

BILL ANALYSIS

H.B. 1889
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 a 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.

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. 1889 amends the Government Code to create municipal courts of record in the city of Mesquite, Texas, and to require the presiding judge to adopt rules not inconsistent with provisions of state law or other law for municipal courts of record to provide efficiency, uniformity, and fairness in the conduct of the business of the courts. The bill 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. The bill exempts the presiding judge of the municipal courts of record in the city of Mesquite from certain provisions of law relating to the duties of presiding judges in municipal courts of record.

H.B. 1889 requires the city manager of Mesquite to appoint a municipal court administrator to serve as the clerk of the municipal courts of record and sets out the court administrator's duties. The bill 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. The bill makes its provisions exempt from certain provisions of law relating to clerks of municipal courts of record. The bill requires the municipal court administrator to appoint the court reporter in accordance with provisions of law governing court reporters in municipal courts of record. The bill defines "appellate courts" and "municipal court administrator."

EFFECTIVE DATE

January 1, 2012.

