

1-1 By: Creighton S.B. No. 2342
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 8, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2342 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the jurisdiction of, and practices and procedures in
 1-22 civil cases before, justice courts, county courts, statutory county
 1-23 courts, and district courts.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 22.004(h), Government Code, is amended
 1-26 to read as follows:

1-27 (h) The supreme court shall adopt rules to promote the
 1-28 prompt, efficient, and cost-effective resolution of civil actions.
 1-29 The rules shall apply to civil actions in district courts, county
 1-30 courts at law, and statutory probate courts in which the amount in
 1-31 controversy [~~inclusive of all claims for damages of any kind,
 1-32 whether actual or exemplary, a penalty, attorney's fees, expenses,
 1-33 costs, interest, or any other type of damage of any kind,~~] does not
 1-34 exceed \$250,000 [~~\$100,000~~]. The rules shall address the need for
 1-35 lowering discovery costs in these actions and the procedure for
 1-36 ensuring that these actions will be expedited in the civil justice
 1-37 system. The supreme court may not adopt rules under this subsection
 1-38 that conflict with other statutory law [~~a provision of:~~

1-39 [~~(1) Chapter 74, Civil Practice and Remedies Code,~~

1-40 [~~(2) the Family Code,~~

1-41 [~~(3) the Property Code, or~~

1-42 [~~(4) the Tax Code~~].

1-43 SECTION 2. Section 25.0003(c), Government Code, is amended
 1-44 to read as follows:

1-45 (c) In addition to other jurisdiction provided by law, a
 1-46 statutory county court exercising civil jurisdiction concurrent
 1-47 with the constitutional jurisdiction of the county court has
 1-48 concurrent jurisdiction with the district court in:

1-49 (1) civil cases in which the matter in controversy
 1-50 exceeds \$500 but does not exceed \$250,000 [~~\$200,000~~], excluding
 1-51 interest, statutory or punitive damages and penalties, and
 1-52 attorney's fees and costs, as alleged on the face of the petition;
 1-53 and

1-54 (2) appeals of final rulings and decisions of the
 1-55 division of workers' compensation of the Texas Department of
 1-56 Insurance regarding workers' compensation claims, regardless of
 1-57 the amount in controversy.

1-58 SECTION 3. Section 25.0007, Government Code, is amended by
 1-59 amending Subsection (b) and adding Subsection (c) to read as
 1-60 follows:

2-1 (b) Practice in a statutory county court is that prescribed
 2-2 by law for county courts, except that practice, procedure, rules of
 2-3 evidence, issuance of process and writs, the drawing of jury
 2-4 panels, the selection of jurors, and all other matters pertaining
 2-5 to the conduct of trials and hearings in the statutory county
 2-6 courts[~~, other than the number of jurors,~~] that involve those
 2-7 matters of concurrent jurisdiction with district courts are
 2-8 governed by the laws and rules pertaining to the district courts in
 2-9 the county in which the statutory county court is located. This
 2-10 section does not affect local rules of administration adopted under
 2-11 Section 74.093.

2-12 (c) In a civil case pending in a statutory county court in
 2-13 which the matter in controversy is \$250,000 or more, the jury shall
 2-14 be composed of 12 members unless all of the parties agree to a jury
 2-15 composed of a lesser number of jurors.

2-16 SECTION 4. Section 25.0052(a), Government Code, as amended
 2-17 by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd
 2-18 Legislature, Regular Session, 1991, is reenacted and amended to
 2-19 read as follows:

2-20 (a) In addition to the jurisdiction provided by Section
 2-21 25.0003 and other law, a county court at law in Angelina County has:

2-22 (1) concurrent with the county court, the probate
 2-23 jurisdiction provided by general law for county courts; and

2-24 (2) concurrent jurisdiction with the district court
 2-25 in[+]

2-26 [~~(A) civil cases in which the matter in~~
 2-27 ~~controversy exceeds \$500 but does not exceed \$50,000, excluding~~
 2-28 ~~interest, and~~

2-29 [~~(B)~~] family law cases and proceedings.

2-30 SECTION 5. Section 25.0102(h), Government Code, is amended
 2-31 to read as follows:

2-32 (h) If a family law case or proceeding is tried before a
 2-33 jury, the jury shall be composed of 12 members; in all other cases
 2-34 the jury shall be composed of six members except as provided by the
 2-35 constitution, Section 25.0007(c), or other law.

