

BILL ANALYSIS

H.B. 4633
By: Nevárez
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported that due to the oil boom in the Delaware Basin, the county populations in the area have increased significantly and are projected to maintain a high level of growth in the foreseeable future. This growth has led to a substantial increase in various civil and criminal cases filed in the nearby district court. As such, there have been calls to utilize the county court at law that has concurrent jurisdiction with the district court to relieve the district court of some of its growing caseload, which would include revising the county court at law's jurisdiction to allow it to hear more types of cases. H.B. 4633 provides for this change by expanding the jurisdiction of the Reeves County Court at Law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4633 amends the Government Code to expand the jurisdiction of the Reeves County Court at Law to include the following:

- jurisdiction over matters provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court over certain matters;
- jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under Health and Safety Code provisions related to the treatment of persons with chemical dependencies, the Texas Mental Health Code, and the Persons with an Intellectual Disability Act;
- jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and
- jurisdiction in all cases assigned, transferred, or heard under certain Government Code provisions relating to judges subject to assignment within an administrative judicial region.

H.B. 4633 establishes that the county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. The bill requires appeals from justice courts and other courts of inferior jurisdiction in Reeves County to

be made directly to the county court at law. The bill establishes the matters over which the county court at law does not have jurisdiction. The bill prohibits a county court at law in Reeves County from issuing writs of habeas corpus in felony cases.

H.B. 4633 revises the annual salary of a judge of the county court at law and changes the manner in which and the fund from which a judge of the county court at law is paid. The bill removes provisions entitling the judge to travel expenses and necessary office expenses.

H.B. 4633 changes the matters over which the district clerk serves as clerk of the county court at law from family law cases and proceedings to all matters for which the jurisdiction of the county court at law has been expanded under the bill's provisions. The bill requires the district clerk to establish a separate docket for each county court at law and, in matters of concurrent jurisdiction with the district court, to charge the same fees as are allowed in district court cases, with certain exceptions. The bill prohibits the district clerk from charging higher fees than the fees charged by county clerks for similar cases.

H.B. 4633 sets out provisions relating to impaneling a jury in a case that is in the jurisdiction of a county court at law in Reeves County. The bill establishes filing, docket, and assignment procedures with regard to any cause or proceeding that is lodged with the district clerk, including procedures when a cause or proceeding is filed, docketed, or assigned in error.

H.B. 4633 repeals Section 25.1972(k), Government Code.

EFFECTIVE DATE

September 1, 2019.