

By: Zaffirini, et al.
(Murr)

S.B. No. 40

A BILL TO BE ENTITLED

AN ACT

relating to the bond required and the bond insurance obtained for certain judges.

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

SECTION 1. Section 25.0006, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), and (a-3) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.

(a-1) Before beginning the duties of the office, the [The] judge of a statutory county court must execute a bond that:

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

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

(A) subject to Paragraph (B), not less than \$1,000 nor more than \$10,000; or

(B) for a judge presiding in the court over guardianship proceedings, as defined by Section 1002.015, Estates Code, or over probate proceedings, as defined by Section 22.029, Estates Code, not less than:

(i) \$100,000 for a court in a county with a population of 125,000 or less; or

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:

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.