

BILL ANALYSIS

Senate Research Center
80R12122 YDB-D

H.B. 4008
By: Chavez (Shapleigh)
Jurisprudence
5/14/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The American Community Survey by the United States Census Bureau estimated the 2005 population of El Paso County as 708,319, an increase from 679,622 gathered by the 2000 census and 591,610 in the 1990 census. Due to this considerable increase in population, El Paso County is in need of two new county criminal courts at law. Additionally, El Paso expects more than 20,000 soldiers and more than 65,000 family members as a result of BRAC (base realignment and closure) actions. This immediate and large population increase may lead to an increase in criminal cases, and further strain the courts' ability to manage the vast number of criminal cases.

H.B. 4008 adds two additional county criminal courts at law in El Paso, County Criminal Courts at Law No. 3 and No. 4.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.0731(a), Government Code, to include County Criminal Courts at Law No. 3 and No. 4 of El Paso County, Texas, as statutory county courts in El Paso County.

SECTION 2. Amends Sections 25.0732(y) and (z), Government Code, as follows:

(y) Includes the county criminal courts at law, rather than the County Criminal Courts No. 1 and No. 2. Requires the El Paso Council of Judges (council), in determining the court to which a case is transferred, to give preference to a county criminal court at law that is required to give preference to certain cases under Subsection (z).

(z) Provides that County Criminal Courts No. 1, No. 2, No. 3, and No. 4 have the criminal jurisdiction provided by this section and other law for statutory county courts in El Paso County and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county as provided by Article 45.042 (Appeal), Code of Criminal Procedure. Requires County Criminal Court No. 4 to give preference to cases prosecuted under Section 22.01 (Assault), Penal Code, in which the victim is a person whose relationship to or association with the defendant is described under Chapter 71 (Definitions), Family Code, and Section 25.07 (Violation of Protective Order or Magistrate's Order), Penal Code.

SECTION 3. Provides that County Criminal Courts at Law No. 3 and No. 4 of El Paso County, Texas, are created September 1, 2007.

SECTION 4. Effective date: September 1, 2007.