

# Harris County Justice Of The Peace Courts

## Local Rules



Updated: November 10, 2009

**RULE 1. OBJECTIVES OF LOCAL RULES**

In accordance with the provisions of Section 75.404 of the Texas Government Code, the Justices of the Peace in Harris County may adopt local rules to provide for the assignment, docketing, transfer, and hearing of cases. A local rule may provide for the prosecution of a criminal case in any precinct designated by the local rule, notwithstanding other provisions of law regarding venue. A civil case, except an eviction suit, may be brought in any precinct designated by the local rule.

It is the objective of these Local Rules to provide for the efficient processing of cases that come before the Harris County Justice Courts so that persons coming before the court have a meaningful opportunity to be heard, consistent with Chapter 45 of the Texas Code of Criminal Procedure and Part V of the Texas Rules of Civil Procedure governing practice and procedure in the Justice of the Peace Courts.

*ADOPTED April 22, 2004*

**RULE 2. ASSIGNMENT OF CASES**

Notwithstanding other provisions of law regarding venue, (1) a misdemeanor case to be tried in a Harris County Justice Court may be prosecuted, according to a Local Rule, in any Precinct designated by the Local Rule, and (2) a civil case, except a suit for eviction or involving real property, may be brought, according to a Local Rule, in any Precinct designated by the Local Rule.

*ADOPTED April 22, 2004*

## **RULE 2. PART 1. CRIMINAL CASES**

### **Rule 2.1.1. Commercial Motor Vehicle Safety Standards**

All complaints and affidavits made by the sheriff or a deputy sheriff certified to enforce Commercial Motor Vehicle Safety Standards as provided in Chapter 644 of the Texas Transportation Code, and involving a commercial motor vehicle, shall be prosecuted in a Justice of the Peace Court in Precinct 6.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 6 for prosecution.

*ADOPTED April 22, 2004*

### **Rule 2.1.2. Plumbing License Law**

All complaints and affidavits made by field representatives employed by the State Board of Plumbing Examiners to enforce the Plumbing License Law, Chapter 1301 of the Texas Occupations Code, shall be prosecuted in a Justice of the Peace Court in Precinct 2.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 2 for prosecution.

*ADOPTED April 22, 2004*

### **Rule 2.1.3. State Lottery Act**

All complaints and affidavits made by the executive director of the Texas Lottery Commission, persons designated by the Texas Lottery Commission, or any law enforcement agency to enforce the State Lottery Act, Chapter 466 of the Texas Government Code, shall be prosecuted in a Justice of the Peace Court in Precinct 7.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 7 for prosecution.

*ADOPTED April 22, 2004*

**Rule 2.1.4. State and County Regulations Relating to Fires, Explosions, or Damages Caused by a Fire or Explosion**

All complaints and affidavits presented for the prosecution of offenses related to state and county regulations that relate to fires, explosions, or damages of any kind caused by a fire or explosion, including:

- (i) Contempt of Fire Investigation Proceedings (TEX. LOC. GOV'T CODE §352.021),
- (ii) Regulation of Fireworks and Fireworks Displays (TEX. OCC. CODE Chapter 2154),
- (iii) Regulation of Fireworks During Drought Conditions (TEX. LOC. GOV'T CODE §352.051)
- (iv) Possession of Gunpowder, Combustibles, Explosives, or Fireworks in County Parks (TEX. LOC. GOV'T CODE §320.0455)
- (v) Regulation of Outdoor Burning (TEX. LOC. GOV'T CODE §352.081),
- (vi) Mass Gatherings (TEX. HEALTH & SAFETY CODE Chapter 751),

and any other complaints and affidavits presented by or at the direction of the Harris County Fire Marshal or Investigators of the Harris County Fire Marshal's Office shall be prosecuted in a Justice of the Peace Court in Precinct 4.

In the event that such complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 4 for prosecution.

*ADOPTED April 26, 2006*

**Rule 2.1.5. State and County Regulations Relating to Sanitation and Environmental Quality**

All citations, complaints and affidavits presented for the prosecution of offenses related to state and county regulations that relate to Sanitation and Environmental Quality under Title 5, Texas Health and Safety Code, including:

- (i) Minimum Standards of Sanitation and Health Protection (TEX. HEALTH & SAFETY CODE, Chapter 341),
- (ii) Abatement of Public Nuisances (TEX. HEALTH & SAFETY CODE, Chapter 343),
- (iii) Litter (TEX. HEALTH & SAFETY CODE, Chapter 365)
- (iv) On-Site Sewage Disposal Systems (TEX. HEALTH & SAFETY CODE, Chapter 366)

filed by or on behalf of the Public Infrastructure Department and Public Health and Environmental Services shall be prosecuted in a Justice of the Peace Court in Precinct 2.

