

BILL ANALYSIS

C.S.H.B. 4281
By: Lambert
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that the manner in which the 1st Multicounty Court at Law currently handles certain of its judicial administrative responsibilities is inconsistent with the manner in which other courts at law operate. C.S.H.B. 4281 seeks to address this issue by clarifying certain of the administrative processes of the court.

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.H.B. 4281 amends the Government Code to grant the 1st Multicounty Court at Law concurrent jurisdiction with the district court in felony criminal cases. The bill requires the judge of the county court at law to appoint an official court reporter and authorizes the judge to appoint a court administrator to aid the judge in the performance of the judge's duties. The bill removes a salary provision for an official court reporter of the county court at law and entitles the official court reporter and the court administrator of the county court at law to receive the same salary and to be paid in the same manner as the official court reporter and court administrator, respectively, of the district court in the administrative county for the court. The bill entitles the judge of the county court at law to travel expenses and necessary office expenses as authorized by the commissioners court of the administrative county.

C.S.H.B. 4281 repeals Section 3.07(b), Chapter 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, which, effective January 1, 2019, removes Mitchell County from the composition of the 1st Multicounty Court at Law.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4281 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 25.2702, Government Code, is amended by amending Subsections (a), (d), and (h) and adding Subsection (g) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, the 1st Multicounty Court at Law has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings; and
- (2) felony criminal cases.

(d) The judge of the county court at law shall appoint an official court reporter. The judge may appoint a court administrator to aid the judge in the performance of the judge's duties. The [An] official court reporter and the court administrator of the county court at law are [is] entitled to receive the same salary and to be paid in the same manner as the official court reporter and court administrator, respectively, of the district court in the administrative county for the court [a salary set by the commissioners courts in the counties the reporter serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts]. The clerk of the court shall tax as costs, in each civil, criminal, and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. The fee shall be paid in the same manner as other costs in the case. The clerk collects the fee and pays it into the general funds of the counties.

(g) The judge of the county court at law is entitled to travel expenses and necessary office expenses as authorized by the commissioners court of the administrative county.

(h) Notwithstanding Section 74.121(b)(1), [in matters of concurrent jurisdiction,] the judge of the 1st Multicounty Court at Law and the judges of the district courts in Fisher, Mitchell, and Nolan Counties may exchange benches and courtrooms and may transfer cases between their dockets in the same manner that judges of district courts exchange benches and transfer cases under Section 24.003.

SECTION 2. Section 3.07(b), Chapter 1182 (S.B. 1139), Acts of the 84th Legislature,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 25.2702, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (g) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, the 1st Multicounty Court at Law has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings; and
- (2) felony criminal cases.

(d) The judge of the county court at law shall appoint an official court reporter. The judge may appoint a court administrator to aid the judge in the performance of the judge's duties. The [An] official court reporter and the court administrator of the county court at law are [is] entitled to receive the same salary and to be paid in the same manner as the official court reporter and court administrator, respectively, of the district court in the administrative county for the court [a salary set by the commissioners courts in the counties the reporter serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts]. The clerk of the court shall tax as costs, in each civil, criminal, and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. The fee shall be paid in the same manner as other costs in the case. The clerk collects the fee and pays it into the general funds of the counties.

(g) The judge of the county court at law is entitled to travel expenses and necessary office expenses as authorized by the commissioners court of the administrative county.

SECTION 2. Section 3.07(b), Chapter 1182 (S.B. 1139), Acts of the 84th Legislature,

Regular Session, 2015, which amends Section 25.2701, Government Code, is repealed.

SECTION 3. This Act takes effect September 1, 2017.

Regular Session, 2015, which amends Section 25.2701, Government Code, to be effective January 1, 2019, is repealed.

SECTION 3. Same as introduced version.