

AN ACT

relating to the operation and administration of the judiciary in the event of a disaster.

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

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0035 to read as follows:

Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a) In this section, "disaster" has the meaning assigned by Section 418.004.

(b) Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.

(c) If a disaster prevents the supreme court from acting under Subsection (b), the chief justice of the supreme court may act on behalf of the supreme court under that subsection.

(d) If a disaster prevents the chief justice from acting under Subsection (c), the court of criminal appeals may act on behalf of the supreme court under Subsection (b).

(e) If a disaster prevents the court of criminal appeals from acting under Subsection (d), the presiding judge of the court

1 of criminal appeals may act on behalf of the supreme court under
2 Subsection (b).

3 SECTION 2. Section 74.093(c), Government Code, is amended
4 to read as follows:

5 (c) The rules may provide for:

6 (1) the selection and authority of a presiding judge
7 of the courts giving preference to a specified class of cases, such
8 as civil, criminal, juvenile, or family law cases; ~~and~~

9 (2) a coordinated response for the transaction of
10 essential judicial functions in the event of a disaster; and

11 (3) any other matter necessary to carry out this
12 chapter or to improve the administration and management of the
13 court system and its auxiliary services.

14 SECTION 3. Section 418.002, Government Code, is amended to
15 read as follows:

16 Sec. 418.002. PURPOSES. The purposes of this chapter are
17 to:

18 (1) reduce vulnerability of people and communities of
19 this state to damage, injury, and loss of life and property
20 resulting from natural or man-made catastrophes, riots, or hostile
21 military or paramilitary action;

22 (2) prepare for prompt and efficient rescue, care, and
23 treatment of persons victimized or threatened by disaster;

24 (3) provide a setting conducive to the rapid and
25 orderly restoration and rehabilitation of persons and property
26 affected by disasters;

27 (4) clarify and strengthen the roles of the governor,

1 state agencies, the judicial branch of state government, and local
2 governments in prevention of, preparation for, response to, and
3 recovery from disasters;

4 (5) authorize and provide for cooperation in disaster
5 mitigation, preparedness, response, and recovery;

6 (6) authorize and provide for coordination of
7 activities relating to disaster mitigation, preparedness,
8 response, and recovery by agencies and officers of this state, and
9 similar state-local, interstate, federal-state, and foreign
10 activities in which the state and its political subdivisions may
11 participate;

12 (7) provide an emergency management system embodying
13 all aspects of predisaster preparedness and postdisaster response;

14 (8) assist in mitigation of disasters caused or
15 aggravated by inadequate planning for and regulation of public and
16 private facilities and land use; and

17 (9) provide the authority and mechanism to respond to
18 an energy emergency.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.

H.B. No. 1861

President of the Senate

Speaker of the House

I certify that H.B. No. 1861 was passed by the House on April 24, 2009, by the following vote: Yeas 138, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1861 on May 25, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1861 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor