

- SUBJECT:** Creating municipal courts of record
- COMMITTEE:** Judicial Affairs — favorable, without amendment
- VOTE:** 6 ayes — Thompson, Hartnett, Deshotel, Solis, Talton, Uresti  
1 nay — Garcia  
2 absent — Capelo, Hinojosa
- WITNESSES:** For — Matthew Boyle, City of Trophy Club and City of Westlake  
Against — None
- BACKGROUND:** Municipal courts have concurrent jurisdiction with justice of the peace courts in misdemeanor cases resulting from violations of state laws within the city limits. These courts hear cases of city ordinance violations, traffic misdemeanors, fine-only offenses, and Class C misdemeanor offenses. Municipal courts generally are not of record and appeals from them are by trial *de novo* (a completely new trial) in the county court, county court at law, or district court.
- Government Code, ch. 30 establishes uniform standards for municipal courts of record for municipalities specifically listed. Municipal courts of record are municipal courts where the record of the trial is reduced to writing at the request of either party or at the direction of the court. Appeals from these courts are based on the trial record rather than a trial *de novo*.
- Sec. 30.00003 allows a municipality's governing body to create a municipal court of record by ordinance. Subsequent subchapters list the municipalities with municipal courts of record. Revisions made in 1999, when the 76th Legislature in HB 731 by Thompson adopted uniform standards for municipal courts of record, have raised questions about whether municipalities may create courts of record by ordinance.
- DIGEST:** HB 2053 would apply the uniform standards for municipal courts of record to all municipalities listed under Government Code, ch. 30 and to each

municipality creating municipal courts of record under sec. 30.00003. It also would amend all of the statutes creating courts of record for each municipality to refer to the uniform standards.

Any acts or proceedings of a municipal court of record created on or after September 1, 1999, and before the effective date of the HB 2053 would be validated, as would the acts or proceedings of a municipality in creating a court of record during this period. This provision would not apply to any matter that a court of competent jurisdiction already has held invalid by a final judgment or to any matter in litigation as of the effective date that ultimately results in the matter being held invalid.

HB 2053 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

NOTES:

HB 3671 by Denny, which would authorize the Town of Trophy Club in Tarrant and Denton counties to create a municipal court of record, was set on the Monday General State Calendar. SB 847 by Nelson, which would authorize the Town of Westlake in Tarrant and Denton counties to create a municipal court of record, passed the Senate on the Local and Uncontested Calendar on March 29 and has been referred to the House Judicial Affairs Committee.