

1-1 By: Hinojosa S.B. No. 1216
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 14, 2005, reported favorably by the following vote: Yeas 4,
1-5 Nays 1; April 14, 2005, sent to printer.)

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

1-8 relating to a statutory probate court judge's authority to transfer
1-9 certain proceedings from another court to the statutory probate
1-10 court.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 5B, Texas Probate Code, is amended by
1-13 adding Subsection (c) to read as follows:

1-14 (c) Notwithstanding any other provision of this chapter or a
1-15 provision of Chapter 15, Civil Practice and Remedies Code, a judge
1-16 of a statutory probate court may transfer a cause of action
1-17 described by Subsection (a) of this section from a court to the
1-18 statutory probate court as provided by Subsection (a) even if venue
1-19 for the action is proper or mandatory in the county of the court
1-20 from which the action is to be transferred.

1-21 SECTION 2. Section 608, Texas Probate Code, is amended to
1-22 read as follows:

1-23 Sec. 608. TRANSFER OF GUARDIANSHIP PROCEEDING. (a) A
1-24 judge of a statutory probate court, on the motion of a party to the
1-25 action or of a person interested in a guardianship, may transfer to
1-26 the judge's court from a district, county, or statutory court a
1-27 cause of action appertaining to or incident to a guardianship
1-28 estate that is pending in the statutory probate court or a cause of
1-29 action relating to a guardianship in which a guardian, ward, or
1-30 proposed ward in a guardianship pending in the statutory probate
1-31 court is a party and may consolidate the transferred cause of action
1-32 with the other proceedings in the statutory probate court relating
1-33 to the guardianship estate.

1-34 (b) Notwithstanding any other provision of this chapter or a
1-35 provision of Chapter 15, Civil Practice and Remedies Code, a judge
1-36 of a statutory probate court may transfer a cause of action
1-37 described by Subsection (a) of this section from a court to the
1-38 statutory probate court as provided by Subsection (a) even if venue
1-39 for the action is proper or mandatory in the county of the court
1-40 from which the action is to be transferred.

1-41 SECTION 3. (a) The changes in law made by this Act to
1-42 Sections 5B and 608, Texas Probate Court, apply to all actions:

1-43 (1) commenced on or after the effective date of this
1-44 Act; or

1-45 (2) pending on the effective date of this Act and in
1-46 which the trial, or any new trial or retrial following motion,
1-47 appeal, or otherwise, begins on or after that effective date.

1-48 (b) For an action that is commenced before the effective
1-49 date of this Act, a trial, new trial, or retrial that is in progress
1-50 on the effective date is governed by the law applicable to that
1-51 trial, new trial, or retrial immediately before that date, and that
1-52 law is continued in effect for that purpose.

1-53 SECTION 4. This Act takes effect September 1, 2005.

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