1-1   By: Eltife   S.B. No. 524
1-2   (In the Senate - Filed February 15, 2005; February 28, 2005,
1-3   read first time and referred to Committee on Jurisprudence;
1-4   March 17, 2005, reported favorably by the following vote: Yeas 6,
1-5   Nays 0; March 17, 2005, sent to printer.)

1-6   A BILL TO BE ENTITLED
1-7   AN ACT

1-8   relating to the creation of a county court at law in Cass County.
1-9   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-10   SECTION 1. Subchapter C, Chapter 25, Government Code, is
1-11 amended by adding Sections 25.0361 and 25.0362 to read as follows:
1-12   Sec. 25.0361. CASS COUNTY. Cass County has one statutory
1-13 county court, the County Court at Law of Cass County.
1-14   Sec. 25.0362. CASS COUNTY COURT AT LAW PROVISIONS. (a) In
1-15 addition to the jurisdiction provided by Section 25.0003 and other
1-16 law and except as limited by Subsection (b), a county court at law
1-17 in Cass County has the jurisdiction provided by the constitution
1-18 and by general law for district courts, including concurrent
1-19 jurisdiction in:
1-20   (1) misdemeanor cases;
1-21   (2) arraignments, pleas, and pre-trial motions for
1-22 felony cases;
1-23   (3) trials for felony cases transferred from a
1-24 district court in Cass County to the county court at law on
1-25 agreement of the county court at law judge;
1-26   (4) family law cases and proceedings, including
1-27 juvenile matters; and
1-28   (5) appeals from justice courts and from the county
1-29 court in misdemeanor cases.
1-30   (b) A county court at law does not have general supervisory
1-31 control or appellate review of the commissioners court or
1-32 jurisdiction of:
1-33   (1) misdemeanors involving official misconduct;
1-34   (2) suits on behalf of the state to recover penalties
1-35 or escheated property;
1-36   (3) contested elections; or
1-37   (4) suits in which the county is a party.
1-38   (c) The judge of a county court at law may not engage in the
1-39 private practice of law.
1-40   (d) The district clerk serves as clerk of a county court at
1-41 law except that the county clerk serves as clerk of a county court
1-42 at law in probate matters.
1-43   (e) The clerk of a county court at law in Cass County shall
1-44 collect the additional fees and costs required under Section
1-45 51.702.
1-46   (f) Except as otherwise provided by this subsection, a jury
1-47 in a county court at law shall be composed of six members unless the
1-48 constitution requires a 12-member jury. Failure to object before a
1-49 six-member jury is seated and sworn constitutes a waiver of a
1-50 12-member jury. In matters in which the constitution does not
1-51 require a 12-member jury and the county court at law has concurrent
1-52 jurisdiction with the district court, the jury may be composed of 12
1-53 members if a party to the suit requests a 12-member jury and the
1-54 judge of the court consents. In a civil case tried in a county court
1-55 at law, the parties may, by mutual agreement and with the consent of
1-56 the judge, agree to try the case with any number of jurors and have a
1-57 verdict rendered and returned by the vote of any number of those
1-58 jurors that is less than the total number of jurors.
1-59   (g) In matters of concurrent jurisdiction, a judge of a
1-60 county court at law and a judge of a district court in Cass County
1-61 may transfer cases between the courts in the same manner that judges
1-62 of district courts may transfer cases under Section 24.303.
1-63   (h) The judge of a county court at law in Cass County is
1-64 entitled to a budget for travel and continuing education in an

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2-1 <u>amount that is at least equal to the amount budgeted to the county</u>
2-2 <u>judge for travel and continuing education.</u>
2-3   SECTION 2. The County Court at Law of Cass County is created
2-4 on the effective date of this Act.
2-5   SECTION 3. This Act takes effect immediately if it receives
2-6 a vote of two-thirds of all the members elected to each house, as
2-7 provided by Section 39, Article III, Texas Constitution. If this
2-8 Act does not receive the vote necessary for immediate effect, this
2-9 Act takes effect September 1, 2005.

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