

By: Nevárez

H.B. No. 4633

A BILL TO BE ENTITLED

AN ACT

relating to the County Court at Law of Reeves County.

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

SECTION 1. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court;

(A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;

(C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions

1 involving a testamentary trust, whether the matter is appertaining
2 to or incident to an estate;

3 (D) in proceedings under Title 3, Family Code;
4 and

5 (E) in any proceeding involving an order relating
6 to a child in the possession or custody of the Department of Family
7 and Protective Services or for whom the court has appointed a
8 temporary or permanent managing conservator;

9 (2) jurisdiction in mental health matters, original or
10 appellate, provided by law for constitutional county courts,
11 statutory county courts, or district courts with mental health
12 jurisdiction, including proceedings under:

13 (A) Chapter 462, Health and Safety Code; and

14 (B) Subtitles C and D, Title 7, Health and Safety
15 Code;

16 (3) jurisdiction over the collection and management of
17 estates of minors, persons with a mental illness or intellectual
18 disability, and deceased persons; and

19 (4) jurisdiction in all cases assigned, transferred,
20 or heard under Sections 74.054, 74.059, and 74.094.

21 (b) A county court at law has original concurrent
22 jurisdiction with the justice courts in all civil and criminal
23 matters prescribed by law for justice courts. Appeals from justice
24 courts and other courts of inferior jurisdiction in Reeves County
25 must be made directly to a county court at law.

26 (c) A county court at law does not have jurisdiction of:

27 (1) felony cases, except as otherwise provided by law;

1 (2) misdemeanors involving official misconduct unless
2 assigned under Sections 74.054 and 74.059;

3 (3) contested elections; or

4 (4) except as provided by Subsections (a)(1)(D) and
5 (E), family law cases [and proceedings].

6 (e) A [The] judge of a county court at law in Reeves County
7 shall be paid an annual salary equal to the amount that is \$1,000
8 less than [that does not exceed 90 percent of] the [total] salary
9 paid by the state to a district judge in the county. The salary
10 shall be paid in the same manner and from the same fund as
11 prescribed by law for the county judge [out of the county treasury
12 on order of the commissioners court. The judge is entitled to
13 travel expenses and necessary office expenses, including
14 administrative and clerical assistance].

15 (f) A county court at law may not issue writs of habeas
16 corpus in felony cases.

17 (g) The district clerk serves as clerk of a county court at
18 law in the [family law] cases described by Subsection (a). The
19 district clerk shall establish a separate docket for each county
20 court at law. In matters of concurrent jurisdiction with the
21 district court, the district clerk shall charge the same fees as are
22 allowed in district court cases, except that in cases described by
23 Subsections (a)(1)(A) and (2) and in misdemeanor cases other than
24 those involving official misconduct, the clerk may not charge
25 higher fees than the fees charged by county clerks for similar cases
26 [and proceedings, and the county clerk serves as clerk of the court
27 in all other matters].

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

6 (i) If any cause or proceeding is lodged with the district
7 clerk and the district clerk files, docketed, or assigns the cause or
8 proceeding in or to a county court at law that does not have subject
9 matter jurisdiction over the cause or proceeding, the filing,
10 docketing, or assignment of the cause or proceeding in or to a
11 county court at law is considered a clerical error. That clerical
12 error must be corrected by a judgment or order nunc pro tunc. The
13 cause or proceeding is considered filed, docketed, or assigned to
14 the district court of the local administrative judge in the first
15 instance rather than to the county court at law. The judge of a
16 county court at law who acts in the cause or proceeding is
17 considered assigned to the district court of the local
18 administrative judge for that purpose and has all the powers of the
19 judge of that district court under the assignment [~~Practice in a~~
20 ~~county court at law is that prescribed by law for county courts,~~
21 ~~except that practice and procedure, rules of evidence, issuance of~~
22 ~~process and writs, and all other matters pertaining to the conduct~~
23 ~~of trials and hearings involving family law cases and proceedings~~
24 ~~are governed by this section and the laws and rules pertaining to~~
25 ~~district courts. If a family law case is tried before a jury, the~~
26 ~~jury shall be composed of 12 members].~~

27 SECTION 2. Section [25.1972\(k\)](#), Government Code, is

1 repealed.

2 SECTION 3. This Act takes effect September 1, 2019.