

## **BILL ANALYSIS**

H.B. 196  
By: Gonzalez Toureilles  
Civil Practices  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a judgment of a county court or a county court at law on a case appealed from a small claims court is final and does not provide for any further appeals. House Bill 196 will allow a person to appeal a final judgment of a county court or county court at law to the court of appeals when the case was appealed from a small claims court.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. .

### **ANALYSIS**

SECTION 1: Amends Section 28.053, Government Code, by changing to heading to read DE NOVO TRIAL ON APPEAL

SECTION 2: Amends Section 28.053(d), Government Code, by striking the words "judgement" and "is final" and adding new language to make the sentence read, "A person may appeal the final judgment of the county court or county court at law on the appeal to the court of appeals."

SECTION 3: States the changes to section 28.053, Government Code, made by this Act are applicable only to an action in small claims court filed on or after the effective date of this Act. An action in small claims court filed before the effective date of this Act is governed by law at the date of occurrence.

SECTION 4: Effective date, September 1, 2007

### **EFFECTIVE DATE**

September 1, 2007.