

BILL ANALYSIS

H.B. 3386
By: Cook
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Tarrant County has eleven criminal district courts and ten county criminal courts. The law governing these courts is inconsistent, with varying court terms and jurisdictions. These inconsistencies have created significant operational challenges in assigning and hearing cases in Tarrant County. H.B. 3386 seeks to address this issue by clarifying and standardizing the authority, terms, and jurisdictions for all Tarrant County district and county criminal courts. This will allow for equal caseload distribution across all courts and ensure that the Tarrant County criminal court system operates efficiently. H.B. 3386 also prohibits Tarrant County appointed magistrates from practicing private law and clarifies the position of the Tarrant County Criminal Court administrator and the court's reporting structure.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3386 amends the Government Code to do the following with respect to the criminal district courts, statutory county courts, and criminal law magistrates in Tarrant County:

- require the 213th District Court to give preference to criminal cases;
- establish that the terms of the 371st, 372nd, 396th, 432nd, and 485th District Courts begin on the first Mondays in January, April, July, and October;
- establish that the 432nd and 485th District Courts have concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases in addition to other jurisdiction provided by law;
- make the Judicial Districts Act of 1969 applicable to the Tarrant County Criminal District Court Nos. 1, 2, and 3;
- make provisions governing the Tarrant County Criminal Judicial District No. 1 applicable to the Tarrant County Criminal District Court No. 4;
- clarify that provisions relating to the Tarrant County Criminal District Court No. 1 contain provisions applicable to both that court and the Tarrant County Criminal District Court No. 4;
- establish that a county criminal court in Tarrant County has concurrent original jurisdiction of criminal cases with a district court other than felony cases involving capital murder, in addition to its jurisdiction provided by state law;
- change one of the county criminal courts in Tarrant County that also has concurrent jurisdiction within the county of all appeals from criminal convictions under state law

and the municipal ordinances of the municipalities located in the county that are appealed from the justice courts and municipal courts in the county from County Criminal Court No. 5 to County Criminal Court No. 9;

- remove a provision establishing that the official court reporter for certain of the county criminal courts in Tarrant County is not required to take testimony in cases in which neither a party nor the judge demands it;
- replace cases brought under provisions relating to stalking with cases brought under provisions relating to harassment involving threatening to inflict bodily injury on or commit a felony against a person, their family or household member, or their property as cases among those to which the County Criminal Courts Nos. 5 and 6 of Tarrant County are required to give preference;
- repeal provisions requiring the criminal district courts nos. 1 and 2 of Tarrant County to have a specified seal;
- repeal a provision authorizing a county criminal court in Tarrant County or its judge to issue writs of injunction, writs necessary to enforce its jurisdiction, and writs of habeas corpus in certain cases and to punish for contempt; and
- prohibit a criminal law magistrate appointed in Tarrant County from engaging in the private practice of law in the county.

H.B. 3386 amends the Human Resources Code to include the judges of the district courts that give preference to criminal cases, the judges of the criminal district courts, and the judges of the county criminal courts of Tarrant County among the judges authorized to use the services of a criminal courts administrator.

H.B. 3386 repeals the following provisions of the Government Code:

- Section 24.910(f);
- Sections 24.913(b), (c), and (e); and
- Sections 25.2223(b) and (j-1).

EFFECTIVE DATE

September 1, 2023.