

BILL ANALYSIS

Senate Research Center

H.B. 400
By: Thompson (Ellis)
Jurisprudence
5/6/1999
Engrossed

DIGEST

With the exception of El Paso County, no new district courts have been created in urban counties since 1989, while voting rights cases challenging the at-large election of district judges in Texas' large urban counties were being heard in the courts. The 75th Texas Legislature passed legislation creating 15 new courts, nearly all in urban areas, but the bill was vetoed by the governor. H.B. 400 would create new district courts, all of which are located in counties with a caseload in excess of the statewide average.

PURPOSE

As proposed, H.B. 400 creates certain district courts.

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 24C, Government Code, effective September 1, 1999, by adding Section 24.524, 24.531, 24.533, as follows:

Sec. 24.524. 379TH JUDICIAL DISTRICT (HARRIS COUNTY). Provides that the 379th Judicial District is composed of Harris County. Requires the 379th District Court to give preference to juvenile matters.

Sec. 24.531. 386TH JUDICIAL DISTRICT (BEXAR COUNTY). Provides that the 386th Judicial District is composed of Bexar County. Requires the 386th District Court to give preference to juvenile matters.

Sec. 24.533. 388TH JUDICIAL DISTRICT (EL PASO). Provides that the 388th Judicial District is composed of El Paso County. Requires the 388th District Court to give preference to family law matters.

SECTION 2. Amends Chapter 24C, Government Code, effective September 1, 1999, by adding Section 24.532, as follows:

Sec. 24.532. 387TH JUDICIAL DISTRICT (FORT BEND COUNTY). Provides that the 387th Judicial District is composed of Fort Bend County. Requires the District Court to give preference to family law matters. Provides that the 387th Judicial District is created September 1, 1999.

SECTION 3. Amends Chapter 24C, Government Code, effective September 1, 1999, by adding Section 24.534, as follows:

Sec. 24.534. 389th JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 389th Judicial District is composed of Hidalgo County. Requires the 389th District Court to give preference to criminal matters.

SECTION 4. Amends Chapter 24C, Government Code, effective September 1, 1999, by adding Section 24.543, as follows:

Sec. 24.543. 398th JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 398th

Judicial District is composed of Hidalgo County. Requires the 398th District Court to give preference to family violence and criminal matters. Provides that the 398th Judicial District is created September 1, 1999.

SECTION 5. Amends Chapter 24, Government Code, effective October 1, 1999, by adding Sections 24.535 and 24.536, as follows:

Sec. 24.535. 390TH JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 390th Judicial District is composed of Travis County. Requires the 390th District Court to give preference to criminal matters.

Sec. 24.536. 391ST JUDICIAL DISTRICT (TOM GREEN COUNTY). Provides that the 391st Judicial District is composed of Tom Green County. Provides that the terms of the 391st District Court begin on the first Mondays in March and September. Authorizes the indictments within the Tom Green County issued by any district court in the county to be returned to the 391st District Court. Provides that Section 24.153, relating to the 51st District Court, contains provisions applicable to both that court and the 391st District Court.

SECTION 6. Amends Section 24.153(c), Government Code, effective October 1, 1999, to authorize judges of the 391st District Court to take certain action.

SECTION 7. Amends Chapter 24C, Government Code, effective January 1, 2000, by adding Section 24.538, 24.540, and 24.541, as follows:

Sec. 24. 538. 393RD JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 393rd District is composed of Denton County. Requires the 393rd Judicial District Court to give preference to family law matters.

Sec. 24.540. 395TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). Provides that the 395th Judicial District is composed of Williamson County.

Sec. 24.541. 396TH JUDICIAL DISTRICT (TARRANT COUNTY). Provides that the 396th Judicial District is composed of Tarrant County. Requires the 396th District Court to give preference to criminal matters.

SECTION 8. Amends Chapter 24C, Government Code, effective August 1, 2000, by adding Section 24.554, as follows:

Sec. 24.554. 408TH JUDICIAL DISTRICT (BEXAR COUNTY). Provides that the 408th Judicial District is composed to Bexar County. Requires the 408th District Court to give preference to civil matters.

SECTION 9. Amends Chapter 24C, Government Code, effective date September 1, 2000, by adding Sections 24.544, 24.546, 24.547, and 24.555 as follows:

Sec. 24.544. 399TH JUDICIAL DISTRICT (BEXAR COUNTY). Provides that the 399th Judicial District is composed of Bexar County. Requires the 399th District Court to give preference to criminal matters.

