

BILL ANALYSIS

Senate Research Center

H.B. 3565
By: Luna (Truan)
Jurisprudence
5-13-97
Engrossed

DIGEST

The Nueces County district clerk already serves as the clerk of the Nueces County Court at Law in all civil cases in which the statutory county court has concurrent jurisdiction with the district court. The Nueces County clerk continues to serve as the clerk of the statutory county court in probate matters and mental health proceedings. The split duties of the clerks do not currently enhance the functions of the courts.

H.B. 3565 would require the Nueces County district clerk to serve as the clerk of the district and statutory county courts in all civil and probate matters. This is intended to simplify the filing and transfer of cases and eliminate duplication in responsibilities for collecting court fees and accepting civil and probate case filings.

PURPOSE

As proposed, H.B. 3565 requires the Nueces County district clerk to serve as the clerk of the district and statutory county courts in all civil and probate matters.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.1802(n), Government Code, to provide that the district clerk serves as clerk of a county court at law in cases enumerated in Subsection (a), rather than providing that the district court serves as clerk of a county court at law in cases in the concurrent jurisdiction of the county courts at law and the district courts, and the county clerk serves as the clerk in all other cases. Requires the district clerk, in matters of concurrent jurisdiction with the district court, to charge the same fees as are allowed in district court cases, and prohibits the clerk, except that in cases enumerated in Subsections (a)(2), (a)(3), and (a)(5), and in misdemeanor cases other than those involving official misconduct, from charging higher fees than the fees charged by county clerks for similar cases.

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

SECTION 3. Emergency clause.