

BILL ANALYSIS

S.B. 40
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent extreme weather events have delayed judicial proceedings and disrupted the operation of the state's judicial system due to damaged, unusable court buildings. In response, there have been calls to grant additional authority to courts for the purpose of safely and practicably conducting proceedings. S.B. 40 seeks to address these calls by authorizing judges to designate alternate sites to conduct proceedings and by extending the maximum duration of an order to suspend or modify procedures for cases following such disasters.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 40 amends the Government Code to increase the maximum length of time an order to modify or suspend procedures for the conduct of any court proceeding affected by a disaster may extend unless renewed by the supreme court from 30 days from the date the order was signed to 90 days from that date. The bill specifies that such orders are renewed by the chief justice of the supreme court.

S.B. 40 authorizes the presiding judge of the appropriate administrative judicial region, if a disaster precludes a district court, statutory county court, constitutional county court, justice court, municipal court, or municipal court of record from holding its usual terms, to designate the terms and sessions of the affected court with the approval of the court's judge. The bill authorizes the presiding judge of the statutory probate courts to make such a designation if a disaster precludes a statutory probate court from holding its usual terms.

S.B. 40 removes language limiting provisions that authorize certain alternate locations for the proceedings of a district court, statutory county court, statutory probate court, or constitutional county court under circumstances relating to a disaster to a first tier coastal county or second tier coastal county as defined by the Texas Windstorm Insurance Association Act. The bill authorizes an alternate location designated for such a court under circumstances relating to a disaster to be outside the judicial district of the affected court or outside the county, as applicable, at the location the presiding judge determines is closest in proximity to the county seat that allows the court to safely and practicably conduct its proceedings.

S.B. 40 authorizes the presiding judge, if a disaster precludes a justice court from conducting its proceedings at a location in the court's precinct or in the county seat of that county, to designate for the proceedings, with the approval of the justice of the affected court, an alternate location in the county or 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.

S.B. 40 authorizes the presiding judge, if a disaster precludes a municipal court or a municipal court of record from conducting its proceedings at the location assigned for the proceedings, to designate for the proceedings, with the approval of the judge of the affected court, in the corporate limits of the municipality or outside those limits 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.

S.B. 40 makes the authorization to designate an alternate location for a district court, statutory county court, statutory probate court, constitutional county court, justice court, municipal court, or municipal court of record conditional on the approval of the presiding judge of the administrative judicial region for the designated location, if that presiding judge is not the presiding judge making the designation.

S.B. 40 amends the Local Government Code to authorize a building or rooms, other than the courthouse, provided by the commissioners court of a county for housing a county or district court to be located anywhere in the county at the discretion of the commissioners court. The bill excepts a county officer from the requirement to maintain an office at the county seat and keep the original records of office at that office if a disaster requires otherwise.

S.B. 40 repeals the following provisions of the Government Code:

- Section 24.033(a)
- Section 25.0019(a)
- Section 25.0032(a)
- Section 26.009(a)

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.