

By: Leach

H.B. No. 3336

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

1 SECTION 2. Subchapter A, Chapter 22, Government Code, is
2 amended by adding Section 22.023 to read as follows:

3 Sec. 22.023. PILOT PROGRAM TO ENHANCE CIVIL JUSTICE SYSTEM.

4 (a) Subject to the legislature providing adequate funding, the
5 supreme court shall select 10 counties in this state for the
6 establishment of pilot programs that allow the trial courts in a
7 county to experiment with practices and procedures to enhance
8 access by persons in this state to the civil justice system. The
9 goal of establishing the pilot programs is to identify specific
10 practices and procedures to:

11 (1) lower the cost of civil cases; and

12 (2) decrease the time required to resolve civil cases.

13 (b) The supreme court shall require at least one pilot
14 program to:

15 (1) reduce the amount of discovery allowed before
16 trial in civil cases; and

17 (2) restrict the number of and reasons for requests
18 for continuances for civil cases.

19 (c) The supreme court, in cooperation with the Office of
20 Court Administration of the Texas Judicial System, shall collect
21 and maintain the information necessary to determine for each pilot
22 program established under this section the success of the program
23 in enhancing access to the civil justice system.

24 (d) Not later than December 1 of each even-numbered year,
25 the supreme court shall submit a report describing each pilot
26 program and detailing the program's results to the:

27 (1) governor;

1 (2) lieutenant governor; and

2 (3) speaker of the house of representatives.

3 (e) The supreme court shall promulgate temporary rules of
4 administration and civil procedure as necessary to implement this
5 section. Nothing in this section impairs the ability of the supreme
6 court to adopt rules it considers necessary under its existing
7 statutory and constitutional authority.

8 (f) This section expires September 1, 2025.

9 SECTION 3. Section 25.0003(c), Government Code, is amended
10 to read as follows:

11 (c) In addition to other jurisdiction provided by law, a
12 statutory county court exercising civil jurisdiction concurrent
13 with the constitutional jurisdiction of the county court has
14 concurrent jurisdiction with the district court in:

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

20 (2) appeals of final rulings and decisions of the
21 division of workers' compensation of the Texas Department of
22 Insurance regarding workers' compensation claims, regardless of
23 the amount in controversy.

24 SECTION 4. Section 25.0007, Government Code, is amended by
25 amending Subsection (b) and adding Subsection (c) to read as
26 follows:

27 (b) Practice in a statutory county court is that prescribed

1 by law for county courts, except that practice, procedure, rules of
2 evidence, issuance of process and writs, the drawing of jury
3 panels, the selection of jurors, and all other matters pertaining
4 to the conduct of trials and hearings in the statutory county
5 courts[~~, other than the number of jurors,~~] that involve those
6 matters of concurrent jurisdiction with district courts are
7 governed by the laws and rules pertaining to the district courts in
8 the county in which the statutory county court is located. This
9 section does not affect local rules of administration adopted under
10 Section 74.093.

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

15 SECTION 5. Section 25.0052(a), Government Code, as amended
16 by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd
17 Legislature, Regular Session, 1991, is reenacted and amended to
18 read as follows:

19 (a) In addition to the jurisdiction provided by Section
20 25.0003 and other law, a county court at law in Angelina County has:

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

23 (2) concurrent jurisdiction with the district court
24 in[+]

25 [~~(A) civil cases in which the matter in~~
26 ~~controversy exceeds \$500 but does not exceed \$50,000, excluding~~
27 ~~interest, and~~

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

2 SECTION 6. Section 25.0102(h), Government Code, is amended
3 to read as follows:

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

8 SECTION 7. Section 25.0202(a), Government Code, is amended
9 to read as follows:

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

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

17 [~~(3)~~] contested probate matters under Section 32.003,
18 Estates Code.

19 SECTION 8. Section 25.0222(m), Government Code, is amended
20 to read as follows:

21 (m) When a jury trial is requested in a case of concurrent
22 jurisdiction between the district courts and statutory county
23 courts, and the case was instituted in district court, the jury
24 shall be composed of 12 members. In all other cases in which a jury
25 trial is requested in the statutory county courts the jury shall be
26 composed of six jurors except as provided by the constitution,
27 Section 25.0007(c), or other law.

1 SECTION 9. Section 25.0362(f), Government Code, is amended
2 to read as follows:

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

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

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

24 SECTION 11. Section 25.0812(k), Government Code, is amended
25 to read as follows:

26 (k) If a jury trial is requested in a case of concurrent
27 jurisdiction between the district courts and the county courts at

1 law, and the case was instituted in the district court, the jury
2 shall be composed of 12 members. In all other cases in which a jury
3 trial is requested in the county courts at law, the jury shall be
4 composed of six members except as provided by the constitution,
5 Section 25.0007(c), or other law.

