

BILL ANALYSIS

C.S.H.B. 2201
By: Kolkhorst
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Reorganization of judicial districts and the restriction of the 9th Judicial District to Montgomery County would bring about a need for a new judicial district composed of Waller and Grimes counties. The purpose of this bill is to create such a judicial district, to amend the designations of other districts accordingly, to amend provisions relating to district attorneys and to reenact a provision relating to the juvenile board of Leon County .

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

The bill contains provisions to amend the Government Code to strike Waller County from the composition of the 9th Judicial District; to strike a provision that the 9th and 155th district courts have concurrent jurisdiction in Waller County; to strike specific references to Montgomery and Waller counties in a provision relating to the terms of court of the 9th District Court; to strike Leon County from the composition of the 12th Judicial District; to strike Grimes County from the composition of the 278th Judicial District; to provide that the voters of Leon County elect a district attorney for the 278th Judicial District instead of the 12th Judicial District as provided by current law; to repeal a provision stating that the district attorney of the 12th Judicial District also represents the state in all criminal and civil actions in which the state is interested that arise in the 87th Judicial District in Leon county; to re-designate Section 43.1745, Government Code, pertaining to the 278th Judicial District as Section 43.1061, Government Code, pertaining to the 12th Judicial District, to make a conforming change in the text of the section and to provide that the district attorney for the 12th District must have been a resident of Grimes County for at least the time required under Section 141.001, Election Code, striking the 3 year residency requirement in current law; to reenact a provision of the Human Resources Code to provide that the juvenile board of Leon county is composed of the county judge and the district judges in Leon county; and to add a new section creating the 506th Judicial District composed of Waller and Grimes counties. The bill also contains other conforming and transition provisions, including provisions that the local administrative judge shall transfer all cases from Waller County that are pending in the 9th District Court on September 1, 2007 to the 506th District Court, all cases from Leon county that are pending in the 12th District Court on September 1, 2007 to the 278th District Court, and all cases from Grimes County that are pending in the 278th District Court on September 1, 2008 to the 12th District Court. The bill further provides that the person serving as district attorney for the 12th Judicial District on September 1, 2007, unless otherwise removed, continues in office as the re-designated district attorney for the 278th Judicial District for the balance of the term of office, and the person serving as the district attorney for the 278th Judicial District, unless otherwise removed, continues to serve for the original term of office as the re-designated district attorney for the 12th Judicial District.

The bill provides that the 506th Judicial District is created on the effective date of the act.

The bill repeals Section 24.254(d), Government Code.

EFFECTIVE DATE

Section 4 of the Act takes effect September 1, 2008; otherwise the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

A new provision in the substitute is in Section 7 of the bill, and amends subsection (e) of the re-designated Section 43.1061, Government Code, to provide that the residency requirement of the of the district attorney for the 12th Judicial District will be the time required in Section 141.001, Election Code, and to strike the three year residency requirement in current law. The substitute, in Section 11 of the bill, also changes the date for transfer of pending cases from Grimes County from the 278th District Court to the 12th District Court from September 1, 2007 to September 1, 2008.

The substitute changes the effective date of Section 4 of the act to September 1, 2008 in Section 14.