

BILL ANALYSIS

Senate Research Center
77R7692 KLA-F

H.B. 3649
By: Merritt (Cain)
Intergovernmental Relations
5/8/2001
Engrossed

DIGEST AND PURPOSE

The Gregg County Court at Law has concurrent jurisdiction with the district court in family law cases and proceedings. The judge of the county court at law can hear uncontested divorce and other family cases. The Gregg County Board of Judges has requested that the court at law be granted concurrent jurisdiction with all district courts in Gregg County. Over the last five years, pending cases before the district courts have increased by more than 500 cases. H.B. 3649 grants the Gregg County Court at Law concurrent jurisdiction with district courts of Texas in civil and criminal cases, except capital murder.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.0942, Government Code, by amending Subsection (a) and adding Subsection (l), as follows:

(a) Provides that in addition to the jurisdiction provided by Section 25.003 and other law, a county court at law in Gregg County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts, except that the county court at law does not have jurisdiction in capital felony cases. Deletes text granting a county court at law concurrent jurisdiction with the district court in family law cases and proceedings.

(l) Provides that, except as otherwise provided by this subsection, a jury in a county court at law is required to be composed of six members, unless the constitution requires a 12-member jury. Provides that failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. Provides that in matters in which the constitution does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, the jury is required to be composed of 12 members if a party to the suit requests a 12-member jury. Authorizes the parties to a civil case tried in a county court at law, by mutual agreement and with the consent of the judge, to agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 2. Effective date: January 1, 2003.