

By: Gallegos

S.B. No. 436

A BILL TO BE ENTITLED

AN ACT

relating to the records of a justice of the peace.

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

SECTION 1. Section 27.004, Government Code, is amended to read as follows:

Sec. 27.004. RECORDS AND OTHER PROPERTY. (a) Each justice shall 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 [~~inspection of any interested party at reasonable times~~].

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

(b) A person who has possession of dockets, books, or papers belonging to the office of any justice of the peace shall deliver them to the justice on demand. If the person refuses to deliver them, on a motion supported by an affidavit, the person [~~he~~] may be attached and imprisoned by the order of the county judge until the person makes delivery. The county judge may issue the order in

1 termtime or vacation. [~~The motion must be supported by affidavit.~~]
2 The person against whom the motion is made must be given three days'
3 notice of the motion before the person may be attached.

4 SECTION 2. (a) The change in law made by Subsection (a),
5 Section 27.004, Government Code, as amended by this Act, applies to
6 dockets, books, and papers transferred and papers filed before, on,
7 or after the effective date of this Act.

8 (b) The change in law made by Subsection (b), Section
9 27.004, Government Code, as amended by this Act, applies to a motion
10 filed on or after the effective date of this Act. A motion filed
11 before the effective date of this Act is governed by the law in
12 effect on the date the motion was filed, and the former law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2005.