

## **BILL ANALYSIS**

Senate Research Center

H.B. 62  
By: Wolens (Shapleigh)  
Jurisprudence  
4/19/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, district, county, statutory county, and statutory probate court judges are required to conduct judicial proceedings at the county seat. There is some confusion regarding the authority of judges of a district, statutory county, statutory probate, and county courts to try civil cases at locations other than the courthouse in the county seat, including public, private, or independent institutions of higher education or public or private high schools elsewhere in the county. H.B. 62 extends authority to a judge of a district, statutory county, statutory probate, or county court to try a civil case at an institution of higher education, a private or independent institution of higher education, or a public or private high school in the county in which the case was filed.

### **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 24.012, Government Code, by adding Subsection (e), to authorize a district judge, not earlier than the 31st day after notifying each party to the case, to try, with the express consent of each party to the case, a civil case at an institution of higher education, private or independent institution of higher education, or public or private high school in the county in which the case is filed. Defines “institution of higher education” and “private or independent institution of higher education” for the purposes of this subsection. Provides that a county in which a case is tried at an alternative location as provided by this subsection is not required to pay additional costs incurred because the case is tried at the alternative location.

SECTION 2. Amends Chapter 25A, Government Code, by adding Section 25.0019, as follows:

Sec. 25.0019. LOCATION OF PROCEEDINGS IN CIVIL CASES. Authorizes the judge of a statutory county court, not earlier than the 31st day after notifying each party to the case, to try, with the express consent of each party to the case, a civil case at an institution of higher education, private or independent institution of higher education, or public or private high school in the county in which the case is filed. Defines “institution of higher education” and “private or independent institution of higher education” for the purposes of this section. Provides that a county in which a case is tried at an alternative location as provided by this section is not required to pay additional costs incurred because the case is tried at the alternative location.

SECTION 3. Amends Chapter 25B, Government Code, by adding Section 25.0033, as follows:

Sec. 25.0033. LOCATION OF PROCEEDINGS. Authorizes the judge of a statutory probate court, not earlier than the 31st day after notifying each party to the case, to try, with the express consent of each party to the case, a case at an institution of higher education, private or independent institution of higher education, or public or private high school in the county in which the case is filed. Defines “institution of higher education” and “private or independent

institution of higher education” for the purposes of this section. Provides that a county in which a case is tried at an alternative location as provided by this section is not required to pay additional costs incurred because the case is tried at the alternative location.

SECTION 4. Amends Section 26.002, Government Code, by amending Subsection (c) and adding Subsection (d), to require all terms of court, with an exception, to be held at the county seat. Requires a county judge, not earlier than the 31st day after notifying each party to the case, to try, with the express consent of each party to the case, a civil case at an institution of higher education, private or independent institution of higher education, or public or private high school in the county. Defines “institution of higher education” and “private or independent institution of higher education” for the purposes of this subsection. Provides that a county in which a case is tried at an alternative location as provided by this subsection is not required to pay additional costs incurred because the case is tried at the alternative location.

SECTION 5. Effective date: September 1, 2001.  
Makes application of this Act prospective.