

1-1 By: Solomons (Senate Sponsor - Carona) H.B. No. 2468
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on State
1-4 Affairs; May 7, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 7, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2468 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the filing of financial statements by justices of the
1-11 peace and candidates for justice of the peace in certain counties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 159.001, Local Government Code, is
1-14 amended to read as follows:

1-15 Sec. 159.001. APPLICABILITY OF SUBCHAPTER. This subchapter
1-16 applies only to:

1-17 (1) a county officer or candidate for a county office
1-18 of a county with a population of 100,000 or more; or

1-19 (2) a justice of the peace or a candidate for the
1-20 office of justice of the peace of a county with a population of
1-21 125,000 or more.

1-22 SECTION 2. Section 159.003, Local Government Code, is
1-23 amended to read as follows:

1-24 Sec. 159.003. FINANCIAL STATEMENT REQUIRED. (a) A county
1-25 officer, ~~or a~~ candidate for a county office, justice of the peace,
1-26 or candidate for the office of justice of the peace shall file a
1-27 financial statement as required by this subchapter.

1-28 (b) The statement must:

1-29 (1) be filed with the county clerk of the county in
1-30 which the officer, justice, or candidate resides; and

1-31 (2) comply with Sections 572.022 and 572.023,
1-32 Government Code.

1-33 SECTION 3. Sections 159.004(a), (c), and (d), Local
1-34 Government Code, are amended to read as follows:

1-35 (a) A county officer or justice of the peace shall file the
1-36 financial statement required by this subchapter within the time
1-37 prescribed by Section 572.026, Government Code. A candidate for
1-38 office as a county officer or justice of the peace shall file the
1-39 financial statement required by this subchapter within the time
1-40 prescribed by Section 572.027, Government Code.

1-41 (c) A county officer or justice of the peace may request the
1-42 county clerk to grant an extension of time of not more than 60 days
1-43 for filing the statement. The county clerk shall grant the request
1-44 if it is received before the filing deadline or if a timely filing
1-45 or request for extension is prevented because of physical or mental
1-46 incapacity. The county clerk may not grant more than one extension
1-47 to a person in one year except for good cause shown.

1-48 (d) The county clerk may not grant an extension to a
1-49 candidate for office as a county officer or justice of the peace.

1-50 SECTION 4. Section 159.007(c), Local Government Code, is
1-51 amended to read as follows:

1-52 (c) The county clerk may, and on notification from a former
1-53 county officer, justice of the peace, or candidate shall, destroy
1-54 any financial statements filed by the officer, justice, or
1-55 candidate two years after the date the person ceases to be an
1-56 officer, justice, or candidate, as applicable.

1-57 SECTION 5. Section 159.0071, Local Government Code, is
1-58 amended to read as follows:

1-59 Sec. 159.0071. NOTIFICATION TO PROSECUTING ATTORNEY. The
1-60 county clerk of each county in which a person is required to file a
1-61 financial statement under this chapter shall maintain a list of the
1-62 county officers, ~~and~~ candidates for county office, justices of
1-63 the peace, and candidates for the office of justice of the peace

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

2-7 (1) whether the officer, justice, or candidate timely
2-8 filed a financial statement as required by this subchapter;

2-9 (2) whether the officer, justice, or candidate timely
2-10 requested and was granted an extension of time to file as provided
2-11 for by Section 159.004 and the new due date for each such officer,
2-12 justice, or candidate; or

2-13 (3) whether the officer, justice, or candidate did not
2-14 timely file a financial statement or receive an extension of time.

2-15 SECTION 6. Sections 159.008(a) and (c), Local Government
2-16 Code, are amended to read as follows:

2-17 (a) A county officer, ~~[or a]~~ candidate for county office,
2-18 justice of the peace, or candidate for the office of justice of the
2-19 peace commits an offense if the officer, justice, or candidate
2-20 knowingly fails to file a financial statement as required by this
2-21 subchapter.

2-22 (c) It is a defense to prosecution under this section that
2-23 the officer, justice, or candidate did not receive copies of the
2-24 financial statement form required to be mailed to the officer,
2-25 justice, or candidate by this subchapter.

2-26 SECTION 7. A justice of the peace or a candidate for that
2-27 office on the effective date of this Act must file the financial
2-28 statement required for county officers under Subchapter A, Chapter
2-29 159, Local Government Code, as amended by this Act, on the first
2-30 applicable financial statement filing deadline that occurs after
2-31 the effective date of this Act.

2-32 SECTION 8. This Act takes effect September 1, 2007.

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