

By: Dutton, Rodriguez (Senate Sponsor - Whitmire) H.B. No. 346
(In the Senate - Received from the House April 28, 2003;
May 1, 2003, read first time and referred to Committee on
Jurisprudence; May 9, 2003, reported favorably, as amended, by the
following vote: Yeas 6, Nays 0; May 9, 2003, sent to printer.)

COMMITTEE AMENDMENT NO. 1

By: Harris

on page 1, line 28, strike the word "two" and insert "three".

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

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

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

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

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