

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1622
By: Pitts (Averitt)
Jurisprudence
5/13/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is one district court in Hill County. The population of Hill County has grown, and the district court is backlogged.

C.S.H.B. 1622 creates a new county court at law in Hill 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 Subchapter C, Chapter 25, Government Code, by adding Sections 25.1111 and 25.1112, as follows:

Sec. 25.1111. HILL COUNTY. Provides that Hill County has one statutory county court, the County Court at Law of Hill County.

Sec. 25.1112. HILL COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Hill County has concurrent jurisdiction with the district court in felony cases and family law cases and proceedings. Provides that a county court at law does not have jurisdiction of felony cases involving capital murder.

(b) Provides that a county court at law in Hill County has the same terms of court as the 66th District Court.

(c) Prohibits the judge of a county court at law from engaging in the private practice of law and requires the judge to meet the qualifications established by Section 25.0014 (Qualifications of Judge).

(d) Requires the judge of a county court at law to be paid as provided by Section 25.0005 (Judge's Salary). Requires the judge's salary to be paid out of the county treasury on order of the commissioners court. Entitles the judge to necessary office and operational expenses, including administrative and clerical personnel, in the same manner as the county judge.

(e) Provides that the district clerk serves as the clerk of a county court at law for all criminal and civil matters except that the county clerk serves as the clerk of the county court at law in uncontested probate and guardianship matters. Requires the county clerk to transfer to the district clerk any contested probate and guardianship matters filed with the county clerk.

(f) Authorizes the commissioners court to employ the assistant district attorneys, assistant county attorneys, assistant clerks, deputy sheriffs, and bailiffs necessary to serve the county court at law.

(g) Requires the judge of the 66th District Court, notwithstanding Section 74.0911 (Local Administrative Statutory County Court Judge), to act as presiding

judge between the district and county court at law and authorizes that judge to assign to the county court at law original or appellate cases that are within the jurisdiction of the county court at law. Requires the assignment to be made by docket notation.

(h) Authorizes the judge of a county court at law and the judge of the 66th District Court, in matters of concurrent jurisdiction, to exchange benches, transfer cases, assign each other to hear cases in accordance with orders signed and approved by the judges involved, and otherwise manage their respective dockets under local administrative rules.

(i) Entitles the official court reporter of a county court at law to the compensation set by the commissioners court on order of the judge of the court in an amount not to exceed 90 percent of the compensation paid to the court reporter of a district court in Hill County.

(j) Requires the jury to be composed of 12 members if a family law case or proceeding is tried before a jury. Requires the jury to be composed of six members in all other cases, except as otherwise required by law.

(k) Authorizes jurors regularly impaneled for a week by the district court, on request of the county judge or the judge of a county court at law, to be made available and requires them to serve for the week in the county court or the county court at law.

SECTION 2. Amends Section 24.168(b), Government Code, to make conforming changes.

SECTION 3. Amends Section 26.209(c), Government Code, as follows:

(c) Requires the judge of the 66th District Court to act as presiding judge between the district and county courts and may assign to the county court original or appellate cases that are within the county court's jurisdiction and assign to a county court at law cases that are within the jurisdiction of the county court at law.

SECTION 4. Amends Section 152.1151(a), Human Resources Code, to include the statutory county court judges as composing, in part, the juvenile board of Hill County.

SECTION 5. Creates the County Court at Law of Hill County on September 1, 2005.

SECTION 6. Effective date: September 1, 2005.