

By: Lozano

H.B. No. 3865

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a county court at law in Jim Wells County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1271 and 25.1272 to read as follows:

Sec. 25.1271. JIM WELLS COUNTY. Jim Wells County has one statutory county court, the County Court at Law of Jim Wells County.

Sec. 25.1272. JIM WELLS COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Jim Wells County has the jurisdiction provided by this section.

(b) A county court at law in Jim Wells County has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, excluding interest;

(2) family law cases and proceedings;

(3) Class A and Class B misdemeanors;

(4) juvenile cases; and

(5) appeals from justice and municipal courts.

(c) A county court at law does not have jurisdiction of:

(1) suits on behalf of this state to recover penalties or escheated property;

(2) felony cases;

1 (3) misdemeanors involving official misconduct; or

2 (4) contested elections.

3 (d) The judge of a county court at law must have the same
4 qualifications as those required by law for a district judge.

5 (e) The judge of a county court at law shall be paid a total
6 annual salary set by the commissioners court at an amount that is
7 not less than \$1,000 less than the total annual salary received by a
8 district judge in the county. A district judge's or statutory
9 county court judge's total annual salary does not include
10 contributions and supplements paid by a county.

11 (f) The district clerk serves as clerk of a county court at
12 law in matters of concurrent jurisdiction with the district court,
13 and the county clerk shall serve as clerk of a county court at law in
14 all other matters. Each clerk shall establish a separate docket for
15 a county court at law.

16 (g) Jurors summoned for a county court at law or a district
17 court in the county may by order of the judge of the court to which
18 they are summoned be transferred to another court for service and
19 may be used as if summoned for the court to which they are
20 transferred.

21 (h) If a jury trial is requested in a case that is in a
22 county court at law's jurisdiction, the jury shall be composed of
23 six members unless the constitution requires a 12-member jury.
24 Failure to object before a six-member jury is seated and sworn
25 constitutes a waiver of a 12-member jury.

26 (i) A judge of a county court at law may provide that any
27 criminal proceeding in the county court at law be recorded by a good

1 quality electronic recording device instead of by a court reporter,
2 unless the defendant requests that a court reporter be present upon
3 written motion filed with the court not later than 10 days before
4 trial. If a recording device is used, the court reporter need not
5 be present at the proceeding to certify the statement of facts.

6 SECTION 2. Notwithstanding Section 25.0009, Government
7 Code, the initial vacancy in the office of judge of the County Court
8 at Law of Jim Wells County shall be filled by election. The office
9 exists for purposes of the primary and general elections in 2014. A
10 vacancy after the initial vacancy is filled as provided by Section
11 25.0009, Government Code.

12 SECTION 3. The County Court at Law of Jim Wells County is
13 created on January 1, 2015.

14 SECTION 4. This Act takes effect September 1, 2013.