

BILL ANALYSIS

Senate Research Center

S.B. 878
By: Sibley
Jurisprudence
3-13-97
As Filed

DIGEST

Currently, litigants play a role in selecting the specific court in which their cases will be filed, in counties that do not have random docket assignments. This permits an unequal distribution of the civil trial workload among district courts with civil jurisdiction. This bill mandates random docket assignments with an exception for criminal cases.

PURPOSE

As proposed, S.B. 878 mandates random docket assignments with an exception for criminal cases.

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 24A, Government Code, by adding Section 24.022, as follows:

Sec. 24.022. ASSIGNMENT OF CASES IN CERTAIN COUNTIES. Requires a district clerk in a county with four or more district courts to assign and docket all cases on a rotating basis, except as provided by Subchapters D and E, and notwithstanding any other law.

SECTION 2. Amends Section 24.139(d), Government Code, to delete a provision giving the 144th, 175th, 186th, 187th, 226th, 227th, 289th, and 290th district courts preference to criminal cases. Makes a nonsubstantive change.

SECTION 3. Amends Section 24.205(a), Government Code, to delete a provision giving the 103rd Judicial District preference to civil cases.

SECTION 4. Amends Section 24.207(a), Government Code, to delete a provision giving the 105th Judicial District preference to criminal cases.

SECTION 5. Amends Section 24.209(a), Government Code, to delete a provision giving the 107th Judicial District preference to criminal cases.

SECTION 6. Amends Section 24.240(a), Government Code, to delete a provision giving the 138th Judicial District preference to criminal cases.

SECTION 7. Amends Section 24.248(a), Government Code, to delete a provision giving the 147th Judicial District preference to criminal cases.

SECTION 8. Amends Section 24.386(b), Government Code, to delete a provision giving preferences to criminal cases in Caldwell, Comal, and Hays Counties.

SECTION 9. Repealer: Sections 24.139(f), 24.139(k), 24.139(l), 24.175(c), 24.353(b), 24.362(b), 24.363(b), 24.364(b), 24.365(b), 24.366(b), 24.373(b), 24.374(b), 24.376(b), 24.382(b), 24.383(b), 24.384(b), 24.387(b), 24.388(b), 24.393(b), 24.394(b), 24.402(b), 24.403(b), 24.404(b), 24.405(b), 24.406(b), 24.407(b), 24.408(b), 24.409(b), 24.410(b), 24.422(b), 24.423(b), 24.424(b), 24.425(b),

24.429(b), 24.431(b), 24.432(b), 24.433(b), 24.434(b), 24.439(b), 24.440(b), 24.442(b), 24.456(b), 24.459(b), 24.460(b), 24.462(b), 24.465(b), 24.466(b), 24.467(b), 24.468(b), 24.469(b), 24.472(b), 24.474(b), 24.475(b), 24.479(b), 24.480(b), 24.483(b), 24.484(b), 24.485(b), 24.488(b), 24.491(b), 24.494(b), 24.497(b), 24.498(b), 24.508(b), 24.516(b), 24.517(b), and 24.522(b), Government Code (Regarding certain judicial districts).

SECTION 10. Emergency clause
 Effective date: 90 days after adjournment.