

BILL ANALYSIS

Senate Research Center
81R222 KFF-D

S.B. 408
By: Carona
Jurisprudence
2/20/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a judgment rendered by a small claims court may be appealed to a county court or a county court at law. However, the judgment rendered by the county court or the county court at law is not appealable.

As proposed, S.B. 408 provides that the judgment of the county court or county court at law is appealable to the courts of appeals.

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 the heading to Section 28.053, Government Code, to read as follows:

Sec. 28.053. DE NOVO TRIAL ON APPEAL.

SECTION 2. Amends Sections 28.053(b) and (d), Government Code, as follows:

(b) Provides that trial on appeal to the county court or county court at law is de novo.

(d) Authorizes a person to appeal the final judgment of the county court or county court at law on the appeal to the court of appeals. Deletes existing text providing that judgment of the county court or county court at law on the appeal is final.

SECTION 3. Makes application of Section 28.053, Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2009.