

BILL ANALYSIS

H.B. 4685
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current Texas law, Titus County has no specific statute that sets the terms and jurisdiction of its constitutional county court, as do other counties. The terms and jurisdiction of the Titus County constitutional county court are established by the Texas Constitution and other laws.

H.B. 4685 specifies the terms and jurisdiction of the County Court of Titus 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. 4685 amends the Government Code to provide that the County Court of Titus County has the general jurisdiction of a probate court, juvenile jurisdiction, and original and appellate jurisdiction in all matters over which county courts have jurisdiction under the constitution and general laws of Texas. The bill establishes that the terms of the county court continue until the court has disposed of its business, and that the commissioners court may change the court terms under general provisions for a constitutional county court.

H.B. 4685 authorizes a judge of a district court in Titus County and the judge of the county court to enter into a written agreement granting the county court jurisdiction to hear guilty pleas in felony cases, default judgments, uncontested civil and family law cases in which a final judgment will be entered, and civil and family law cases in which an agreed final judgment will be entered.

H.B. 4685 prohibits the county court judge from entering into such an agreement unless the county is included in at least two judicial districts that contain more than one county; the county does not have a county court at law; the county court retains original misdemeanor jurisdiction; and the county judge is an attorney who is licensed to practice law in Texas and meets the qualifications for holding the office of district court judge.

H.B. 4685 authorizes such an agreement to provide that a final judgment be approved by the district court judge, and provides that the county judge has the same judicial immunity as the district court judge when presiding over cases authorized under provisions for such an agreement. The bill establishes that all pleadings, documents, records, and other papers in district court cases heard by a county court judge remain under the control of the district clerk, and authorizes the district clerk to establish a separate docket for the cases considered by the county court judge.

EFFECTIVE DATE

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