

BILL ANALYSIS

Senate Research Center
81R2703 KFF-D

S.B. 2229
By: Averitt
Jurisprudence
4/13/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 2229 creates a new county court at law in Bosque County and sets forth the provisions for that court. The bill also adds the judge of the county court at law in Bosque County to the list of certain judges composing the Bosque, Comanche, and Hamilton Counties juvenile board.

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 25.0201 and 25.0202, as follows:

Sec. 25.0201. BOSQUE COUNTY. Provides that Bosque County has one statutory county court, the County Court at Law of Bosque County.

Sec. 25.0202. BOSQUE COUNTY COURT AT LAW PROVISIONS. (a) Provides that in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in family law cases and proceedings, civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000, excluding interest, court costs, and attorney's fees, and contested probate matters under Section 5(b) (relating to counties in which there is no statutory probate court, county court at law, or other statutory court), Texas Probate Code.

(b) Provides that the County Court at Law of Bosque County has primary jurisdiction over juvenile matters.

(c) Provides that a county court at law has the same terms of court as the County Court of Bosque County.

(d) Prohibits the judge of a county court at law from engaging in the private practice of law and requires that the judge meet the qualifications established by Section 25.0014 (Qualifications of a Judge).

(e) Requires that the judge of a county court at law be paid as provided by Section 25.0005 (Judge's Salary). Requires that the judge be paid out of the county treasury on order of the commissioners court. Entitles the judge, notwithstanding any other law, to necessary office and operational expenses, including administrative and clerical personnel, on the approval of the commissioners court. Provides that administrative and clerical personnel to which a judge is entitled on approval under this subsection includes a court coordinator, court reporter, and bailiff.

(f) Requires that the jury, if a family law case or proceeding is tried before a jury, be composed of 12 members. Requires that the jury, in all other cases, except as otherwise required by law, be composed of six members.

(g) Authorizes that jurors regularly impaneled for a week by the district court, on request of the county judge or the judge of a county court at law, be made available and be required to serve for the week in the county court or the county court at law.

SECTION 2. Amends Section 152.0241(a), Human Resources Code, to add the judge of the County Court at Law in Bosque County to the list of certain judges composing the Bosque, Comanche, and Hamilton counties juvenile board. Makes nonsubstantive changes.

SECTION 3. Provides that the County Court at Law of Bosque County is created October 1, 2009.

SECTION 4. Effective date: October 1, 2009.