

By: Clardy

H.B. No. 1122

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

11 SECTION 2. Section 25.0007, Government Code, is amended to
12 read as follows:

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

17 (b) Practice in a statutory county court is that prescribed
18 by law for county courts, except that practice, procedure, rules of
19 evidence, issuance of process and writs, and all other matters
20 pertaining to the conduct of trials and hearings in the statutory
21 county courts[~~, other than the number of jurors,~~] that involve
22 those matters of concurrent jurisdiction with district courts are
23 governed by the laws and rules pertaining to district courts. This
24 section does not affect local rules of administration adopted under

1 Section 74.093.

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

5 (1) the jury shall be composed of 12 members; and

6 (2) drawing of jury panels, selection of jurors, and
7 practice and procedure must conform to that prescribed by law for
8 district courts in the county in which the statutory county court is
9 located.

10 SECTION 3. Section 25.1272(h), Government Code, is amended
11 to read as follows:

12 (h) If a jury trial is requested in a case that is in a
13 county court at law's jurisdiction, the jury shall be composed of
14 six members unless the constitution or other law requires a
15 12-member jury. Failure to object before a six-member jury is
16 seated and sworn constitutes a waiver of a 12-member jury.

17 SECTION 4. Section 25.1412(p), Government Code, is amended
18 to read as follows:

19 (p) Except as otherwise provided by this subsection, a jury
20 in a county court at law shall be composed of six members unless the
21 constitution or other law requires a 12-member jury. Failure to
22 object before a six-member jury is seated and sworn constitutes a
23 waiver of a 12-member jury unless required by law. In matters in
24 which the constitution or other law does not require a 12-member
25 jury and the county court at law has concurrent jurisdiction with
26 the district court, the jury may be composed of 12 members if a
27 party to the suit requests a 12-member jury and the judge of the

1 court consents. Except as provided by Section 25.0007(c), in [In]
2 a civil case tried in a county court at law, the parties may, by
3 mutual agreement and with the consent of the judge, agree to try the
4 case with any number of jurors and have a verdict rendered and
5 returned by the vote of any number of those jurors that is less than
6 the total number of jurors.

7 SECTION 5. Section 25.2292(d), Government Code, is amended
8 to read as follows:

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

- 11 (1) the amount in controversy exceeds \$100,000; and
12 (2) a party to the case files a written request for a
13 12-member jury not later than the 30th day before the date of the
14 trial.

15 SECTION 6. Section 25.2362(i), Government Code, is amended
16 to read as follows:

17 (i) If a jury trial is requested in a case that is in a
18 county court at law's jurisdiction, the jury shall be composed of
19 six members unless the constitution or other law requires a
20 12-member jury.

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

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