By:  Zaffirini S.B. No. 40

(In the Senate - Filed November 12, 2018; February 1, 2019, read first time and referred to Committee on State Affairs; March 11, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; March 11, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 40 By:  Zaffirini

A BILL TO BE ENTITLED

AN ACT

relating to locations, terms, sessions, and procedures for conducting court proceedings.

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

SECTION 1.  Section 22.0035(b), Government Code, is amended to read as follows:

(b)  Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 90 [~~30~~] days from the date the order was signed unless renewed by the chief justice of the supreme court.

SECTION 2.  Section 24.012(a), Government Code, is amended to read as follows:

(a)  Except as provided by Subsections (a-1) and (a-2) and Section 24.0125, notwithstanding any other law, each district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year. To the extent of a conflict between this subsection and a specific provision relating to a particular judicial district, this section controls.

SECTION 3.  Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.0125 to read as follows:

Sec. 24.0125.  TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a district court from holding its judicial district terms in accordance with Section 24.012, the presiding judge of the administrative judicial region, with the approval of the judge of the affected district court, may designate the terms and sessions of court.

SECTION 4.  Section 24.033(b), Government Code, is amended to read as follows:

(b)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, [~~occurs in a first tier coastal county or a second tier coastal county that~~] precludes a district court from conducting its proceedings at the county seat of that county, the presiding judge of the administrative judicial region, with the approval of the judge of the affected district court, may designate for the proceedings an alternate location:

(1)  in the judicial district of the affected court; or

(2)  outside the judicial district at the location the presiding judge determines is closest in proximity to the county seat that allows [~~at which~~] the court to safely and practicably [~~may~~] conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.

SECTION 5.  Section 25.0016, Government Code, is amended to read as follows:

Sec. 25.0016.  TERMS OF COURT; TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)  The commissioners court, by order, shall set at least two terms a year for the statutory county court.

(b)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a statutory county court from holding its terms in accordance with the order of the commissioners court, the presiding judge of the administrative judicial region, with the approval of the judge of the affected statutory county court, may designate the terms and sessions of court.

SECTION 6.  Section 25.0019(b), Government Code, is amended to read as follows:

(b)  Notwithstanding any other law, including a specific provision in this chapter for a particular court or county that requires a statutory county court to conduct its proceedings at the county seat, if a disaster, as defined by Section 418.004, [~~occurs in a first tier coastal county or a second tier coastal county that~~] precludes a statutory county court in that county from conducting its proceedings at the county seat, the presiding judge of the administrative judicial region, with the approval of the judge of the affected statutory county court, may designate for the proceedings an alternate location:

(1)  in the county; or

(2)  outside the county at the location the presiding judge determines is closest in proximity to the county seat that allows [~~at which~~] the court to safely and practicably [~~may~~] conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.

SECTION 7.  Section 25.0032(b), Government Code, is amended to read as follows:

(b)  Notwithstanding any other law, including a specific provision in this chapter for a particular court or county that requires a statutory probate court to conduct its proceedings at the county seat, if a disaster, as defined by Section 418.004, [~~occurs in a first tier coastal county or a second tier coastal county that~~] precludes a statutory probate court in that county from conducting its proceedings at the county seat, the presiding judge of the statutory probate courts, with the approval of the judge of the affected statutory probate court, may designate for the proceedings an alternate location:

(1)  in the county; or

(2)  outside the county at the location the presiding judge of the statutory probate courts determines is closest in proximity to the county seat that allows [~~at which~~] the court to safely and practicably [~~may~~] conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves.

SECTION 8.  Section 25.0035, Government Code, is amended to read as follows:

Sec. 25.0035.  TERMS OF COURT; TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)  The commissioners court, by order, shall set at least two terms a year for the statutory probate court.

(b)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a statutory probate court from holding its terms in accordance with the order of the commissioners court, the presiding judge of the statutory probate courts, with the approval of the judge of the affected statutory probate court, may designate the terms and sessions of court.

SECTION 9.  The heading to Section 26.002, Government Code, is amended to read as follows:

Sec. 26.002.  TERMS; TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

SECTION 10.  Section 26.002, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a)  By order entered on its records, the commissioners court subject to Subsection (b-1) may fix the number of court terms, may set the times at which the terms shall be held, including the four terms required by the constitution, and may set the length of each term.

