

## **BILL ANALYSIS**

Senate Research Center

S.B. 1956  
By: Carona  
Jurisprudence  
5-13-97  
As Filed

### **DIGEST**

Currently, City of Garland statute requires an official court reporter in the courtroom to record all proceedings where a record is requested. The City of Garland wishes to avoid that requirement, and requests permission to record court proceedings in the municipal court on a high quality electric recorder. The legislature has adopted similar provisions for a number of other municipal courts of record in Texas. H.B. 1956 would permit the City of Garland to elect to record court proceedings in the municipal court on a high quality electric recorder; clarify provisions concerning alternate judges; require that the chief judge, instead of the governing body, appoint an official court reporter; and require that a chief judge be appointed if more than one judge is appointed.

### **PURPOSE**

As proposed, S.B. 1956 establishes provisions regarding municipal courts of record in Garland.

### **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 30.453, Government Code, to provide that a municipal court of record also has jurisdiction over cases arising outside the territorial limits of the municipality, rather than city, under the ordinances authorized by Sections 215.072, 217.042, 341.903, and 401.002, Local Government Code, rather than Subdivision 19, Article 1175, V.T.C.S.

SECTION 2. Amends Section 30.454, Government Code, to require the governing body of the City of Garland (city) to appoint one of the judges as chief judge if there is more than one municipal judge in the city. Provides that an alternate judge, while serving, has all the powers of, shall discharge all the duties of, and must have all the same qualifications as a municipal court judge. Sets forth provisions regarding cities with more than one municipal court of record. Requires a municipal judge to take judicial notice of the city ordinances and the territorial limits of the municipality in a case tried before a municipal court of record. Makes conforming changes.

SECTION 3. Amends Section 30.456, Government Code, to require the official court reporter to be appointed by the chief judge and to be compensated in the manner determined by the governing body of the city. Sets forth the terms by which the court reporter is required to keep court records. Authorizes the governing body to provide that, instead of providing a court reporter at trial or during any other court proceeding, proceedings in a municipal court of record may be recorded by a good quality electronic recording device. Sets forth provisions regarding requests for records. Provides that if the governing body authorizes the electronic recording, the court reporter need not be present at trial to certify any facts of proceedings. Sets forth the procedure for storing the electronic recording. Requires the proceedings that are appealed to be transcribed from the recording by an official court reporter. Makes conforming changes.

SECTION 4. Amends Sections 30.461(b) and (c), Government Code, to provide that if the court does not rule on the motion before the 21st day after the date the motion is filed, the motion is overruled by operation of law. Sets forth the terms by which a defendant is required to perfect an appeal. Deletes existing text regarding notice of appeal.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.