

**SUBJECT:** Establishing Tarrant County court for domestic violence cases

**COMMITTEE:** Judicial Affairs — favorable, with amendment

**VOTE:** 7 ayes — Thompson, Hartnett, Clark, Crabb, Luna, Shields, Zbranek  
1 nay — Garcia  
1 absent — Solis

**WITNESSES:** None

**BACKGROUND :** The 73rd Legislature in 1993 abolished Tarrant County Criminal Court (TCCC) No. 5 and created in its place the Tarrant County Criminal Court of Appeals to address a large backlog of traffic court appeals.

**DIGEST:** HB 1916, as amended, would abolish the Tarrant County Criminal Court of Appeals and reestablish TCCC No. 5, giving it preference on cases involving domestic violence, violation of protective orders and stalking. The judge currently presiding over the county appeals court would fill the initial term of TCCC No. 5, until a judge was elected for a regular four-year term in the 1998 general election.

HB 1916 would give all Tarrant County criminal courts appellate jurisdiction for criminal convictions from justice and municipal courts.

As amended, the bill also would extend to TCCC No. 5 concurrent jurisdiction with the district court in felony cases to conduct arraignments and pretrial hearing and to accept guilty pleas.

This bill would take effect September 1, 1997.

**SUPPORTERS SAY:** HB 1916 would help Tarrant County deal with the tremendous backlog of criminal domestic violence cases in its judicial system by giving preference over those cases to one court. HB 1916 would not establish a new court, but simply redesignate a county criminal court that had been dedicated to clearing a backlog of traffic court appeals. That court has fulfilled its mission by cutting the number of traffic appeals from a backlog of over

35,000 to only 350. Simultaneously, new municipal courts of record have reduced the number of traffic court appeals being filed. HB 1916 would reflect this new reality by giving appellate jurisdiction in these cases to all 10 Tarrant County criminal courts instead of limiting such jurisdiction to four courts. Spreading appellate cases over all courts would reduce the risk of creating another backlog of traffic appeals cases.

HB 1916 would address the new problem facing Tarrant County. While the backlog of traffic appeals was dropping, the backlog of domestic violence cases in county criminal courts was increasing rapidly. This backlog could be eliminated by giving a reestablished TCCC No. 5 preference in such cases. The current court is fully capable of handling the new duties that would be assigned to it under this bill.

Specialization of county courts, especially for domestic violence or family law cases, has been used in many counties with great success. District courts and county courts in other counties have become specialized without adding any undue pressure on judges in those courts to rule in certain ways. Elected judicial officials will feel pressure over politically unpopular rulings. This pressure, however, would be the same whether these cases were adjudicated in courts given special jurisdiction over them or were simply mixed in with all other cases in a general jurisdiction court.

HB 1916 would not cost the state or the county any additional money. The court is already in place, and the current judge would continue to serve. Tarrant County has requested that TCCC No. 5 be given domestic violence jurisdiction rather than creating a new court because it does not have the money nor the space to establish a new court.

**OPPONENTS  
SAY:**

HB 1916 could unduly politicize TCCC No. 5. Specialization makes judges particularly vulnerable to public outcry over unpopular rulings. Defense attorneys in other counties where courts specialize in domestic violence cases say that judges may be wary of giving a defendant the benefit of the doubt on unclear issues because ruling against the prosecution in domestic violence cases can be politically unpopular.

NOTES: The committee amendment would give TCCC No. 5 concurrent jurisdiction with the district court in felony cases to conduct arraignments and pretrial hearing and to accept guilty pleas, authority currently extended to courts 7 through 10.

A similar bill, SB 894 by Moncrief, has been referred to the Senate Jurisprudence Committee.