

## **BILL ANALYSIS**

Senate Research Center  
81R14073 KFF-D

C.S.S.B. 408  
By: Carona  
Jurisprudence  
3/19/2009  
Committee Report (Substituted)

### **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.

C.S.S.B. 408 provides that the judgment of a county court or county court at law is appealable to the courts of appeals. C.S.S.B. 408 also increases from \$100 to \$250 the minimum amount of a judgment or controversy in a civil case for which a person may appeal from a district or county court to the court 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 Section 51.012, Civil Practice and Remedies Code, to authorize a person to take an appeal or writ of error to the court of appeals from a final judgment of the district or county court in a civil case in which the judgment or amount in controversy exceeds \$250, rather than \$100, exclusive of interest and costs.

SECTION 2. Amends Section 22.220(a), Government Code, to make a conforming change.

SECTION 3. Amends Section 26.042(c), Government Code, to make a conforming change.

SECTION 4. Amends Section 28.052(b), Government Code, to provide that appeal is the manner provided by law for appeals from justice courts, rather than from justice court to county court, except to the extent of any conflict with this subchapter. Makes nonsubstantive changes.

SECTION 5. Amends the heading to Section 28.053, Government Code, to read as follows:

Sec. 28.053. DE NOVO TRIAL ON APPEAL.

SECTION 6. 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. Provides that no further pleadings are required. Deletes existing text providing that the procedure is the same as in small claims court.

(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 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2009.