

By: Patrick, Dan

S.B. No. 1290

A BILL TO BE ENTITLED

AN ACT

relating to abolition of the statutory legislative continuance.

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

SECTION 1. The following statutes are repealed:

(1) Section 30.003, Civil Practice and Remedies Code;
and

(2) Section 84.005, Family Code.

SECTION 2. Section 572.0251, Government Code, is amended to read as follows:

Sec. 572.0251. INFORMATION ABOUT LEGISLATIVE CONTINUANCES.

A member or member-elect of the legislature licensed to practice law in this state who represents a party to a civil or criminal case for compensation and on that party's behalf applies for or obtains a legislative continuance under a [~~Section 30.003, Civil Practice and Remedies Code, or under another~~] law or rule that requires or permits a court to grant a continuance on the grounds that an attorney for a party is a member or member-elect of the legislature shall report on the financial statement:

(1) the name of the party represented;

(2) the date on which the member or member-elect was retained to represent the party;

(3) the style and cause number of the action in which the continuance was sought and the court and jurisdiction in which the action was pending when the continuance was sought;

1 (4) the date on which the member or member-elect
2 applied for a continuance; and

3 (5) whether the continuance was granted.

4 SECTION 3. Article 26.06, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 26.06. ELECTED OFFICIALS NOT TO BE APPOINTED. No court
7 may appoint an elected county, district or state official to
8 represent a person accused of crime, unless the official has
9 notified the court of the official's [~~his~~] availability for
10 appointment. If an official has notified the court of the
11 official's [~~his~~] availability and is appointed as counsel, the
12 official [~~he~~] may decline the appointment if the official [~~he~~]
13 determines that it is in the best interest of the official's [~~his~~]
14 office to do so. [~~Nothing in this Code shall modify any statutory~~
15 ~~provision for legislative continuance.~~]

16 SECTION 4. The change in law made by this Act does not apply
17 to a legislative continuance for which an application or request
18 was made to the court before the effective date of this Act. A
19 continuance for which an application or request was made to the
20 court before the effective date of this Act is governed by the law
21 in effect when the application or request was made, and the former
22 law is continued in effect for purposes of a continuance granted
23 pursuant to that application or request.

24 SECTION 5. This Act takes effect September 1, 2007.