

BILL ANALYSIS

Senate Research Center

S.B. 711
By: Harris
Jurisprudence
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As Filed

DIGEST

Currently, most Tarrant County cities have a municipal court of record to prevent mass dismissal of traffic tickets upon appeal. This bill would authorize the City of Dalworthington Gardens to create municipal courts of record, which would not require trial de novo on appeal.

PURPOSE

As proposed, S.B. 400 creates municipal courts of record in the City of Dalworthington Gardens.

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 Chapter 30, Government Code, by adding Subchapter JJ, as follows:

SUBCHAPTER JJ. DALWORTHINGTON GARDENS

Sec. 30.01371. APPLICATION. Provides that this subchapter applies to the City of Dalworthington Gardens (city).

Sec. 30.01372. CREATION. Authorizes the governing body of the city to create and determine a number of municipal courts of record, by ordinance. Requires an ordinance establishing municipal courts to give each court number a numerical designation, beginning with "Municipal Court of Record No. 1." Prohibits a municipal court of record from existing concurrently with municipal courts that are not courts of record in the city. Provides that a municipal court of record has no terms and is authorized to sit at any time.

Sec. 30.01373. APPLICATION OF OTHER LAWS. Provides that general law regarding justice courts on matters not covered by the law regarding municipal courts, and any charter provision or ordinance of the city relating to the municipal court apply to a municipal court of record, unless the law, charter provision, or ordinance is in conflict or inconsistent with this chapter.

Sec. 30.01374. JUDGE. Sets forth requirements and procedures for municipal judges. Sets forth certain duties of a municipal judge.

Sec. 30.01375. CLERK; OTHER PERSONNEL. Requires the city secretary to be the clerk of the municipal court of record. Authorizes the city secretary to hire, direct, and remove personnel authorized in the city's annual budget for the clerk's office. Sets forth the duties of the clerk and the duties of the clerk's deputies.

Sec. 30.01376. COURT REPORTER. Requires the city to provide a court reporter. Requires the clerk to appoint the court reporter. Requires the city to compensate the court reporter. Authorizes the court reporter to use certain methods of recording. Sets forth requirements for recording testimony. Authorizes the governing board of the city to have good quality recording devices instead of a court reporter. Sets forth how long a recording

is to be kept and stored. Provides that appealed proceedings are to be transcribed.

Sec. 30.01377. PROSECUTIONS BY CITY ATTORNEY. Requires all prosecutions in the municipal court of record to be conducted by the city attorney or an assistant or deputy attorney.

Sec. 30.01378. JURY. Provides that a defendant in a municipal court of record is entitled to be tried by a jury of six persons, unless that right is waived. Sets forth the duties of the jury. Requires the court to determine all matters of law and to charge the jury on the law. Provides that a juror who serves is to meet the qualifications required by jurors. Requires jurors to meet the qualifications provided in Chapter 62, Government Code.

Sec. 30.01379. APPEAL. Sets forth requirements and procedures of an appeal from a municipal court of record.

Sec. 30.01380. APPEAL BOND. Prohibits the defendant from appealing until an appeal bond is filed with the municipal court of record, if the defendant is not in custody. Sets forth requirements and procedures of the appeal bond.

Sec. 30.01381. RECORD ON APPEAL. Sets forth the requirements and procedures of the record on appeal.

Sec. 30.01382. TRANSCRIPT. Sets forth requirements and procedures of the transcript.

Sec. 30.01383. BILLS OF EXCEPTION. Sets forth requirements of bills of exception.

Sec. 30.01384. STATEMENTS OF FACTS. Sets forth the required contents of a statement of facts.

Sec. 30.01385. COMPLETION, APPROVAL, AND TRANSFER OF RECORD. Requires parties to file certain materials with the municipal court clerk within a certain period of time. Sets forth procedures for completion, approval, and transfer of the record.

Sec. 30.01386. BRIEF ON APPEAL. Sets forth requirements and deadlines of a brief on appeal.

Sec. 30.01387. COURT RULES. Provides that the Code of Criminal Procedure governs the trial of cases before a municipal court of record. Authorizes the court to take certain actions to expedite a case. Authorizes appellate courts to make and enforce certain rules of practice and procedure.

Sec. 30.01388. DISPOSITION ON APPEAL. Authorizes the appellate court to make certain decisions according to law and the nature of the case. Requires an appellate court to presume certain matters unless the matter was made an issue or appears to the contrary from the transcript.

Sec. 30.01389. CERTIFICATE OF APPELLATE PROCEEDINGS. Sets forth the duties of the clerk of the court when the judgment of the appellate court becomes final. Provides that if the municipal court of record judgment is affirmed, further action to enforce the judgment is not necessary except in certain matters.

Sec. 30.01390. EFFECT OR ORDER OF NEW TRIAL. Provides that if an appellate court awards a new trial to a defendant, the case stands as if a new trial had been granted by the municipal court.

Sec. 30.01391. APPEAL TO COURT OF APPEALS. Sets forth requirements for appeal to the court of appeals.

SECTION 2. Emergency clause.

Effective date: upon passage.