

BILL ANALYSIS

Senate Research Center
81R4585 YDB-D

H.B. 1682
By: Cook (Averitt)
Jurisprudence
5/7/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Commissioners Court of Navarro County, Texas, passed a resolution on November 24, 2008, requesting that the Texas Legislature enact a bill for the creation of a statutory county court at law for Navarro County, Texas.

H.B. 1682 addresses this request by creating the County Court at Law of Navarro County effective January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County by an order entered in its minutes.

H.B. 1682 amends current law relating to the creation of a county court at law in Navarro 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 Subchapter C, Chapter 25, Government Code, by adding Sections 25.1771 and 25.1772, as follows:

Sec. 25.1771. NAVARRO COUNTY. Provides that Navarro County has one statutory county court, the County Court at Law of Navarro County.

Sec. 25.1772. NAVARRO COUNTY COURT AT LAW PROVISIONS. (a) Provides that in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, and except as limited by Subsection (b), a county court at law in Navarro County has concurrent jurisdiction with the district court in certain felony cases, Class A and Class B misdemeanor cases, family law matters, juvenile matters, probate matters, and appeals from the justice and municipal courts.

(b) Provides that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of suits on behalf of this state to recover penalties or escheated property, felony cases involving capital murder, misdemeanors involving official misconduct, or contested elections.

(c) Requires the judge of a county court at law to have the same qualifications as those required by law for a district judge.

(d) Requires the judge of a county court at law to be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county. Provides that a district judge's or statutory county court judge's total annual salary does not include contributions and supplements paid by a county.

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

(f) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court and requires the county clerk to serve as clerk of a county court at law in all other matters. Requires each clerk to establish a separate docket for a county court at law.

(g) Entitles the official court reporter of a county court at law to receive a salary set by the judge of the county court at law with the approval of the commissioners court.

(h) Authorizes jurors summoned for a county court at law or a district court in the county by order of the judge of the court to which they are summoned to be transferred to another court for service and to be used as if summoned for the court to which they are transferred.

SECTION 2. Provides that notwithstanding Section 25.1771, Government Code, as added by this Act, the County Court at Law of Navarro County is created January 1, 2011, or on an earlier date determined by the Commissioners Court of Navarro County by an order entered in its minutes.

SECTION 3. Effective date: September 1, 2009.