

- SUBJECT:** Creating eight new district courts and nine new county courts at law
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Hunter, Hughes, Alonzo, Hartnett, Jackson, Lewis, Madden, Martinez, Woolley
- 0 nays
- 2 absent — Branch, Leibowitz
- WITNESSES:** No public hearing
- DIGEST:** CSHB 4833 would create 17 new courts in Texas, including eight new district courts and nine new county courts at law in ten Texas counties. CSHB 4833 would create new courts in Bexar, Bosque, Denton, Fannin, Hidalgo, Kaufman, Midland, Navarro, Rockwall, and Van Zandt counties.
- Bexar County.* CSHB 4833 would create six new courts in Bexar County:
- the 436th Judicial District, which would give preference to juvenile matters and would be established on October 1, 2009;
 - the 437th Judicial District, which would give preference to criminal matters and would be established on January 1, 2010;
 - the 438th Judicial District, which would give preference to civil matters and would be established on September 1, 2010;
 - County Court at Law No. 13, which would give preference to family violence matters and would be established on September 1, 2009; and
 - County Court at Law No. 14 and No. 15, which would be established on September 1, 2009.
- Bosque County.* CSHB 4833 would create the County Court at Law of Bosque County. This court would have the normal jurisdiction of a county court at law and primary jurisdiction over juvenile matters. The Bosque County Court of Law also would have concurrent jurisdiction with the district court in:

- family law cases and proceedings;
- civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000;
- certain contested probate matters.

The judge of the County Court at Law of Bosque County would sit on the juvenile board that covers Bosque, Comanche, and Hamilton counties. The County Court of Law of Bosque County would be established on October 1, 2009.

Denton County. CSHB 4833 would create the 431st Judicial District of Denton County. The court would be established on September 1, 2009.

Fannin County. CSHB 4833 would create the County Court at Law of Fannin County. The court would have the normal jurisdiction of a county court at law and would have concurrent jurisdiction with the district court in certain family law cases and proceedings and juvenile justice matters. The court would be established on September 1, 2009.

Hidalgo County. CSHB 4833 would create two new county courts at law in Hidalgo County. County Court at Law No. 7 would be established on September 1, 2011. County Court at Law No. 8 would be established on September 1, 2012.

Kaufman County. CSHB 4833 would create the 440th Judicial District in Kaufman County. The court would be established on September 1, 2009.

Midland County. CSHB 4833 would create the 475th Judicial District in Midland County. The court would be established on September 1, 2009.

Navarro County. CSHB 4833 would create the County Court of Law of Navarro County. The court would have the normal jurisdiction of a county court at law and also would have concurrent jurisdiction with the district court in certain felony criminal matters, class A and class B misdemeanors, family law matters, juvenile matters, probate matters, and appeals from justice and municipal courts. The county court at law would not have general supervisory control or appellate review of the commissioners court or jurisdiction of:

- suits on behalf of the state to recover penalties or escheated property;

- felony cases involving capital murder;
- misdemeanors involving official misconduct; or
- contested elections.

The court would be established on January 1, 2011, or on an earlier date determined by the county commissioners court.

Rockwall County. CSHB 4833 would create the 439th Judicial District in Rockwall County. The court would be established on November 1, 2010.

Van Zandt County. CSHB 4833 would create two new courts in Van Zandt County. The bill would create the 441st Judicial District in Van Zandt County. This court would be established on October 1, 2010.

The bill also would create the County Court at Law of Van Zandt County. This court would not have jurisdiction to hear capital felony cases. The judge of the County Court at Law of Van Zandt County would sit on the Van Zandt County Juvenile Board. The initial vacancy for the court would be filled by election. The court would be established on September 1, 2010.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 4833 would create 17 new courts to help growing parts of the state reduce backlogs of court cases and provide swifter resolution of cases and issues. Open and efficient courts are a critical part of the state's criminal justice system, business environment, and overall quality of life. The commissioners court in each of the counties that would receive an additional court under CSHB 4833 has adopted resolutions in favor of the new courts and plans for each court are in the counties' budgets. CSHB 4833 would make appropriate investments in the judicial system where they are most needed.

**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 caseloads among all courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the courts based on caseload.

NOTES:

The substitute differs from the bill as filed by adding the 475th Judicial District in Midland County and County Courts at Law 7 and 8 in Hidalgo County.

According to the fiscal note, CSHB 4833 would cost \$1,133,815 in fiscal 2010-11 and \$1,470,896 in future biennia.