

## **BILL ANALYSIS**

Senate Research Center  
83R12343 YDB-D

S.B. 1629  
By: West  
Jurisprudence  
4/12/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State of Texas is experiencing both an increase in population and a shift in where the majority of residents live. As the state's population grows in some areas while declining in the others, the judicial needs of the various regions change. These shifting demographics can significantly impact the caseload of the existing courts and the community by increasing the length of time it takes to access the legal system or conduct trial. This is true for courts of criminal, as well as civil, jurisdiction. Historically, the Texas Legislature has compensated for changes in population by establishing new courts or changing existing judicial boundaries.

In order to ensure that the creation of new courts and the modification of judicial jurisdictions is conducted in an orderly manner, S.B. 1629 consolidates these changes into a single omnibus bill.

As proposed, S.B. 1629 amends current law relating to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1.01. Transfers Section 24.503, Government Code, to Subchapter D, Chapter 24, Government Code, redesignates it as Section 24.641, Government Code, and makes no further change to this section.

SECTION 1.02. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.586, as follows:

Sec. 24.586. 442ND JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 442nd Judicial District is composed of Denton County.

(b) Creates the 442nd Judicial District on January 1, 2014.

SECTION 1.03. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.591, as follows:

Sec. 24.591. 447TH JUDICIAL DISTRICT (KENEDY AND KLEBERG COUNTIES). Provides that the 447th Judicial District is composed of Kenedy and Kleberg Counties.

(b) Creates the 447th Judicial District on the effective date of this Act.

SECTION 1.04. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.594, as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) Provides that the 450th Judicial District is composed of Travis County.

(b) Requires the 450th District Court to give preference to criminal matters.

(b) Creates the 450th Judicial District on September 1, 2015.

## ARTICLE 2. STATUTORY COUNTY COURTS

SECTION 2.01. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0091 and 25.0092, as follows:

Sec. 25.0091. ATASCOSA COUNTY. Provides that Atascosa County has one statutory county court, the County Court at Law of Atascosa County.

Sec. 25.0092. ATASCOSA COUNTY COURT AT LAW PROVISIONS. (a) Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Atascosa County has concurrent jurisdiction with the district court in:

- (1) Class A and Class B misdemeanor cases;
- (2) family law matters;
- (3) juvenile matters;
- (4) probate matters; and
- (5) appeals from the justice and municipal courts.

(b) Provides that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:

- (1) suits on behalf of this state to recover penalties or escheated property;
- (2) misdemeanors involving official misconduct; or
- (3) contested elections.

(c) Requires the judge of a county court to have the same qualifications as those required by law for a district judge.

(d) Requires the judge of a county court at law to be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. Provides that a district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

(e) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk is required to serve as clerk of a county court at law in all other matters. Requires each clerk to establish a separate docket for a county court at law.

(f) Entitles the official court reporter of a county court at law to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

(g) Authorizes jurors summoned for a county court at law or a district court in the county to be transferred to another court for service by order of the judge of the court to which they are summoned and be used as if summoned for the court to which they are transferred.

(b) Provides that notwithstanding Section 25.0091, Government Code, as added by this section, the County Court at Law of Atascosa County is created January 1, 2014, or on an earlier date determined by the Commissioners Court of Atascosa County by an order entered in its minutes.

### ARTICLE 3. JUVENILE BOARDS

SECTION 3.01. Amends Section 51.04, Family Code, by amending Subsections (b) and (e) and adding Subsection (i), as follows:

(b) Requires the county's juvenile board, in each county, to designate one or more district, criminal district, domestic relations, juvenile, or county courts or county courts at law as the juvenile court, subject to Subsections (c) (relating to requiring the designation of at least one other court as a juvenile court under certain conditions and a county court's jurisdiction regarding a petition approved by the grand jury under Section 53.045), (d) (relating to requiring the designation of an alternate court, the judge of which is an attorney licensed in this state, under certain conditions), and (i), rather than Subsections (c) and (d) of this section.

(e) Authorizes that a designation made under Subsection (b), (c), or (i), rather than Subsection (b) or (c) of this section, be changed from time to time by the authorized boards or judges for the convenience of the people and the welfare of children.

(i) Requires the county's juvenile board to designate at least one other court that does have jurisdiction over proceedings under Subtitle E (Protection of the Child), Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), as a juvenile court or alternative juvenile court if the court designated as the juvenile court under Subsection (b) does not have jurisdiction over proceedings under Subtitle E, Title 5.

SECTION 3.02. Amends Section 152.0771(a), Human Resources Code, to provide that the juvenile board of El Paso County is composed of, in addition to other members, the county judge or a member of the commissioners court designated by the county judge or an individual who is not a member of the commissioners court and who is designated by the county judge and approved by the commissioners court by majority vote.

### ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. Effective date: September 1, 2013.