

## **BILL ANALYSIS**

C.S.S.B. 2068  
By: Eltife  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested stakeholders note that the Harrison County Court at Law recently became a full-time court and argue that the court's jurisdiction should be expanded in order to increase judicial efficiency. C.S.S.B. 2068 seeks to expand the jurisdiction of the Harrison County Court at Law to have concurrent jurisdiction with the district court of Harrison County in certain criminal and civil matters.

### **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.S.B. 2068 amends the Government Code to expand the types of cases for which a county court at law in Harrison County has concurrent jurisdiction with the district court to include, in addition to family law cases and proceedings, civil cases and felony cases other than capital murder cases and to entitle the criminal district attorney in these cases to the same fees prescribed by law for prosecutions in a district court. The bill requires a jury to be composed of 12 members in any civil case pending in which the amount in controversy is \$200,000 or more and in any felony case.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 2068 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### **SENATE ENGROSSED**

SECTION 1. Sections 25.1042(a) and (g), Government Code, are amended to read as follows:

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 25.1042, Government Code, is amended by amending Subsections (a), (d), and (g) and adding Subsection (h) to

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in:  
(1) family law cases and proceedings;  
(2) felony cases other than capital murder cases; and  
(3) civil cases.

(g) The criminal district attorney is entitled to the same fees prescribed by law for prosecutions in the county court, except that in cases assigned under Subsection (a), the criminal district attorney is entitled to the same fees prescribed by law for prosecutions in a district court.

SECTION 2. Section 25.1042(a), Government Code, as amended by this Act, applies only to an action filed in a district court in Harrison County on or after the effective date of this Act. An action filed in a district court in Harrison County before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in:  
(1) family law cases and proceedings;  
(2) felony cases other than capital murder cases; and  
(3) civil cases.

(d) A party to a case assigned under Subsection (a) may request a jury of 12 persons if the party makes the request not later than the 30th day before the trial date. Except as provided by Subsection (h), a [A] party who does not make a timely request under this subsection waives the right to request a 12-person jury and the case will proceed with a six-person jury.

(g) The criminal district attorney is entitled to the same fees prescribed by law for prosecutions in the county court, except that in cases assigned under Subsection (a), the criminal district attorney is entitled to the same fees prescribed by law for prosecutions in a district court.

(h) A jury must be composed of 12 members in:

- (1) any civil case pending in which the amount in controversy is \$200,000 or more; and
- (2) any felony case.

SECTION 2. Section 25.1042(a), Government Code, as amended by this Act, and Section 25.1042(h), Government Code, as added by this Act, apply only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 3. Same as engrossed version.