

BILL ANALYSIS

Senate Research Center

H.B. 1314
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Jurisprudence
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, the board of judges in Webb County unanimously passed a resolution to equally distribute the criminal, family, tax, and civil cases among the four district courts, with the goal of ensuring that dockets are not overloaded and that the judges have a balanced case load. In a justice system with limited resources, most will agree that judicial economy is beneficial to the maintenance of our courts. H.B. 1314 seeks to support this effort to enhance the efficient operation of the courts by making appropriate changes to statute governing the operation of the 111th District Court.

H.B. 1314 amends current law relating to the operation and jurisdiction of certain district courts serving Webb 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 24.151(f), Government Code as follows:

(f) Requires the clerk of the district courts, in Webb County, to file all civil cases on the Clerk's Civil File Docket and to number the cases consecutively, rather than requires the clerk of the district courts, in Webb County, to file all civil cases, except tax suits, on the Clerk's Civil File Docket and to number the cases consecutively. Requires that all civil cases not assigned and docketed in a district court based on the types of cases the court gives preference to under applicable law be assigned and docketed at random by the district clerk. Requires the clerk to keep a separate file docket, known as the Clerk's Criminal File Docket, for criminal cases. Requires the clerk to number the cases on the Clerk's Criminal File Docket consecutively with a separate series of numbers, rather than number the cases on the Clerk's Tax Suit Docket consecutively with a separate series of numbers and to number the cases on the Clerk's Criminal File Docket consecutively with a separate series of numbers.

Deletes existing text requiring all tax suits to be assigned and docketed in the 49th District Court. Deletes existing text requiring all cases involving family violence, all cases under the Family Code, and all cases under the Health and Safety Code to be assigned and docketed in the 406th District Court. Deletes existing text requiring the clerk to keep a separate file docket, known as the Clerk's Tax Suit Docket, for tax suits.

SECTION 2. Amends Section 24.213, Government Code, by amending Subsections (b) and (c) and adding Subsection (e), as follows:

(b) Provides that the terms of the 111th District Court begin on the first Mondays in January, April, July, and October, rather than provides that the terms of the 111th District Court begin on the first Mondays in January, March, May, July, September, and November. Provides that each term continues until the court disposes of its business.

(c) Provides that the 111th District Court has concurrent jurisdiction with the other district courts in Webb County, rather than prohibits the judge of the 111th District Court from impaneling grand juries unless he considers it necessary.

(e) Authorizes a criminal complaint to be presented to the grand jury of any district court in Webb County, and a resulting indictment to be returned to any other district court in Webb County with the appropriate criminal jurisdiction.

SECTION 3. Section 24.487(b), Government Code, is amended to read as follows:

(b) Authorizes the judge of the 341st District Court to select jury commissioners and impanel grand juries in Webb County. Authorizes the judge of the 341st District Court to alternate the drawing of grand juries with the judge of any other district court in the county. Authorizes the judge, by order entered on the minutes, for any term that the judge considers it necessary, to order grand and petit juries to be drawn. Deletes existing text providing that the 341st District Court has concurrent jurisdiction with the 49th District Court in all tax suits and cases.

SECTION 4. Effective date: upon passage or September 1, 2011.