88R9746 AMF-F

By:  Allison H.B. No. 2567

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Probate Court No. 3 of Bexar County, Texas, and the administration of the statutory probate courts in Bexar County.

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

SECTION 1.  Section 25.0171(c), Government Code, is amended to read as follows:

(c)  Bexar County also has the following statutory probate courts:

(1)  Probate Court No. 1 of Bexar County, Texas; [~~and~~]

(2)  Probate Court No. 2 of Bexar County, Texas; and

(3)  Probate Court No. 3 of Bexar County, Texas.

SECTION 2.  Section 25.0173, Government Code, is amended by amending Subsections (a) and (o) and adding Subsection (p) to read as follows:

(a)  A statutory probate court in Bexar County has the general jurisdiction of a probate court as provided by Section 25.0021. Probate Courts Nos. 1, [~~and~~] 2, and 3 have eminent domain jurisdiction and jurisdiction to decide the issue of title to real or personal property. Notwithstanding the local rules adopted under Section 74.093, the county clerk shall docket all eminent domain cases equally among [~~in~~] Probate Courts Nos. [~~Court No.~~] 1, [~~and Probate Court No.~~] 2, and 3.

(o)  Notwithstanding the local rules adopted under Section 74.093, the county clerk shall:

(1)  docket all mental health matters in Probate Court No. 1; and

(2)  assign equally among the statutory probate courts in Bexar County and [~~shall~~] docket at random all other matters and proceedings filed in the statutory probate courts in Bexar County [~~even-numbered probate cases in Probate Court No. 2 and all odd-numbered probate cases in Probate Court No. 1~~].

(p)  Notwithstanding Section 25.0022(h), in the absence, disqualification, or incapacity of a statutory probate judge in Bexar County or on the judge's request, the statutory probate judges in Bexar County may sit and act for each other in any probate matter or proceeding. A statutory probate judge in Bexar County may:

(1)  hear and determine any matter or proceeding pending in another statutory probate court in Bexar County; or

(2)  enter any order in the matter or proceeding that the judge of the other statutory probate court in Bexar County may enter.

SECTION 3.  Section 25.0173(j), Government Code, is repealed.

SECTION 4.  The Probate Court No. 3 of Bexar County, Texas, is created on September 1, 2023.

SECTION 5.  Notwithstanding Section 25.0173, Government Code, as amended by this Act, the county clerk for Bexar County shall assign to Probate Court No. 3 of Bexar County, Texas, one-third of all cases pending on the effective date of this Act in Probate Court No. 1 of Bexar County, Texas, and Probate Court No. 2 of Bexar County, Texas, that were filed before January 1, 2020.

SECTION 6.  This Act takes effect September 1, 2023.