

By: Zaffirini

S.B. No. 40

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

1 defined by Section 418.004, precludes a district court from holding
2 its judicial district terms in accordance with Section 24.012, the
3 presiding judge of the administrative judicial region, with the
4 approval of the judge of the affected district court, may designate
5 the terms and sessions of court.

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

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

- 15 (1) in the judicial district of the affected court; or
16 (2) outside the judicial district at the location the
17 presiding judge of the administrative judicial region determines is
18 closest in proximity to the county seat that allows [at which] the
19 court to safely and practicably [may] conduct its proceedings.

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

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

26 (b) Notwithstanding any other law, if a disaster, as defined
27 by Section 418.004, precludes a statutory county court from holding

1 its terms in accordance with the order of the commissioners court,
2 the presiding judge of the administrative judicial region, with the
3 approval of the judge of the affected statutory county court, may
4 designate the terms and sessions of court.

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

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

- 17 (1) in the county; or
18 (2) outside the county at the location the presiding
19 judge of the administrative judicial region determines is closest
20 in proximity to the county seat that allows [at which] the court to
21 safely and practicably [may] conduct its proceedings.

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

24 (b) Notwithstanding any other law, including a specific
25 provision in this chapter for a particular court or county that
26 requires a statutory probate court to conduct its proceedings at
27 the county seat, if a disaster, as defined by Section 418.004,

1 ~~[occurs in a first tier coastal county or a second tier coastal~~
2 ~~county that]~~ precludes a statutory probate court in that county
3 from conducting its proceedings at the county seat, the presiding
4 judge of the statutory probate courts, with the approval of the
5 judge of the affected statutory probate court, may designate for
6 the proceedings an alternate location:

- 7 (1) in the county; or
8 (2) outside the county at the location the presiding
9 judge of the statutory probate courts determines is closest in
10 proximity to the county seat that allows [at which] the court to
11 safely and practicably [may] conduct its proceedings.

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

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

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

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

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

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

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

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

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

17 (b) Notwithstanding any other law, including Section
18 26.002(c), if a disaster, as defined by Section 418.004, [~~occurs in~~
19 ~~a first tier coastal county or a second tier coastal county that~~]
20 precludes the county court from conducting its proceedings at the
21 county seat, the presiding judge of the administrative judicial
22 region, with the approval of the judge of the affected county court,
23 may designate for the proceedings an alternate location:

- 24 (1) in the county; or
25 (2) outside the county at the location the presiding
26 judge of the administrative judicial region determines is closest
27 in proximity to the county seat that allows [~~at which~~] the court to

1 safely and practicably ~~[may]~~ conduct its proceedings.

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

4 Sec. 27.0515. LOCATION FOR COURT PROCEEDINGS AND TERMS AND
5 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)

6 Notwithstanding any other law, if a disaster, as defined by Section
7 418.004, precludes a justice court from conducting its proceedings
8 at a location in the court's precinct or in the county seat of that
9 county, the presiding judge of the administrative judicial region
10 in which the county is located, with the approval of the justice of
11 the affected justice court, may designate for the proceedings an
12 alternate location:

13 (1) in the county; or

14 (2) outside the county at the location the presiding
15 judge of the administrative judicial region determines is closest
16 in proximity to the court's precinct that allows the court to safely
17 and practicably conduct its proceedings.

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

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

26 Sec. 29.015. LOCATION FOR COURT PROCEEDINGS AND TERMS AND
27 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)

1 Notwithstanding any other law, if a disaster, as defined by Section
2 418.004, precludes a municipal court from conducting its
3 proceedings at the location assigned for the proceedings, the
4 presiding judge of the administrative judicial region, with the
5 approval of the judge of the affected municipal court, may
6 designate for the proceedings an alternate location:

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

8 (2) outside the corporate limits of the municipality
9 at the location the presiding judge of the administrative judicial
10 region determines is closest in proximity to the municipality that
11 allows the court to safely and practicably conduct its proceedings.

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

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

19 Sec. 30.000123. LOCATION OF COURT PROCEEDINGS AND TERMS AND
20 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. (a)

21 Notwithstanding any other law, if a disaster, as defined by Section
22 418.004, precludes a municipal court of record from conducting its
23 proceedings at the location assigned for the proceedings, the
24 presiding judge of the administrative judicial region, with the
25 approval of the judge of the affected municipal court of record, may
26 designate for the proceedings an alternate location:

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

1 (2) outside the corporate limits of the municipality
2 at the location the presiding judge of the administrative judicial
3 region determines is closest in proximity to the municipality that
4 allows the court to safely and practicably conduct its proceedings.

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

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

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

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

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

1 (a) The commissioners court of a county may provide an
2 office building or a jail facility at a location in the county
3 outside the county seat in the same manner that is applicable to
4 such a building or facility at the county seat. The commissioners
5 court may provide for the building or facility through the issuance
6 of bonds as provided by Subtitles A, C, and D, Title 9, Government
7 Code, or through the issuance of other evidences of indebtedness in
8 the same manner as bonds or evidences of indebtedness applicable to
9 a courthouse or jail at the county seat. The commissioners court
10 may provide office space in the building or facility for any county
11 or precinct office [~~except a court required by law to sit at the~~
12 ~~county seat~~]. However, a county officer who is provided space in
13 the building or facility shall maintain an office at the county seat
14 and shall keep the original records of office at that office unless
15 otherwise required during a disaster, as defined by Section
16 418.004, Government Code.

17 SECTION 17. Sections [24.033\(a\)](#), [25.0019\(a\)](#), [25.0032\(a\)](#),
18 and [26.009\(a\)](#), Government Code, are repealed.

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