

- SUBJECT:** Creating the 506th Judicial District and recomposing other districts
- COMMITTEE:** Judiciary — committee substitute recommended
- VOTE:** 5 ayes — Hartnett, Alonzo, R. Cook, Goolsby, Hughes
0 nays
4 absent — Homer, Hopson, Gonzales, Krusee
- WITNESSES:** For — Kenneth Kelling, 278th Judicial District; Tuck McLain, Grimes County District Attorney; David Weeks
Against — None
- BACKGROUND:** The 9th Judicial District is composed of Montgomery and Waller counties. The 9th and 155th judicial districts have concurrent jurisdiction in Waller County.

The 12th Judicial District is composed of Grimes, Leon, Madison, and Walker counties. The 278th judicial district also is composed of Grimes, Leon, Madison, and Walker counties.
- DIGEST:** CSHB 2201 would create the 506th Judicial District and reorganize the jurisdictions of the 9th, 12th, and 278th judicial districts.

The bill would add Government Code, sec. 24.5995 to place Grimes and Waller counties within the new 506th Judicial District.

The bill would amend Government Code, sec. 24.109 to grant the 9th Judicial District jurisdiction over Montgomery County only. It would remove the 9th district’s jurisdiction over Waller County.

CSHB 2201 would amend Government Code, sec. 24.113 to remove the 12th Judicial District’s jurisdiction over Leon County, leaving only Grimes, Madison, and Walker counties in its jurisdiction.

The bill would amend Government Code, sec. 24.455 to remove the 278th Judicial District’s jurisdiction over Grimes County, leaving only Leon, Madison, and Walker counties in its jurisdiction.

CSHB 2201 would redesignate the district attorney of the 12th Judicial District in Leon County as the district attorney of the 278th Judicial District for the term to which he or she was elected or appointed. This district attorney also would lose jurisdiction over cases originating in the 87th Judicial District.

The bill would redesignate the district attorney of the 278th Judicial District in Grimes County as the district attorney of the 12th Judicial District for the term to which he or she was elected or appointed. In addition, it would lower the residency requirements for eligibility for the office of district attorney in Grimes County in the 12th Judicial District. The new requirements would be residency of one year in the state and six months in the county, as opposed to the former requirement of three years in the district.

On September 1, 2007, the local administrative district judge would transfer:

- all cases from Waller County that were pending in the 9th District Court to the 506th district court; and
- all cases from Leon County that were pending in the 12th District Court to the 278th District Court.

On September 1, 2008, the local administrative district judge would transfer all cases from Grimes County that were pending in the 278th District Court to the 12th District Court.

Except as noted above, this bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 2201 would create a new district court and readjust the jurisdictions of three more in order to properly address the growth in the areas north of Houston. The courts there are feeling the impact of increased population, business, and industry in the areas they serve. By adding a court and reducing the number of counties served by each court, this bill would help them more expeditiously move through dockets. This reorganization should not be overly difficult to implement because the local judiciary has approved it, and reducing the number of counties per district court potentially would improve the access of local attorneys to nearby courts.

Adding a district court would decrease the need to use visiting judges. The visiting judge fund was cut substantially in 2003, and because it has not

been fully funded, these counties cannot rely on visiting judges to address future case backlogs.

Creating new courts as needed has worked well in Texas because it allows the Legislature to focus resources where they most urgently are needed. Reapportioning jurisdiction of all the trial courts in Texas would be an incredibly complex and arduous task. Adding courts where they are needed is a much simpler process.

OPPONENTS
SAY:

Changing the jurisdictions of three district courts and two district attorneys would cause confusion. This bill would require the entire local legal community, not just the courts, to restructure the manner in which they do business.

CSHB 2201 would cost the state nearly \$160,000 per fiscal year in all funds, including about \$102,000 in general revenue. If Grimes and Waller counties need help processing their dockets, they should rely on visiting judges already paid for by money appropriated to the visiting judge fund. Utilizing visiting judges results in substantial savings to the state because most visiting judges are retired judges whose average annual compensation is \$120,000, or about 75 percent of the salary and benefits of a district judge.

OTHER
OPPONENTS
SAY:

The current method of court creation is piecemeal. While the ad hoc creation and adjustment of judicial districts is the prevailing mechanism for change, it does little to balance the caseloads among all the trial courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the trial courts based on caseload.

NOTES:

The committee substitute would change residency requirements for the district attorney in Grimes County.

According to the Legislative Budget Board, the bill would cost the state approximately \$204,000 in general revenue-related funds in fiscal 2008-09, mainly for staff and equipment costs in Grimes and Waller counties.

CSHB 2201 originally was set on the April 27 General State Calendar and was returned to committee on a point of order.