

## **BILL ANALYSIS**

Senate Research Center  
77R10953 YDB-D

S.B. 1810  
By: Sibley  
Intergovernmental Relations  
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### **DIGEST AND PURPOSE**

In the past decade, Hood County has experienced tremendous population growth. As a result, the judicial caseload has increased. Hood County does not have a court at law. As proposed, S.B. 1810 creates a court at law for Hood County to share jurisdiction with the other courts in the county in mental health cases, some civil cases, family law cases and related proceedings, contested probate matters, and juvenile matters.

### **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 Chapter 25C, Government Code, by adding Sections 25.1131 and 25.1132, as follows:

Sec. 25.1131. HOOD COUNTY. Provides that Hood County has one statutory county court, the County Court at Law No. 1 of Hood County.

Sec. 25.1132. HOOD COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Hood County has the jurisdiction provided by this section.

(b) Provides that a county court at law in Hood County has concurrent jurisdiction with the county court in mental health cases.

(c) Provides that a county court at law in Hood County has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, excluding interest;

(2) family law cases and related proceedings; and

(3) contested probate matters under Section 5(b) (Jurisdiction of District Court and Other Courts of Record With Respect to Probate Proceedings and Appeals from Probate Orders), Texas Probate Code.

(d) Provides that the county court and each county court at law and district court in Hood County has jurisdiction over juvenile matters and may be designated a juvenile court. Provides that the county court has primary jurisdiction over juvenile matters.

(e) Provides that a county court at law does not have probate jurisdiction, except as

provided by Subsection (c)(3) .

(f) Provides that a county court at law in Hood County has the same terms of court as the County Court of Hood County.

(g) Requires the judge of a county court at law in Hood County to meet certain criteria.

(h) Prohibits the judge of a county court at law from engaging in the private practice of law.

(i) Requires the judge of a county court at law to be paid an annual salary that is not less than 90 percent of the annual salary of a district judge in the county. Requires the salary to be paid from the county treasury on order of the commissioners court. Entitles the judge to travel expenses and necessary office expenses, including administrative and clerical personnel, in the same manner as the county judge.

(j) Provides that if the regular judge of a county court at law is absent, disabled, or disqualified from presiding, a special judge may be appointed in the manner provided by law for the appointment of a special judge. Requires a special judge to have the same qualifications as the regular judge and provides that a special judge is entitled to the same amount of daily compensation as the regular judge. Prohibits the compensation paid to a special judge from being deducted from the salary paid to the regular judge.

(k) Requires a special judge to take the oath of office required by law for the regular judge and provides that a special judge has the same authority as the regular judge. Authorizes a special judge to sign orders, judgments, decrees, and other processes of the court as "Judge Presiding" when acting for the regular judge. Provides that the appointment of a special judge to a county court at law does not affect the jurisdiction of the court.

(l) Authorizes the judge of a county court at law, with the approval of the commissioners court, to appoint personnel necessary for the operation of the court. Entitles the appointed personnel to compensation, fees, and allowances set by the commissioners court, or otherwise provided by law, and paid from county funds.

(m) Authorizes the commissioners court to employ as many assistant county attorneys and bailiffs as are necessary to serve a county court at law.

(n) Entitles the official court reporter of a county court at law to compensation set by the commissioners court in an amount at least equal to the compensation paid to the court reporter of a district court in Hood County.

(o) Requires the jury to be composed of 12 members if a family law case or proceeding is tried before a jury in a county court at law. Provides that in all other cases, the jury is required to be composed of six members.

(p) Provides that a county court at law has the jurisdiction and authority vested by law in the county court for the drawing, selection, and service of jurors. Authorizes jurors summoned for service in the county court or a county court at law, by order of the judge of the court to which the jurors were summoned, to be transferred to another court for service in that court. Provides that if the judges of the county court and each county court at law agree, jurors may be summoned for service in all of the courts and used interchangeably in the courts.

SECTION 2. Provides that the County Court at Law No. 1 of Hood County is created and this Act takes effect September 1, 2001.