

BILL ANALYSIS

Senate Research Center
79R3277 YDB-F

H.B. 3475
By: Haggerty (Shapleigh)
Jurisprudence
4/28/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Out of the five largest metropolitan counties, El Paso County has the highest ratio of cases per court, yet has only one probate court. When the probate court was created in 1991, it inherited 9,000 cases. Over the past four years, the number of pending cases has grown by over 2,000 per year, while the number of new cases has increased by over 100 per year. Since there are no other courts to which to shift the increasing caseload, El Paso Probate Court No. 1 is quickly becoming overwhelmed.

H.B. 3475 establishes a second probate court in El Paso County. Probate Court No. 2 will have the primary responsibility for mental illness proceedings, including budget preparation, staff management, and the adoption of administrative policy. Probate Court No. 1 will have secondary responsibility for mental health proceedings and primary responsibility for probating a decedent's estate and guardianship of adults and minors.

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 25.0731(b), Government Code, to provide that El Paso County has the Probate Court No. 1 of El Paso County, Texas, and the Probate Court No. 2 of El Paso County, Texas, rather than one probate court.

SECTION 2. Amends Section 25.0733, Government Code, by providing that the Probate Court No. 2 of El Paso County has primary responsibility for mental illness proceedings and for all administration related to mental illness proceedings, including budget preparation, staff management, and the adoption of administrative policy. Provides that the Probate Court No. 1 of El Paso County has secondary responsibility for mental illness proceedings.

SECTION 3. Creates the Probate Court No. 2 of El Paso County, Texas, on September 1, 2005.

SECTION 4. Effective date: September 1, 2005.