

By: Eiland

H.B. No. 1861

A BILL TO BE ENTITLED

AN ACT

relating to the rulemaking authority of the Supreme Court of Texas and the Texas Court of Criminal Appeals to extend the statute of limitations and certain other legal deadlines in a county in which a disaster has occurred.

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

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0041 to read as follows:

Sec. 22.0041. EXTENSION OF DEADLINES FOLLOWING DISASTER. Notwithstanding any other provision, the supreme court has the full rulemaking power to extend a statute of limitation or other civil deadline in a civil case in which venue is in a county all or part of which is located in an area designated by an executive order or proclamation issued by the governor under Chapter 418 declaring a state of disaster by not more than 30 days after the date the original statute of limitation expires or the date of the civil deadline.

SECTION 2. Subchapter B, Chapter 22, Government Code, is amended by adding Section 22.1091 to read as follows:

Sec. 22.1091. EXTENSION OF DEADLINES FOLLOWING DISASTER. Notwithstanding any other provision, the court of criminal appeals has the full rulemaking power to extend a statute of limitation or other criminal filing deadline in a criminal matter in a county all or part of which is located in an area designated by an executive

1 order or proclamation issued by the governor under Chapter 418
2 declaring a state of disaster by not more than 30 days after the
3 date the original statute of limitation expires or the date of the
4 criminal filing deadline.

5 SECTION 3. The change in law made by this Act by adding
6 Section 22.0041, Government Code, does not apply to a statute of
7 limitation or civil deadline that has passed before the effective
8 date of this Act, and the Supreme Court of Texas may not extend that
9 statute of limitation or civil deadline.

10 SECTION 4. The change in law made by this Act by adding
11 Section 22.1091, Government Code, does not apply to a criminal
12 filing deadline that has passed before the effective date of this
13 Act, and the Texas Court of Criminal Appeals may not extend that
14 criminal filing deadline.

15 SECTION 5. The change in law made by this Act does not apply
16 to an offense if the prosecution of that offense becomes barred by
17 the limitation before the effective date of this Act. The
18 prosecution of that offense remains barred and the Texas Court of
19 Criminal Appeals may not extend the limitation for that offense.

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.