

By: Solomons

H.B. No. 2468

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the filing of financial statements by justices of the  
3 peace and candidates for justice of the peace in certain counties.

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

5 SECTION 1. Section 159.003, Local Government Code, is  
6 amended to read as follows:

7 Sec. 159.003. FINANCIAL STATEMENT REQUIRED. (a) A county  
8 officer, ~~or a~~ candidate for a county office, justice of the peace,  
9 or candidate for the office of justice of the peace shall file a  
10 financial statement as required by this subchapter.

11 (b) The statement must:

12 (1) be filed with the county clerk of the county in  
13 which the officer, justice, or candidate resides; and

14 (2) comply with Sections 572.022 and 572.023,  
15 Government Code.

16 SECTION 2. Sections 159.004(a), (c), and (d), Local  
17 Government Code, are amended to read as follows:

18 (a) A county officer or justice of the peace shall file the  
19 financial statement required by this subchapter within the time  
20 prescribed by Section 572.026, Government Code. A candidate for  
21 office as a county officer or justice of the peace shall file the  
22 financial statement required by this subchapter within the time  
23 prescribed by Section 572.027, Government Code.

24 (c) A county officer or justice of the peace may request the

1 county clerk to grant an extension of time of not more than 60 days  
2 for filing the statement. The county clerk shall grant the request  
3 if it is received before the filing deadline or if a timely filing  
4 or request for extension is prevented because of physical or mental  
5 incapacity. The county clerk may not grant more than one extension  
6 to a person in one year except for good cause shown.

7 (d) The county clerk may not grant an extension to a  
8 candidate for office as a county officer or justice of the peace.

9 SECTION 3. Section 159.007(c), Local Government Code, is  
10 amended to read as follows:

11 (c) The county clerk may, and on notification from a former  
12 county officer, justice of the peace, or candidate shall, destroy  
13 any financial statements filed by the officer, justice, or  
14 candidate two years after the date the person ceases to be an  
15 officer, justice, or candidate, as applicable.

16 SECTION 4. Section 159.0071, Local Government Code, is  
17 amended to read as follows:

18 Sec. 159.0071. NOTIFICATION TO PROSECUTING ATTORNEY. The  
19 county clerk of each county shall maintain a list of the county  
20 officers, ~~and~~ candidates for county office, justices of the  
21 peace, and candidates for the office of justice of the peace  
22 required to file a financial statement under this subchapter. Not  
23 later than the 10th day after each applicable filing deadline, the  
24 county clerk shall provide to the county attorney or criminal  
25 district attorney a copy of the list showing for each county  
26 officer, ~~and~~ candidate for county office, justice of the peace,  
27 and candidate for justice of the peace:

1           (1) whether the officer, justice, or candidate timely  
2 filed a financial statement as required by this subchapter;

3           (2) whether the officer, justice, or candidate timely  
4 requested and was granted an extension of time to file as provided  
5 for by Section 159.004 and the new due date for each such officer,  
6 justice, or candidate; or

7           (3) whether the officer, justice, or candidate did not  
8 timely file a financial statement or receive an extension of time.

9           SECTION 5. Sections 159.008(a) and (c), Local Government  
10 Code, are amended to read as follows:

11           (a) A county officer, ~~or a~~ candidate for county office,  
12 justice of the peace, or candidate for the office of justice of the  
13 peace commits an offense if the officer, justice, or candidate  
14 knowingly fails to file a financial statement as required by this  
15 subchapter.

16           (c) It is a defense to prosecution under this section that  
17 the officer, justice, or candidate did not receive copies of the  
18 financial statement form required to be mailed to the officer,  
19 justice, or candidate by this subchapter.

20           SECTION 6. A justice of the peace or a candidate for that  
21 office on the effective date of this Act must file the financial  
22 statement required for county officers under Subchapter A, Chapter  
23 159, Local Government Code, as amended by this Act, on the first  
24 applicable financial statement filing deadline that occurs after  
25 the effective date of this Act.

26           SECTION 7. This Act takes effect September 1, 2007.