

## **BILL ANALYSIS**

C.S.S.B. 2566  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 80th Legislature, Regular Session, 2007, created a second county court at law in Hunt County. As a result, the make-up of the Hunt County Juvenile Board needs to be amended to add the judge of the second county court at law.

As proposed, C.S.S.B. 2566 amends the composition of the Hunt County Juvenile Board to add the second county court at law judge and grants the Hunt County Courts at Law limited concurrent jurisdiction, with exceptions, with the district courts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Sections 152.1221(a), (b), and (d), Human Resources Code, as follows:

- (a) Provides that the Hunt County Juvenile Board (board) is composed of the county judge, the district judges in Hunt County, and the judges, rather than judge, of the county courts, rather than court, at law.
- (b) Requires the board to designate a juvenile court judge to serve as the chairman of the board and its chief administrative officer, rather than providing that the juvenile court judge is the chairman of the board and its chief administrative officer.
- (d) Authorizes, rather than requires, each judge on the board to appoint one citizen to serve on the advisory council. Provides that members of the advisory council serve without compensation.

SECTION 2. Amends Section 24.1182, Government Code as follows:

- (a) Provides that, in addition to already statutorily granted jurisdiction, and except as provided for in subsection (b), the county courts in Hunt county have, concurrent with the district courts, constitutional jurisdiction and jurisdiction provided by general law for the district courts.
- (b) Limits a county court at law's civil jurisdiction concurrent with the district court in civil cases to cases in which the matter in controversy does not exceed \$250,000, and provides that a county court a law does not have general supervisory control or appellate review of the commissioners court, or jurisdiction of felony cases involving capital murder, suits on behalf of the state to recover penalties or escheated property, misdemeanors involving official misconduct, or contested elections.
- (c) Provides that the county clerk serves as clerk of a county court at law in matters of mental health, probate, and juvenile, for the criminal misdemeanor docket, and all civil matters originally filed in the county courts at law, and that the district clerk serves as clerk for all other cases.

(d) Allows jurors regularly impaneled for the week by the district courts to be made available by a district judge to the county court at law, and requires them, if impaneled to serve for the week (or until released), should the county court at law make such a request.

(e) Authorizes a county court at law to summon jurors through the county clerk for service in the county court at law, according to laws governing the drawing, selection, and service of jurors for county courts. Requires those jurors summoned to be paid in the same manner and rate as the jurors for district courts in Hunt County. Allows jurors summoned to a county court at law to be transferred to the district court in non capital felony cases, by order of the count at law judge.

(f) Provides that, notwithstanding Sections 74.091 and 74.0911 of the Government Code, a district judge serves as the local administrative judge for the district and county courts at law in Hunt County, and requires the judges of the district courts to elect a district judge as local administrative judge for a term not to exceed two years.

(g) Requires the district clerk, when administering a case for a county court at law, to charge civil fees and court costs as if the case had been filed in the district court. The case must be assigned to either the district court or county court at law, in a case of concurrent jurisdiction, in accordance with local administrative rules established by the local administrative judge.

(h) Requires the county court at law judge to appoint an official court reporter for the court and shall set the official court reporter's annual salary, subject to approval by the county commissioner's court. The official court reporter of the county court at law must take an oath of affirmation as an officer of the court, and holds office at the pleasure of the judge of the court and is required to be provided a private office in close proximity to the court. The bill entitles the court reporter to all rights and benefits afforded to all other county employees.

(i) Requires the judge of the county court at law to hire a staff, with the approval of the county commissioners court and through the county budget process. Provides that the staff is consisted of a court coordinator and a bailiff. Provides that court personnel employed under this subsection are entitled to receive a salary set by the commissioners court and other employment benefits received by county employees.

(j) Requires the bailiff of a county court at law must to receive a peace officer license from the Commission on Law Enforcement Officer Standards and Education within one year after the date of appointment. Requires the sheriff of Hunt County is to deputize the bailiff of a county court at law, and the bailiff is subject to the training and continuing education requirements of a sheriff's deputy of the county. Requires the sheriff to remove from office a bailiff who does not receive a peace officer license within one year of appointment as required by this subsection.

(k) Requires the judge of a county court at law to be a United States citizen at the time of appointment or election.

(l) Requires the judge of a county court at law to diligently discharge the duties of the office on a full-time basis, and is not permitted to engage in the private practice of law.

(m) Authorizes the judge of a county court at law and the district judge, in matters of concurrent jurisdiction, to exchange benches, transfer cases subject to acceptance, request that the local administrative judge assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.

(n) Provides that the judge of a county court at law has the same judicial immunity as a district judge.

SECTION 3. Effective date: September 1, 2009.

**EFFECTIVE DATE**

September 1, 2009.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.S.B. 2566 modifies the original by adding language dealing with the operation of the Hunt County Courts at Law and changes the relating clause accordingly. The substitute language grants Hunt County Courts at Law concurrent jurisdiction with the district courts with the following exceptions:

- (1) felony cases involving capital murder;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

In addition, the Hunt County Courts at Law will not have concurrent jurisdiction with the district courts in civil cases in which the matter in controversy exceeds \$250,000.