

BILL ANALYSIS

Senate Research Center
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S.B. 824
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State of Texas has statutorily created 238 county courts at law, as authorized by the Texas Constitution. The constitution allows the legislature to limit the jurisdiction of county courts at law, while district courts have unlimited civil jurisdiction. While most county courts at law are given jurisdiction in civil cases in which the matter in controversy is under \$200,000, some courts have jurisdictions far in excess of this amount and even unlimited jurisdiction like district courts.

Even though jurisdictional amounts of county courts at law vary in size, the Government Code provides for only six-person juries in all county courts at law. In district courts, however, the Constitution sets a uniform jurisdiction (unlimited) and jury size (12 persons). Therefore, in a county where a county court at law has unlimited jurisdiction, a defendant could decide to "shop a court" and file their suit in a county court at law with a six-person jury, instead of a district court with the same jurisdictional level and a 12-person jury.

S.B. 824 attempts to provide consistency among courts of the same jurisdictional amount by providing that county courts at law use 12-person juries and select juries in the same manner as district courts when county court at law jurisdictional limits are in excess of \$200,000.

As proposed, S.B. 824 amends current law relating to the number of jurors required in certain civil cases pending in a statutory county court.

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 25.0001(a), Government Code, to create an exception under Section 25.0007(c).

SECTION 2. Amends Section 25.0007, Government Code, as follows:

Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) Creates an exception under this section.

(b) Deletes existing text that excludes the number of jurors from the matters pertaining to the conduct of trials and hearings in the statutory county courts that involve those matters of concurrent jurisdiction with district courts and are governed by the laws and rules pertaining to district courts.

(c) Provides that, notwithstanding any other provision of this chapter, in any civil case pending in a statutory county court in which the amount in controversy is \$200,000 or more:

(1) the jury is required to be composed of 12 members; and

(2) drawing of jury panels, selection of jurors, and practice and procedure is required to conform to that prescribed by law for district courts in the county in which the statutory county court is located.

SECTION 3. Amends Section 25.1272(h), Government Code, to require the jury, if a jury trial is requested in a case that is in a county court at law's jurisdiction, to be composed of six members unless the constitution or other law requires a 12-member jury.

SECTION 4. Amends Section 25.1412(p), Government Code, as follows:

(p) Requires a jury in a county court at law, except as otherwise provided by this subsection, to be composed of six members unless the constitution or other law requires a 12-member jury. Provides that failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury unless required by law. Authorizes the jury to be composed of 12 members if a party to the suit requests a 12-member jury and the judge of the court consents in matters in which the constitution or other law does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court. Authorizes the parties, except as provided by Section 25.0007(c), in a civil case tried in a county court at law, to, by mutual agreement and with the consent of the judge, agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 5. Amends Section 25.2292(d), Government Code, to create an exception under Section 25.0007(c).

SECTION 6. Amends Section 25.2362(i), Government Code, to require the jury to be composed of six members unless the constitution or other law requires a 12-member jury if a jury trial is requested in a case that is in a county court at law's jurisdiction.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2015.