

BILL ANALYSIS

Senate Research Center
85R182 SRS-D

S.B. 409
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The primary function of justice of the peace (JP) courts is to relieve some of the caseload of higher-level courts. A second important function is to improve cost-effective access to the court system by allowing litigants to file their own lawsuits without having to hire an attorney. Jurisdictional limits are set by the legislature, so for these courts to perform their two core functions, it is necessary for the legislature to revisit and raise the jurisdictional limit to account for the rising cost of living.

Supported by the Justices of the Peace & Constables Association, the 80th Texas Legislature doubled the jurisdictional limit for JP courts from \$5,000 to \$10,000. Since that time, with few exceptions, the total amount of a judgment that can be taken against a defendant in a JP court is \$10,000.

S.B. 409 would increase the jurisdictional limit of JP courts to \$20,000. A higher jurisdictional limit for these courts could help give more Texans easier access to the court system, expedite trials, and decrease the backlog seen in some of the higher-level courts across Texas.

As proposed, S.B. 409 amends current law relating to the jurisdiction of county and justice courts in civil matters.

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 26.042(a), Government Code, to increase the maximum value of a matter in controversy from \$10,000 to \$20,000 in civil cases where a county court has concurrent jurisdiction with the justice courts.

SECTION 2. Amends Section 27.031(a), Government Code, to provide that the justice court has original jurisdiction of civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$20,000, rather than \$10,000, exclusive of interest.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.