

## **BILL ANALYSIS**

H.B. 1296  
By: Orr  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Commissioners Court of Bosque County has determined that it is in the best interest of the county to establish a county court at law, and the purpose of the bill is to create such a court.

H.B. 1296 creates a statutory county court in Bosque County, the County Court at Law of Bosque 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**

H.B. 1296 amends the Government Code to create a statutory county court in Bosque County, the County Court at Law of Bosque County. The bill establishes that in addition to having the jurisdiction of a statutory county court and jurisdiction provided by other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in: family law cases and proceedings; civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000, excluding interest, court costs, and attorney's fees; and contested probate matters in which there is no statutory probate court, county court at law, or other statutory court exercising the jurisdiction of a probate court. The bill establishes that the County Court at Law of Bosque County has primary jurisdiction over juvenile matters, and that a county court at law has the same terms of court as the County Court of Bosque County.

H.B. 1296 prohibits a judge of a county court at law from engaging in the private practice of law and requires such a judge to meet the qualifications required of a judge of a statutory county court. The bill requires the judge of a county court at law to be paid as provided by the provisions relating to a statutory county court judge's salary and requires the judge's salary to be paid out of the county treasury on order of the commissioners court. The bill entitles the judge to necessary office and operational expenses, including administrative and clerical personnel, on the approval of the commissioners court. The bill specifies that administrative and clerical personnel includes a court coordinator, court reporter, and bailiff.

H.B. 1296 requires the jury to be composed of 12 members, if a family law case or proceeding is tried before a jury, and in all other cases, except as otherwise required by law, requires the jury to be composed of six members. The bill authorizes jurors regularly impaneled for a week by the district court to be made available on request of the county judge or the judge of a county court at law, and requires the jurors to serve for the week in the county court or the county court at law.

H.B. 1296 amends the Human Resources Code to expand the composition of the Bosque, Comanche, and Hamilton counties juvenile board to include the judge of the County Court at Law in Bosque County.

**EFFECTIVE DATE**

October 1, 2009.