

Amend the Wolens amendment to CSHB 1606 by striking lines 11-12 on page 65 and substituting:

SECTION 5.09. Section 30.003, Civil Practice and Remedies Code, as amended by SB 430, Acts of the 78th Legislature, Regular Session, 2003, is amended by amending Subsections (c), (c-1), and (f) and adding Subsections (c-2) and (c-3) to read as follows:

(c) Except in an action under the Family Code or as provided by Subsections [Subsection] (c-1) [7] or (c-2), if a trial date has been set in the suit and the continuance is sought on the ground that an [the] attorney for a party to the case is a member [or member-elect] of the legislature [who was employed on or after the 30th day before the date on which the suit is set for trial], the continuance is discretionary with the court unless an application for the continuance identifying the attorney who is a member of the legislature is filed with the court on or before the 30th day after the date on which the court sets the date for the trial to begin.

(c-1) Except in an action under the Family Code, if a trial date has been set in the suit and the continuance is sought because an attorney for a party is a member of the legislature and the attorney was not a member of the legislature for the 90 days immediately preceding the date on which the application for the continuance is filed, the continuance is discretionary with the court unless the attorney was employed on or before the 30th day after the date on which the court sets the date for the trial to begin, regardless of whether the attorney was a member of the legislature at that time. [If the attorney for a party to any criminal case is a member or member-elect of the legislature who was employed on or after the 15th day before the date on which the suit is set for trial, the continuance is discretionary with the court.]

(c-2) Subsections (c) and (c-1) do not apply in a civil suit if an application for the continuance identifying the attorney who is a member of the legislature is filed with the court on or before the 10th day after the date the suit is initially filed with the court.

(c-3) Subsections (c) and (c-1) do not apply in a criminal case if an application for the continuance identifying the attorney who is a member of the legislature is filed with the court on or

before the 10th day after the date of the defendant's first court appearance in the case.

(f) Except as otherwise provided by this section, the ~~[The]~~ continuance provided by Subsection (b) is one of right. A continuance granted under this section, including a discretionary continuance, ~~[and]~~ may not be charged against the party receiving it on any subsequent application for continuance.