

## **BILL ANALYSIS**

S.B. 436  
By: Gallegos  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, there is no law addressing the transfer of documents between predecessor and successor justices of the peace. Some newly elected or appointed justices of the peace have encountered difficulty in obtaining court documents from their predecessor, causing disruption to the orderly conduct of court business.

S.B. 436 requires that a predecessor justice of the peace transfer all court records, documents, property, and any documents relating to the court's business to the successor justice of the peace. If the predecessor justice of the peace does not transfer the aforementioned documentation, such former justice of the peace may be imprisoned until such documentation is delivered to the successor justice.

### **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**

SECTION 1. Amends Section 27.004, Government Code, as follows: Sec. 27.004. New heading: RECORDS AND OTHER PROPERTY. (a) Requires each justice of the peace to arrange and safely keep all dockets, books, and papers transmitted to the justice by the justice's predecessors in office, and all papers filed in a case in justice court, subject to the public access requirements prescribed by Rule 12, Rules of Judicial Administration, rather than subject to the inspection of any interested party at reasonable times.

(a-1) Requires a person, if a person vacates the office of justice of the peace, to transfer all court records, documents, property, and unfinished business to the person's successor on the date the successor takes office. Requires the business of the office, after the transfer, to be completed as if the successor had begun the business.

(b) Clarifies that the person against whom a motion for failure to deliver documents is made may be attached after being three days' notice of the motion. Makes a nonsubstantive change.

SECTION 2. (a) Provides that the change made to Section 27.004(a) applies to dockets, books, and papers transferred and papers filed before, on, or after the effective date of this Act.

(b) Makes application of Section 27.004(b), Government Code, as amended, prospective.

### **EFFECTIVE DATE**

SECTION 3. Effective date: September 1, 2005.