

1-1 By: Zaffirini S.B. No. 40  
 1-2 (In the Senate - Filed November 12, 2018; February 1, 2019,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 11, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 11, 2019,  
 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 locations, terms, sessions, and procedures for  
 1-22 conducting court proceedings.

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

1-24 SECTION 1. Section 22.0035(b), Government Code, is amended  
 1-25 to read as follows:

1-26 (b) Notwithstanding any other statute, the supreme court  
 1-27 may modify or suspend procedures for the conduct of any court  
 1-28 proceeding affected by a disaster during the pendency of a disaster  
 1-29 declared by the governor. An order under this section may not  
 1-30 extend for more than 90 [30] days from the date the order was signed  
 1-31 unless renewed by the chief justice of the supreme court.

1-32 SECTION 2. Section 24.012(a), Government Code, is amended  
 1-33 to read as follows:

1-34 (a) Except as provided by Subsections (a-1) and (a-2) and  
 1-35 Section 24.0125, notwithstanding any other law, each district court  
 1-36 holds in each county in the judicial district terms that commence on  
 1-37 the first Mondays in January and July of each year. To the extent of  
 1-38 a conflict between this subsection and a specific provision  
 1-39 relating to a particular judicial district, this section controls.

1-40 SECTION 3. Subchapter A, Chapter 24, Government Code, is  
 1-41 amended by adding Section 24.0125 to read as follows:

1-42 Sec. 24.0125. TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN  
 1-43 DISASTERS. Notwithstanding any other law, if a disaster, as  
 1-44 defined by Section 418.004, precludes a district court from holding  
 1-45 its judicial district terms in accordance with Section 24.012, the  
 1-46 presiding judge of the administrative judicial region, with the  
 1-47 approval of the judge of the affected district court, may designate  
 1-48 the terms and sessions of court.

1-49 SECTION 4. Section 24.033(b), Government Code, is amended  
 1-50 to read as follows:

1-51 (b) Notwithstanding any other law, if a disaster, as defined  
 1-52 by Section 418.004, [~~occurs in a first tier coastal county or a~~  
 1-53 ~~second tier coastal county that~~] precludes a district court from  
 1-54 conducting its proceedings at the county seat of that county, the  
 1-55 presiding judge of the administrative judicial region, with the  
 1-56 approval of the judge of the affected district court, may designate  
 1-57 for the proceedings an alternate location:

- 1-58 (1) in the judicial district of the affected court; or
- 1-59 (2) outside the judicial district at the location the
- 1-60 presiding judge determines is closest in proximity to the county

2-1 seat that allows ~~[at which]~~ the court to safely and practicably  
2-2 ~~[may]~~ conduct its proceedings, provided the presiding judge of the  
2-3 administrative judicial region for the designated location  
2-4 approves if that presiding judge is not the presiding judge making  
2-5 the designation.

2-6 SECTION 5. Section 25.0016, Government Code, is amended to  
2-7 read as follows:

2-8 Sec. 25.0016. TERMS OF COURT; TERMS AND SESSIONS OF COURT  
2-9 FOLLOWING CERTAIN DISASTERS. (a) The commissioners court, by  
2-10 order, shall set at least two terms a year for the statutory county  
2-11 court.

2-12 (b) Notwithstanding any other law, if a disaster, as defined  
2-13 by Section 418.004, precludes a statutory county court from holding  
2-14 its terms in accordance with the order of the commissioners court,  
2-15 the presiding judge of the administrative judicial region, with the  
2-16 approval of the judge of the affected statutory county court, may  
2-17 designate the terms and sessions of court.

2-18 SECTION 6. Section 25.0019(b), Government Code, is amended  
2-19 to read as follows:

2-20 (b) Notwithstanding any other law, including a specific  
2-21 provision in this chapter for a particular court or county that  
2-22 requires a statutory county court to conduct its proceedings at the  
2-23 county seat, if a disaster, as defined by Section 418.004, ~~[occurs~~  
2-24 ~~in a first tier coastal county or a second tier coastal county that]~~  
2-25 precludes a statutory county court in that county from conducting  
2-26 its proceedings at the county seat, the presiding judge of the  
2-27 administrative judicial region, with the approval of the judge of  
2-28 the affected statutory county court, may designate for the  
2-29 proceedings an alternate location:

- 2-30 (1) in the county; or
- 2-31 (2) outside the county at the location the presiding  
2-32 judge determines is closest in proximity to the county seat that  
2-33 allows ~~[at which]~~ the court to safely and practicably ~~[may]~~ conduct  
2-34 its proceedings, provided the presiding judge of the administrative  
2-35 judicial region for the designated location approves if that  
2-36 presiding judge is not the presiding judge making the designation.

