

## **BILL ANALYSIS**

Senate Research Center  
76R4158 DB-D

H.B. 1605  
By: Thompson (Wentworth)  
Jurisprudence  
4/9/1999  
Engrossed

### **DIGEST**

Currently, statutory probate courts do not have the authority to transfer cases upon the loss of subject matter jurisdiction. H.B. 1605 would authorize the probate court transfer a cause of action as an alternative to dismissal if the court loses subject matter jurisdiction.

### **PURPOSE**

As proposed, H.B. 1605 authorizes a statutory probate court to transfer a cause of action as an alternative to dismissal if the court loses subject matter jurisdiction.

### **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 25B, Government Code, by adding Section 25.00221, as follows:

Sec. 25.00221. TRANSFER OF CASES. Authorizes a judge of a statutory probate court to transfer a cause of action pending in the court to another probate court in the same county that has jurisdiction over the cause. Authorizes the judge to transfer a cause to a district court, county court, statutory county court, or certain justice courts located in the same county, if the judge has certain conflicts with the case. Provides that all processes, writs, and other obligations issued in the original probate court are returnable to the court to which the cause of action is transferred. Establishes that the obligees in all bonds, recognizances taken in and for the statutory court, and all witness required to appear before the original statutory court are all required to appear in the new probate court.

SECTION 2. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.