

By: Creighton

S.B. No. 2342

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~~].

SECTION 2. Section 25.0003(c), Government Code, is amended

1 to read as follows:

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

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

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

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

18 (b) Practice in a statutory county court is that prescribed
19 by law for county courts, except that practice, procedure, rules of
20 evidence, issuance of process and writs, the drawing of jury
21 panels, the selection of jurors, and all other matters pertaining
22 to the conduct of trials and hearings in the statutory county
23 courts[~~, other than the number of jurors,~~] that involve those
24 matters of concurrent jurisdiction with district courts are
25 governed by the laws and rules pertaining to the district courts in
26 the county in which the statutory county court is located. This
27 section does not affect local rules of administration adopted under

1 Section 74.093.

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

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

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

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

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

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

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

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

26 SECTION 6. Section 25.0202(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 Bosque County has
3 concurrent jurisdiction with the district court in:

4 (1) family law cases and proceedings; and

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

8 [~~3~~] contested probate matters under Section 32.003,
9 Estates Code.

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

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

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

21 (f) Except as otherwise provided by this subsection, a jury
22 in a county court at law shall be composed of six members except as
23 provided by [unless] the constitution, Section 25.0007(c), or other
24 law [requires a 12-member jury]. Failure to object before a
25 six-member jury is seated and sworn constitutes a waiver of a
26 12-member jury. In matters in which the constitution or other law
27 does not require a 12-member jury and the county court at law has

1 concurrent jurisdiction with the district court, the jury may be
2 composed of 12 members if a party to the suit requests a 12-member
3 jury [~~and the judge of the court consents~~]. In a civil case tried
4 in a county court at law, the parties may, by mutual agreement [~~and~~
5 ~~with the consent of the judge~~], agree to try the case with any
6 number of jurors and have a verdict rendered and returned by the
7 vote of any number of those jurors that is less than the total
8 number of jurors.

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

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

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

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

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

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

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

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

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

27 SECTION 14. Sections 25.1132(c) and (o), Government Code,

1 are amended to read as follows:

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

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

6 [~~2~~] family law cases and related proceedings;

7 (2) [~~3~~] contested probate matters under Section
8 32.003(a), Estates Code; and

9 (3) [~~4~~] contested matters in guardianship
10 proceedings under Section 1022.003(a), Estates Code.

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

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

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

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

20 [~~2~~] felony jury trials;

21 (2) [~~3~~] suits on behalf of the state to recover
22 penalties or escheated property;

23 (3) [~~4~~] misdemeanors involving official misconduct;

24 or

25 (4) [~~5~~] contested elections.

26 SECTION 16. Sections 25.1252(j) and (m), Government Code,
27 are amended to read as follows:

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

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

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

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

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

17 ~~[(2)]~~ family law cases and proceedings;

18 (2) ~~[(3)]~~ Class A and Class B misdemeanors;

19 (3) ~~[(4)]~~ juvenile cases; and

20 (4) ~~[(5)]~~ appeals from justice and municipal courts.

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

27 SECTION 18. Sections 25.1412(a) and (p), Government Code,

1 are amended 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 Lamar County has:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (k) If a jury trial is requested in a case that is in a
26 county court at law's jurisdiction as provided by Subsection (a),
27 the jury shall be composed of six members unless the constitution,

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

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

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

17 SECTION 24. Section 25.2232(a), Government Code, is amended
18 to 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 Taylor County has[+

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

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

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

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

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

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

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

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

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

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

26 SECTION 28. Section 25.2462(k), Government Code, is amended
27 to read as follows:

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

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

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

9 SECTION 30. Section 25.2512(a), Government Code, is amended
10 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 Wise 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) eminent domain cases; and

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

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

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

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

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

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

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

10 (2) cases of forcible entry and detainer;

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

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

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

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

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

23 (1) Section 25.0007(a);

24 (2) Section 25.1092(p);

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

26 (4) Section 25.2392(i).

27 SECTION 35. Not later than January 1, 2020, the Supreme

1 Court of Texas shall adopt rules as necessary to implement Section
2 [22.004\(h\)](#), Government Code, as amended by this Act.

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

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