2-37 SECTION 7. Section 25.0032(b), Government Code, is amended  
2-38 to read as follows:

2-39 (b) Notwithstanding any other law, including a specific  
2-40 provision in this chapter for a particular court or county that  
2-41 requires a statutory probate court to conduct its proceedings at  
2-42 the county seat, if a disaster, as defined by Section 418.004,  
2-43 ~~[occurs in a first tier coastal county or a second tier coastal~~  
2-44 ~~county that]~~ precludes a statutory probate court in that county  
2-45 from conducting its proceedings at the county seat, the presiding  
2-46 judge of the statutory probate courts, with the approval of the  
2-47 judge of the affected statutory probate court, may designate for  
2-48 the proceedings an alternate location:

- 2-49 (1) in the county; or
- 2-50 (2) outside the county at the location the presiding  
2-51 judge of the statutory probate courts determines is closest in  
2-52 proximity to the county seat that allows ~~[at which]~~ the court to  
2-53 safely and practicably ~~[may]~~ conduct its proceedings, provided the  
2-54 presiding judge of the administrative judicial region for the  
2-55 designated location approves.

2-56 SECTION 8. Section 25.0035, Government Code, is amended to  
2-57 read as follows:

2-58 Sec. 25.0035. TERMS OF COURT; TERMS AND SESSIONS OF COURT  
2-59 FOLLOWING CERTAIN DISASTERS. (a) The commissioners court, by  
2-60 order, shall set at least two terms a year for the statutory probate  
2-61 court.

2-62 (b) Notwithstanding any other law, if a disaster, as defined  
2-63 by Section 418.004, precludes a statutory probate court from  
2-64 holding its terms in accordance with the order of the commissioners  
2-65 court, the presiding judge of the statutory probate courts, with  
2-66 the approval of the judge of the affected statutory probate court,  
2-67 may designate the terms and sessions of court.

2-68 SECTION 9. The heading to Section 26.002, Government Code,  
2-69 is amended to read as follows:

3-1           Sec. 26.002. TERMS; TERMS AND SESSIONS OF COURT FOLLOWING  
3-2 CERTAIN DISASTERS.

3-3           SECTION 10. Section 26.002, Government Code, is amended by  
3-4 amending Subsection (a) and adding Subsection (b-1) to read as  
3-5 follows:

3-6           (a) By order entered on its records, the commissioners court  
3-7 subject to Subsection (b-1) may fix the number of court terms, may  
3-8 set the times at which the terms shall be held, including the four  
3-9 terms required by the constitution, and may set the length of each  
3-10 term.

3-11           (b-1) Notwithstanding any other law, if a disaster, as  
3-12 defined by Section 418.004, precludes a county court from holding  
3-13 its terms in accordance with the order of the commissioners court,  
3-14 the presiding judge of the administrative judicial region, with the  
3-15 approval of the county judge, may designate the terms and sessions  
3-16 of court.

3-17           SECTION 11. Section 26.009(b), Government Code, is amended  
3-18 to read as follows:

3-19           (b) Notwithstanding any other law, including Section  
3-20 26.002(c), if a disaster, as defined by Section 418.004, [~~occurs in~~  
3-21 ~~a first tier coastal county or a second tier coastal county that~~]  
3-22 precludes the county court from conducting its proceedings at the  
3-23 county seat, the presiding judge of the administrative judicial  
3-24 region, with the approval of the judge of the affected county court,  
3-25 may designate for the proceedings an alternate location:

- 3-26           (1) in the county; or
- 3-27           (2) outside the county at the location the presiding  
3-28 judge determines is closest in proximity to the county seat that  
3-29 allows [at which] the court to safely and practicably [may] conduct  
3-30 its proceedings, provided the presiding judge of the administrative  
3-31 judicial region for the designated location approves if that  
3-32 presiding judge is not the presiding judge making the designation.

3-33           SECTION 12. Subchapter C, Chapter 27, Government Code, is  
3-34 amended by adding Section 27.0515 to read as follows:

3-35           Sec. 27.0515. LOCATION FOR COURT PROCEEDINGS AND TERMS AND  
3-36 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

3-37           (a) Notwithstanding any other law, if a disaster, as defined by  
3-38 Section 418.004, precludes a justice court from conducting its  
3-39 proceedings at a location in the court's precinct or in the county  
3-40 seat of that county, the presiding judge of the administrative  
3-41 judicial region in which the county is located, with the approval of  
3-42 the justice of the affected justice court, may designate for the  
3-43 proceedings an alternate location:

- 3-44           (1) in the county; or
- 3-45           (2) outside the county at the location the presiding  
3-46 judge determines is closest in proximity to the court's precinct  
3-47 that allows the court to safely and practicably conduct its  
3-48 proceedings, provided the presiding judge of the administrative  
3-49 judicial region for the designated location approves if that  
3-50 presiding judge is not the presiding judge making the designation.

3-51           (b) Notwithstanding any other law, if a disaster, as defined  
3-52 by Section 418.004, precludes a justice court from holding its  
3-53 terms in accordance with the times prescribed by the commissioners  
3-54 court, the presiding judge of the administrative judicial region,  
3-55 with the approval of the justice of the affected justice court, may  
3-56 designate the terms and sessions of court.

