

BILL ANALYSIS

Senate Research Center

H.B. 3678
By: Gray (Jackson)
Jurisprudence
5/9/2001
Engrossed

DIGEST AND PURPOSE

Currently, Galveston County has two county courts. However, Galveston County has had a problem with the rate of adjudication in its county courts because of an overload of both criminal and civil cases. An additional county court will decrease the number of backlogged cases and allow for cases to be adjudicated at a faster rate. Galveston County has used visiting judges to relieve the amount of cases, but the county has determined that an additional court would be the most efficient way to address this backlog. H.B. 3678 creates County Court No. 3 of Galveston County.

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 25.0861(a), Government Code, to provide that Galveston County has the County Court No. 3 of Galveston County, in addition to other statutory county courts.

SECTION 2. Amends Section 25.0862, Government Code, as follows:

(a) Provides that a statutory county court in Galveston County, in addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), has the jurisdiction provided by the constitution and by general law for district courts and appellate jurisdiction in all appeals in criminal cases from justice courts and municipal courts in Galveston County.

(b) Provides that a statutory county court does not have jurisdiction of felony cases, except as otherwise provided by law, or election contests. Deletes text granting a statutory county court concurrent jurisdiction with the district court in family law cases and proceedings.

Deletes text of Subsection (e), regarding the Probate Court of Galveston County.

(g) Requires the judge of a statutory county court to be paid an annual salary that is not less than the total annual salary, including supplements and contributions, paid a district judge in the county.

(h) Provides that a bond is not required of the judge of the County Court No. 3 of Galveston County.

(i) Deletes text regarding a special judges. Redesignated from Subsection (l) with no changes.

(j) Requires, rather than authorizes, the sheriff to appoint a deputy to attend County Court No. 1, 2, or 3 of Galveston County or the Probate Court of Galveston County when required by the judge. Deletes text regarding attendance at the court by a sheriff's deputy.

(l) Authorizes each court reporter to be made available when not engaged in proceedings in the recorder's court to report proceedings in all other courts. Deletes text regarding a reporter's engagement in a jury trial. Makes conforming changes.

(m) Makes a conforming change.

(n) Provides that if a jury trial is requested in a case that is in a county court at law's jurisdiction as provided by Subsection (a), the jury 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.

SECTION 3. Provides that, notwithstanding Section 25.0861, Government Code, as amended by this Act, County Court No. 3 of Galveston County is created October 1, 2001.

SECTION 4. Effective date: September 1, 2001.