

By: Rose

H.B. No. 1533

A BILL TO BE ENTITLED

AN ACT

relating to abolition of the statutory legislative continuance.

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

SECTION 1. The following statutes are repealed:

(1) Section 30.003, Civil Practice and Remedies Code;
and

(2) Section 84.005, Family Code.

SECTION 2. Section 572.0251, Government Code, is amended to
read as follows:

Sec. 572.0251. INFORMATION ABOUT LEGISLATIVE CONTINUANCES.
A member or member-elect of the legislature licensed to practice
law in this state who represents a party to a civil or criminal case
for compensation and on that party's behalf applies for or obtains a
legislative continuance under a [~~Section 30.003, Civil Practice and
Remedies Code, or under another~~] law or rule that requires or
permits a court to grant a continuance on the grounds that an
attorney for a party is a member or member-elect of the legislature
shall report on the financial statement:

- (1) the name of the party represented;
- (2) the date on which the member or member-elect was
retained to represent the party;
- (3) the style and cause number of the action in which
the continuance was sought and the court and jurisdiction in which
the action was pending when the continuance was sought;

1 (4) the date on which the member or member-elect
2 applied for a continuance; and

3 (5) whether the continuance was granted.

4 SECTION 3. Article 26.06, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 26.06. ELECTED OFFICIALS NOT TO BE APPOINTED. No court
7 may appoint an elected county, district or state official to
8 represent a person accused of crime, unless the official has
9 notified the court of his availability for appointment. If an
10 official has notified the court of his availability and is
11 appointed as counsel, he may decline the appointment if he
12 determines that it is in the best interest of his office to do so.
13 ~~[Nothing in this Code shall modify any statutory provision for~~
14 ~~legislative continuance.]~~

15 SECTION 4. The change in law made by this Act does not apply
16 to a legislative continuance for which an application or request
17 was made to the court before the effective date of this Act. A
18 continuance for which an application or request was made to the
19 court before the effective date of this Act is governed by the law
20 in effect when the application or request was made, and the former
21 law is continued in effect for purposes of a continuance granted
22 pursuant to that application or request.

23 SECTION 5. This Act takes effect September 1, 2005.