

BILL ANALYSIS

Senate Research Center

H.B. 3696
By: Hinojosa (Lucio)
Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Currently, Hidalgo County has four county courts at law with jurisdiction over civil as well as criminal matters. In recent years, the dockets of these courts have greatly increased. In particular, these courts find themselves devoting a larger portion of their time to criminal pretrial hearings and trials. H.B. 3696 creates the County Criminal Court at Law of Hidalgo County to deal solely with criminal cases and the County Court at Law No. 5 of Hidalgo County. The bill redesignates the County Court at Law No. 3 as the statutory probate court of Hidalgo 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 25.1101, Government Code, to provide that in addition to the existing statutory county courts, Hidalgo County has County Court at Law No. 5 of Hidalgo County and County Criminal Court at Law of Hidalgo County. Removes the provision establishing that Hidalgo County has County Court at Law No. 3 of Hidalgo County. Provides that Hidalgo County has one statutory probate court, the Probate Court of Hidalgo County.

SECTION 2. Amends Section 25.1102, Government Code, by adding Subsection (b), to provide that, notwithstanding Subsection (a), a county criminal court at law in Hidalgo County has only the jurisdiction provided by this subsection. Provides that a county criminal court at law has jurisdiction over all criminal causes and proceedings, original and appellate, prescribed by law for county courts.

SECTION 3. Amends Chapter 25C, Government Code, by adding Section 15.1103, as follows:

Sec. 25.1103. HIDALGO COUNTY PROBATE COURT PROVISIONS. Sets forth requirements to be a judge of a statutory probate court.

SECTION 4. (a) Redesignates the County Court at Law No. 3 of Hidalgo County as the Probate Court of Hidalgo County.

(b) Provides that the judge of the County Court at Law No. 3 of Hidalgo County is the judge of the Probate Court of Hidalgo County. Provides that, unless otherwise removed, the judge serves until December 31, 2002, and until the judge's successor is elected and has qualified. Requires the voters, in the 2002 general election and every four years thereafter, to elect a judge of the Probate Court of Hidalgo County for a regular term of four years.

SECTION 5. (a) Requires the judge of the County Court at Law No. 3 of Hidalgo County to transfer all cases over which the court loses jurisdiction under this Act and that are pending in the court on September 1, 2001, to a district court, county court at law, or county court in the county with jurisdiction over the case.

(b) Requires the local administrative statutory county court judge to transfer any probate matter that is pending in a statutory county court in Hidalgo County on September 1, 2001, to the Probate Court of Hidalgo County.

(c) Provides that when a case is transferred as provided by Subsection (a) or (b) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees 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 that court.

SECTION 6. Provides that the County court at Law No. 5 of Hidalgo County and the County Criminal Court at Law of Hidalgo County are created and this Act takes effect September 1, 2001.