

BILL ANALYSIS

Senate Research Center

C.S.S.B. 430
By: Hinojosa
Jurisprudence
3/20/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, courts are required to grant a member of the legislature a continuance during certain times and a judge has discretion to grant a continuance if the member is employed within 10 days of a trial. C.S.S.B. 430 allows newly-elected members the same legislative continuance as other members; extends the time frame in which a member or member-elect can be retained in a case from 10 days to 30 days before the date set for trial; and provides that a continuance is discretionary in cases in which the member or member-elect was retained on or after the 15th day before the date on which the suit is set for trial.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.003, Civil Practice and Remedies Code, by amending Subsections (b) and (c) and adding Subsection (c-1), as follows:

(b) Includes a member-elect of the legislature as a party to which the court on application is required to continue a case if the party will be or is attending a legislative session, except as provided by Subsections (c) and (c-1).

(c) Provides that the continuance is discretionary with the court if the attorney for a party to the case is a member or member-elect of the legislature who was employed on or after the 30th day, rather than within 10 days, before the date on which the suit is set, except as provided by Subsection (c-1).

(c-1) Provides that if the attorney for a party to any criminal case is a member or member-elect of the legislature who was employed on or after the 15th day before the date on which the suit is set for trial, the continuance is discretionary with the court.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 430, by adding an exception to Subsections (b) and (c) and adding Subsection (c-1).

SECTION 2. No changes.

SECTION 3. No changes.