

By: Leach

H.B. No. 3336

Substitute the following for H.B. No. 3336:

By: Meyer

C.S.H.B. No. 3336

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the jurisdiction of, and practices and procedures in
3 civil cases before, justice courts, county courts, statutory county
4 courts, and district courts.

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

6 SECTION 1. Section 22.004(h), Government Code, is amended
7 to read as follows:

8 (h) The supreme court shall adopt rules to promote the
9 prompt, efficient, and cost-effective resolution of civil
10 actions. The rules shall apply to civil actions in district
11 courts, county courts at law, and statutory probate courts in which
12 the amount in controversy [~~, inclusive of all claims for damages of
13 any kind, whether actual or exemplary, a penalty, attorney's fees,
14 expenses, costs, interest, or any other type of damage of any kind,~~]
15 does not exceed \$250,000 [~~\$100,000~~]. The rules shall address the
16 need for lowering discovery costs in these actions and the
17 procedure for ensuring that these actions will be expedited in the
18 civil justice system. The supreme court may not adopt rules under
19 this subsection that conflict with other statutory law [~~a provision
20 of:~~

21 [~~(1) Chapter 74, Civil Practice and Remedies Code,~~

22 [~~(2) the Family Code,~~

23 [~~(3) the Property Code, or~~

24 [~~(4) the Tax Code~~].

1 SECTION 2. Section 25.0003(c), Government Code, is amended
2 to read as follows:

3 (c) In addition to other jurisdiction provided by law, a
4 statutory county court exercising civil jurisdiction concurrent
5 with the constitutional jurisdiction of the county court has
6 concurrent jurisdiction with the district court in:

7 (1) civil cases in which the matter in controversy
8 exceeds \$500 but does not exceed \$250,000 [~~\$200,000~~], excluding
9 interest, statutory or punitive damages and penalties, and
10 attorney's fees and costs, as alleged on the face of the petition;
11 and

12 (2) appeals of final rulings and decisions of the
13 division of workers' compensation of the Texas Department of
14 Insurance regarding workers' compensation claims, regardless of
15 the amount in controversy.

16 SECTION 3. Section 25.0007, Government Code, is amended by
17 amending Subsection (b) and adding Subsection (c) to read as
18 follows:

19 (b) Practice in a statutory county court is that prescribed
20 by law for county courts, except that practice, procedure, rules of
21 evidence, issuance of process and writs, the drawing of jury
22 panels, the selection of jurors, and all other matters pertaining
23 to the conduct of trials and hearings in the statutory county
24 courts[~~, other than the number of jurors,~~] that involve those
25 matters of concurrent jurisdiction with district courts are
26 governed by the laws and rules pertaining to the district courts in
27 the county in which the statutory county court is located. This

1 section does not affect local rules of administration adopted under
2 Section 74.093.

3 (c) In a civil case pending in a statutory county court in
4 which the matter in controversy is \$250,000 or more, the jury shall
5 be composed of 12 members unless all of the parties agree to a jury
6 composed of a lesser number of jurors.

7 SECTION 4. Section 25.0052(a), Government Code, as amended
8 by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd
9 Legislature, Regular Session, 1991, is reenacted and amended to
10 read as follows:

11 (a) In addition to the jurisdiction provided by Section
12 25.0003 and other law, a county court at law in Angelina County has:

13 (1) concurrent with the county court, the probate
14 jurisdiction provided by general law for county courts; and

15 (2) concurrent jurisdiction with the district court
16 in[+]

17 ~~[(A) civil cases in which the matter in~~
18 ~~controversy exceeds \$500 but does not exceed \$50,000, excluding~~
19 ~~interest; and~~

20 ~~[(B)]~~ family law cases and proceedings.

21 SECTION 5. Section 25.0102(h), Government Code, is amended
22 to read as follows:

23 (h) If a family law case or proceeding is tried before a
24 jury, the jury shall be composed of 12 members; in all other cases
25 the jury shall be composed of six members except as provided by the
26 constitution, Section 25.0007(c), or other law.

27 SECTION 6. Section 25.0202(a), Government Code, is amended

1 to read as follows:

2 (a) In addition to the jurisdiction provided by Section
3 25.0003 and other law, a county court at law in Bosque County has
4 concurrent jurisdiction with the district court in:

- 5 (1) family law cases and proceedings; and
6 (2) [~~civil cases in which the matter in controversy~~
7 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~
8 ~~court costs, and attorney's fees; and~~

9 [~~3~~] contested probate matters under Section 32.003,
10 Estates Code.

