

1-1 By: Zaffirini S.B. No. 40  
 1-2 (In the Senate - Filed November 14, 2016; January 24, 2017,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 6, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 6, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 40 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the bond required and the bond insurance obtained for  
 1-22 certain judges.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 25.0006, Government Code, is amended by  
 1-25 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),  
 1-26 and (a-4) to read as follows:

1-27 (a) Notwithstanding any other law except Subsection (a-4),  
 1-28 Subsections (a-1), (a-2), and (a-3) control over a specific  
 1-29 provision for a particular court or county that attempts to create a  
 1-30 requirement for a bond or insurance that conflicts with those  
 1-31 subsections.

1-32 (a-1) Before beginning the duties of the office, the [The]  
 1-33 judge of a statutory county court must execute a bond that:

1-34 (1) is payable to the treasurer of the county;

1-35 (2) is in the amount set by the commissioners court of:

1-36 (A) subject to Paragraph (B), not less than  
 1-37 \$1,000 nor more than \$10,000; or

1-38 (B) for a judge presiding in the court over  
 1-39 guardianship proceedings, as defined by Section 1002.015, Estates  
 1-40 Code, or over probate proceedings, as defined by Section 22.029,  
 1-41 Estates Code, not less than:

1-42 (i) \$100,000 for a court in a county with a  
 1-43 population of 125,000 or less; or

1-44 (ii) \$250,000 for a court in a county with a  
 1-45 population of more than 125,000; and

1-46 (3) is conditioned that the judge will:

1-47 (A) faithfully perform all duties of office; and

1-48 (B) for a judge presiding in the court over  
 1-49 guardianship or probate proceedings, perform the duties required by  
 1-50 the Estates Code [as prescribed by law for county judges].

1-51 (a-2) The bond executed as required by Subsection (a-1) must  
 1-52 be approved by the commissioners court.

1-53 (a-3) In lieu of the bond required by Subsection  
 1-54 (a-1)(2)(B), a county may elect to obtain insurance against losses  
 1-55 caused by the gross negligence of a judge of a statutory county  
 1-56 court in performing the duties of office. The commissioners court  
 1-57 of a county shall pay the premium for the insurance out of the  
 1-58 general funds of the county.

1-59 (a-4) This section does not apply to:

1-60 (1) a judge of a statutory county court who does not

2-1 preside over guardianship proceedings, as defined by Section  
2-2 1002.015, Estates Code;

2-3 (2) a judge of a statutory probate court who executes a  
2-4 bond, obtains insurance, or self-insures pursuant to Section  
2-5 25.00231; or

2-6 (3) a judge who presides over a county criminal court.

2-7 SECTION 2. Section 26.001, Government Code, is amended to  
2-8 read as follows:

2-9 Sec. 26.001. BOND. (a) Before beginning [~~entering~~] the  
2-10 duties of the office, the county judge must execute a bond that:

2-11 (1) is payable to the treasurer of the county;

2-12 (2) is in the amount set by the commissioners court of:

2-13 (A) subject to Paragraph (B), not less than  
2-14 \$1,000 nor more than \$10,000; or

2-15 (B) for a county judge presiding in the county  
2-16 court over guardianship proceedings, as defined by Section

2-17 1002.015, Estates Code, or over probate proceedings, as defined by  
2-18 Section 22.029, Estates Code, not less than:

2-19 (i) \$100,000 for a court in a county with a  
2-20 population of 125,000 or less; or

2-21 (ii) \$250,000 for a court in a county with a  
2-22 population of more than 125,000; and

2-23 (3) is conditioned that the judge will:

2-24 (A) faithfully perform all duties of office [~~pay~~  
2-25 ~~all money that comes into his hands as county judge to the person or~~  
2-26 ~~officer entitled to it~~]; and

2-27 (B) for a county judge presiding in the county  
2-28 court over guardianship or probate proceedings, perform the duties

2-29 required by the Estates Code [~~pay to the county all money illegally~~  
2-30 ~~paid to the judge out of county funds; and~~

2-31 [~~(C) not vote or consent to pay out county funds~~  
2-32 ~~for other than lawful purposes~~].

2-33 (b) The bond executed as required by Subsection (a) must be  
2-34 approved by the commissioners court.

2-35 (c) In lieu of the bond required by Subsection (a)(2)(B), a  
2-36 county may elect to obtain insurance against losses caused by the

2-37 gross negligence of a county judge in performing the duties of  
2-38 office. The commissioners court of a county shall pay the premium

2-39 for the insurance out of the general funds of the county.

2-40 SECTION 3. A judge of a statutory county court, a statutory  
2-41 probate court, or a constitutional county court who is serving on

2-42 the effective date of this Act shall comply with the requirements of

2-43 Section 25.0006 or 26.001, Government Code, as amended by this Act,  
2-44 as applicable, not later than November 1, 2017.

2-45 SECTION 4. This Act takes effect September 1, 2017.

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