

By: Rose, Eiland

H.B. No. 1084

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the availability of a legislative continuance in a
3 judicial matter.

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

5 SECTION 1. Sections 30.003(b) and (c), Civil Practice and
6 Remedies Code, are amended to read as follows:

7 (b) Except as provided by Subsection (c), at any time within
8 30 days of a date when the legislature is to be in session, at any
9 time during a legislative session, or when the legislature sits as a
10 constitutional convention, the court on application shall continue
11 a case in which a party applying for the continuance or the attorney
12 for that party is a member or member-elect of the legislature and
13 will be or is attending a legislative session. The court shall
14 continue the case until 30 days after the date on which the
15 legislature adjourns.

16 (c) If the attorney for a party to the case is a member or
17 member-elect of the legislature who was employed on or after the
18 30th day [~~within 10 days~~] before the date on which the suit is set
19 for trial, the continuance is discretionary with the court.

20 SECTION 2. The change in law made by this Act applies only
21 to an application for a continuance under Section 30.003, Civil
22 Practice and Remedies Code, that is made on or after the effective
23 date of this Act. An application for a continuance under Section
24 30.003, Civil Practice and Remedies Code, that is made before the

1 effective date of this Act is covered by the law in effect when the
2 application or request was made, and the former law is continued in
3 effect for that purpose.

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