3-57           SECTION 13. Subchapter A, Chapter 29, Government Code, is  
3-58 amended by adding Section 29.015 to read as follows:

3-59           Sec. 29.015. LOCATION FOR COURT PROCEEDINGS AND TERMS AND  
3-60 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

3-61           (a) Notwithstanding any other law, if a disaster, as defined by  
3-62 Section 418.004, precludes a municipal court from conducting its  
3-63 proceedings at the location assigned for the proceedings, the  
3-64 presiding judge of the administrative judicial region, with the  
3-65 approval of the judge of the affected municipal court, may  
3-66 designate for the proceedings an alternate location:

- 3-67           (1) in the corporate limits of the municipality; or
- 3-68           (2) outside the corporate limits of the municipality  
3-69 at the location the presiding judge determines is closest in

4-1 proximity to the municipality that allows the court to safely and  
4-2 practicably conduct its proceedings, provided the presiding judge  
4-3 of the administrative judicial region for the designated location  
4-4 approves if that presiding judge is not the presiding judge making  
4-5 the designation.

4-6 (b) Notwithstanding any other law, if a disaster, as defined  
4-7 by Section 418.004, precludes a municipal court from holding its  
4-8 terms, the presiding judge of the administrative judicial region,  
4-9 with the approval of the judge of the affected municipal court, may  
4-10 designate the terms and sessions of court.

4-11 SECTION 14. Subchapter A, Chapter 30, Government Code, is  
4-12 amended by adding Section 30.000123 to read as follows:

4-13 Sec. 30.000123. LOCATION OF COURT PROCEEDINGS AND TERMS AND  
4-14 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

4-15 (a) Notwithstanding any other law, if a disaster, as defined by  
4-16 Section 418.004, precludes a municipal court of record from  
4-17 conducting its proceedings at the location assigned for the  
4-18 proceedings, the presiding judge of the administrative judicial  
4-19 region, with the approval of the judge of the affected municipal  
4-20 court of record, may designate for the proceedings an alternate  
4-21 location:

4-22 (1) in the corporate limits of the municipality; or

4-23 (2) outside the corporate limits of the municipality  
4-24 at the location the presiding judge determines is closest in  
4-25 proximity to the municipality that allows the court to safely and  
4-26 practicably conduct its proceedings, provided the presiding judge  
4-27 of the administrative judicial region for the designated location  
4-28 approves if that presiding judge is not the presiding judge making  
4-29 the designation.

4-30 (b) Notwithstanding any other law, if a disaster, as defined  
4-31 by Section 418.004, precludes a municipal court of record from  
4-32 holding its terms, the presiding judge of the administrative  
4-33 judicial region, with the approval of the judge of the affected  
4-34 municipal court of record, may designate the terms and sessions of  
4-35 court.

4-36 SECTION 15. Sections 292.001(b) and (d), Local Government  
4-37 Code, are amended to read as follows:

4-38 (b) Except as provided by this subsection and to the extent  
4-39 permitted under other law, the [The] building or rooms must be  
4-40 located in the county seat. If [However, if] the building or rooms  
4-41 are for housing a county or district court in buildings or rooms  
4-42 designated for that purpose, or for housing county jail facilities,  
4-43 the building or rooms may be located anywhere in the county at the  
4-44 discretion of the commissioners court.

4-45 (d) A justice of the peace court may not be housed or  
4-46 conducted in a building located outside the court's precinct except  
4-47 as provided by Section 27.051(f) or 27.0515, Government Code, or  
4-48 unless the justice of the peace court is situated in the county  
4-49 courthouse in a county with a population of at least 275,000 persons  
4-50 but no more than 285,000 persons.

4-51 SECTION 16. Section 292.002(a), Local Government Code, is  
4-52 amended to read as follows:

4-53 (a) The commissioners court of a county may provide an  
4-54 office building or a jail facility at a location in the county  
4-55 outside the county seat in the same manner that is applicable to  
4-56 such a building or facility at the county seat. The commissioners  
4-57 court may provide for the building or facility through the issuance  
4-58 of bonds as provided by Subtitles A, C, and D, Title 9, Government  
4-59 Code, or through the issuance of other evidences of indebtedness in  
4-60 the same manner as bonds or evidences of indebtedness applicable to  
4-61 a courthouse or jail at the county seat. The commissioners court  
4-62 may provide office space in the building or facility for any county  
4-63 or precinct office [~~except a court required by law to sit at the~~  
4-64 ~~county seat~~]. However, a county officer who is provided space in  
4-65 the building or facility shall maintain an office at the county seat  
4-66 and shall keep the original records of office at that office unless  
4-67 otherwise required during a disaster, as defined by Section  
4-68 418.004, Government Code.

4-69 SECTION 17. Sections 24.033(a), 25.0019(a), 25.0032(a),

5-1 and 26.009(a), Government Code, are repealed.

5-2 SECTION 18. This Act takes effect immediately if it  
5-3 receives a vote of two-thirds of all the members elected to each  
5-4 house, as provided by Section 39, Article III, Texas Constitution.  
5-5 If this Act does not receive the vote necessary for immediate  
5-6 effect, this Act takes effect September 1, 2019.

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