

AN ACT

relating to the availability of a legislative continuance in a judicial matter.

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

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

(b) Except as provided by Subsections [~~Subsection~~] (c) and (c-1), at any time within 30 days of a date when the legislature is to be in session, at any time during a legislative session, or when the legislature sits as a constitutional convention, the court on application shall continue a case in which a party applying for the continuance or the attorney for that party is a member or member-elect of the legislature and will be or is attending a legislative session. The court shall continue the case until 30 days after the date on which the legislature adjourns.

(c) Except as provided by Subsection (c-1), if [~~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 [~~within 10 days~~] before the date on which the suit is set for trial, the continuance is discretionary with the court.

(c-1) 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

1 trial, the continuance is discretionary with the court.

2 SECTION 2. The change in law made by this Act applies only  
3 to an application for a continuance under Section 30.003, Civil  
4 Practice and Remedies Code, that is made on or after the effective  
5 date of this Act. An application for a continuance under Section  
6 30.003, Civil Practice and Remedies Code, that is made before the  
7 effective date of this Act is covered by the law in effect when the  
8 application or request was made, and the former law is continued in  
9 effect for that purpose.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2003.

David Sisk

President of the Senate

Tom Coad

Speaker of the House

I hereby certify that S.B. No. 430 passed the Senate on April 3, 2003, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

Patricia Spaul  
Secretary of the Senate

I hereby certify that S.B. No. 430 passed the House on April 10, 2003, by the following vote: Yeas 143, Nays 0, two present not voting. \_\_\_\_\_

Robert Honey  
Chief Clerk of the House

Approved:

24 APR. '03

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:30pm O'CLOCK

April 24 2003  
Heather Shea  
Secretary of State