

BILL ANALYSIS

C.S.H.B. 3723
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the nine family courts in Harris County are hearing as many as 100 cases per day per court, and each individual protective order application requires a significant reordering of an existing trial docket. Delay in such a case defeats the purpose of a protective order since the passage of time only increases the likelihood that abuse has escalated, potentially to fatal levels.

C.S.H.B. 3723 converts an existing Harris County district court, that is not designated as a criminal court, a juvenile court, or a family court, to the domestic violence district court for Harris County. This court will give preference to domestic violence cases and certain matters relating to protective orders under provisions relating to family violence. The bill requires this district court to provide timely and efficient access to emergency protective orders and other court remedies for persons the court determines are victims of domestic violence.

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

C.S.H.B. 3723 amends the Government Code to provide that the judges of certain civil district courts designate a civil district court by agreement as a district court with preference to domestic violence matters. In determining which court shall be converted to the domestic violence court, preference shall be given to a district court with a judicial vacancy or to a district court for which a sitting judge has not announced or become a candidate in an upcoming election for that judicial office. The agreement to designate the domestic violence district court for Harris County shall be entered into not later than January 1, 2010.

The bill requires this court, subject to any jurisdictional limitations, to give preference to the following:

- domestic violence cases, including cases involving dating violence, family violence, abuse or neglect of a child, or elder abuse;
- any matter in which pleadings are filed concurrently with an application for a protective order under provisions relating to family violence involving both parties;
- any matter involving minor children if one parent is alleged to have caused the death of another parent and there is a history of domestic violence in the parents' relationship; and
- cases in which a court has made an affirmative finding of family violence involving both parties, or a protective order has been issued under provisions relating to family violence involving both parties.

C.S.H.B. 3723 requires this district court to provide timely and efficient access to emergency protective orders and other court remedies for persons the court determines are victims of domestic violence; to integrate victims' services for persons the court determines are victims of domestic violence who have a case before the court; and to promote an informed and consistent court response to domestic violence cases to lessen the number of misdemeanors, felonies, and fatalities related to domestic violence in Harris County. The bill requires the clerk for this district court to create a form to transfer a domestic violence case that this court is required to give preference to under these provisions to the court.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3723 differs from the original by providing a framework by which the judges of certain existing Harris County district courts convert an existing Harris County civil district court to the domestic violence district court for Harris County, and removes provisions from the original related to the creation of a new judicial district in Harris County with preference to domestic violence cases.