

## **BILL ANALYSIS**

H.B. 4709  
By: Flynn  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

As of November 2008, the 294th Judicial Court, which serves Van Zandt County, had over 600 criminal cases and nearly 3,000 civil cases pending. Due to rapid growth in court caseload, the Van Zandt County Commissioners Court has requested the Van Zandt County Court at Law be granted concurrent jurisdiction with the district court. The commissioners court has also requested that the county clerk serve as the clerk of the county court at law and that the district clerk serve as the clerk of the county court at law in all matters originally filed with the district court, and that the judge of the county court at law sit on the Van Zandt County Juvenile Board.

H.B. 4709 creates a statutory county court in Van Zandt County, the Van Zandt County Court at Law, and includes the judge of the county court at law on the Van Zandt County Juvenile Board.

### **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. 4709 amends the Government Code to create the County Court at Law of Van Zandt County. The bill provides that, in addition to having the jurisdiction of a statutory county court, a county court at law in Van Zandt County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts, except that the county court at law does not have jurisdiction in capital felony cases. The bill provides that the county clerk serves as clerk of a county court at law for cases and proceedings originally filed in the county court at law, and the district clerk serves as clerk of a county court at law for cases and proceedings originally filed in the district courts in the county.

H.B. 4709 requires the initial vacancy in the office of judge of the County Court at Law of Van Zandt County to be filled by election, and provides that the office exists for purposes of the primary and general elections in 2010. The bill provides that a vacancy after the initial vacancy is filled as provided by general provisions for a statutory county court.

H.B. 4709 amends the Human Resources Code to include the judge of the County Court at Law of Van Zandt County in the composition of the Van Zandt County Juvenile Board.

H.B. 4709 repeals Chapter 969 (H.B. 4139), Acts of the 80th Legislature, Regular Session, 2007, which added Section 25.2361, Government Code, to be effective January 1, 2011.

### **EFFECTIVE DATE**

September 1, 2010.