

BILL ANALYSIS

Senate Research Center
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H.B. 3854
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Intergovernmental Relations
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Engrossed

DIGEST

Current law requires that probate cases be filed in particular Harris County Statutory Probate Courts by the last number in the case number. The intent of the law is to provide for random filings in the Harris County Statutory Probate Courts. However, some lawyers avoid certain judges or have their cases assigned to certain courts by manipulating this case number filing system. H.B. 3854 requires the county clerk to assign and docket cases at random to the Harris County Statutory Probate Courts.

PURPOSE

As proposed, H.B. 3854 sets forth guidelines for the assignment and docketing of cases filed in Harris County statutory probate courts.

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 25.0134(j), Government Code, to require the county clerk to assign and docket at random, rather than file, matters and proceedings filed in the statutory probate courts according to the following percentages: Probate Court No. 1 of Harris County, 30 percent; Probate Court No. 2 of Harris County, 30 percent; Probate Court No. 3 of Harris County, 20 percent; and Probate Court No. 4 of Harris County, 20 percent. Deletes language requiring that cases ending in 3 and 4 be filed in the Probate Court No. 1 of Harris County, cases ending in 0 or 5 be filed in the Probate Court No. 3 of Harris County, all other cases ending in an odd number be filed in Probate Court No. 1 of Harris County, and all other cases ending in an even number be filed in Probate Court No. 2 of Harris County. Deletes language that requires the clerk to file the cases in the courts in the order in which the cases were deposited with the clerk for filing. Makes conforming changes.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.