

By: Eltife

S.B. No. 524

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a county court at law in Cass County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0361 and 25.0362 to read as follows:

Sec. 25.0361. CASS COUNTY. 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) 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:

(1) misdemeanor cases;

(2) arraignments, pleas, and pre-trial motions for felony cases;

(3) trials for felony cases transferred from a district court in Cass County to the county court at law on agreement of the county court at law judge;

(4) family law cases and proceedings, including juvenile matters; and

(5) appeals from justice courts and from the county court in misdemeanor cases.

(b) A county court at law does not have general supervisory

1 control or appellate review of the commissioners court or
2 jurisdiction of:

- 3 (1) misdemeanors involving official misconduct;
4 (2) suits on behalf of the state to recover penalties
5 or escheated property;
6 (3) contested elections;
7 (4) suits in which the county is a party; or
8 (5) felony cases involving capital murder.

9 (c) The judge of a county court at law may not engage in the
10 private practice of law.

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

14 (e) The clerk of a county court at law in Cass County shall
15 collect the additional fees and costs required under Section
16 51.702.

17 (f) Except as otherwise provided by this subsection, a jury
18 in a county court at law shall be composed of six members unless the
19 constitution requires a 12-member jury. Failure to object before a
20 six-member jury is seated and sworn constitutes a waiver of a
21 12-member jury. In matters in which the constitution does not
22 require a 12-member jury and the county court at law has concurrent
23 jurisdiction with the district court, the jury may be composed of 12
24 members if a party to the suit requests a 12-member jury and the
25 judge of the court consents. In a civil case tried in a county court
26 at law, the parties may, by mutual agreement and with the consent of
27 the judge, agree to try the case with any number of jurors and have a

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

3 (g) In matters of concurrent jurisdiction, a judge of a
4 county court at law and a judge of a district court in Cass County
5 may transfer cases between the courts in the same manner that judges
6 of district courts may transfer cases under Section 24.303.

7 (h) The judge of a county court at law in Cass County is
8 entitled to a budget for travel and continuing education in an
9 amount that is at least equal to the amount budgeted to the county
10 judge for travel and continuing education.

11 SECTION 2. The County Court at Law of Cass County is created
12 on the effective date of this Act.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.