



JOSÉ R. RODRÍGUEZ
COUNTY ATTORNEY

EL PASO COUNTY TEXAS
COUNTY COURTHOUSE
500 E. SAN ANTONIO, ROOM 503
EL PASO, TX 79901

(915) 546-2050
FAX: (915) 546-2133

August 3, 2009

**PROHIBITION ON MAKING OR ACCEPTING POLITICAL CONTRIBUTIONS IN A
COURTHOUSE**

Dear Elected Official:

As legal advisor to county elected officials, I wanted to take the opportunity to make you aware of Senate Bill 1152, passed during the 81st Legislative Session, and which will take effect on September 1, 2009 (See attached). This bill changes Section 253.039 of the Texas Election Code by amending subsections (a), (b), and (c) and adding subsection (h). Section 253.039 makes it a Class A misdemeanor criminal offense for a person who knowingly makes or authorizes a political contribution while in the courthouse to:

- a candidate or officeholder;
- a political committee; or
- a person acting on behalf of a candidate, officeholder, or political committee.

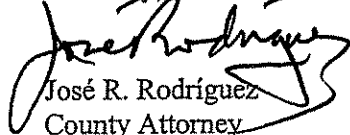
A person who accepts a political contribution in the courthouse also commits a Class A misdemeanor.

Courthouse is defined as "any building owned by the state, a county, or a municipality, or an office or part of a building leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings." The change is not limited to the El Paso County Courthouse, but applies to all county annexes, leased and owned Justice of the Peace offices, the Juvenile Probation Department, and the MDR Building.

Please note that the change does not prohibit contributions made in a courthouse via the United States Postal Service or a common or contract carrier.

If you have any questions or need additional information, please do not hesitate to contact me or Assistant County Attorney, Christina Sanchez at 546-2081.

Sincerely,


José R. Rodríguez
County Attorney

Chapter 1219

AN ACT

1
2 relating to the making or acceptance of political contributions in
3 a courthouse; providing penalties.

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

5 SECTION 1. Section 253.039, Election Code, is amended by
6 amending Subsections (a), (b), and (c) and adding Subsection (h) to
7 read as follows:

8 (a) A person may not knowingly make or authorize a political
9 contribution while in the Capitol or a courthouse to:

- 10 (1) a candidate or officeholder;
- 11 (2) a political committee; or
- 12 (3) a person acting on behalf of a candidate,
13 officeholder, or political committee.

14 (b) A candidate, officeholder, or political committee or a
15 person acting on behalf of a candidate, officeholder, or political
16 committee may not knowingly accept a political contribution, and
17 shall refuse a political contribution that is received, in the
18 Capitol or a courthouse.

19 (c) This section does not prohibit contributions made in the
20 Capitol or a courthouse through the United States postal service or
21 a common or contract carrier.

22 (h) In this section, "courthouse" means any building owned
23 by the state, a county, or a municipality, or an office or part of a
24 building leased to the state, a county, or a municipality, in which

15-c
11-c

S.B. No. 1152

1 a justice or judge sits to conduct court proceedings.

2 SECTION 2. This Act takes effect September 1, 2009. _____

David Newkurt
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 1152 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0; May 21, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 23, 2009, House granted request of the Senate; May 30, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0. _____

Patsy Saw
Secretary of the Senate

I hereby certify that S.B. No. 1152 passed the House, with amendments, on May 15, 2009, by the following vote: Yeas 144, Nays 0, one present not voting; May 23, 2009, House granted request of the Senate for appointment of Conference Committee; May 28, 2009, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, one present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Hunter III