In the event that such citations, complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 2 for prosecution.

*ADOPTED November 10, 2009*

**Rule 2.1.6. State and County Regulations Relating to Highway Beautification**

All citations, complaints and affidavits presented for the prosecution of offenses related to state and county regulations that relate to Highway Beautification under Title 6, Subtitle H, Texas Transportation Code, including:

- (i) Highway Beautification on Interstate and Primary Systems and Certain Roads (TEX. TRANSP. CODE, Chapter 391),
- (ii) Highway Beautification on State Highway Right-of-Way (TEX. TRANSP. CODE, Chapter 392),
- (iii) Outdoor Signs on Public Rights-of-Way (TEX. TRANSP. CODE, Chapter 393)
- (iv) Regulation of Outdoor Signs on Rural Roads (TEX. TRANSP. CODE, Chapter 394),
- (v) Outdoor Signs and Motorist Information Panels on Toll Roads in Certain Counties (TEX. TRANSP. CODE, Chapter 395),
- (vi) Automobile Wrecking and Salvage Yards (TEX. TRANSP. CODE, Chapter 396),
- (vii) Automobile Wrecking and Salvage Yards in Certain Counties (TEX. TRANSP. CODE, Chapter 397), and,
- (viii) Used Automotive Parts Recyclers (TEX. OCC. CODE, Chapter 2309)

shall be prosecuted in a Justice of the Peace Court in Precinct 2 or Precinct 6.

In the event that such citations, complaints and affidavits are presented for prosecution in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such complaints and affidavits to a Justice of the Peace Court in Precinct 2 or Precinct 6 for prosecution.

*ADOPTED November 10, 2009*

**RULE 2. PART 2. CIVIL CASES**

**RULE 2. PART 3. ADMINISTRATIVE MATTERS**

**Rule 2.3.1 Review of Notification of Denial, Revocation, or Suspension of License to Carry a Concealed Handgun**

All petitions filed by the Department of Public Safety following a request for hearing on the denial, revocation, or suspension of a license to carry a concealed handgun under Chapter 411, Subchapter H, of the Texas Government Code, shall be filed in a Justice of the Peace Court in Precinct 2.

In the event that such petitions are presented for filing in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such petitions to a Justice of the Peace Court in Precinct 2.

*ADOPTED April 22, 2004*

**Rule 2.3.2. Hearing Following Notification of Suspension or Revocation of Driver's License.**

All hearings following notification by the Department of Public Safety of the denial, revocation, or suspension of a driver's license shall be conducted in a Justice of the Peace Court in Precinct 3.

In the event that such requests for hearing are presented in any other Justice of the Peace Court, that Justice of the Peace shall immediately forward such requests to a Justice of the Peace Court in Precinct 3.

*ADOPTED April 22, 2004*

**RULE 2.3.3. Rights of Owners and Operators of Stored Vehicles to Hearing**

All written requests for hearings under Chapter 685 of the Texas Transportation Code, to determine whether probable cause existed for the removal and placement of a vehicle in a vehicle storage facility following the vehicle's removal without the consent of the owner or operator, shall be delivered to:

Harris County Justice of the Peace Courts  
Central Case Processing Unit  
1201 Franklin, 7th Floor  
Houston, Texas 77002  
(713) 755-2861

Requests for hearings will be filed in the following Justice of the Peace Courts having jurisdiction in the precinct where the vehicle storage facility is located:

Local Rules of the Harris County Justice of the Peace Courts

Precinct 1	Justice Court Precinct 1 Place 1
Precinct 2	Justice Court Precinct 2 Place 2
Precinct 3	Justice Court Precinct 3 Place 2
Precinct 4	Justice Court Precinct 4 Place 2
Precinct 5	Justice Court Precinct 5 Place 1
Precinct 6	Justice Court Precinct 6 Place 1
Precinct 7	Justice Court Precinct 7 Place 1
Precinct 8	Justice Court Precinct 8 Place 2

Unless notified otherwise, hearings under Chapter 685 of the Texas Transportation Code will be held in Courtroom No. 16, on the 11th Floor of the Criminal Justice Center, 1201 Franklin, Houston, Texas 77002, in downtown Houston.

In the event that such requests are presented for filing in any other manner, the Justice of the Peace shall immediately require that such requests be delivered to the Central Case Processing Unit.

*ADOPTED August 2, 2005*