

1-1 By: Eiland, Gonzales, Flores H.B. No. 1861
1-2 (Senate Sponsor - Carona)
1-3 (In the Senate - Received from the House April 27, 2009;
1-4 May 1, 2009, read first time and referred to Committee on
1-5 Jurisprudence; May 15, 2009, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-7 May 15, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 1861 By: Carona

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the operation and administration of the judiciary in
1-12 the event of a disaster.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 22, Government Code, is
1-15 amended by adding Section 22.0035 to read as follows:

1-16 Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN
1-17 PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a)
1-18 In this section, "disaster" has the meaning assigned by Section
1-19 418.004.

1-20 (b) Notwithstanding any other statute, the supreme court
1-21 may modify or suspend procedures for the conduct of any court
1-22 proceeding affected by a disaster during the pendency of a disaster
1-23 declared by the governor. An order under this section may not
1-24 extend for more than 30 days from the date the order was signed
1-25 unless renewed by the supreme court.

1-26 (c) If a disaster prevents the supreme court from acting
1-27 under Subsection (b), the chief justice of the supreme court may act
1-28 on behalf of the supreme court under that subsection.

1-29 (d) If a disaster prevents the chief justice from acting
1-30 under Subsection (c), the court of criminal appeals may act on
1-31 behalf of the supreme court under Subsection (b).

1-32 (e) If a disaster prevents the court of criminal appeals
1-33 from acting under Subsection (d), the presiding judge of the court
1-34 of criminal appeals may act on behalf of the supreme court under
1-35 Subsection (b).

1-36 SECTION 2. Section 74.093(c), Government Code, is amended
1-37 to read as follows:

1-38 (c) The rules may provide for:

1-39 (1) the selection and authority of a presiding judge
1-40 of the courts giving preference to a specified class of cases, such
1-41 as civil, criminal, juvenile, or family law cases; ~~and~~

1-42 (2) a coordinated response for the transaction of
1-43 essential judicial functions in the event of a disaster; and

1-44 (3) any other matter necessary to carry out this
1-45 chapter or to improve the administration and management of the
1-46 court system and its auxiliary services.

1-47 SECTION 3. Section 418.002, Government Code, is amended to
1-48 read as follows:

1-49 Sec. 418.002. PURPOSES. The purposes of this chapter are
1-50 to:

1-51 (1) reduce vulnerability of people and communities of
1-52 this state to damage, injury, and loss of life and property
1-53 resulting from natural or man-made catastrophes, riots, or hostile
1-54 military or paramilitary action;

1-55 (2) prepare for prompt and efficient rescue, care, and
1-56 treatment of persons victimized or threatened by disaster;

1-57 (3) provide a setting conducive to the rapid and
1-58 orderly restoration and rehabilitation of persons and property
1-59 affected by disasters;

1-60 (4) clarify and strengthen the roles of the governor,
1-61 state agencies, the judicial branch of state government, and local
1-62 governments in prevention of, preparation for, response to, and
1-63 recovery from disasters;

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