Sec. 24.546. 401ST JUDICIAL DISTRICT (COLLIN COUNTY). Provides that the 401st Judicial District is composed of Collin County.

Sec. 24.547. 402ND JUDICIAL DISTRICT (WOOD COUNTY). Provides that the 402nd Judicial District is composed of Wood County.

Sec. 24. 555. 409TH JUDICIAL DISTRICT (EL PASO COUNTY). Provides that the 409th Judicial District is composed of El Paso County.

SECTION 10. Amends Chapter 24C, Government Code, effective date September 1, 2000, by adding Section 24.545, as follows:

Sec. 24.545. 400TH JUDICIAL DISTRICT (FORT BEND COUNTY). Provides that the 400th Judicial District is composed of Fort Bend County. Provides that the 400th Judicial District is created September 1, 2000.

SECTION 11. Amends Section 24.216, Government Code, effective September 1, 2000, as follows:

Sec. 24.216. New heading: 114TH JUDICIAL DISTRICT (SMITH COUNTY). Provides that the 114th Judicial District is composed of Smith County, rather than Smith and Wood counties. Makes conforming changes.

SECTION 12. Amends Section 24.471, Government Code, effective September 1, 2000, as follows:

Sec. 24.471. New heading: 294th JUDICIAL DISTRICT (VAN ZANDT COUNTY). Provides that the 294th Judicial District is composed of Van Zandt County rather than Van Zandt and Wood counties. Provides that the 294th Judicial District has concurrent jurisdiction with the county court in Van Zandt County over certain matters. Makes conforming changes.

SECTION 13. Amends Chapter 24C, Government Code, effective October 1, 2000, by adding Section 24.548, as follows:

Sec. 24.548. 403RD JUDICIAL DISTRICT (TRAVIS COUNTY). Provides that the 403rd Judicial District is composed of Travis County. Requires the 403rd District Court to give preference to criminal matters.

SECTION 14. Amends Chapter 24C, Government Code, effective January 1, 2001, by adding Sections 24.549-24.552, as follows:

Sec. 24.549. 404TH JUDICIAL DISTRICT (CAMERON COUNTY). Provides that the 404th Judicial District is composed of Cameron County.

Sec. 24.550. 405TH JUDICIAL DISTRICT (GALVESTON COUNTY). Provides that the 405th Judicial District is composed of Galveston County.

Sec. 24.551. 406TH JUDICIAL DISTRICT (WEBB COUNTY). Provides that the 406th Judicial District is composed of Webb County. Requires the 406th Judicial District to give preference to cases involving family violence, cases under the Family Code, and cases under the Health and Safety Code.

Sec. 24.552. 407TH JUDICIAL DISTRICT (BEXAR COUNTY). Provides that the 407th Judicial District is composed of Bexar County.

SECTION 15. Amends Section 24.151(f), Government Code, to require all tax suits to be assigned and docketed in the 49th District Court. Requires all cases involving family violence, all cases under the Family Code, and all cases under the Health and Human Safety Code, to be assigned and docketed in the 406th District Court. Requires all other cases to be assigned and docketed at random by the district clerk. Deletes text regarding certain courts.

SECTION 16. Provides that the 379th, 386th, 388th, and 389th judicial districts are created September 1, 1999.

SECTION 17. Provides that 390th and 391st judicial districts are created October 1, 1999.

SECTION 18. Provides that 393rd, 395th, 396th, and 408th, judicial districts are created January 1, 2000.

SECTION 19. Provides that the 399th, 401st, 402nd, and 409th judicial districts are created September 1, 2000.

SECTION 20. Require the local administrative district judge, to transfer all cases from Wood County that are pending in the 114th District Court or the 294th District Court to the 402nd District Court, on September 1, 2000. Sets forth requirements for the cases being transferred to another court.

SECTION 21. Provides that the 403th Judicial District is created October 1, 2000.

SECTION 22. Provides that the 404th, 405th, 406th and 407th judicial districts are created January 1, 2001. Requires the initial vacancy in the offices of judge of the 404th, 405th, 406th, and 407th judicial district to be filled by election. Provides that the offices exist for purposes of the primary and general elections in 2000. Provides that a vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

SECTION 23. Emergency clause.

Effective date: 90 after adjournments.