2-36 SECTION 6. Section 25.0202(a), Government Code, is amended
 2-37 to read as follows:

2-38 (a) In addition to the jurisdiction provided by Section
 2-39 25.0003 and other law, a county court at law in Bosque County has
 2-40 concurrent jurisdiction with the district court in:

2-41 (1) family law cases and proceedings; and

2-42 (2) [~~civil cases in which the matter in controversy~~
 2-43 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~
 2-44 ~~court costs, and attorney's fees, and~~

2-45 [~~(3)~~] contested probate matters under Section 32.003,
 2-46 Estates Code.

2-47 SECTION 7. Section 25.0222(m), Government Code, is amended
 2-48 to read as follows:

2-49 (m) When a jury trial is requested in a case of concurrent
 2-50 jurisdiction between the district courts and statutory county
 2-51 courts, and the case was instituted in district court, the jury
 2-52 shall be composed of 12 members. In all other cases in which a jury
 2-53 trial is requested in the statutory county courts the jury shall be
 2-54 composed of six jurors except as provided by the constitution,
 2-55 Section 25.0007(c), or other law.

2-56 SECTION 8. Section 25.0362(f), Government Code, is amended
 2-57 to read as follows:

2-58 (f) Except as otherwise provided by this subsection, a jury
 2-59 in a county court at law shall be composed of six members except as
 2-60 provided by [unless] the constitution, Section 25.0007(c), or other
 2-61 law [requires a 12-member jury]. Failure to object before a
 2-62 six-member jury is seated and sworn constitutes a waiver of a
 2-63 12-member jury. In matters in which the constitution or other law
 2-64 does not require a 12-member jury and the county court at law has
 2-65 concurrent jurisdiction with the district court, the jury may be
 2-66 composed of 12 members if a party to the suit requests a 12-member
 2-67 jury [and the judge of the court consents]. In a civil case tried
 2-68 in a county court at law, the parties may, by mutual agreement [~~and~~
 2-69 ~~with the consent of the judge], agree to try the case with any~~

3-1 number of jurors and have a verdict rendered and returned by the
 3-2 vote of any number of those jurors that is less than the total
 3-3 number of jurors.

3-4 SECTION 9. Section 25.0722(i), Government Code, is amended
 3-5 to read as follows:

3-6 (i) If a family law case or proceeding is tried before a
 3-7 jury, the jury shall be composed of 12 members. In all other cases
 3-8 the jury shall be composed of six members except as provided by the
 3-9 constitution, Section 25.0007(c), or other law.

3-10 SECTION 10. Section 25.0812(k), Government Code, is amended
 3-11 to read as follows:

3-12 (k) If a jury trial is requested in a case of concurrent
 3-13 jurisdiction between the district courts and the county courts at
 3-14 law, and the case was instituted in the district court, the jury
 3-15 shall be composed of 12 members. In all other cases in which a jury
 3-16 trial is requested in the county courts at law, the jury shall be
 3-17 composed of six members except as provided by the constitution,
 3-18 Section 25.0007(c), or other law.

3-19 SECTION 11. Section 25.0862(n), Government Code, is amended
 3-20 to read as follows:

3-21 (n) If a jury trial is requested in a case that is in a
 3-22 county court at law's jurisdiction as provided by Subsection (a),
 3-23 the jury shall be composed of six members unless the constitution,
 3-24 Section 25.0007(c), or other law requires a 12-member jury.
 3-25 Failure to object before a six-member jury is seated and sworn
 3-26 constitutes a waiver of a 12-member jury.

3-27 SECTION 12. Section 25.0942(l), Government Code, is amended
 3-28 to read as follows:

3-29 (l) Except as otherwise provided by this subsection, a jury
 3-30 in a county court at law shall be composed of six members, unless
 3-31 the constitution, Section 25.0007(c), or other law requires a
 3-32 12-member jury. Failure to object before a six-member jury is
 3-33 seated and sworn constitutes a waiver of a 12-member jury. In
 3-34 matters in which the constitution or other law does not require a
 3-35 12-member jury and the county court at law has concurrent
 3-36 jurisdiction with the district court, the jury shall be composed of
 3-37 12 members if a party to the suit requests a 12-member jury. In a
 3-38 civil case tried in a county court at law, the parties may, by
 3-39 mutual agreement [~~and with the consent of the judge~~], agree to try
 3-40 the case with any number of jurors and have a verdict rendered and
 3-41 returned by the vote of any number of those jurors that is less than
 3-42 the total number of jurors.

