BILL ANALYSIS

Senate Research Center   C.S.S.B. 1189
79R11858 QS-D   By: Wentworth
                                                                          Jurisprudence
                                                                             4/14/2005
                                                          Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, several counties are experiencing backlogs in the courts within their counties. The establishment of new judicial districts may help alleviate the backlog of cases.

C.S.S.B. 1189 creates new judicial districts in certain counties and modifies the composition of other judicial districts.

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. (a) Amends Section 24.194, Government Code, by adding Subsection (d), to require all civil cases in the 92nd District Court to be assigned and docketed at random by the district clerk using an automated system.

> (b) Amends Section 24.195, Government Code, by adding Subsection (d), to require all civil cases in the 93rd District Court to be assigned and docketed at random by the district clerk using an automated system.

> (c) Amends Section 24.241, Government Code, by adding Subsection (d), to require all civil cases in the 139th District Court to be assigned and docketed at random by the district clerk using an automated system.

> (d) Amends Section 24.385, Government Code, as follows:

>> Sec. 24.385. 206TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) Creates subsection from existing text.

>>> (b) Requires all civil cases in the 206th District Court to be assigned and docketed at random by the district clerk using an automated system.

> (e) Amends Section 24.452, Government Code, as follows:

>> Sec. 24.385. 275TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) Creates subsection from existing text.

>>> (b) Requires all civil cases in the 275th District Court to be assigned and docketed at random by the district clerk using an automated system.

> (f) Amends Section 24.478, Government Code, as follows:

>> Sec. 24.478. 332ND JUDICIAL DISTRICT (HIDALGO COUNTY). (a) Creates subsection from existing text.

>>> (b) Requires all civil cases in the 332nd District Court to be assigned and docketed at random by the district clerk using an automated system.

(g) Amends Section 24.515, Government Code, as follows:

Sec. 24.515. 370TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) Creates subsection from existing text.

(b) Requires all civil cases in the 370th District Court to be assigned and docketed at random by the district clerk using an automated system.

(h) Amends Section 24.534, Government Code, by adding Subsection (c), to require all civil cases in the 389th District Court to be assigned and docketed at random by the district clerk using an automated system.

(i) Amends Section 24.543, Government Code, by adding Subsection (c), to require all civil cases in the 398th District Court to be assigned and docketed at random by the district clerk using an automated system.

(j) Makes application of this section prospective.

SECTION 2. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.574, as follows:

Sec. 24.574. 430TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) Provides that the 430th Judicial District is composed of Hidalgo County.

(b) Requires the 430th District Court to give preference to family violence and criminal matters.

(c) Requires all civil cases in the 430th District Court to be assigned and docketed at random by the district clerk using an automated system.

(b) Repealer: Sections 24.534(b) (389th Judicial District (Hidalgo County)) and 24.543(b) (398th Judicial District (Hidalgo County)).

(c) Creates the 430th Judicial District on January 1, 2007.

(d) Requires, notwithstanding Sections 201.027 (New Office) and 202.003 (New Office), Election Code, the initial vacancy in the office of judge of the 430th Judicial District to be filled by appointment, as provided by Section 24.311, Government Code.

(e) Provides that, except as provided by this subsection, this section takes effect September 1, 2006. Provides that Subsection (b) of this section takes effect January 1, 2007.

SECTION 3. (a) Amends Section 24.205, Government Code, to delete existing text regarding the inclusion of Willacy County in this section (103rd Judicial District). Makes conforming changes.

(b) Amends Section 24.209, Government Code, to make conforming changes.

(c) Amends Section 24.240, Government Code, to make conforming changes.

(d) Amends Section 24.503, Government Code, to make conforming changes.

(e) Amends Section 24.549, Government Code, to make conforming changes.

(f) Requires the local administrative judge to transfer all cases from Willacy County that are pending in the 103rd, 107th, 138th, 357th, and 404th District Courts on September 1, 2005, to the 197th District Court.

(g) Provides that when a case is transferred as provided by Subsection (f) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the 103rd,

107th, 138th, 357th, and 404th District Courts are returnable to the 197th District Court as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for the 103rd, 107th, 138th, 357th, and 404th District Courts and all witnesses summoned to appear in those courts are required to appear before the 197th District Court as if originally required to appear before that court.

SECTION 4. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.556, as follows:

> Sec. 24.556. 412TH JUDICIAL DISTRICT (BRAZORIA COUNTY). Provides that the 412th Judicial District is composed of Brazoria County.

(b) Creates the 412th Judicial on September 1, 2005.

SECTION 5. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.569, as follows:

> Sec. 24.569. 425TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). Provides that the 425th Judicial District is composed of Williamson County.

(b) Creates the 425th Judicial District on January 1, 2007.

(c) Requires, notwithstanding Sections 201.027 and 202.003, Election Code, the initial vacancy in the office of judge of the 425th Judicial District to be filled by appointment, as provided by Section 24.311, Government Code.

