BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, courts are required to grant a continuance in a civil or criminal case when requested by a member or member-elect of the legislature who is party to or an attorney for a party to the case within 30 days of the legislative session, at any time during the session, and while the legislature sits as a constitutional convention. The Texas Legislature is a citizen legislature made up from people from varying careers, and no other professional has a specific exemption authorizing the person's business to be put on hold while the person serves in the legislature during a legislative session. This has created feelings among some of the general public that privilege is an unfair perk for certain legislators that may be abused.

As proposed, S.B. 1290 repeals the legal provisions requiring a court to grant such a continuance.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 30.003 (requiring the court grant a continuance in a case applied for by a member or member-elect of the legislature who is party to or the attorney for a party to the case during specified times before or during a legislative session or constitutional convention), Civil Practice and Remedies Code, and Section 84.005 (Legislative Continuance), Family Code.

SECTION 2. Amends Section 572.0251, Government Code, to delete a reference to Section 30.003, Civil Practice and Remedies Code.

SECTION 3. Amends Article 26.06, Code of Criminal Procedure, to delete the prohibition on a law within the Code of Criminal Procedure modifying any statutory provision for legislative continuance. Makes nonsubstantive changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.