

## **BILL ANALYSIS**

Senate Research Center

H.B. 1152  
By: Hartnett (Wentworth)  
Jurisprudence  
4-11-97  
Engrossed

### **DIGEST**

The current definitions of "statutory probate court" were placed into law over 30 years ago and have not been revised despite significant legislative changes affecting Texas courts over the same period. Confusion exists concerning the probate jurisdiction of county courts at law as compared to the definition of statutory probate courts. This bill would redefine the term "statutory probate court."

### **PURPOSE**

As proposed, H.B. 1152 clarifies the definition of "statutory probate court."

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 3(ii), Probate Code, to redefine "statutory probate court" to mean a statutory court designated as a statutory probate court under Chapter 25, Government Code. Provides that a county court at law exercising probate jurisdiction is not a statutory court under this Code unless the court is designated a statutory probate court under Chapter 25, Government Code. Makes conforming changes.

SECTION 2. Amends Section 601(29), Probate Code, to make conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.