(b-1)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a county court from holding its terms in accordance with the order of the commissioners court, the presiding judge of the administrative judicial region, with the approval of the county judge, may designate the terms and sessions of court.

SECTION 11.  Section 26.009(b), Government Code, is amended to read as follows:

(b)  Notwithstanding any other law, including Section 26.002(c), if a disaster, as defined by Section 418.004, [~~occurs in a first tier coastal county or a second tier coastal county that~~] precludes the county court from conducting its proceedings at the county seat, the presiding judge of the administrative judicial region, with the approval of the judge of the affected county court, may designate for the proceedings an alternate location:

(1)  in the county; or

(2)  outside the county at the location the presiding judge determines is closest in proximity to the county seat that allows [~~at which~~] the court to safely and practicably [~~may~~] conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.

SECTION 12.  Subchapter C, Chapter 27, Government Code, is amended by adding Section 27.0515 to read as follows:

Sec. 27.0515.  LOCATION FOR COURT PROCEEDINGS AND TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a justice court from conducting its proceedings at a location in the court's precinct or in the county seat of that county, the presiding judge of the administrative judicial region in which the county is located, with the approval of the justice of the affected justice court, may designate for the proceedings an alternate location:

(1)  in the county; or

(2)  outside the county at the location the presiding judge determines is closest in proximity to the court's precinct that allows the court to safely and practicably conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.

(b)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a justice court from holding its terms in accordance with the times prescribed by the commissioners court, the presiding judge of the administrative judicial region, with the approval of the justice of the affected justice court, may designate the terms and sessions of court.

SECTION 13.  Subchapter A, Chapter 29, Government Code, is amended by adding Section 29.015 to read as follows:

Sec. 29.015.  LOCATION FOR COURT PROCEEDINGS AND TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a municipal court from conducting its proceedings at the location assigned for the proceedings, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court, may designate for the proceedings an alternate location:

(1)  in the corporate limits of the municipality; or

(2)  outside the corporate limits of the municipality at the location the presiding judge determines is closest in proximity to the municipality that allows the court to safely and practicably conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.

(b)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a municipal court from holding its terms, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court, may designate the terms and sessions of court.

SECTION 14.  Subchapter A, Chapter 30, Government Code, is amended by adding Section 30.000123 to read as follows:

Sec. 30.000123.  LOCATION OF COURT PROCEEDINGS AND TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a municipal court of record from conducting its proceedings at the location assigned for the proceedings, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court of record, may designate for the proceedings an alternate location:

(1)  in the corporate limits of the municipality; or

(2)  outside the corporate limits of the municipality at the location the presiding judge determines is closest in proximity to the municipality that allows the court to safely and practicably conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.

(b)  Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a municipal court of record from holding its terms, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court of record, may designate the terms and sessions of court.

SECTION 15.  Sections 292.001(b) and (d), Local Government Code, are amended to read as follows:

(b)  Except as provided by this subsection and to the extent permitted under other law, the [~~The~~] building or rooms must be located in the county seat. If [~~However, if~~] the building or rooms are for housing a county or district court in buildings or rooms designated for that purpose, or for housing county jail facilities, the building or rooms may be located anywhere in the county at the discretion of the commissioners court.

(d)  A justice of the peace court may not be housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) or 27.0515, Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 275,000 persons but no more than 285,000 persons.

SECTION 16.  Section 292.002(a), Local Government Code, is amended to read as follows:

(a)  The commissioners court of a county may provide an office building or a jail facility at a location in the county outside the county seat in the same manner that is applicable to such a building or facility at the county seat. The commissioners court may provide for the building or facility through the issuance of bonds as provided by Subtitles A, C, and D, Title 9, Government Code, or through the issuance of other evidences of indebtedness in the same manner as bonds or evidences of indebtedness applicable to a courthouse or jail at the county seat. The commissioners court may provide office space in the building or facility for any county or precinct office [~~except a court required by law to sit at the county seat~~]. However, a county officer who is provided space in the building or facility shall maintain an office at the county seat and shall keep the original records of office at that office unless otherwise required during a disaster, as defined by Section 418.004, Government Code.

SECTION 17.  Sections 24.033(a), 25.0019(a), 25.0032(a), and 26.009(a), Government Code, are repealed.

SECTION 18.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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