3-43 SECTION 13. Section 25.1042(h), Government Code, is amended
 3-44 to read as follows:

3-45 (h) A jury must be composed of 12 members in[+
 3-46 [~~(1) any civil case pending in which the amount in~~
 3-47 ~~controversy is \$200,000 or more, and~~
 3-48 [~~(2)~~] any felony case.

3-49 SECTION 14. Sections 25.1132(c) and (o), Government Code,
 3-50 are amended to read as follows:

3-51 (c) A county court at law in Hood County has concurrent
 3-52 jurisdiction with the district court in:

- 3-53 (1) [~~civil cases in which the matter in controversy~~
 3-54 ~~exceeds \$500 but does not exceed \$250,000, excluding interest,~~
- 3-55 [~~(2)~~] family law cases and related proceedings;
- 3-56 (2) [~~(3)~~] contested probate matters under Section
 3-57 32.003(a), Estates Code; and
- 3-58 (3) [~~(4)~~] contested matters in guardianship
 3-59 proceedings under Section 1022.003(a), Estates Code.

3-60 (o) If a family law case or proceeding is tried before a jury
 3-61 in a county court at law, the jury shall be composed of 12 members.
 3-62 In all other cases, the jury shall be composed of six members except
 3-63 as provided by the constitution, Section 25.0007(c), or other law.

3-64 SECTION 15. Section 25.1142(b), Government Code, is amended
 3-65 to read as follows:

3-66 (b) A county court at law does not have jurisdiction of:
 3-67 (1) [~~civil cases in which the amount in controversy~~
 3-68 ~~exceeds \$200,000, excluding interest,~~
 3-69 [~~(2)~~] felony jury trials;

- 4-1 (2) [~~(3)~~] suits on behalf of the state to recover
- 4-2 penalties or escheated property;
- 4-3 (3) [~~(4)~~] misdemeanors involving official misconduct;
- 4-4 or
- 4-5 (4) [~~(5)~~] contested elections.

4-6 SECTION 16. Sections 25.1252(j) and (m), Government Code,

4-7 are amended to read as follows:
4-8 (j) If a family law case or proceeding is tried before a jury
4-9 in a county court at law, the jury shall be composed of 12 members.
4-10 In all other cases, the jury shall be composed of six members except
4-11 as provided by the constitution, Section 25.0007(c), or other law
4-12 [A county court at law may exercise the jurisdiction vested in the
4-13 district court for the drawing, selection, and service of jurors. A
4-14 panel not exceeding 24 jurors shall be drawn for any one week of a
4-15 court, and the juries selected may not exceed six].

4-16 (m) Section [Sections] 25.0006 does [~~and 25.0007 do~~] not
4-17 apply to the county courts at law of Jefferson County.

4-18 SECTION 17. Sections 25.1272(b) and (h), Government Code,
4-19 are amended to read as follows:

4-20 (b) A county court at law in Jim Wells County has concurrent
4-21 jurisdiction with the district court in:

- 4-22 (1) [~~civil cases in which the matter in controversy~~
4-23 ~~exceeds \$500 but does not exceed \$200,000, excluding interest,~~
4-24 [~~(2)~~] family law cases and proceedings;
- 4-25 (2) [~~(3)~~] Class A and Class B misdemeanors;
- 4-26 (3) [~~(4)~~] juvenile cases; and
- 4-27 (4) [~~(5)~~] appeals from justice and municipal courts.

4-28 (h) If a jury trial is requested in a case that is in a
4-29 county court at law's jurisdiction, the jury shall be composed of
4-30 six members unless the constitution, Section 25.0007(c), or other
4-31 law requires a 12-member jury. Failure to object before a
4-32 six-member jury is seated and sworn constitutes a waiver of a
4-33 12-member jury.

4-34 SECTION 18. Sections 25.1412(a) and (p), Government Code,
4-35 are amended to read as follows:

4-36 (a) In addition to the jurisdiction provided by Section
4-37 25.0003 and other law, a county court at law in Lamar County has:

- 4-38 (1) concurrent jurisdiction with the district court
4-39 in:
 - 4-40 (A) probate matters and proceedings, including
 - 4-41 will contests;
 - 4-42 (B) family law cases and proceedings, including
 - 4-43 juvenile cases; and
 - 4-44 (C) felony cases to conduct arraignments and
 - 4-45 pretrial hearings and to accept guilty pleas; and
 - 4-46 [~~(D) civil cases in which the amount in~~
4-47 ~~controversy does not exceed \$200,000, excluding interest, and]~~
 - 4-48 (2) concurrent jurisdiction with the county and
 - 4-49 district courts over all suits arising under the Family Code.

