

By: Zaffirini

S.B. No. 40

A BILL TO BE ENTITLED

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), and  
7 (a-3) to read as follows:

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

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

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

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

16 (A) subject to Paragraph (B), not less than  
17 \$1,000 nor more than \$10,000; or

18 (B) for a judge who presides in the court over  
19 guardianship proceedings, as defined by Section 1002.015, Estates  
20 Code, not less than:

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

23 (ii) \$250,000 for a court in a county with a  
24 population of more than 125,000; and

1           (3) is conditioned that the judge will:

2                   (A) pay all money that comes into the judge's  
3 hands as judge to the person or officer entitled to it;

4                   (B) pay to the county all money illegally paid to  
5 the judge out of county funds;

6                   (C) not vote or consent to pay out county funds  
7 for other than lawful purposes; and

8                   (D) for a judge who presides in the court over  
9 guardianship or probate proceedings, perform the duties required by  
10 the Estates Code [as prescribed by law for county judges].

11           (a-2) The bond executed as required by Subsection (a-1) must  
12 be approved by the commissioners court.

13           (a-3) In lieu of the bond required by Subsection  
14 (a-1)(2)(B), a county may elect to obtain insurance against losses  
15 caused by the gross negligence of a judge of a statutory county  
16 court in performing the duties of office. The commissioners court  
17 of a county shall pay the premium for the insurance out of the  
18 general funds of the county.

19           SECTION 2. Section 26.001, Government Code, is amended to  
20 read as follows:

21           Sec. 26.001. BOND. (a) Before entering the duties of the  
22 office, the county judge must execute a bond that:

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

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

25                           (A) subject to Paragraph (B), not less than  
26 \$1,000 nor more than \$10,000; or

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

1 court over guardianship proceedings, as defined by Section  
2 1002.015, Estates Code, not less than:

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

5 (ii) \$250,000 for a court in a county with a  
6 population of more than 125,000; and

7 (3) is conditioned that the judge will:

8 (A) pay all money that comes into the judge's  
9 [his] hands as county judge to the person or officer entitled to it;

10 (B) pay to the county all money illegally paid to  
11 the judge out of county funds; ~~and~~

12 (C) not vote or consent to pay out county funds  
13 for other than lawful purposes; and

14 (D) for a county judge presiding in the county  
15 court over guardianship or probate proceedings, perform the duties  
16 required by the Estates Code.

17 (b) The bond executed as required by Subsection (a) must be  
18 approved by the commissioners court.

19 (c) In lieu of the bond required by Subsection (a)(2)(B), a  
20 county may elect to obtain insurance against losses caused by the  
21 county judge's gross negligence in performing the duties of office.  
22 The commissioners court of a county shall pay the premium for the  
23 insurance out of the general funds of the county.

24 SECTION 3. A judge of a statutory county court, a statutory  
25 probate court, or a constitutional county court who is serving on  
26 the effective date of this Act shall comply with the requirements of  
27 Section 25.0006 or 26.001, Government Code, as amended by this Act,

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

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