

By: Estes

S.B. No. 1218

A BILL TO BE ENTITLED

AN ACT

relating to the statutory county courts in Wise County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.2511, Government Code, is amended to read as follows:

Sec. 25.2511. WISE COUNTY. (a) Wise County has the following [one] statutory county courts:

(1) [court, the] County Court at Law No. 1 of Wise County; and

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

(b) The County Court at Law No. 1 of Wise County sits in Decatur.

(c) The 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.

SECTION 2. 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, is reenacted and amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (a-1), a county court at law in Wise County has the [+]

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

1 ~~[(2) concurrent]~~ jurisdiction provided by the
2 constitution and by general law for ~~[with the]~~ district courts
3 ~~[court in:~~

4 ~~[(A) eminent domain cases,~~

5 ~~[(B) civil cases in which the amount in~~
6 ~~controversy exceeds \$500, but does not exceed \$100,000, excluding~~
7 ~~interest and attorney's fees, and~~

8 ~~[(C) family law cases and proceedings].~~

9 SECTION 3. Section 25.2512, Government Code, is amended by
10 adding Subsections (a-1), (j), and (k) and amending Subsections (e)
11 and (h) to read as follows:

12 (a-1) A county court at law does not have jurisdiction of:

13 (1) civil cases in which the amount in controversy
14 exceeds \$500,000, excluding interest and attorney's fees; or

15 (2) felony cases.

16 (e) In addition to the qualifications required by Section
17 25.0014, a regular judge of a county court at law must have the
18 qualifications of a district judge as required by Section 7,
19 Article V, Texas Constitution. A special judge of a county court at
20 law with the same qualifications as the regular judge may be
21 appointed in the manner provided by law for the appointment of a
22 special county judge. A special judge is entitled to the same rate
23 of compensation as the regular judge.

24 (h) The laws governing the drawing, selection, service, and
25 pay of jurors for county courts apply to a county court at law.
26 Jurors regularly impaneled for a week by the district court may, on
27 request of the judge of a county court at law, be made available and

1 shall serve for the week in a county court at law [~~Practice in a~~
2 ~~county court at law is that prescribed by law for county courts~~].

3 (j) The jury in all civil or criminal matters shall be
4 composed of 12 members, except that in misdemeanor criminal cases
5 and any other cases in which the court has concurrent jurisdiction
6 with the county court the jury shall be composed of six members.

7 (k) A judge of a county court at law and a judge of a
8 district court or another county court at law with concurrent
9 jurisdiction may transfer cases between the courts in the same
10 manner judges of district courts transfer cases under Section
11 24.303.

12 SECTION 4. The changes in law made to the qualifications of
13 a judge of a statutory county court in Wise County by this Act apply
14 only to a judge elected or appointed on or after the effective date
15 of this Act. A judge elected or appointed before the effective date
16 of this Act is governed by the law as it existed immediately before
17 the effective date of this Act, and that law is continued in effect
18 for that purpose.

19 SECTION 5. This Act takes effect September 1, 2011.