4-50 (p) Except as otherwise provided by this subsection, a jury
4-51 in a county court at law shall be composed of six members unless the
4-52 constitution, Section 25.0007(c), or other law requires a 12-member
4-53 jury. Failure to object before a six-member jury is seated and
4-54 sworn constitutes a waiver of a 12-member jury. In matters in
4-55 which the constitution or other law does not require a 12-member
4-56 jury and the county court at law has concurrent jurisdiction with
4-57 the district court, the jury may be composed of 12 members if a
4-58 party to the suit requests a 12-member jury and the judge of the
4-59 court consents. In a civil case tried in a county court at law, the
4-60 parties may, by mutual agreement [~~and with the consent of the~~
4-61 ~~judge~~], agree to try the case with any number of jurors and have a
4-62 verdict rendered and returned by the vote of any number of those
4-63 jurors that is less than the total number of jurors.

4-64 SECTION 19. Section 25.1722(f), Government Code, is amended
4-65 to read as follows:

4-66 (f) Except as otherwise provided by this subsection, the
4-67 constitution, Section 25.0007(c), or other law, juries in a county
4-68 court at law shall be composed of six members. Juries in family law
4-69 cases and proceedings shall be composed of 12 members, unless the

5-1 parties agree to a six-member jury.

5-2 SECTION 20. Section 25.1732(1), Government Code, is amended
5-3 to read as follows:

5-4 (1) A jury in a county court at law is composed of six
5-5 persons unless the constitution, Section 25.0007(c), or other law
5-6 requires a 12-member jury.

5-7 SECTION 21. Section 25.1802(o), Government Code, is amended
5-8 to read as follows:

5-9 (o) If a jury trial is requested in a case that is in a
5-10 county court at law's jurisdiction, the jury shall be composed of
5-11 six members unless the constitution, Section 25.0007(c), or other
5-12 law requires a 12-member jury. Failure to object before a
5-13 six-member jury is seated and sworn constitutes a waiver of a
5-14 12-member jury.

5-15 SECTION 22. Section 25.1862(k), Government Code, is amended
5-16 to read as follows:

5-17 (k) If a jury trial is requested in a case that is in a
5-18 county court at law's jurisdiction as provided by Subsection (a),
5-19 the jury shall be composed of six members unless the constitution,
5-20 Section 25.0007(c), or other law requires a 12-member jury.
5-21 Failure to object before a six-member jury is seated and sworn
5-22 constitutes a waiver of a 12-member jury.

5-23 SECTION 23. Section 25.2142(v), Government Code, is amended
5-24 to read as follows:

5-25 (v) Except as otherwise provided by this section, the
5-26 constitution, Section 25.0007(c), or other law, juries in a county
5-27 court at law shall be composed of six members. In matters of
5-28 concurrent jurisdiction with the district court to which Section
5-29 25.0007(c) does not apply, if a party to the suit requests a
5-30 12-member jury, the jury shall be composed of 12 members. In a
5-31 civil case tried in a county court at law, the parties may, by
5-32 mutual agreement [~~and with the consent of the judge~~], agree to try
5-33 the case with any number of jurors and agree to have a verdict
5-34 rendered and returned by the vote of any number of jurors less than
5-35 all those hearing the case.

5-36 SECTION 24. Section 25.2232(a), Government Code, is amended
5-37 to read as follows:

5-38 (a) In addition to the jurisdiction provided by Section
5-39 25.0003 and other law, a county court at law in Taylor County has[+
5-40 [~~(1)~~] concurrent jurisdiction with the county court in
5-41 the trial of cases involving insanity and approval of applications
5-42 for admission to state hospitals and special schools if admission
5-43 is by application[+, and
5-44 [~~(2)~~ concurrent jurisdiction with the district court
5-45 in civil cases in which the matter in controversy exceeds \$500 but
5-46 does not exceed \$200,000, excluding interest].

