

1-1 By: Gallegos S.B. No. 436  
1-2 (In the Senate - Filed February 9, 2005; February 15, 2005,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 14, 2005, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; March 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the records of a justice of the peace.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 27.004, Government Code, is amended to  
1-11 read as follows:

1-12 Sec. 27.004. RECORDS AND OTHER PROPERTY. (a) Each justice  
1-13 shall arrange and safely keep all dockets, books, and papers  
1-14 transmitted to the justice by the justice's predecessors in office,  
1-15 and all papers filed in a case in justice court, subject to the  
1-16 public access requirements prescribed by Rule 12, Rules of Judicial  
1-17 Administration [~~inspection of any interested party at reasonable~~  
1-18 ~~times~~].

1-19 (a-1) If a person vacates the office of justice of the  
1-20 peace, the person shall transfer all court records, documents,  
1-21 property, and unfinished business to the person's successor on the  
1-22 date the successor takes office. After the transfer, the business  
1-23 of the office must be completed as if the successor had begun the  
1-24 business.

1-25 (b) A person who has possession of dockets, books, or papers  
1-26 belonging to the office of any justice of the peace shall deliver  
1-27 them to the justice on demand. If the person refuses to deliver  
1-28 them, on a motion supported by an affidavit, the person [he] may be  
1-29 attached and imprisoned by the order of the county judge until the  
1-30 person makes delivery. The county judge may issue the order in  
1-31 termtime or vacation. [~~The motion must be supported by affidavit.~~]  
1-32 The person against whom the motion is made must be given three days'  
1-33 notice of the motion before the person may be attached.

1-34 SECTION 2. (a) The change in law made by Subsection (a),  
1-35 Section 27.004, Government Code, as amended by this Act, applies to  
1-36 dockets, books, and papers transferred and papers filed before, on,  
1-37 or after the effective date of this Act.

1-38 (b) The change in law made by Subsection (b), Section  
1-39 27.004, Government Code, as amended by this Act, applies to a motion  
1-40 filed on or after the effective date of this Act. A motion filed  
1-41 before the effective date of this Act is governed by the law in  
1-42 effect on the date the motion was filed, and the former law is  
1-43 continued in effect for that purpose.

1-44 SECTION 3. This Act takes effect September 1, 2005.

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