

## **BILL ANALYSIS**

Senate Research Center

S.B. 1899  
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Intergovernmental Relations  
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As Filed

### **DIGEST**

Currently, there are no municipal courts of record in Flower Mound. Texas law, absent local statutes providing for a municipal court of record, requires appeals from a municipal court to be done by a trial de novo or a new trial. A local statute providing for a municipal court of record, however, would require the appeal to be based on the recorded errors made during the trial in lieu of a new trial. S.B. 1899 would authorize the Town of Flower Mound to create a municipal court of record.

### **PURPOSE**

As proposed, S.B. 1899 authorizes the Town of Flower Mound to create a municipal court of record.

### **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 PP, as follows:

#### **SUBCHAPTER PP. FLOWER MOUND**

Sec. 30.01611. APPLICATION. Provides that this chapter applies to the Town of Flower Mound.

Sec. 30.01612. CREATION. Sets forth the creation of the Town of Flower Mound Municipal Court of Record (municipal court of record).

Sec. 30.1613. APPLICATION OF OTHER LAWS. Provides that certain laws apply to the municipal court of record unless the law, charter provision, or ordinance is in conflict or inconsistent with this subchapter.

Sec. 30.01614. JUDGE. Provides that a municipal court of record is presided over by a municipal judge appointed by the mayor with the consent of the town council. Sets forth certain requirements for the judge. Requires the mayor to appoint one of the municipal judges as the presiding municipal judge, if the mayor appoints more than one municipal judge under Subsection (a). Authorizes a municipal court judge to exchange benches and to sit and act for another municipal judge in any proceeding pending in a municipal court. Provides that an act performed by a municipal judge sitting for another municipal judge is binding on all parties to the proceeding. Provides that a municipal judge is entitled to receive a salary from the town, the amount of which is determined by the town council. Prohibits a municipal judge's salary from being based directly or indirectly on fines, fees, or costs collected by the court. Authorizes the judge of a municipal court of record to grant certain orders to the enforcement of the jurisdiction of the court and to issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

Sec. 30.01615. CLERK; OTHER PERSONNEL. Requires the town manager to appoint a clerk of the municipal court of records. Sets forth requirements for the clerk. Requires the town manager to appoint other personnel as needed for the proper operation of the municipal court of record. Requires the clerk and other personnel to perform their duties under the direction and control of the town manager.

Sec. 30.01616. COURT REPORTER. Requires the town to provide a court reporter for certain

purposes. Require the municipal court clerk to appoint the court reporter. Sets forth certain requirements for the court reporter.

Sec. 30.01617. JURY. Requires the municipal court clerk to establish a fair, impartial, and objective jury selection process.

Sec. 30.01618. APPEAL. Sets forth requirements for an appeal.

Sec. 30.01619. APPEAL BOND; RECORD ON APPEAL. Sets forth requirements for an appeal bond.

Sec. 30.01620. TRANSCRIPT; BILLS OF EXCEPTION. Requires the clerk of the municipal court of record to prepare certain transcripts. Requires the transcripts to include certain information.

Sec. 30.01621. STATEMENT OF FACTS. Requires a statement of facts included in the record to contain certain information. Requires the court reporter to transcribe any portion of the notes of the court proceedings, at the request of the appellant. Sets forth certain requirements regarding the payment of transcriptions.

Sec. 30.01622. COMPLETION, APPROVAL, AND TRANSFER OF RECORD. Requires the parties to file certain documents with the clerk of the municipal court of record, not later than the 60th day after the date notice of appeal is given or filed. Requires the municipal judge to approve the record in the manner provided for record completion, approval, and notification in the court of appeals, on completion of the record. Requires the clerk to promptly send the record to the appellate court clerk for filing, after the court approves the record. Requires the appellate court clerk to notify the defendant and the prosecuting attorney that the record has been filed.

Sec. 30.01623. BRIEF ON APPEAL. Sets forth requirements for a brief on appeal.

Sec. 30.01624. PROCEDURE; DISPOSITION. Requires the appellate court to hear appeals from the municipal court of record at the earliest possible time with due regard to the rights of the parties and the proper administration of justice. Prohibits the court from affirming or reversing a case based on a certain errors. Authorizes the court to determine the rules for oral argument. Authorizes the parties to submit the case on the record and briefs without oral argument. Authorizes that appellate court to take certain action, according to the law and the nature of the case. Requires the appellate court to presume certain action was taken, unless the issue was raised in the trial court or it affirmatively appears to the contrary from the transcript of the statement of facts. Requires the appellate court to deliver a written opinion or order sustaining or overruling each assignment of error presented, in each case decided by the appellate court. Provides that the appellate court is not required to give a reason for overruling an assignment of error, except that the appellate court may cite the cases on which it relied. Requires the appellate court to set forth the reasons for the decision. Requires the appellate court clerk to mail to the parties and the municipal judge copies of the appellate court's decision immediately after the appellate court renders a decision.

Sec. 30.01625. CERTIFICATE OF APPELLATE PROCEEDINGS. Requires the appellate court clerk to take certain action when the judgment of the appellate court is final. Requires the municipal court clerk to file the certificate with papers in the case and note the certificate on the case docket. Provides that further action to enforce the judgment is not necessary, except to take certain action, if municipal court of record judgment is affirmed.

Sec. 30.01626. EFFECT OF ORDER OF NEW TRIAL. Provides that the case stands as if a new trial had been granted by the municipal court of record, if the appellate court awards a new trial to the defendant.

Sec. 30.0127. APPEAL TO COURT OF APPEALS. Sets forth requirements for an appeal to the court of appeals.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.