

## **BILL ANALYSIS**

Senate Research Center  
82R5359 YDB-F

H.B. 1889  
By: Burkett (Deuell)  
Jurisprudence  
4/27/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

At this time, the municipal court in Mesquite, Texas, is not a court of record, which creates a variety of problems. A number of defendants know they can appeal a Mesquite municipal court decision to the Dallas County criminal courts at law for a new trial, placing undue burden on the Dallas County court system and causing a loss of revenue to the city of Mesquite because any fines imposed are paid to Dallas County.

Furthermore, a citing officer is required to attend hearings in Mesquite and in Dallas County; if the officer is not able to attend the hearing, the defendant is usually acquitted of the charges.

The Mesquite municipal court cannot issue a warrant, requiring police officers to seek warrants in another court and wasting valuable time that could be better spent apprehending suspects. The purpose of H.B. 1889 is to effect the swift and efficient disposition of misdemeanor cases in Mesquite and to conserve judicial and law enforcement resources by creating municipal courts of record in Mesquite, Texas.

H.B. 1889 amends current law relating to the creation of municipal courts of record in the city of Mesquite.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 30, Government Code, by adding Subchapter YY, as follows:

#### **SUBCHAPTER YY. MESQUITE**

Sec. 30.01891. APPLICATION; DEFINITIONS. (a) Provides that this subchapter applies to the city of Mesquite.

(b) Defines, in this subchapter "appellate courts" and "municipal court administrator."

Sec. 30.01892. JUDGE. Provides that Sections 30.00007(b)(1) (relating to requiring the presiding judge to maintain a central docket), (2) (relating to requiring the presiding judge to provide for the distribution of cases from the central docket), (3) (relating to requiring the presiding judge to request the jurors needed for cases that are set for trial by jury), and (5) (relating to requiring the presiding judge to supervise and control the operation and clerical functions of the administrative department of each court) do not apply to this subchapter.

Sec. 30.01893. COURT RULES. Requires the presiding judge to adopt rules not inconsistent with this subchapter or other law for the municipal courts of record to provide efficiency, uniformity, and fairness in the conduct of the business of the courts. Authorizes the rules to address courtroom decorum and attire; address court protocol;

govern the hearing of pleas, motions for continuance, motions to withdraw and for substitution, and pretrial motions; establish procedures related to a defendant's failure to appear; establish procedures related to a defendant's indigency or inability to pay fines; and address warrant procedures.

Sec. 30.01894. MUNICIPAL COURT ADMINISTRATOR; OTHER PERSONNEL. (a) Requires the city manager to appoint a municipal court administrator to serve as the clerk of the municipal courts of record.

(b) Requires the municipal court administrator to:

- (1) perform, as applicable, the duties prescribed by law for the county clerk of a county court at law;
- (2) maintain central docket records for all cases filed in the municipal courts of record;
- (3) maintain an index of all municipal courts of record judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts; and
- (4) request the jurors needed for cases that are set for trial by jury.

(c) Authorizes the municipal court administrator to hire, direct, supervise, and remove personnel authorized in the city's annual budget for the clerk's office in accordance with the city's general government policies and procedures manual and subject to approval by the city manager.

(d) Provides that Sections 30.00009(c) (relating to providing that the clerk and other court personnel perform their duties under the direction and control of the presiding judge) and (d) (relating to requiring the governing body to by ordinance provide for the hiring, direction, supervision and removal of the personnel authorized in the annual budget for the clerk's office) do not apply to this subchapter.

Sec. 30.01895. COURT REPORTER. Requires the municipal court administrator to appoint the court reporter under Section 30.00010 (Court Reporter).

SECTION 2. Effective date: January 1, 2012.