6 SECTION 12. Section 25.0862(n), Government Code, is amended
7 to read as follows:

8 (n) If a jury trial is requested in a case that is in a
9 county court at law's jurisdiction as provided by Subsection (a),
10 the jury shall be composed of six members unless the constitution,
11 Section 25.0007(c), or other law requires a 12-member jury.
12 Failure to object before a six-member jury is seated and sworn
13 constitutes a waiver of a 12-member jury.

14 SECTION 13. Section 25.0942(1), Government Code, is amended
15 to read as follows:

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

1 returned by the vote of any number of those jurors that is less than
2 the total number of jurors.

3 SECTION 14. Section 25.1042(h), Government Code, is amended
4 to read as follows:

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

9 SECTION 15. Sections 25.1132(c) and (o), Government Code,
10 are amended to read as follows:

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

13 (1) ~~[civil cases in which the matter in controversy~~
14 ~~exceeds \$500 but does not exceed \$250,000, excluding interest,~~
15 ~~[(2)] family law cases and related proceedings;~~
16 (2) ~~[(3)]~~ contested probate matters under Section
17 32.003(a), Estates Code; and
18 (3) ~~[(4)]~~ contested matters in guardianship
19 proceedings under Section 1022.003(a), Estates Code.

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

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

26 (b) A county court at law does not have jurisdiction of:
27 (1) ~~[civil cases in which the amount in controversy~~

1 ~~exceeds \$200,000, excluding interest,~~
2 ~~[(2)]~~ felony jury trials;
3 (2) ~~[(3)]~~ suits on behalf of the state to recover
4 penalties or escheated property;
5 (3) ~~[(4)]~~ misdemeanors involving official misconduct;
6 or
7 (4) ~~[(5)]~~ contested elections.

8 SECTION 17. Sections 25.1252(j) and (m), Government Code,
9 are amended to read as follows:

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

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

20 SECTION 18. Sections 25.1272(b) and (h), Government Code,
21 are amended to read as follows:

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

24 (1) ~~[civil cases in which the matter in controversy~~
25 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~
26 ~~[(2)]~~ family law cases and proceedings;
27 (2) ~~[(3)]~~ Class A and Class B misdemeanors;

1 (3) [~~(4)~~] juvenile cases; and

2 (4) [~~(5)~~] appeals from justice and municipal courts.

3 (h) If a jury trial is requested in a case that is in a
4 county court at law's jurisdiction, the jury shall be composed of
5 six members unless the constitution, Section 25.0007(c), or other
6 law requires a 12-member jury. Failure to object before a
7 six-member jury is seated and sworn constitutes a waiver of a
8 12-member jury.

9 SECTION 19. Sections 25.1412(a) and (p), Government Code,
10 are amended to 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 Lamar County has:

13 (1) concurrent jurisdiction with the district court
14 in:

15 (A) probate matters and proceedings, including
16 will contests;

17 (B) family law cases and proceedings, including
18 juvenile cases; and

19 (C) felony cases to conduct arraignments and
20 pretrial hearings and to accept guilty pleas; and

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

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

25 (p) Except as otherwise provided by this subsection, a jury
26 in a county court at law shall be composed of six members unless the
27 constitution, Section 25.0007(c), or other law requires a 12-member

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

12 SECTION 20. Section 25.1722(f), Government Code, is amended
13 to read as follows:

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

19 SECTION 21. Section 25.1732(1), Government Code, is amended
20 to read as follows:

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

24 SECTION 22. Section 25.1802(o), Government Code, is amended
25 to read as follows:

26 (o) If a jury trial is requested in a case that is in a
27 county court at law's jurisdiction, the jury shall be composed of

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

5 SECTION 23. Section 25.1862(k), Government Code, is amended
6 to read as follows:

7 (k) If a jury trial is requested in a case that is in a
8 county court at law's jurisdiction as provided by Subsection (a),
9 the jury shall be composed of six members unless the constitution,
10 Section 25.0007(c), or other law requires a 12-member jury.
11 Failure to object before a six-member jury is seated and sworn
12 constitutes a waiver of a 12-member jury.

