

BILL ANALYSIS

Senate Research Center
82R23196 YDB-D

H.B. 3796
By: Gallego (Uresti)
Jurisprudence
5/10/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Edwards County is currently part of the 63rd Judicial District, which covers a substantial amount of land. H.B. 3796 seeks to limit the travel time of judges, attorneys, and citizens by transferring Edwards County from the jurisdiction of the 63rd Judicial District to the jurisdiction of the 198th Judicial District.

H.B. 3796 amends current law relating to the composition of certain judicial districts.

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 24.165, Government Code, as follows:

Sec. 24.165. New heading: 63RD JUDICIAL DISTRICT (KINNEY, TERRELL, AND VAL VERDE COUNTIES). (a) Provides that the 63rd Judicial District is composed of Kinney, Terrell, and Val Verde counties, rather than Edwards, Kinney, Terrell, and Val Verde counties.

(b) Provides that the terms of the 63rd District Court begin:

(1) Redesignates existing Subdivision (2) as Subdivision (1). Makes no further changes to this subdivision;

(2) Redesignates existing Subdivision (3) as Subdivision (2). Makes no further changes to this subdivision; and

(3) Redesignates existing Subdivision (4) as Subdivision (3). Makes no further changes to this subdivision.

Deletes existing text providing that that the terms of the 63rd District Court begin in Edwards County on the first Monday in May and the third Monday in October.

SECTION 2. Amends the heading to Section 24.377, Government Code, to read as follows:

Sec. 24.377. 198TH JUDICIAL DISTRICT (EDWARDS, KERR, KIMBLE, MCCULLOCH, MASON, AND MENARD COUNTIES).

SECTION 3. Amends Section 24.377(a), Government Code, to provide that the 198th Judicial District is composed of Edwards, Kerr, Kimble, McCulloch, Mason, and Menard counties.

SECTION 4. (a) Requires the local administrative district judge to transfer all cases from Edwards County that are pending in the 63rd District Court on the effective date of this Act to the 198th District Court.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the 63rd District Court are returnable to the 198th District Court as if originally issued by that court. Requires the obligees on all bonds and recognizances taken in and for the 63rd District Court and all witnesses summoned to appear in the 63rd District Court to appear before the 198th District Court as if originally required to appear before that court.

(c) Requires a district court in this state, on the effective date of this Act, to promptly enter any order for substitution of counsel that is necessary to permit the appearance by the district attorney for the 198th Judicial District on behalf of this state for any case pending before the district court that has been transferred as provided by this Act.

SECTION 5. Effective date: September 1, 2011.