

1-1 By: Huffman S.B. No. 824  
 1-2 (In the Senate - Filed February 26, 2015; March 3, 2015,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 31, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 31, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 824 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to civil jurisdiction of, and the number of jurors  
 1-22 required in, certain civil cases pending in a statutory county  
 1-23 court.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 25.0001(a), Government Code, is amended  
 1-26 to read as follows:

1-27 (a) This subchapter applies to each statutory county court  
 1-28 in this state. Except as provided by Section 25.0007(c), if [If] a  
 1-29 provision of this subchapter conflicts with a specific provision  
 1-30 for a particular court or county, the specific provision controls.

1-31 SECTION 2. Section 25.0003, Government Code, is amended by  
 1-32 adding Subsection (g) to read as follows:

1-33 (g) If a statutory county court has concurrent jurisdiction  
 1-34 with the district court in civil cases in which the amount in  
 1-35 controversy exceeds \$200,000, the commissioners court may issue an  
 1-36 order reducing the civil jurisdiction of the court to \$200,000.

1-37 SECTION 3. Section 25.0007, Government Code, is amended to  
 1-38 read as follows:

1-39 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) Except  
 1-40 as provided by this section, the [The] drawing of jury panels,  
 1-41 selection of jurors, and practice in the statutory county courts  
 1-42 must conform to that prescribed by law for county courts.

1-43 (b) Practice in a statutory county court is that prescribed  
 1-44 by law for county courts, except that practice, procedure, rules of  
 1-45 evidence, issuance of process and writs, and all other matters  
 1-46 pertaining to the conduct of trials and hearings in the statutory  
 1-47 county courts[~~, other than the number of jurors,~~] that involve  
 1-48 those matters of concurrent jurisdiction with district courts are  
 1-49 governed by the laws and rules pertaining to district courts. This  
 1-50 section does not affect local rules of administration adopted under  
 1-51 Section 74.093.

1-52 (c) Notwithstanding any other provision of this chapter, in  
 1-53 any civil case pending in a statutory county court in which the  
 1-54 amount in controversy is \$200,000 or more:

1-55 (1) the jury shall be composed of 12 members; and

1-56 (2) drawing of jury panels, selection of jurors, and  
 1-57 practice and procedure must conform to that prescribed by law for  
 1-58 district courts in the county in which the statutory county court is  
 1-59 located.

1-60 SECTION 4. Section 25.1272(h), Government Code, is amended

2-1 to read as follows:

2-2 (h) If a jury trial is requested in a case that is in a  
2-3 county court at law's jurisdiction, the jury shall be composed of  
2-4 six members unless the constitution or other law requires a  
2-5 12-member jury. Failure to object before a six-member jury is  
2-6 seated and sworn constitutes a waiver of a 12-member jury.

2-7 SECTION 5. Section 25.1412(p), Government Code, is amended  
2-8 to read as follows:

2-9 (p) Except as otherwise provided by this subsection, a jury  
2-10 in a county court at law shall be composed of six members unless the  
2-11 constitution or other law requires a 12-member jury. Failure to  
2-12 object before a six-member jury is seated and sworn constitutes a  
2-13 waiver of a 12-member jury unless required by law. In matters in  
2-14 which the constitution or other law does not require a 12-member  
2-15 jury and the county court at law has concurrent jurisdiction with  
2-16 the district court, the jury may be composed of 12 members if a  
2-17 party to the suit requests a 12-member jury and the judge of the  
2-18 court consents. Except as provided by Section 25.0007(c), in [In]  
2-19 a civil case tried in a county court at law, the parties may, by  
2-20 mutual agreement and with the consent of the judge, agree to try the  
2-21 case with any number of jurors and have a verdict rendered and  
2-22 returned by the vote of any number of those jurors that is less than  
2-23 the total number of jurors.

2-24 SECTION 6. Section 25.2292(d), Government Code, is amended  
2-25 to read as follows:

2-26 (d) Except as provided by Section 25.0007(c), in [In] civil  
2-27 cases, the jury is composed of six members unless:

- 2-28 (1) the amount in controversy exceeds \$100,000; and
- 2-29 (2) a party to the case files a written request for a  
2-30 12-member jury not later than the 30th day before the date of the  
2-31 trial.

2-32 SECTION 7. Section 25.2362(i), Government Code, is amended  
2-33 to read as follows:

2-34 (i) If a jury trial is requested in a case that is in a  
2-35 county court at law's jurisdiction, the jury shall be composed of  
2-36 six members unless the constitution or other law requires a  
2-37 12-member jury.

2-38 SECTION 8. The change in law made by this Act applies only  
2-39 to a trial commenced on or after the effective date of this Act. A  
2-40 trial commenced before the effective date of this Act is governed by  
2-41 the law in effect immediately before that date, and the former law  
2-42 is continued in effect for that purpose.

2-43 SECTION 9. This Act takes effect September 1, 2015.

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