11 SECTION 7. Section 25.0222(m), Government Code, is amended
12 to read as follows:

13 (m) When a jury trial is requested in a case of concurrent
14 jurisdiction between the district courts and statutory county
15 courts, and the case was instituted in district court, the jury
16 shall be composed of 12 members. In all other cases in which a jury
17 trial is requested in the statutory county courts the jury shall be
18 composed of six jurors except as provided by the constitution,
19 Section 25.0007(c), or other law.

20 SECTION 8. Section 25.0362(f), Government Code, is amended
21 to read as follows:

22 (f) Except as otherwise provided by this subsection, a jury
23 in a county court at law shall be composed of six members except as
24 provided by [unless] the constitution, Section 25.0007(c), or other
25 law [requires a 12-member jury]. Failure to object before a
26 six-member jury is seated and sworn constitutes a waiver of a
27 12-member jury. In matters in which the constitution or other law

1 does not require a 12-member jury and the county court at law has
2 concurrent jurisdiction with the district court, the jury may be
3 composed of 12 members if a party to the suit requests a 12-member
4 jury [~~and the judge of the court consents~~]. In a civil case tried
5 in a county court at law, the parties may, by mutual agreement [~~and~~
6 ~~with the consent of the judge~~], agree to try the case with any
7 number of jurors and have a verdict rendered and returned by the
8 vote of any number of those jurors that is less than the total
9 number of jurors.

10 SECTION 9. Section 25.0722(i), Government Code, is amended
11 to read as follows:

12 (i) If a family law case or proceeding is tried before a
13 jury, the jury shall be composed of 12 members. In all other cases
14 the jury shall be composed of six members except as provided by the
15 constitution, Section 25.0007(c), or other law.

16 SECTION 10. Section 25.0812(k), Government Code, is amended
17 to read as follows:

18 (k) If a jury trial is requested in a case of concurrent
19 jurisdiction between the district courts and the county courts at
20 law, and the case was instituted in the district court, the jury
21 shall be composed of 12 members. In all other cases in which a jury
22 trial is requested in the county courts at law, the jury shall be
23 composed of six members except as provided by the constitution,
24 Section 25.0007(c), or other law.

25 SECTION 11. Section 25.0862(n), Government Code, is amended
26 to read as follows:

27 (n) If a jury trial is requested in a case that is in a

1 county court at law's jurisdiction as provided by Subsection (a),
2 the jury shall be composed of six members unless the constitution,
3 Section 25.0007(c), or other law requires a 12-member jury.
4 Failure to object before a six-member jury is seated and sworn
5 constitutes a waiver of a 12-member jury.

6 SECTION 12. Section 25.0942(1), Government Code, is amended
7 to read as follows:

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

22 SECTION 13. Section 25.1042(h), Government Code, is amended
23 to read as follows:

24 (h) A jury must be composed of 12 members in[+]
25 [~~(1) any civil case pending in which the amount in~~
26 ~~controversy is \$200,000 or more, and~~
27 [~~(2)~~] any felony case.

1 SECTION 14. Sections 25.1132(c) and (o), Government Code,
2 are amended to read as follows:

3 (c) A county court at law in Hood County has concurrent
4 jurisdiction with the district court in:

5 (1) [~~civil cases in which the matter in controversy~~
6 ~~exceeds \$500 but does not exceed \$250,000, excluding interest,~~

7 [~~2~~] family law cases and related proceedings;

8 (2) [~~3~~] contested probate matters under Section
9 32.003(a), Estates Code; and

10 (3) [~~4~~] contested matters in guardianship
11 proceedings under Section 1022.003(a), Estates Code.

12 (o) If a family law case or proceeding is tried before a jury
13 in a county court at law, the jury shall be composed of 12 members.
14 In all other cases, the jury shall be composed of six members except
15 as provided by the constitution, Section 25.0007(c), or other law.

16 SECTION 15. Section 25.1142(b), Government Code, is amended
17 to read as follows:

18 (b) A county court at law does not have jurisdiction of:

19 (1) [~~civil cases in which the amount in controversy~~
20 ~~exceeds \$200,000, excluding interest,~~

21 [~~2~~] felony jury trials;

22 (2) [~~3~~] suits on behalf of the state to recover
23 penalties or escheated property;

24 (3) [~~4~~] misdemeanors involving official misconduct;

25 or

26 (4) [~~5~~] contested elections.

27 SECTION 16. Sections 25.1252(j) and (m), Government Code,

1 are amended to read as follows:

2 (j) If a family law case or proceeding is tried before a jury
3 in a county court at law, the jury shall be composed of 12 members.
4 In all other cases, the jury shall be composed of six members except
5 as provided by the constitution, Section 25.0007(c), or other law
6 ~~[A county court at law may exercise the jurisdiction vested in the~~
7 ~~district court for the drawing, selection, and service of jurors. A~~
8 ~~panel not exceeding 24 jurors shall be drawn for any one week of a~~
9 ~~court, and the juries selected may not exceed six].~~

10 (m) Section ~~[Sections]~~ 25.0006 does ~~[and 25.0007 do]~~ not
11 apply to the county courts at law of Jefferson County.

