

## **BILL ANALYSIS**

C.S.H.B. 2330  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, Wise County has only one county court at law with the general jurisdiction granted to all statutory county courts and with family law jurisdiction concurrent with the district court. Wise County's population has been increasing steadily, and the court's case load is also increasing in all areas, especially misdemeanor, family law, and probate cases. Interested parties report that the opening of a private mental health unit in the county has significantly increased cases related to mental health, creating an additional burden on the court. As a result, it is reported that the existing Wise County statutory county court has not had an organized, regular civil docket in years and has reached its saturation point. It is further reported by interested parties that the Wise County statutory county court has been forced to limit the number of family law cases it hears, which has placed an increased burden on the district court.

C.S.H.B. 2330 seeks to alleviate the case load burden on the existing Wise County statutory county court, and also on the district court, by creating County Court at Law No. 2 of Wise County.

### **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. 2330 amends the Government Code to establish a second statutory county court in Wise County. The bill designates the original court as County Court at Law No. 1 of Wise County and the second statutory county court as County Court at Law No. 2 of Wise County. The bill establishes another location in the county determined by the judge of County Court at Law No. 1 of Wise County and approved by the commissioners court as an alternative location for that court to sit. The bill specifies that County Court at Law No. 2 of Wise County sits in Decatur or at another location in the county determined by the judge of that court and approved by the commissioners court.

C.S.H.B. 2330 reenacts and amends Section 25.2512(a), Government Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, to grant to a county court at law in Wise County the jurisdiction provided by the Texas Constitution and by general law for district courts, instead of limiting the jurisdiction to that which is concurrent with a district court in eminent domain cases, family law cases and proceedings, and civil cases in which the amount in controversy exceeds \$500 but does not exceed \$100,000, excluding interest and attorney's fees. The bill establishes that a county court at law in Wise County does not have jurisdiction of civil cases in which the amount in controversy exceeds \$200,000, excluding interest and attorney's fees. The bill removes probate jurisdiction concurrent with the county court from the jurisdiction of the Wise County courts at law. The bill establishes that a county court at law in Wise County does not have jurisdiction of felony cases.

C.S.H.B. 2330 requires a regular judge of a county court at law in Wise County to have the qualifications of a district judge as required by the Texas Constitution in addition to the qualifications of a judge of a statutory county court. The bill makes the laws governing the drawing, selection, service, and pay of jurors for county courts applicable to a county court at law in Wise County. The bill authorizes jurors regularly impaneled for a week by the district court, on request of the judge of a county court at law, to be made available and required to serve for the week in a county court at law and removes a provision stating that practice in a county court at law in Wise County is that prescribed by law for county courts. The bill requires the jury in all matters to be composed of 12 members, except that in misdemeanor criminal cases and in any other cases in which the amount in controversy is not more than \$100,000, excluding interest and attorney's fees, the jury is required to be composed of six members unless the constitution or other law requires a 12-member jury. The bill authorizes a judge of a county court at law and a judge of a district court or another county court at law with concurrent jurisdiction to transfer cases between the courts in the same manner judges of district courts transfer cases.

C.S.H.B. 2330 makes nonsubstantive changes.

#### **EFFECTIVE DATE**

September 1, 2011.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2330 contains a provision not included in the original providing for an alternate location for County Court at Law No. 1 of Wise County to sit. The substitute contains a provision not included in the original requiring the location in the county where County Court at Law No. 2 of Wise County sits to be approved by the commissioners court if it does not sit in Decatur. The substitute, in a provision establishing the maximum amount in controversy, excluding interest and attorney's fees, over which a county court at law in Wise County does not have jurisdiction of civil cases, differs from the original by setting that amount at \$200,000, whereas the original sets the amount at \$500,000. The substitute, in a provision establishing that a jury is composed of 12 members except under certain conditions when the jury is composed of six members, differs from the original by making that exception conditional on the case being a misdemeanor criminal case or any other case in which the amount in controversy is not more than \$100,000, excluding interest and attorney's fees, unless the constitution or other law requires a 12-member jury, whereas the original conditions the exception on the case being a misdemeanor criminal case or any other case in which the court has concurrent jurisdiction with the county court. The substitute differs from the original in nonsubstantive ways.