

BILL ANALYSIS

C.S.H.B. 4833
By: Hunter
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The legislature is vested with the authority to create district and county courts throughout Texas.

C.S.H.B. 4833 creates district courts and county courts at law in various counties statewide.

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. 4833 amends the Government Code to create the 431st Judicial District in Denton County on September 1, 2009. The bill creates the 436th Judicial District in Bexar County on October 1, 2009, and requires the 436th District Court to give preference to juvenile matters. The bill creates the 437th Judicial District in Bexar County on January 1, 2010, and requires the 437th District Court to give preference to criminal matters. The bill creates the 438th Judicial District in Bexar County on September 1, 2010, and requires the 438th District Court to give preference to civil matters. The bill creates the 439th Judicial District in Rockwall County on November 1, 2010. The bill creates the 440th Judicial District in Kaufman County on September 1, 2009. The bill creates the 441st Judicial District in Van Zandt County on October 1, 2010, requires the initial vacancy in the office of judge to be filled by election, provides that the office exists for purposes of the primary and general elections in 2010, and specifies that a vacancy after the initial vacancy is filled as provided by the Texas Constitution. The bill creates the 475th Judicial District in Midland County on September 1, 2009.

C.S.H.B. 4833 creates three additional statutory county courts at law in Bexar County on September 1, 2009, to be designated as the County Court at Law No. 13 of Bexar County, Texas, the County Court at Law No. 14 of Bexar County, Texas, and the County Court at Law No. 15 of Bexar County, Texas. The bill requires the County Court at Law No. 13 of Bexar County, Texas, to give preference to cases prosecuted under statutory provisions relating to domestic assault and family violence. The bill sets forth provisions regarding the terms of the additional courts, the appointment or election of a special judge, the required attendance of the criminal district attorney, the appointment of a court coordinator or administrative assistant for the court, and the official court reporter's fee. The bill exempts the additional courts, in addition to other courts, from provisions requiring a statutory county court judge to execute a bond as prescribed by law for county judges and from provisions authorizing a statutory county court judge to be removed from office in the same manner and for the same reasons as a county judge.

C.S.H.B. 4833 creates the County Court at Law of Bosque County on October 1, 2009. 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. The bill prohibits a judge of a county court at law in Bosque County 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 the 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 such personnel includes a court coordinator, court reporter, and bailiff. The bill requires a Bosque county court at law 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.

C.S.H.B. 4833 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.

C.S.H.B. 4833 amends the Government Code to create the County Court at Law of Fannin County on September 1, 2009. 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 Fannin County has concurrent jurisdiction with the district court in family law cases and proceedings and in juvenile justice proceedings. The bill establishes that a county court at law does not have jurisdiction of full adversary hearings in certain child protection cases or juvenile adjudication or disposition hearings. The bill requires a county court at law to transfer a family law case or child protection case from that court to the district court before a full adversary hearing is commenced. The bill requires such a transferred case or proceeding to be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the district court. The bill prohibits a district court from transferring the case or proceeding back to the county court at law, with certain limited exceptions. The bill requires a county court at law to transfer a juvenile case or proceeding instituted under juvenile justice provisions of the Family Code from that court to a juvenile court before a juvenile adjudication hearing is commenced. The bill requires a case or proceeding transferred as required above to be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the juvenile court. The bill prohibits the juvenile court from transferring the case or proceeding back to the county court at law.

C.S.H.B. 4833 creates two additional statutory county courts at law in Hidalgo County to be designated as the County Court at Law No. 7 of Hidalgo County and the County Court at Law No. 8 of Hidalgo County. The bill creates the County Court at Law No. 7 of Hidalgo County on September 1, 2011, and the County Court at Law No. 8 of Hidalgo County on September 1, 2012.

C.S.H.B. 4833 creates the County Court at Law of Navarro County on January 1, 2011, or on an earlier date determined by the commissioners court of Navarro County by an order entered in its minutes. 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 Navarro County has concurrent jurisdiction with the district court and sets out the matters. The bill specifies that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of suits on behalf of Texas to recover penalties or escheated property, felony cases involving capital murder, misdemeanors involving official misconduct, or

contested elections. The bill requires the judge of a county court at law in Navarro County to have the same qualifications as those required by law for a district judge and prohibits the judge from engaging in the private practice of law. The bill requires that the judge of a county court at law be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county, and excludes contributions and supplements paid by a county from a district court judge's or statutory county court judge's total annual salary. The bill establishes that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court and requires the county clerk to serve as clerk of a county court at law in all other matters. The bill requires each clerk to establish a separate docket for a county court at law. The bill entitles the official court reporter of a county court at law to receive a salary set by the judge of the county court at law with the approval of the commissioners court. The bill authorizes jurors summoned for a county court at law or a district court in the county to be transferred to another court for service by order of the judge of the court to which they are summoned.

C.S.H.B. 4833 creates the County Court at Law of Van Zandt County on September 1, 2010. 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. The bill 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.

C.S.H.B. 4833 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.

C.S.H.B. 4833 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, relating to the creation of a county court at law in Van Zandt County.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4833 adds a provision not in the original creating the 475th Judicial District in Midland County on September 1, 2009.

C.S.H.B. 4833 adds a provision not in the original creating two additional statutory county courts at law in Hidalgo County: the County Court at Law No. 7 of Hidalgo County and the County Court at Law No. 8 of Hidalgo County, on September 1, 2011, and September 1, 2012, respectively.