

## **BILL ANALYSIS**

H.B. 1084  
By: Rose  
Judicial Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law requires a court to grant a continuance in a case in which a member of the legislature is either a party to the case or an attorney for a party. This continuance applies from 30 days before the legislature is expected to be in session to 30 days after the legislature adjourns. Granting this continuance is discretionary only if a legislator-attorney for a party is employed within 10 days before the date the case is set for trial.

Concerns have arisen over cases where litigants have sought to delay a trial by hiring a member of the legislature as an attorney for the purpose of securing the legislative continuance.

H.B. 1084 extends the time for which the granting of a legislative continuance discretionary with the court from 10 days to 30 days before the trial date. The bill also clarifies that a legislative continuance is available to a member-elect as well as a member of the legislature.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1084 amends the Civil Practice and Remedies Code to provide that the provisions for a legislative continuance apply to members-elect of the legislature.

The bill also provides that if the attorney for a party to a case is a member or member-elect of the legislature who was employed on or after the 30th day before the date on which a suit is set for trial, the granting of a legislative continuance is discretionary with the court.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.