12 SECTION 17. Sections 25.1272(b) and (h), Government Code,
13 are amended to read as follows:

14 (b) A county court at law in Jim Wells County has concurrent
15 jurisdiction with the district court in:

16 (1) ~~[civil cases in which the matter in controversy~~
17 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~

18 ~~(2)]~~ family law cases and proceedings;

19 (2) ~~(3)~~ Class A and Class B misdemeanors;

20 (3) ~~(4)~~ juvenile cases; and

21 (4) ~~(5)~~ appeals from justice and municipal courts.

22 (h) If a jury trial is requested in a case that is in a
23 county court at law's jurisdiction, the jury shall be composed of
24 six members unless the constitution, Section 25.0007(c), or other
25 law requires a 12-member jury. Failure to object before a
26 six-member jury is seated and sworn constitutes a waiver of a
27 12-member jury.

1 SECTION 18. Sections 25.1412(a) and (p), Government Code,
2 are amended to read as follows:

3 (a) In addition to the jurisdiction provided by Section
4 25.0003 and other law, a county court at law in Lamar County has:

5 (1) concurrent jurisdiction with the district court
6 in:

7 (A) probate matters and proceedings, including
8 will contests;

9 (B) family law cases and proceedings, including
10 juvenile cases; and

11 (C) felony cases to conduct arraignments and
12 pretrial hearings and to accept guilty pleas; and

13 [~~(D) civil cases in which the amount in
14 controversy does not exceed \$200,000, excluding interest; and~~]

15 (2) concurrent jurisdiction with the county and
16 district courts over all suits arising under the Family Code.

17 (p) Except as otherwise provided by this subsection, a jury
18 in a county court at law shall be composed of six members unless the
19 constitution, Section 25.0007(c), or other law requires a 12-member
20 jury. Failure to object before a six-member jury is seated and
21 sworn constitutes a waiver of a 12-member jury. In matters in
22 which the constitution or other law does not require a 12-member
23 jury and the county court at law has concurrent jurisdiction with
24 the district court, the jury may be composed of 12 members if a
25 party to the suit requests a 12-member jury and the judge of the
26 court consents. In a civil case tried in a county court at law, the
27 parties may, by mutual agreement [~~and with the consent of the~~

1 ~~judge]~~, agree to try the case with any number of jurors and have a
2 verdict rendered and returned by the vote of any number of those
3 jurors that is less than the total number of jurors.

4 SECTION 19. Section 25.1722(f), Government Code, is amended
5 to read as follows:

6 (f) Except as otherwise provided by this subsection, the
7 constitution, Section 25.0007(c), or other law, juries in a county
8 court at law shall be composed of six members. Juries in family law
9 cases and proceedings shall be composed of 12 members, unless the
10 parties agree to a six-member jury.

11 SECTION 20. Section 25.1732(1), Government Code, is amended
12 to read as follows:

13 (1) A jury in a county court at law is composed of six
14 persons unless the constitution, Section 25.0007(c), or other law
15 requires a 12-member jury.

16 SECTION 21. Section 25.1802(o), Government Code, is amended
17 to read as follows:

18 (o) 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, Section 25.0007(c), or other
21 law requires a 12-member jury. Failure to object before a
22 six-member jury is seated and sworn constitutes a waiver of a
23 12-member jury.

24 SECTION 22. Section 25.1862(k), Government Code, is amended
25 to read as follows:

26 (k) If a jury trial is requested in a case that is in a
27 county court at law's jurisdiction as provided by Subsection (a),

1 the jury shall be composed of six members unless the constitution,
2 Section 25.0007(c), or other law requires a 12-member jury.
3 Failure to object before a six-member jury is seated and sworn
4 constitutes a waiver of a 12-member jury.

5 SECTION 23. Section 25.2142(v), Government Code, is amended
6 to read as follows:

7 (v) Except as otherwise provided by this section, the
8 constitution, Section 25.0007(c), or other law, juries in a county
9 court at law shall be composed of six members. In matters of
10 concurrent jurisdiction with the district court to which Section
11 25.0007(c) does not apply, if a party to the suit requests a
12 12-member jury, the jury shall be composed of 12 members. In a
13 civil case tried in a county court at law, the parties may, by
14 mutual agreement [~~and with the consent of the judge~~], agree to try
15 the case with any number of jurors and agree to have a verdict
16 rendered and returned by the vote of any number of jurors less than
17 all those hearing the case.

