

BILL ANALYSIS

Senate Research Center
80R5326 KFF-F

S.B. 2018
By: Deuell
Jurisprudence
4/19/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The commissioners court of Hunt County has determined that it is in the best interest of the county to create an additional county court at law in order to address the backlog of cases in the county.

As proposed, S.B. 2018 redesignates the County Court at Law of Hunt County as County Court at Law Number One of Hunt County and creates the County Court at Law Number Two of Hunt County.

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 25.1181, Government Code, to provide that Hunt County has two, rather than one, statutory county courts: the County Court at Law Number One of Hunt County and the County Court at Law Number Two of Hunt County.

SECTION 2. Amends Section 25.1182, Government Code, as follows:

Sec. 25.1182. HUNT COUNTY COURT AT LAW PROVISIONS. (a) Provides that a county court at law in Hunt County (county court) has the jurisdiction provided by the constitution and general law for district courts that is concurrent with the district courts, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction), Government Code, and other law, and except as limited by Subsection (b).

(b) Provides that a county court does not have general supervisory control or appellate review of the commissioners court or jurisdiction of certain cases. Deletes existing text referencing a singular county court in Hunt County.

(c) Provides that the district clerk serves as a clerk of a county court except that the county clerk serves as clerk of the county court in certain matters.

(d) Authorizes jurors regularly impaneled for the week by the district court to be made available in the numbers requested by the county court judge and requires jurors to serve for that week or until released by the judge. Deletes existing text relating to the required salary of a judge and expense reimbursement.

(e) Authorizes the county court to summon jurors through the county clerk for service in the county court in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts. Requires summoned jurors to be paid in the same manner and at the same rate as jurors for district courts in Hunt County. Authorizes the transference of summoned jurors from the county court to the district court for service in noncapital felony cases by order of a county court judge. Deletes existing text requiring a judge to discharge the duties of the judge's office and prohibiting a judge from engaging in private law practice.

(f) Provides that a district judge serves as the local administrative judge for the district and county courts in Hunt County, notwithstanding Sections 74.091 (Local Administrative District Judge) and 74.0911 (Local Administrative Statutory County Court Judge), Government Code. Requires the district court judges to elect a district judge as a local administrative judge for a term of not more than two years. Prohibits the election the local administrative judge on a rotating basis or by seniority. Deletes existing text relating to the appointment of, circumstances leading to the appointment of, and payment of, a special judge of a county court.

(g) Requires the district clerk to charge civil fees and court costs for a case in county court as if the case had been filed in the district court. Requires, in the event of concurrent jurisdiction, that the case be assigned to either the district court or a county court in accordance with local administrative rules established by the local administrative judge. Deletes existing text requiring the county sheriff to attend a county court as required by the judge.

(h) Requires the county court judge to appoint an official court reporter for the court (reporter) and to set the reporter's annual salary, subject to approval by the county commissioners court. Requires the reporter to take an oath or affirmation as an officer of the court. Provides that the reporter holds office at the pleasure of the judge of the court and is required to be provided a private office in close proximity to the court. Entitles the reporter to all rights and benefits afforded all other county employees. Deletes existing text referring to practice in a county court as being prescribed by law for county courts.

(i) Requires a county court judge to hire a staff with the approval of the county commissioners court and through the county budget process. Provides that the staff consists of a court coordinator and a bailiff. Entitles court personnel employed under this subsection to receive a salary set by the commissioners court and other employment benefits received by county employees. Deletes existing text providing that Section 25.0005(b) (regarding the setting of salary of a county court judge who engages in private practice), Government Code, does not apply to a county court in Hunt County.

(j) Requires the bailiff of a county court to have received a peace officer license under Chapter 1701 (Law Enforcement Officers), Occupations Code, from the Commission on Law Enforcement Officer Standards and Education, not later than one year after the date of appointment. Requires the Hunt County sheriff to deputize the bailiff. Provides that the bailiff is subject to the training and continuing education requirements of a sheriff's deputy of the county. Requires the sheriff to remove a bailiff from office who does not receive a peace officer license within the required time frame.

(k) Requires a county court judge to be a United States citizen at the time of appointment or election.

(l) Requires a county court judge to diligently discharge the duties of office on a full-time basis and prohibits the judge from engaging in private legal practice.

(m) Sets forth certain authorized actions of a county court judge and a district judge in matters of concurrent jurisdiction.

(n) Provides that a county court judge has the same judicial immunity as a district judge.

SECTION 3. (1) Redesignates the County Court at Law of Hunt County as the County Court at Law Number One of Hunt County. Provides that the judge of that court, unless otherwise removed as provided by law, serves as the judge of the redesignated court for the remainder of the term to which the judge was elected.

(2) Creates the County Court at Law Number Two of Hunt County.

SECTION 4. Effective date: September 1, 2007.