

SUBJECT: Locating justice of the peace courts outside of their precinct

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — Kamel, Bonnen, Chisum, Christian, Flores, G. Lewis
0 nays
3 absent — R. Lewis, Denny, Gutierrez

WITNESSES: For — Bob Anderson and Ron Cullers, Hood County
Against — None
On — Patricia Ott, Justices of the Peace and Constables Association

BACKGROUND : A justice of the peace court is required to hold court within its precinct unless the court is located in the county courthouse of a county with a population between 220,000 and 230,000 or less than 30,000. This currently includes Lubbock, Fort Bend and numerous rural counties.

DIGEST: CSHB 2046 would allow counties with a population of less than 30,000 to continue to hold justice court outside the justice of the peace precinct even if the population of the county exceeded 30,000 in the future. It would also allow Lubbock and Fort Bend counties to operate under current law if their populations failed to fall within the population bracket in the future.
CSHB 2046 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS SAY: CSHB 2046 would simply allow counties to remain under the current law even if their populations exceeded the population bracket. Consolidation of offices into one location has worked well in the past and should be continued in the future despite any increase in the county's population.
CSHB 2046 would save money in counties that choose to house justice of the peace courts in the same location because many services, personnel and other items are duplicated in each precinct. The bill would give

commissioners courts the option to house justices of the peace courts within the same building if it found this would achieve efficiencies and economies of scale.

OPPONENTS
SAY:

CSHB 2046 would decrease public access to justice of the peace courts in counties that choose to house courts outside of their precincts. Justice of the peace courts are “courts of the people” and should be accessible. Citizens would be burdened if forced to drive to the county courthouse to apply for a peace bond that could have been issued at a location within their precinct.

OTHER
OPPONENTS
SAY:

Judgments made by justices of the peace outside of their precincts are subject to question. Article 4.12 of the Code of Criminal Procedure requires misdemeanor cases to be tried in the precinct in which the offense is committed or the precinct in which the defendant resides unless each defendant and the state authorize the trial to take place in another precinct.

NOTES:

The committee substitute would allow commissioners courts to continue operating under the provisions of the bill even if the population of the county exceeded 30,000 in the future. It would also add a section to allow Fort Bend and Lubbock counties to continue under current law even if their population exceeded the population bracket.