

BILL ANALYSIS

Senate Research Center

S.B. 304
By: Perry
Local Government
6/2/2025
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A municipal court of record is required to provide a court reporter to create and preserve a record in cases tried before the court, while an ordinary municipal court typically does not create or preserve a record. The practical effect of this difference surfaces on appeal. Appeals from either type of municipal court are generally to the county court. Appeals from a municipal court are tried de novo, meaning that the case is tried again from the beginning, and all the evidence and witnesses must be presented again. On the other hand, an appeal from a municipal court of record is based on specific points of error as contained in the "record" of the court.

Texas law allows municipal courts of record to enforce health and safety and nuisance abatement ordinances within the city limits. However, municipal courts are not currently allowed to enforce these types of ordinances.

This legislation would allow a city to pass an ordinance permitting a municipal court to enforce health and safety and nuisance abatement ordinances. Individual city councils would be permitted to grant their municipal court the same jurisdiction as a municipal court of record.

S.B. 304 amends current law relating to the jurisdiction of municipal courts over health and safety and nuisance abatement ordinances.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.003, Government Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes the governing body of a municipality by ordinance to provide that a municipal court has:

(1) civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A (Dangerous Structures), Chapter 214 (Municipal Regulation of Housing and Other Structures), Local Government Code, or Subchapter E (Junked Vehicles: Public Nuisance; Abatement), Chapter 683 (Abandoned Motor Vehicles), Transportation Code;

(2) concurrent jurisdiction with a district court or a county court at law under Subchapter B (Municipal Health and Safety Ordinances), Chapter 54 (Enforcement of Municipal Ordinances), Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances; and

(3) authority to issue search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation and seizure warrants for the

purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

SECTION 2. Effective date: September 1, 2025.