

BILL ANALYSIS

Senate Research Center
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S.B. 1806
By: Eltife
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a need for a more efficient judicial system in Harrison County because there is a backlog of cases. Both the Harrison County Court at Law and the 71st Judicial District request that these respective courts have concurrent jurisdiction to more adequately serve Harrison County citizens.

S.B. 1806 expands the jurisdiction of the Harrison County Court at Law to include concurrent jurisdiction with the 71st Judicial District Court in felony criminal cases, excluding capital murder cases, by September 1, 2013. Additionally, the courts request concurrent jurisdiction for family law matters and civil cases, with unlimited monetary jurisdiction, by January 1, 2015.

The additional use of the Harrison County Court of Law will substantially increase the ability of the courts to handle and dispose of cases in a more efficient and timely manner.

As proposed, S.B. 1806 amends current law relating to the Harrison County Court at Law.

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 25.1042, Government Code, by adding Subsection (a), as follows:

(a) Provides that in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in felony cases other than capital murder cases. Provides that this subsection expires January 1, 2015.

SECTION 2. Amends Section 25.1042, Government Code, effective January 1, 2015, by adding Subsection (a), as follows:

(a) Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in:

- (1) felony cases other than capital murder cases;
- (2) family law cases and proceedings; and
- (3) civil cases.

SECTION 3. Amends Section 25.1042, Government Code, by adding Subsections (b), (c), and (d), as follows:

(b) Provides that assignment and transfer of cases under Subsection (a) is at the discretion of the judge of the district court making the assignment. Provides that assignment or transfer from a county court at law to a district court is governed by Section 74.121(b)(1) (relating to authorizing the judge of a statutory court to transfer a case to the docket of the district court under certain conditions).

(c) Provides that the district clerk serves as clerk of a county court at law in cases assigned under Subsection (a), and the county clerk serves as clerk of the court in all other cases.

(d) Authorizes a party to a case assigned under Subsection (a) to request a jury of 12 persons if the party makes the request not later than the 30th day before the trial date. Provides that a party who does not make a timely request under this subsection waives the right to request a 12-person jury and the case will proceed with a six-person jury.

SECTION 4. Amends Section 25.1042(g), Government Code, to entitle the criminal district attorney to the same fees prescribed by law for prosecutions in the county court, except that in cases assigned under Subsection (a), the criminal district attorney is entitled to the same fees prescribed by law for prosecutions in district court.

SECTION 5. Provides that Section 25.1042(a), Government Code, as added by Section 1 of this Act, applies only to an action filed in a district court in Harrison County on or after the effective date of this Act. Provides that an action filed in a district court in Harrison County before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 6. Provides that Section 25.1042(a), Government Code, as added by Section 2 of this Act, applies only to an action filed in a district court in Harrison County on or after January 1, 2015. Provides that an action filed in a district court in Harrison County before January 1, 2015, is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 7. Effective date, except as otherwise provided by this Act: September 1, 2013.