

By: Clardy

H.B. No. 1122

Substitute the following for H.B. No. 1122:

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C.S.H.B. No. 1122

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to civil jurisdiction of, and the number of jurors  
3 required in, certain civil cases pending in a statutory county  
4 court.

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

6 SECTION 1. Section 25.0001(a), Government Code, is amended  
7 to read as follows:

8 (a) This subchapter applies to each statutory county court  
9 in this state. Except as provided by Section 25.0007(c), if [~~if~~] a  
10 provision of this subchapter conflicts with a specific provision  
11 for a particular court or county, the specific provision controls.

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

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

18 SECTION 3. Section 25.0007, Government Code, is amended to  
19 read as follows:

20 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) Except  
21 as provided by this section, the [~~The~~] drawing of jury panels,  
22 selection of jurors, and practice in the statutory county courts  
23 must conform to that prescribed by law for county courts.

24 (b) Practice in a statutory county court is that prescribed

1 by law for county courts, except that practice, procedure, rules of  
2 evidence, issuance of process and writs, and all other matters  
3 pertaining to the conduct of trials and hearings in the statutory  
4 county courts[~~, other than the number of jurors,~~] that involve  
5 those matters of concurrent jurisdiction with district courts are  
6 governed by the laws and rules pertaining to district courts. This  
7 section does not affect local rules of administration adopted under  
8 Section 74.093.

9 (c) Notwithstanding any other provision of this chapter, in  
10 any civil case pending in a statutory county court in which the  
11 amount in controversy is \$200,000 or more:

- 12 (1) the jury shall be composed of 12 members; and  
13 (2) drawing of jury panels, selection of jurors, and  
14 practice and procedure must conform to that prescribed by law for  
15 district courts in the county in which the statutory county court is  
16 located.

17 SECTION 4. Section 25.1272(h), Government Code, is amended  
18 to read as follows:

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

24 SECTION 5. Section 25.1412(p), Government Code, is amended  
25 to read as follows:

26 (p) Except as otherwise provided by this subsection, a jury  
27 in a county court at law shall be composed of six members unless the

1 constitution or other law requires a 12-member jury. Failure to  
2 object before a six-member jury is seated and sworn constitutes a  
3 waiver of a 12-member jury unless required by law. In matters in  
4 which the constitution or other law does not require a 12-member  
5 jury and the county court at law has concurrent jurisdiction with  
6 the district court, the jury may be composed of 12 members if a  
7 party to the suit requests a 12-member jury and the judge of the  
8 court consents. Except as provided by Section 25.0007(c), in [~~In~~]  
9 a civil case tried in a county court at law, the parties may, by  
10 mutual agreement and with the consent of the judge, agree to try the  
11 case with any number of jurors and have a verdict rendered and  
12 returned by the vote of any number of those jurors that is less than  
13 the total number of jurors.

14 SECTION 6. Section 25.2292(d), Government Code, is amended  
15 to read as follows:

16 (d) Except as provided by Section 25.0007(c), in [~~In~~] civil  
17 cases, the jury is composed of six members unless:

- 18 (1) the amount in controversy exceeds \$100,000; and  
19 (2) a party to the case files a written request for a  
20 12-member jury not later than the 30th day before the date of the  
21 trial.

22 SECTION 7. Section 25.2362(i), Government Code, is amended  
23 to read as follows:

24 (i) If a jury trial is requested in a case that is in a  
25 county court at law's jurisdiction, the jury shall be composed of  
26 six members unless the constitution or other law requires a  
27 12-member jury.

1           SECTION 8. The change in law made by this Act applies only  
2 to a trial commenced on or after the effective date of this Act. A  
3 trial commenced before the effective date of this Act is governed by  
4 the law in effect immediately before that date, and the former law  
5 is continued in effect for that purpose.

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