

- SUBJECT:** Creating district courts, county courts at law, and a magistrate's office
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Lewis, Farrar, Farney, Hernandez Luna, K. King, Raymond, S. Thompson
- 0 nays
- 2 absent — Gooden, Hunter
- WITNESSES:** For — None
- Against — None
- On — Elisabeth Earle, Travis County; Deece Eckstein, Travis County Commissioners Court; Julie Kocurek, Travis County Criminal Courts; Lora Livingston, Travis County Courts; David Slayton, Office of Court Administration; (*Registered, but did not testify:* Kasey Hoke; Warren Vavra, Travis County Courts)
- BACKGROUND:** District courts have original jurisdiction in all felony criminal cases, divorce cases, cases involving title to land, election contest cases, civil matters in which the amount in controversy (the amount of money or damages involved) is \$200 or more, and any matters in which jurisdiction is not placed in another trial court.
- The civil jurisdiction of most county courts at law varies, but is usually more than that of the justice of the peace courts and less than that of the district courts. County courts at law usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts.
- Magistrates deal with pre-trial and some administrative matters. These include: setting and revoking bonds, examining trials, determining indigence and appointing counsel, issuing search and arrest warrants, issuing emergency protective orders, ordering emergency mental commitments, and conducting initial juvenile detention hearings.
- DIGEST:** HB 3153 would create several trial courts and would make changes to

others.

District Courts. HB 3153 would create four new district courts.

The 452nd District Court would cover Edwards, Kimble, McCulloch, Mason, and Menard counties. The bill would remove those counties from the existing 198th District Court on September 1, 2013. The bill would create a new district attorney for the court and would add this prosecutor to the professional prosecutors act.

The 442nd District Court would be created in Denton County on January 1, 2015.

The 443rd District Court would be created in Ellis County on September 1, 2014.

The 450th District Court would be created in Travis County on September 1, 2015. The court would give preference to criminal matters.

County Courts. The bill would create three new county courts at law, a statutory probate court, a multi-county county court at law, and modify the jurisdiction of another county court at law.

A county court at law in Atascosa County would be created on January 1, 2014 or on an even earlier date as determined by the county commissioner's court. In addition to the normal jurisdiction of a county court at law, it would also have jurisdiction over family law matters.

A statutory county court in Jim Wells County would be created on January 1, 2015. The bill would allow the court's judge to use an electronic recording device instead of a court reporter.

The 9th county court at law of Travis County would be created on September 1, 2015. The court would give preference to criminal law.

A statutory probate court in Cameron County would be created on January 1, 2015.

The bill would create the 1st multi-county statutory county with jurisdiction in Nolan, Fisher, and Mitchell Counties on September 1, 2013. The bill would abolish the existing Nolan County court at law. The new

court would also have family law jurisdiction. It would charge a stenographer's fee of \$25 when a record is made by the court reporter.

The bill would modify the jurisdiction of the Lamar County court at law to add specific juvenile and civil jurisdiction. This change would happen on the effective date of the bill.

Magistrates. The bill would authorize a magistrate in Guadalupe County on the effective date of the bill.

Effective Date. Except as otherwise provided, HB 3153 would take effect on September 1, 2013.

**SUPPORTERS
SAY:**

HB 3153 would create the new trial courts Texas needs to deal with caseload growth that comes with the recent and sustained increases in the state's population. The Office of Court Administration has run multi-variant studies on each of the proposed courts in the bill. Each court would address definite needs as shown by several of those factors. These courts would address filings growth and clearance rates issues in the fastest growing regions of Texas.

It is appropriate to spend money on local trial courts because they are the surest bulwark to protect the rule of law, which is critical for both personal freedom and safety and for the success of Texas' businesses and industries. It is also appropriate to expend state funds for these courts because even though their impact may be largely local, they are carrying out state laws and policies.

**OPPONENTS
SAY:**

The state should be careful when creating long-term funding obligations which may only have a local impact. According to the fiscal note, HB 3153 would cost \$472,000 over the next biennium for salaries, salary supplements, and other court support costs.