

BILL ANALYSIS

Senate Research Center
80R6712 YDB-D

H.B. 2617
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Jurisprudence
5/15/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Municipal courts in the City of Laredo aid in reducing the number of appeals to the county courts and the number of dismissals at the county level, thereby reducing the burden on the county court system and the amount of overtime paid to city employees who are called to testify in the appellate court trials of the same case. Furthermore, the municipal courts of record serve to improve the integrity of the court system because the trials are governed by the Code of Criminal Procedure and the Rules of Appellate Procedure.

H.B. 2617 creates and establishes rules for the municipal courts of record in the City of Laredo. The bill provides that the municipal court judges are to be elected to four-year terms with a limit of two terms, consistent with the city's charter.

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 Chapter 30, Government Code, by adding Subchapter WW, as follows:

SUBCHAPTER WW. LAREDO

Sec. 30.01821. APPLICATION. Provides that this subchapter applies to the city of Laredo.

Sec. 30.01822. JUDGE. (a) Provides that a municipal court of record is presided over by a municipal judge.

(b) Provides that a municipal judge is elected at large by the qualified voters of the city of Laredo for a term of four years. Prohibits a municipal judge, except as provided by Subsection (d), from serving more than two terms.

(c) Requires a municipal judge to be a licensed attorney in this state and a resident of the city of Laredo.

(d) Authorizes a municipal judge to serve the remainder of an unexpired term to which the judge was elected or appointed and serve two additional terms.

(e) Entitles a municipal judge to the salary provided by ordinance of the governing body of the city.

Sec. 30.01823. CLERK; OTHER PERSONNEL. (a) Requires the governing body of the city by majority vote to appoint a clerk of a municipal court of record. Requires the clerk to be nominated by the city manager.

(b) Provides that the clerk serves at the pleasure of the governing body of the city, and provides that the employment status of the clerk is equivalent to a department director.

(c) Authorizes the clerk, in addition to the powers and duties provided by Section 30.00009 (relating to the appointment and duties of a municipal court clerk), to administer oaths and affidavits, make certificates and affix the seal of the municipal court of record to the certificates, and perform any act necessary to issue process and conduct the business of the court.

(d) Authorizes the governing body to provide other personnel, including associate municipal judges.

(e) Authorizes the governing body to authorize the appointment of deputy clerks, who are authorized to act for and on behalf of the clerk, as necessary for the proper operation of a municipal court of record.

(f) Requires the clerk to hire, direct, and remove the personnel authorized for the clerk's office in the city's annual budget.

SECTION 2. Effective date: upon passage or September 1, 2007.