

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

20 SECTION 7. This Act does not affect the jurisdiction on
21 appeal of any case from a county that is transferred by this Act to a
22 different court of appeals district if the transcripts for the case
23 were filed before September 1, 2005, in the appropriate court of
24 appeals district.

25 SECTION 8. This Act takes effect September 1, 2005.