

1-1 By: Huffman S.B. No. 824
1-2 (In the Senate - Filed February 26, 2015; March 3, 2015,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 31, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 31, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 824 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to civil jurisdiction of, and the number of jurors
1-22 required in, certain civil cases pending in a statutory county
1-23 court.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 25.0001(a), Government Code, is amended
1-26 to read as follows:

1-27 (a) This subchapter applies to each statutory county court
1-28 in this state. Except as provided by Section 25.0007(c), if [If] a
1-29 provision of this subchapter conflicts with a specific provision
1-30 for a particular court or county, the specific provision controls.

1-31 SECTION 2. Section 25.0003, Government Code, is amended by
1-32 adding Subsection (g) to read as follows:

1-33 (g) If a statutory county court has concurrent jurisdiction
1-34 with the district court in civil cases in which the amount in
1-35 controversy exceeds \$200,000, the commissioners court may issue an
1-36 order reducing the civil jurisdiction of the court to \$200,000.

1-37 SECTION 3. Section 25.0007, Government Code, is amended to
1-38 read as follows:

1-39 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) Except
1-40 as provided by this section, the [The] drawing of jury panels,
1-41 selection of jurors, and practice in the statutory county courts
1-42 must conform to that prescribed by law for county courts.

1-43 (b) Practice in a statutory county court is that prescribed
1-44 by law for county courts, except that practice, procedure, rules of
1-45 evidence, issuance of process and writs, and all other matters
1-46 pertaining to the conduct of trials and hearings in the statutory
1-47 county courts~~[, other than the number of jurors,]~~ that involve
1-48 those matters of concurrent jurisdiction with district courts are
1-49 governed by the laws and rules pertaining to district courts. This
1-50 section does not affect local rules of administration adopted under
1-51 Section 74.093.

1-52 (c) Notwithstanding any other provision of this chapter, in
1-53 any civil case pending in a statutory county court in which the
1-54 amount in controversy is \$200,000 or more:

1-55 (1) the jury shall be composed of 12 members; and

1-56 (2) drawing of jury panels, selection of jurors, and
1-57 practice and procedure must conform to that prescribed by law for
1-58 district courts in the county in which the statutory county court is
1-59 located.

1-60 SECTION 4. Section 25.1272(h), Government Code, is amended

2-1 to read as follows:

2-2 (h) If a jury trial is requested in a case that is in a
2-3 county court at law's jurisdiction, the jury shall be composed of
2-4 six members unless the constitution or other law requires a
2-5 12-member jury. Failure to object before a six-member jury is
2-6 seated and sworn constitutes a waiver of a 12-member jury.

2-7 SECTION 5. Section [25.1412](#)(p), Government Code, is amended
2-8 to read as follows:

2-9 (p) Except as otherwise provided by this subsection, a jury
2-10 in a county court at law shall be composed of six members unless the
2-11 constitution or other law requires a 12-member jury. Failure to
2-12 object before a six-member jury is seated and sworn constitutes a
2-13 waiver of a 12-member jury unless required by law. In matters in
2-14 which the constitution or other law does not require a 12-member
2-15 jury and the county court at law has concurrent jurisdiction with
2-16 the district court, the jury may be composed of 12 members if a
2-17 party to the suit requests a 12-member jury and the judge of the
2-18 court consents. Except as provided by Section [25.0007](#)(c), in [1a]
2-19 a civil case tried in a county court at law, the parties may, by
2-20 mutual agreement and with the consent of the judge, agree to try the
2-21 case with any number of jurors and have a verdict rendered and
2-22 returned by the vote of any number of those jurors that is less than
2-23 the total number of jurors.

2-24 SECTION 6. Section [25.2292](#)(d), Government Code, is amended
2-25 to read as follows:

2-26 (d) Except as provided by Section [25.0007](#)(c), in [1a] civil
2-27 cases, the jury is composed of six members unless:

2-28 (1) the amount in controversy exceeds \$100,000; and

2-29 (2) a party to the case files a written request for a
2-30 12-member jury not later than the 30th day before the date of the
2-31 trial.

2-32 SECTION 7. Section [25.2362](#)(i), Government Code, is amended
2-33 to read as follows:

2-34 (i) If a jury trial is requested in a case that is in a
2-35 county court at law's jurisdiction, the jury shall be composed of
2-36 six members unless the constitution or other law requires a
2-37 12-member jury.

2-38 SECTION 8. The change in law made by this Act applies only
2-39 to a trial commenced on or after the effective date of this Act. A
2-40 trial commenced before the effective date of this Act is governed by
2-41 the law in effect immediately before that date, and the former law
2-42 is continued in effect for that purpose.

2-43 SECTION 9. This Act takes effect September 1, 2015.

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