

AN ACT

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

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

SECTION 1. Section 159.001, Local Government Code, is amended to read as follows:

Sec. 159.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to:

(1) a county officer or candidate for a county office of a county with a population of 100,000 or more; or

(2) a justice of the peace or a candidate for the office of justice of the peace of a county with a population of 125,000 or more.

SECTION 2. Section 159.003, Local Government Code, is amended to read as follows:

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

(b) The statement must:

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

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

1 SECTION 3. Sections 159.004(a), (c), and (d), Local
2 Government Code, are amended to read as follows:

3 (a) A county officer or justice of the peace shall file the
4 financial statement required by this subchapter within the time
5 prescribed by Section 572.026, Government Code. A candidate for
6 office as a county officer or justice of the peace shall file the
7 financial statement required by this subchapter within the time
8 prescribed by Section 572.027, Government Code.

9 (c) A county officer or justice of the peace may request the
10 county clerk to grant an extension of time of not more than 60 days
11 for filing the statement. The county clerk shall grant the request
12 if it is received before the filing deadline or if a timely filing
13 or request for extension is prevented because of physical or mental
14 incapacity. The county clerk may not grant more than one extension
15 to a person in one year except for good cause shown.

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

18 SECTION 4. Section 159.007(c), Local Government Code, is
19 amended to read as follows:

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

25 SECTION 5. Section 159.0071, Local Government Code, is
26 amended to read as follows:

27 Sec. 159.0071. NOTIFICATION TO PROSECUTING ATTORNEY. The

1 county clerk of each county in which a person is required to file a
2 financial statement under this chapter shall maintain a list of the
3 county officers, ~~and~~ candidates for county office, justices of
4 the peace, and candidates for the office of justice of the peace
5 required to file the ~~a~~ financial statement ~~[under this~~
6 ~~subchapter]~~. Not later than the 10th day after each applicable
7 filing deadline, the county clerk shall provide to the county
8 attorney or criminal district attorney a copy of the list showing
9 for each county officer, ~~and~~ candidate for county office, justice
10 of the peace, and candidate for justice of the peace:

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

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

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

19 SECTION 6. Sections 159.008(a) and (c), Local Government
20 Code, are amended to read as follows:

21 (a) A county officer, ~~or a~~ candidate for county office,
22 justice of the peace, or candidate for the office of justice of the
23 peace commits an offense if the officer, justice, or candidate
24 knowingly fails to file a financial statement as required by this
25 subchapter.

26 (c) It is a defense to prosecution under this section that
27 the officer, justice, or candidate did not receive copies of the

1 financial statement form required to be mailed to the officer,
2 justice, or candidate by this subchapter.

3 SECTION 7. A justice of the peace or a candidate for that
4 office on the effective date of this Act must file the financial
5 statement required for county officers under Subchapter A, Chapter
6 159, Local Government Code, as amended by this Act, on the first
7 applicable financial statement filing deadline that occurs after
8 the effective date of this Act.

9 SECTION 8. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2468 was passed by the House on April 12, 2007, by the following vote: Yeas 138, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2468 on May 17, 2007, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2468 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor