

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2330  
By: King, Phil (Estes)  
Jurisprudence  
5/17/2011  
Committee Report (Substituted)

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

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. 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.

C.S.H.B. 2330 amends current law relating to the statutory county courts in Wise County.

### **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 Section 25.2511, Government Code, as follows:

Sec. 25.2511. WISE COUNTY. (a) Wise County has the following statutory county courts, rather than has one statutory county court:

(1) County Court at Law No. 1 of Wise County; and

(2) County Court at Law No. 2 of Wise County.

(b) Provides that County Court at Law No. 1 of Wise County sits in Decatur or at 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.

(c) Provides 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 County Court at Law No. 2 of Wise County and approved by the commissioners court.

SECTION 2. Reenacts 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, and amended it, as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Wise County has:

(1) concurrent with the county court, the probate jurisdiction provided by general law for county courts; and

(2) concurrent jurisdiction with the district court in eminent domain cases, civil cases in which the amount in controversy exceeds \$500, but does not exceed \$200,000, rather than \$100,000, excluding interest and attorney's fees, and family law cases and proceedings. Makes nonsubstantive changes.

SECTION 3. Amends Section 25.2512, Government Code, by adding amending Subsections (e) and (h) and adding Subsections (j) and (k), as follows:

(e) Requires a regular judge of a county court at law, in addition to the qualifications required by Section 25.0014 (Qualifications of Judge), to have the qualifications of a district judge as required by Section 7 (Judicial Districts; District Judges; Terms or Sessions; Absence, Disability, or Disqualification of Judge), Article V (Judicial Department), Texas Constitution.

(h) Provides that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. 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 requires such jurors to serve for the week in a county court at law. Deletes existing text providing that practice in a county court at law is that prescribed by law for county courts.

(j) 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.

(k) 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 under Section 24.303 (Transfer of Cases; Exchange of Benches).

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2011.