

BILL ANALYSIS

C.S.H.B. 1122
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that the state constitution provides that district courts have nearly unlimited civil jurisdiction and authorizes the legislature to establish other courts that include county courts at law. The parties further point out that statutes regarding the jurisdiction generally applicable to county courts at law provide for concurrent jurisdiction with district courts in civil cases in which the matter in controversy does not exceed \$200,000. However, the parties note that because each county court at law is established by a specific statute and the constitution allows the legislature to set the jurisdiction of courts it establishes, some county courts at law have specific jurisdiction statutes giving the courts jurisdiction that is greater than the generally applicable \$200,000 limit.

The parties note that even though some county courts at law have limitless jurisdiction, only six jurors serve in a civil case tried in any county court at law. Consequently, a case with \$500 million in controversy would be tried in a county court at law in front of a six-person jury in some counties. If the same case were tried in district court, 12 jurors would serve. C.S.H.B. 1122 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1122 amends the Government Code to authorize the commissioners court of a county, if a statutory county court has concurrent jurisdiction with the district court in civil cases in which the amount in controversy exceeds \$200,000, to issue an order reducing the civil jurisdiction of the court to \$200,000. The bill requires a jury in any civil case pending in a statutory county court in which the amount in controversy is \$200,000 or more to be composed of 12 members and requires the drawing of jury panels, selection of jurors, and practice and procedure to conform to that prescribed by law for district courts in the county in which the statutory county court is located.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1122 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 25.0001(a), Government Code, is amended.

No equivalent provision.

SECTION 2. Section 25.0007, Government Code, is amended.

SECTION 3. Section 25.1272(h), Government Code, is amended.

SECTION 4. Section 25.1412(p), Government Code, is amended.

SECTION 5. Section 25.2292(d), Government Code, is amended.

SECTION 6. Section 25.2362(i), Government Code, is amended.

SECTION 7. The change in law made by this Act applies only to a trial commenced on or after the effective date of this Act. A trial commenced before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 25.0003, Government Code, is amended by adding Subsection (g) to read as follows:

(g) If a statutory county court has concurrent jurisdiction with the district court in civil cases in which the amount in controversy exceeds \$200,000, the commissioners court may issue an order reducing the civil jurisdiction of the court to \$200,000.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 8. This Act takes effect
September 1, 2015.

SECTION 9. This Act takes effect January
1, 2016.