

BILL ANALYSIS

H.B. 4518
By: Homer
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is no statutory authority for a constitutional county court judge who is a lawyer and who meets the qualifications for holding the office of district judge to consider cases which are under the jurisdiction of a district court. District court dockets are becoming more crowded especially in rural counties where there are two or more district courts whose districts include more than one county and where there is no county court at law. By authorizing an arrangement for the consideration of district court cases by constitutional county court judges, district court dockets should be relieved and the necessity for creating additional district courts or county courts at law in counties that would be eligible for this type of arrangement might be eliminated.

H.B. 4518 authorizes the judges of the 76th and 276th district courts and the constitutional county courts located within those districts, respectively, to enter into an agreement for the respective constitutional county court judges to consider certain types of cases that are within the jurisdiction of the respective district courts.

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. 4518 amends the Government Code to authorize the judges of the 76th and 276th judicial district courts and the constitutional county courts located within the 76th and 276th judicial districts, respectively, to enter into a written agreement for the respective constitutional county court judges to consider guilty pleas in felony cases, default judgments, civil and family law cases which are uncontested and in which a final judgment will be entered, and civil and family law cases in which an agreed final judgment will be entered all of which are within the jurisdiction of the 76th and 276th judicial district courts, as appropriate, provided that: the county has no county court at law, the respective constitutional county court retains original misdemeanor jurisdiction, and specific statutory authority is granted to the respective constitutional county court judge to consider such cases; and the presiding judge of the respective constitutional county court is a lawyer who is licensed to practice law in Texas and who meets the qualifications for holding the office of district judge in Texas.

H.B. 4518 authorizes the written agreement to provide that final judgments be approved by the judge of the 76th or 276th judicial district court, as appropriate. The bill requires the constitutional county court judge to have the same judicial immunity as the district judge when presiding over such cases. The bill requires all pleadings, documents, records, and other papers in the cases to remain under the control of the respective district clerk, and authorizes the district clerks to establish a separate docket for the cases that will be considered by the respective constitutional county court judge.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.