18 SECTION 24. Section 25.2232(a), Government Code, is amended
19 to read as follows:

20 (a) In addition to the jurisdiction provided by Section
21 25.0003 and other law, a county court at law in Taylor County has[+
22

23 [~~(1)~~] concurrent jurisdiction with the county court in
24 the trial of cases involving insanity and approval of applications
25 for admission to state hospitals and special schools if admission
26 is by application[~~, and~~

27 [~~(2) concurrent jurisdiction with the district court~~
~~in civil cases in which the matter in controversy exceeds \$500 but~~

1 ~~does not exceed \$200,000, excluding interest].~~

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

4 (d) In civil cases, the jury is composed of six members
5 except as otherwise provided by the constitution, Section
6 25.0007(c), or other law. Failure to object before a six-member
7 jury is seated and sworn constitutes a waiver of a 12-member jury
8 ~~[unless:~~

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

10 ~~(2) a party to the case files a written request for a~~
11 ~~12-member jury not later than the 30th day before the date of the~~
12 ~~trial].~~

13 SECTION 26. Section 25.2362(i), Government Code, is amended
14 to read as follows:

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

19 SECTION 27. Section 25.2412(j), Government Code, is amended
20 to read as follows:

21 (j) If a case or proceeding in which a county court at law
22 has concurrent jurisdiction with a district court is tried before a
23 jury, the jury shall be composed of 12 members, except as provided
24 by Section 25.0007(c). In all other cases, the jury shall be
25 composed of six members except as provided by the constitution or
26 other law.

27 SECTION 28. Section 25.2462(k), Government Code, is amended

1 to read as follows:

2 (k) A jury in a county court at law shall be composed of six
3 members except as provided by the constitution, Section 25.0007(c),
4 or other law.

5 SECTION 29. Section 25.2482(1), Government Code, is amended
6 to read as follows:

7 (1) A jury in a county court at law shall be composed of six
8 members except as provided by the constitution, Section 25.0007(c),
9 or other law.

10 SECTION 30. Section 25.2512(a), Government Code, is amended
11 to read as follows:

12 (a) In addition to the jurisdiction provided by Section
13 25.0003 and other law, a county court at law in Wise County has:

14 (1) concurrent with the county court, the probate
15 jurisdiction provided by general law for county courts; and

16 (2) concurrent jurisdiction with the district court
17 in:

18 (A) eminent domain cases; and

19 (B) ~~[civil cases in which the amount in~~
20 ~~controversy exceeds \$500, but does not exceed \$200,000, excluding~~
21 ~~interest and attorney's fees, and~~

22 ~~[(C)]~~ family law cases and proceedings.

23 SECTION 31. Section 26.042(a), Government Code, is amended
24 to read as follows:

25 (a) A county court has concurrent jurisdiction with the
26 justice courts in civil cases in which the matter in controversy
27 exceeds \$200 in value but does not exceed \$20,000 ~~[\$10,000],~~

1 exclusive of interest.

2 SECTION 32. Section 27.031(a), Government Code, is amended
3 to read as follows:

4 (a) In addition to the jurisdiction and powers provided by
5 the constitution and other law, the justice court has original
6 jurisdiction of:

7 (1) civil matters in which exclusive jurisdiction is
8 not in the district or county court and in which the amount in
9 controversy is not more than \$20,000 [~~\$10,000~~], exclusive of
10 interest;

11 (2) cases of forcible entry and detainer;

12 (3) foreclosure of mortgages and enforcement of liens
13 on personal property in cases in which the amount in controversy is
14 otherwise within the justice court's jurisdiction; and

15 (4) cases arising under Chapter 707, Transportation
16 Code, outside a municipality's territorial limits.

17 SECTION 33. Section 62.301, Government Code, is amended to
18 read as follows:

19 Sec. 62.301. NUMBER OF JURORS. The jury in the county
20 courts and in the justice courts is composed of six persons except
21 as provided by the constitution or other law.

22 SECTION 34. The following provisions of the Government Code
23 are repealed:

24 (1) Section 25.0007(a);

25 (2) Section 25.1092(p);

26 (3) Sections 25.2292(a) and (m); and

27 (4) Section 25.2392(i).

1 SECTION 35. Not later than January 1, 2020, the Supreme
2 Court of Texas shall adopt rules as necessary to implement Section
3 [22.004](#)(h), Government Code, as amended by this Act.

4 SECTION 36. This Act applies only to a cause of action filed
5 on or after the effective date of this Act. A cause of action filed
6 before that date is governed by the law in effect immediately before
7 that date, and that law is continued in effect for that purpose.

8 SECTION 37. This Act takes effect September 1, 2019.