

SUBJECT: Creating the El Paso County Criminal Judicial District No. 1

COMMITTEE: Judiciary — committee substitute recommended

VOTE: 5 ayes — Hartnett, Alonzo, Gonzales, Goolsby, Hughes
0 nays
4 absent — Homer, Hopson, R. Cook, Krusee

WITNESSES: For — Judge Patrick Garcia, El Paso County Council of Judges; Ballard Shapleigh, Office of the District Attorney, El Paso County
Against — None

BACKGROUND: El Paso County is served by 15 district courts: the 34th, 41st, 65th, 120th, 168th, 171st, 205th, 210th, 243rd, 327th, 346th, 383rd, 384th, 388th, and 409th. The 409th was added in 1999.

DIGEST: CSHB 1628 would amend Government Code, ch. 24 by creating the El Paso County Criminal Judicial District No. 1. The new criminal district court would give primary preference to felony drug cases and associated civil cases emanating from those felony drug cases. It would give secondary preference to other criminal cases and associated civil cases emanating from those criminal cases. Terms of the court would begin on the third Mondays in April and September and the first Mondays in January, July, and November.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: CSHB 1628 would provide the judicial infrastructure necessary to support the massive population increase that El Paso County expects in the next few years due to the military build up at Ft. Bliss and El Paso's location in a growing border region. A new criminal judicial district is critical to efforts to properly plan for this massive increase in population and would be an effective way to help prevent the overcrowded dockets common to the state's other large and growing counties.

A criminal judicial district that gave preference to drug-related criminal and civil matters would help El Paso County tackle its growing problem with the drug trade. This court would help deal with both local drug consumption and problems that El Paso County faces as a stopping point on major drug trade routes between Mexico and the United States.

Adding a criminal judicial district would decrease the need to use visiting judges. The visiting judge fund was cut substantially in 2003, and because it has not been fully funded, El Paso County cannot rely on visiting judges to address future case backlogs.

Creating new courts as needed has worked well in Texas because it allows the Legislature to focus resources where they are most urgently needed. Reapportioning jurisdiction of the trial courts would be an incredibly complex and difficult task. Adding courts where they are needed is a much simpler process.

OPPONENTS
SAY:

By fiscal 2009, this bill would cost the state nearly \$160,000 per year in all funds, money that should be directed toward more pressing state budget needs. If El Paso County needs help to reduce its dockets, it should rely on visiting judges already paid for by money appropriated to the visiting judge fund. Utilizing visiting judges results in substantial savings to the state because most visiting judges are retired judges whose average annual compensation is \$120,000, or about 75 percent of the salary and benefits of a district judge.

OTHER
OPPONENTS
SAY:

The current method of court creation is piecemeal. While the ad hoc creation and adjustment of judicial districts is the prevailing mechanism for change, it does little to balance the caseloads among all the trial courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the trial courts based on caseload.

NOTES:

According to the Legislative Budget Board, creating a new criminal judicial district in El Paso County would cost the state \$145,038 in fiscal 2008, including \$93,475 in general revenue-related funds, and \$158,223 each fiscal year thereafter to pay the judge's salary and benefits. The cost to El Paso County would be \$27,861 per fiscal year for supplements to the judge's salary and operating costs. El Paso County would not have any start-up costs because it would utilize existing facilities and staff.

The committee substitute changed the name of the new judicial district from “Criminal Judicial District of El Paso County” in the original version of the bill to “El Paso Criminal Judicial District No. 1.”

The companion bill, SB 1239 by Shapleigh, has been referred to the Senate Jurisprudence Committee.

HB 1554 by Chavez, which would create an additional criminal district court in El Paso County, passed the House by 141-0 on April 3.