

By Wentworth
77R9154 QS-D

S.B. No. 1628

A BILL TO BE ENTITLED
AN ACT

1-1
1-2 relating to the jurisdiction of statutory probate courts and to
1-3 conforming procedures for transferring juvenile proceedings to
1-4 certain courts.

1-5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-6 SECTION 1. Section 25.0021, Government Code, is amended to
1-7 read as follows:

1-8 Sec. 25.0021. JURISDICTION. (a) If this section conflicts
1-9 with a specific provision for a particular statutory probate court
1-10 or county, the specific provision controls, except that this
1-11 section controls over a specific provision for a particular court
1-12 or county if the specific provision attempts to create jurisdiction
1-13 in a statutory probate court other than jurisdiction over probate,
1-14 guardianship, mental health, or eminent domain proceedings.

1-15 (b) A statutory probate court as that term is defined in
1-16 Section 3(ii), Texas Probate Code, has:

1-17 (1) the general jurisdiction of a probate court as
1-18 provided by the Texas Probate Code; and

1-19 (2) the jurisdiction provided by law for a county
1-20 court to hear and determine actions, cases, matters, or proceedings
1-21 instituted under:

1-22 (A) Section 166.046, 192.027, 193.007, 552.015,
1-23 552.019, 711.004, or 714.003, Health and Safety Code;

1-24 (B) Chapter 462, Health and Safety Code; or

2-1 (C) Subtitle C or D, Title 7, Health and Safety
2-2 Code.

2-3 (c) Subsection (a) does not apply to the Probate Court of
2-4 Denton County. This subsection expires May 1, 2002.

2-5 SECTION 2. (a) Section 25.0635(a), Government Code, is
2-6 amended to read as follows:

2-7 [~~(a)~~] A statutory probate court in Denton County has the
2-8 jurisdiction provided by Section 25.0021 [~~law for a county court~~
2-9 ~~except that the court does not have the juvenile jurisdiction,~~
2-10 ~~jurisdiction over misdemeanors under Section 26.045, habeas corpus~~
2-11 ~~jurisdiction, or appellate criminal jurisdiction provided by law~~
2-12 ~~for county courts. A statutory probate court has no criminal~~
2-13 ~~jurisdiction other than the contempt powers provided by general law~~
2-14 ~~for county courts].~~

2-15 (b) Sections 25.0635(b)-(c), Government Code, are repealed.

2-16 SECTION 3. The following provisions are repealed:

2-17 (1) Section 25.0032, Government Code, as added by
2-18 Chapter 394, Acts of the 72nd Legislature, Regular Session, 1991;
2-19 and

2-20 (2) Sections 24.614(c) and (d), 25.00266, 25.0595(a),
2-21 25.0633(c), 25.0733(b) and (e), 25.0862(b-1), (c), and (d),
2-22 ~~25.1034~~ (a), 25.2224(a), and 25.2293(a), (b), and (d), Government
2-23 Code.

2-24 SECTION 4. (a) Except as provided by Section 5 of this Act,
2-25 a judge of a statutory probate court shall transfer all actions,
2-26 cases, matters, or proceedings over which the court loses
2-27 jurisdiction under this Act and that are pending in the court on
3-1 September 1, 2001, to a district or county court in the county with
3-2 jurisdiction over the action, case, matter, or proceeding.

3-3 (b) When an action, case, matter, or proceeding is
3-4 transferred as provided by Subsection (a) of this section, all
3-5 processes, writs, bonds, recognizances, or other obligations issued
3-6 from the transferring court are returnable to the court to which
3-7 the action, case, matter, or proceeding is transferred as if
3-8 originally issued by that court. The obligee on all bonds and
3-9 recognizances taken in and for a court from which an action, case,
3-10 matter, or proceeding is transferred and all witnesses summoned to
3-11 appear in a court from which an action, case, matter, or proceeding
3-12 is transferred are required to appear before the court to which a
3-13 case is transferred as if originally required to appear before the
3-14 court to which the transfer is made.

3-15 SECTION 5. (a) A judge of a statutory probate court in
3-16 Denton County shall transfer all actions, cases, matters, or
3-17 proceedings over which the court loses jurisdiction under this Act
3-18 and that are pending in the court on May 1, 2002, to a district or
3-19 county court in the county with jurisdiction over the action, case,
3-20 matter, or proceeding.

3-21 (b) When an action, case, matter, or proceeding is
3-22 transferred as provided by Subsection (a) of this section, all
3-23 processes, writs, bonds, recognizances, or other obligations issued
3-24 from the transferring court are returnable to the court to which
3-25 the action, case, matter, or proceeding is transferred as if
3-26 originally issued by that court. The obligee on all bonds and
3-27 recognizances taken in and for a court from which an action, case,
4-1 matter, or proceeding is transferred and all witnesses summoned to
4-2 appear in a court from which an action, case, matter, or proceeding
4-3 is transferred are required to appear before the court to which an
4-4 action, case, matter, or proceeding is transferred as if originally
4-5 required to appear before the court to which the transfer is made.

4-6 SECTION 6. A judge of a county court at law who is sitting
4-7 for a judge of a statutory probate court under Section 25.0733(e),
4-8 Government Code, immediately before the effective date of this Act
4-9 may continue to serve in that capacity until the regular statutory
4-10 probate court judge becomes available.

4-11 SECTION 7. (a) Except as provided by Subsection (b) of this

4-12 section, this Act takes effect September 1, 2001.

4-13 (b) Section 2 of this Act takes effect May 1, 2002.