13 SECTION 24. Section 25.2142(v), Government Code, is amended
14 to read as follows:

15 (v) Except as otherwise provided by this section, the
16 constitution, Section 25.0007(c), or other law, juries in a county
17 court at law shall be composed of six members. In matters of
18 concurrent jurisdiction with the district court to which Section
19 25.0007(c) does not apply, if a party to the suit requests a
20 12-member jury, the jury shall be composed of 12 members. In a
21 civil case tried in a county court at law, the parties may, by
22 mutual agreement [~~and with the consent of the judge~~], agree to try
23 the case with any number of jurors and agree to have a verdict
24 rendered and returned by the vote of any number of jurors less than
25 all those hearing the case.

26 SECTION 25. Section 25.2232(a), Government Code, is amended
27 to read as follows:

1 (a) In addition to the jurisdiction provided by Section
2 25.0003 and other law, a county court at law in Taylor County has[+
3 [~~(1)~~] concurrent jurisdiction with the county court in
4 the trial of cases involving insanity and approval of applications
5 for admission to state hospitals and special schools if admission
6 is by application[+, and

7 [~~(2)~~ concurrent jurisdiction with the district court
8 in civil cases in which the matter in controversy exceeds \$500 but
9 does not exceed \$200,000, excluding interest].

10 SECTION 26. Section 25.2292(d), Government Code, is amended
11 to read as follows:

12 (d) In civil cases, the jury is composed of six members
13 except as otherwise provided by the constitution, Section
14 25.0007(c), or other law. Failure to object before a six-member
15 jury is seated and sworn constitutes a waiver of a 12-member jury
16 ~~[unless:~~

17 [~~(1) the amount in controversy exceeds \$100,000, and~~
18 [~~(2) a party to the case files a written request for a~~
19 ~~12-member jury not later than the 30th day before the date of the~~
20 ~~trial].~~

21 SECTION 27. Section 25.2362(i), Government Code, is amended
22 to read as follows:

23 (i) If a jury trial is requested in a case that is in a
24 county court at law's jurisdiction, the jury shall be composed of
25 six members unless the constitution or other law requires a
26 12-member jury.

27 SECTION 28. Section 25.2412(j), Government Code, is amended

1 to read as follows:

2 (j) If a case or proceeding in which a county court at law
3 has concurrent jurisdiction with a district court is tried before a
4 jury, the jury shall be composed of 12 members, except as provided
5 by Section 25.0007(c). In all other cases, the jury shall be
6 composed of six members except as provided by the constitution or
7 other law.

8 SECTION 29. Section 25.2462(k), Government Code, is amended
9 to read as follows:

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

13 SECTION 30. Section 25.2482(l), Government Code, is amended
14 to read as follows:

15 (l) A jury in a county court at law shall be composed of six
16 members except as provided by the constitution, Section 25.0007(c),
17 or other law.

18 SECTION 31. Section 25.2512(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 Wise County has:

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

24 (2) concurrent jurisdiction with the district court
25 in:

26 (A) eminent domain cases; and

27 (B) [~~civil cases in which the amount in~~

1 ~~controversy exceeds \$500, but does not exceed \$200,000, excluding~~
2 ~~interest and attorney's fees, and~~

3 [~~C~~] family law cases and proceedings.

4 SECTION 32. Section 26.042(a), Government Code, is amended
5 to read as follows:

6 (a) A county court has concurrent jurisdiction with the
7 justice courts in civil cases in which the matter in controversy
8 exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~],
9 exclusive of interest.

10 SECTION 33. Section 27.031(a), Government Code, is amended
11 to read as follows:

12 (a) In addition to the jurisdiction and powers provided by
13 the constitution and other law, the justice court has original
14 jurisdiction of:

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

19 (2) cases of forcible entry and detainer;

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

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

25 SECTION 34. Section 62.301, Government Code, is amended to
26 read as follows:

27 Sec. 62.301. NUMBER OF JURORS. The jury in the county

1 courts and in the justice courts is composed of six persons except
2 as provided by the constitution or other law.

3 SECTION 35. The following provisions of the Government Code
4 are repealed:

- 5 (1) Section 25.0007(a);
- 6 (2) Section 25.1092(p);
- 7 (3) Sections 25.2292(a) and (m); and
- 8 (4) Section 25.2392(i).

9 SECTION 36. Not later than January 1, 2020, the Supreme
10 Court of Texas shall adopt rules as necessary to implement Section
11 22.004(h), Government Code, as amended by this Act.

12 SECTION 37. This Act applies only to a cause of action filed
13 on or after the effective date of this Act. A cause of action filed
14 before that date is governed by the law in effect immediately before
15 that date, and that law is continued in effect for that purpose.

16 SECTION 38. This Act takes effect September 1, 2019.