

BILL ANALYSIS

Senate Research Center
77R2223 AEI-D

H.B. 3627
By: Hope (Bernsen)
Intergovernmental Relations
5/7/2001
Engrossed

DIGEST AND PURPOSE

Montgomery County is one of the fastest growing counties in Texas. The county has grown by 61.2 percent since the 1990 census. The three county courts at law in Montgomery County have been overwhelmed by the growth and resulting caseload. To keep pace with the number of cases in county courts, the Montgomery County Commissioners Court passed a resolution requesting the creation of a fourth court. H.B. 3627 creates the County Court at Law No. 4 of Montgomery County.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.1721, Government Code, to provide that Montgomery County has County Court at Law No. 4 of Montgomery County in addition to existing statutory county courts.

SECTION 2. Amends Section 25.1722, Government Code, as follows:

- (a) Deletes cases under Chapter 159, Family Code, from the concurrent jurisdiction with the district court of a county court at law in Montgomery County.
- (b) Deletes text regarding the County Court at Law No. 1 of Montgomery County having concurrent jurisdiction with the justice court in criminal matters and having the same terms of court as the County Court of Montgomery County. Requires the commissioners court to prescribe at least four terms each year for a county court at law, rather than the County Court at Law Nos. 2 and 3, in Montgomery County.
- (c) Prohibits the judge of a county court at law from engaging in the private practice of law, rather than from appearing and pleading as an attorney at law in any court of record in this state or in any court over which the judge has appellate jurisdiction.
- (d) Requires the judge of a county court at law to be paid an annual salary that is not less than \$1,000 less than, rather than equal to at least 95 percent of, the total annual salary, including supplements, of any district judge in the county.
- (e) Deletes text regarding the disqualification of a judge of a county court at law. Redesignated from Subsection (j) with no changes. Deletes text regarding practice in the County Court at Law No. 1 of Montgomery County.
- (f) Adds an exception and makes conforming changes. Provides that juries in family law cases and proceedings are required to be composed of 12 members, unless the parties agree to a six-member jury. Deletes text regarding jury requirements.

(g) Redesignated from Subsection (m). Deletes text regarding summoned jurors. Authorizes jurors to be summoned for service in the county court, a county court at law, or a district court in Montgomery County and used interchangeably in the courts. Deletes text regarding jurors regularly summoned for the week.

(h) Redesignated from Subsection (n). Makes a conforming change.

SECTION 3. Provides that the County Court at Law No. 4 of Montgomery County is created and this Act takes effect January 1, 2002.

SECTION 4. (a) Requires the local administrative statutory county court judge to transfer any criminal matter for which jurisdiction is prescribed by law for justice courts that is pending in the County Court at Law No. 1 of Montgomery County on the effective date of this Act to a justice court in an appropriate precinct in the county.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which a case is transferred as if originally issued by that court. Provides that the obligee on all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 5. Provides that the change in law made by this Act to Section 25.1722(i), Government Code, does not affect the appointment of a special judge of a county court at law made before the effective date of this Act. Provides that the appointment of a special judge of a county court at law made before the effective date of this Act is governed by the law in effect on the date the appointment was made, and the former law is continued in effect for that purpose.

SECTION 6. Provides that the change in law made by this Act to Section 25.1722(k), Government Code, applies only to a case commenced on or after the effective date of this Act. Provides that a case commenced before the effective date of this Act is governed by the law in effect on the date the case was commenced, and the former law is continued in effect for that purpose.

SECTION 7. Provides that Section 25.1722(l), Government Code, as amended by this Act, applies only to a jury impaneled on or after the effective date of this Act, without regard to whether the case for which the jury is impaneled commenced before, on, or after that date. Provides that a jury impaneled before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 8. Provides that Section 25.1722(m), Government Code, as amended by this Act, applies only to a person summoned to appear for jury service on or after the effective date of this Act. Provides that a person summoned to appear for jury service before the effective date of this Act is governed by the law in effect on the date the person is summoned, and the former law is continued in effect for that purpose.

SECTION 9. Provides that Section 25.1722(n), Government Code, as amended by this Act, applies only to an appeal from a judgment or order of a county court at law that is filed on or after the effective date of this Act. Provides that an appeal from a judgment or order of a county court at law that is filed before the effective date of this Act is governed by the law in effect on the date the appeal is filed, and the former law is continued in effect for that purpose.