5-47 SECTION 25. Section 25.2292(d), Government Code, is amended
5-48 to read as follows:

5-49 (d) In civil cases, the jury is composed of six members
5-50 except as otherwise provided by the constitution, Section
5-51 25.0007(c), or other law. Failure to object before a six-member
5-52 jury is seated and sworn constitutes a waiver of a 12-member jury
5-53 [unless:

5-54 [~~(1) the amount in controversy exceeds \$100,000, and~~
5-55 [~~(2) a party to the case files a written request for a~~
5-56 ~~12-member jury not later than the 30th day before the date of the~~
5-57 ~~trial].~~

5-58 SECTION 26. Section 25.2362(i), Government Code, is amended
5-59 to read as follows:

5-60 (i) If a jury trial is requested in a case that is in a
5-61 county court at law's jurisdiction, the jury shall be composed of
5-62 six members unless the constitution or other law requires a
5-63 12-member jury.

5-64 SECTION 27. Section 25.2412(j), Government Code, is amended
5-65 to read as follows:

5-66 (j) If a case or proceeding in which a county court at law
5-67 has concurrent jurisdiction with a district court is tried before a
5-68 jury, the jury shall be composed of 12 members, except as provided
5-69 by Section 25.0007(c). In all other cases, the jury shall be

6-1 composed of six members except as provided by the constitution or
6-2 other law.

6-3 SECTION 28. Section 25.2462(k), Government Code, is amended
6-4 to read as follows:

6-5 (k) A jury in a county court at law shall be composed of six
6-6 members except as provided by the constitution, Section 25.0007(c),
6-7 or other law.

6-8 SECTION 29. Section 25.2482(1), Government Code, is amended
6-9 to read as follows:

6-10 (1) A jury in a county court at law shall be composed of six
6-11 members except as provided by the constitution, Section 25.0007(c),
6-12 or other law.

6-13 SECTION 30. Section 25.2512(a), Government Code, is amended
6-14 to read as follows:

6-15 (a) In addition to the jurisdiction provided by Section
6-16 25.0003 and other law, a county court at law in Wise County has:

6-17 (1) concurrent with the county court, the probate
6-18 jurisdiction provided by general law for county courts; and

6-19 (2) concurrent jurisdiction with the district court
6-20 in:

6-21 (A) eminent domain cases; and

6-22 (B) ~~civil cases in which the amount in~~
6-23 ~~controversy exceeds \$500, but does not exceed \$200,000, excluding~~
6-24 ~~interest and attorney's fees; and~~

6-25 [~~C~~] family law cases and proceedings.

6-26 SECTION 31. Section 26.042(a), Government Code, is amended
6-27 to read as follows:

6-28 (a) A county court has concurrent jurisdiction with the
6-29 justice courts in civil cases in which the matter in controversy
6-30 exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~],
6-31 exclusive of interest.

6-32 SECTION 32. Section 27.031(a), Government Code, is amended
6-33 to read as follows:

6-34 (a) In addition to the jurisdiction and powers provided by
6-35 the constitution and other law, the justice court has original
6-36 jurisdiction of:

6-37 (1) civil matters in which exclusive jurisdiction is
6-38 not in the district or county court and in which the amount in
6-39 controversy is not more than \$20,000 [~~\$10,000~~], exclusive of
6-40 interest;

6-41 (2) cases of forcible entry and detainer;

6-42 (3) foreclosure of mortgages and enforcement of liens
6-43 on personal property in cases in which the amount in controversy is
6-44 otherwise within the justice court's jurisdiction; and

6-45 (4) cases arising under Chapter 707, Transportation
6-46 Code, outside a municipality's territorial limits.

6-47 SECTION 33. Section 62.301, Government Code, is amended to
6-48 read as follows:

6-49 Sec. 62.301. NUMBER OF JURORS. The jury in the county
6-50 courts and in the justice courts is composed of six persons except
6-51 as provided by the constitution or other law.

6-52 SECTION 34. The following provisions of the Government Code
6-53 are repealed:

6-54 (1) Section 25.0007(a);

6-55 (2) Section 25.1092(p);

6-56 (3) Sections 25.2292(a) and (m); and

6-57 (4) Section 25.2392(i).

6-58 SECTION 35. Not later than January 1, 2020, the Supreme
6-59 Court of Texas shall adopt rules as necessary to implement Section
6-60 22.004(h), Government Code, as amended by this Act.

6-61 SECTION 36. This Act applies only to a cause of action filed
6-62 on or after the effective date of this Act. A cause of action filed
6-63 before that date is governed by the law in effect immediately before
6-64 that date, and that law is continued in effect for that purpose.

6-65 SECTION 37. This Act takes effect September 1, 2019.

6-66 * * * * *