

By: Huffman

S.B. No. 824

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

Section 74.093.

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

(1) the jury shall be composed of 12 members unless the parties agree to a jury composed of six members; and

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

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

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

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

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

1 party to the suit requests a 12-member jury and the judge of the
2 court consents. Except as provided by Section 25.0007(c), in [In]
3 a civil case tried in a county court at law, the parties may, by
4 mutual agreement and with the consent of the judge, agree to try the
5 case with any number of jurors and have a verdict rendered and
6 returned by the vote of any number of those jurors that is less than
7 the total number of jurors.

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

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

12 (1) the amount in controversy exceeds \$100,000; and

13 (2) a party to the case files a written request for a
14 12-member jury not later than the 30th day before the date of the
15 trial.

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

18 (i) If a jury trial is requested in a case that is in a
19 county court at law's jurisdiction, the jury shall be composed of
20 six members unless the constitution or other law requires a
21 12-member jury.

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

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