(d) Provides that this section takes effect September 1, 2006.

SECTION 6. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.570, as follows:

> Sec. 24.570. 426TH JUDICIAL DISTRICT (BELL COUNTY). (a) Provides that the 426th Judicial District is composed of Bell County.
>
> > (b) Provides that the terms of the 426th District Court begin on the first Mondays in January, April, July, and October.
> >
> > (c) Provides that Section 24.129, relating to the 27th District Court, contains provisions applicable to both that court and the 426th District Court.

(b) Amends Section 24.129(b), Government Code, to make conforming changes.

(c) Creates the 426th Judicial Court on September 1, 2005.

SECTION 7. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.571, as follows:

> Sec. 24.571. 427TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) Provides that the 427th Judicial District is composed of Travis County.
>
> > (b) Requires the 427th Judicial District to give preference to criminal matters.

(b) Creates the 427th Judicial District on January 1, 2007.

SECTION 8. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.572, as follows:

> Sec. 24.572. 428TH JUDICIAL DISTRICT (HAYS COUNTY). Provides that the 428th Judicial District is composed of Hays County.

(b) Creates the 428th Judicial District on September 1, 2005.

SECTION 9. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.577, as follows:

> Sec. 24.577. 433RD JUDICIAL DISTRICT (COMAL COUNTY). Provides that the 433th Judicial District is composed of Comal County.

(b) Creates the 433rd Judicial District on September 1, 2005.

SECTION 10. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.578, as follows:

> Sec. 24.578. 434TH JUDICIAL DISTRICT (FORT BEND COUNTY). Provides that the 434th Judicial District is composed of Fort Bend County.

(b) Creates the 434th Judicial District on September 1, 2005.

SECTION 11. Amends Section 24.135, Government Code, by adding Subsections (c) and (d), as follows:

> (c) Authorizes the judge of the 33rd District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 33rd District Court to alternate the drawing of grand juries with the judge of any other district court in each county within the 33rd Judicial District and to order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Authorizes indictments within each county to be returned to either court within that county.

> (d) Authorizes the 33rd District Court to hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury may not be demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing is held. Authorizes the 33rd District Court, unless an objection is filed by a party to the suit, to hear in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in which citation was by publication, regardless of whether the case was filed in the county in which the hearing is held.

SECTION 12. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.568, as follows:

> Sec. 24.568. 424TH JUDICIAL DISTRICT (BLANCO, BURNET, LLANO, AND SAN SABA COUNTIES). (a) Provides that the 424th Judicial District is composed of Blanco, Burnet, Llano, and San Saba counties.

>> (b) Provides that the jurisdiction of the 424th District Court is concurrent with the jurisdiction of the 33rd District Court.

>> (c) Provides that the 424th District Court has the same terms of court as the 33rd District Court.

>> (d) Authorizes the judge of the 424th District Court to select jury commissioners and impanel grand juries in each county. Authorizes the judge of the 424th District Court to alternate the drawing of grand juries with the judge of any other district court in each county within the 424th Judicial District and to order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Authorizes indictments within each county to be returned to either court within that county.

(e) Authorizes the 424th District Court to hear and determine, in any county in the district convenient for the court, all preliminary or interlocutory matters in which a jury is prohibited from being demanded, in any case pending in any county in the district regardless of whether the case was filed in the county in which the hearing is held. Authorizes the 424th District Court, unless an objection is filed by a party to the suit, to hear, in any county in the district convenient for the court, any nonjury case pending in any county in the district, including divorces, adoptions, default judgments, and matters in which citation was by publication, regardless of whether the case was filed in the county in which the hearing is held.

(b) Creates the 424th Judicial District on September 1, 2005.

SECTION 13. Amends Subchapter D, Chapter 74, Government Code, by adding Section 74.097, as follows:

Sec. 74.097. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR BLANCO, BURNET, LLANO, AND SAN SABA COUNTIES. Provides that, notwithstanding Section 74.091(b), the local administrative district judge for Blanco, Burnet, Llano, and San Saba counties is elected on the basis of seniority from the district judges of the 33rd Judicial District and the 424th Judicial District.

SECTION 14. Amends Section 152.0221(b), Human Resources Code, to provide that the judge of the 33rd District Court, rather than the juvenile court judge, is the chairman of the board and its chief administrative officer. Makes conforming changes.

SECTION 15. Amends Section 152.0331(b), Human Resources Code, to make conforming changes.

SECTION 16. Amends Section 152.1561(b), Human Resources Code, to make conforming changes.

SECTION 17. Amends Section 152.2121(b), Human Resources Code, to make conforming changes.

SECTION 18. Amends Section 152.2261(h), Human Resources Code, to make a conforming change.

SECTION 19. Effective date: September 1, 2005, except as otherwise provided by this Act.