

By: Dutton, Rodriguez

H.B. No. 346

A BILL TO BE ENTITLED

AN ACT

relating to the period during which a person may be confined for contempt of court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.002, Government Code, is amended by amending Subsections (a), (e), and (f) and adding Subsection (h) to read as follows:

(a) Except as provided by Subsection ~~[Subsections]~~ (g) ~~[and (h)]~~, a court may punish for contempt.

(e) Except as provided by Subsection (h), this ~~[This]~~ section does not affect a court's power to confine a contemner to compel the contemner ~~[him]~~ to obey a court order.

(f) Article 42.033, Code of Criminal Procedure, and Chapter 157, Family Code, apply when a person is punished by confinement for contempt of court for disobedience of a court order to make periodic payments for the support of a child. Subsection (h) does not apply to that person.

(h) Notwithstanding any other law, a person may not be confined for contempt of court longer than:

(1) 18 months, including two or more periods of confinement for contempt arising out of the same matter that equal a cumulative total of 18 months, if the confinement is for criminal contempt; or

(2) the lesser of 18 months or the period from the date

1 of confinement to the date the person complies with the court order
2 that was the basis of the finding of contempt, if the confinement is
3 for civil contempt.

4 SECTION 2. (a) Section 21.002, Government Code, as amended
5 by this Act, applies to a person found in contempt of court before,
6 on, or after the effective date of this Act.

7 (b) A period of confinement for contempt that occurs before
8 the effective date of this Act counts toward the maximum period of
9 confinement prescribed by Section 21.002(h), Government Code, as
10 added by this Act.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2003.