

SUBJECT: Allowing jury trials outside of county seats

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 9 ayes — R. Lewis, Kamel, Bonnen, Chisum, Christian, Denny, Flores, Gutierrez, G. Lewis

0 nays

WITNESSES: For — Jim Allison, Texas Association of County Judges and Commissioners; Judge Larry Gist, Jefferson County and Board of Judges

Against — None

BACKGROUND : The Local Government Code allows county commissioners courts to designate places outside of a county seat to hold non-jury court proceedings.

DIGEST: CSHB 3190 would allow county commissioners courts to hold any court proceedings outside of the county seat.

The bill would take effect September 1, 1997.

SUPPORTERS SAY: CSHB 3190 would simply give commissioners courts more flexibility in setting the location of court proceedings and save taxpayers money. It can be expensive to move defendants from prisons to county courthouses for jury trials because of the transportation costs and security measures employed. Jefferson County alone could save \$76,000 in the first year of operation of its juvenile detention facility if it could designate an auxiliary court adjacent to the facility.

In addition, CSHB 3190 would improve public safety by allowing commissioners courts to designate auxiliary courts that are more closely located to prisons. Prisoners have escaped while being transported to county courthouses for jury trials.

Commissioners courts would still be required by the Open Meetings Act to approve the location of an auxiliary court during a public meeting in the same manner it would act upon other agenda items. This would ensure

adequate opportunity for receiving citizen input and addressing any concerns. Because this flexibility would be allowed at the local level, any county residents inconvenienced by moving court proceedings could easily bring their problems to the attention of their commissioners and help develop workable solutions. Furthermore, in most cases, CSHB 3190 would benefit potential jurors and commissioners courts because the auxiliary court location would be more centrally located in the county and thus more convenient to jurors than the county courthouse.

OPPONENTS SAY:	Conducting jury trials outside of a county seat could pose a hardship on some jurors. Any cost savings realized by the county would be transferred to jurors who would be forced to pay to transport themselves to the auxiliary court location.
NOTES:	The committee substitute is a Legislative Council draft of the original bill.