

BILL ANALYSIS

Senate Research Center

H.B. 3544
By: Thompson (Whitmire)
Jurisprudence
5-17-97
Engrossed

DIGEST

Currently, the Harris County Justices of the Peace have no ability to promulgate rules for the practice and procedure of the justice courts. Local rules could advise citizens as to standard filing practices and procedures, alleviate disparate case loads, and allow for a justice of the peace to acquire an expertise in certain areas of the law. This bill would authorize the Harris County Justices of the Peace to adopt local rules not inconsistent with the rules governing justice courts found among the Code of Criminal Procedure and Rules of Civil Procedure, similar to the rulemaking authority granted to the county courts. Additionally, this bill would provide that the duties and powers of a special judge are the same as for the regular justice of the peace, but that the qualifications are inherent in the status of the former justice of the peace, or former county court judge.

PURPOSE

As proposed, H.B. 3544 authorizes the Harris County Justices of the Peace to adopt local rules not inconsistent with the rules governing justice courts found among the Code of Criminal Procedure and Rules of Civil Procedure, similar to the rulemaking authority granted to the county courts. Additionally, this bill provides that the duties and powers of a special judge are the same as for the regular justice of the peace, but that the qualifications are inherent in the status of the former justice of the peace or former county court judge.

RULEMAKING AUTHORITY

Rulemaking authority to the justices of the peace in Harris County in SECTION 1 (Section 75.404(g), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 75.404, Government Code, by amending Subsection (e) and by adding Subsections (g)-(k), as follows:

- (e) Delete text providing that the qualifications of a special judge are the same as for the regular justice of the peace.
- (g) Authorizes the justices of the peace in Harris County to adopt local rules that are consistent with Chapter 45, Code of Criminal Procedure, and Part V, Texas Rules of Civil Procedure, for practice and procedure in the justice courts of Harris County; and for the practice and procedure in the small claims courts of Harris County.
- (h) Authorizes a local rule to be adopted only by the unanimous vote of all justices of the peace.
- (i) Authorizes a local rule to provide for assigning, docketing, transferring, or hearing of a case.
- (j) Authorizes a misdemeanor case to be tried in a justice court of Harris County to be prosecuted, according to a local rule, in any precinct in the county designated by the local rule. Authorizes a civil case, except a suit for forcible entry and detainer or involving real property, to be brought, according to local rule, in any precinct in the county designated by

the local rule.

(k) Requires each justice of the peace to enter the local rules on the minutes of the court. Requires a justice of the peace, on request, to provide a copy of the local rules to any interested person.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.