1   AN ACT

2 relating to the bond required and the bond insurance obtained for

3 certain judges.

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

5   SECTION 1.   Section 25.0006, Government Code, is amended by

6 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),

7 and (a-4) to read as follows:

8   (a) Notwithstanding any other law except Subsection (a-4),

9 Subsections (a-1), (a-2), and (a-3) control over a specific

10 provision for a particular court or county that attempts to create a

11 requirement for a bond or insurance that conflicts with those

12 subsections.

13   (a-1) Before beginning the duties of the office, the [The]

14 judge of a statutory county court must execute a bond that:

15   (1)   is payable to the treasurer of the county;

16   (2)   is in the amount set by the commissioners court of:

17   (A)   subject to Paragraph (B), not less than

18 $1,000 nor more than $10,000; or

19   (B)   for a judge presiding in the court over

20 guardianship proceedings, as defined by Section 1002.015, Estates

21 Code, or over probate proceedings, as defined by Section 22.029,

22 Estates Code, not less than:

23   (i) $100,000 for a court in a county with a

24 population of 125,000 or less; or

1

1   (ii) $250,000 for a court in a county with a

2   population of more than 125,000; and

3   (3)   is conditioned that the judge will:

4   (A)   faithfully perform all duties of office; and

5   (B)   for a judge presiding in the court over

6   guardianship or probate proceedings, perform the duties required by

7   the Estates Code [as prescribed by law for county judges].

8   (a-2)   The bond executed as required by Subsection (a-1) must

9   be approved by the commissioners court.

10   (a-3) In lieu of the bond required by Subsection

11   (a-1)(2)(B), a county may elect to obtain insurance against losses

12   caused by the gross negligence of a judge of a statutory county

13   court in performing the duties of office. The commissioners court

14   of a county shall pay the premium for the insurance out of the

15   general funds of the county.

16   (a-4)   This section does not apply to:

17   (1)   a judge of a statutory county court who does not

18   preside over guardianship proceedings, as defined by Section

19   1002.015, Estates Code;

20   (2)   a judge of a statutory probate court who executes a

21   bond, obtains insurance, or self-insures pursuant to Section

22   25.00231; or

23   (3)   a judge who presides over a county criminal court.

24   SECTION 2.   Section 26.001, Government Code, is amended to

25   read as follows:

26   Sec. 26.001. BOND.   (a) Before beginning [entering] the

27   duties of the office, the county judge must execute a bond that:

2

1   (1)   is payable to the treasurer of the county;

2   (2)   is in the amount set by the commissioners court of:

3   (A)   subject to Paragraph (B), not less than

4 $1,000 nor more than $10,000; or

5   (B)   for a county judge presiding in the county

6 court over guardianship proceedings, as defined by Section

7 1002.015, Estates Code, or over probate proceedings, as defined by

8 Section 22.029, Estates Code, not less than:

9   (i) $100,000 for a court in a county with a

10 population of 125,000 or less; or

11   (ii) $250,000 for a court in a county with a

12 population of more than 125,000; and

13   (3)   is conditioned that the judge will:

14   (A)   faithfully perform all duties of office [pay

15 all money that comes into his hands as county judge to the person or

16 officer entitled to it]; and

17   (B)   for a county judge presiding in the county

18 court over guardianship or probate proceedings, perform the duties

19 required by the Estates Code [pay to the county all money illegally

20 paid to the judge out of county funds; and

21   [(C)   not vote or consent to pay out county funds

22 for other than lawful purposes].

23 (b)   The bond executed as required by Subsection (a) must be

24 approved by the commissioners court.

25 (c)   In lieu of the bond required by Subsection (a)(2)(B), a

26 county may elect to obtain insurance against losses caused by the

27 gross negligence of a county judge in performing the duties of

1 office. The commissioners court of a county shall pay the premium

2 for the insurance out of the general funds of the county.

3   SECTION 3. A judge of a statutory county court, a statutory

4 probate court, or a constitutional county court who is serving on

5 the effective date of this Act shall comply with the requirements of

6 Section 25.0006 or 26.001, Government Code, as amended by this Act,

7 as applicable, not later than November 1, 2017.

8   SECTION 4. This Act takes effect September 1, 2017.

_____   _____
     President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 40 passed the Senate on March 14, 2017, by the following vote: Yeas 31, Nays 0.

                                _____
                                Secretary of the Senate

    I hereby certify that S.B. No. 40 passed the House on May 24, 2017, by the following vote: Yeas 146, Nays 0, two present not voting.

                                _____
                                Chief Clerk of the House

Approved:

_____
           Date

_____
           Governor