

By: Leach, Moody, Metcalf, Landgraf, et al.

H.B. No. 3774

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation and administration of and practice and
3 procedure related to proceedings in the judicial branch of state
4 government.

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

6 ARTICLE 1. DISTRICT COURTS

7 SECTION 1.01. (a) Section 24.129(b), Government Code, is
8 amended to read as follows:

9 (b) The 27th, 146th, 169th, 264th, ~~and~~ 426th, and 478th
10 judicial districts have concurrent jurisdiction in Bell County.

11 (b) Subchapter C, Chapter 24, Government Code, is amended by
12 adding Section 24.60022 to read as follows:

13 Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a)
14 The 478th Judicial District is composed of Bell County.

15 (b) The terms of the 478th District Court begin on the first
16 Mondays in January, April, July, and October.

17 (c) Section 24.129, relating to the 27th District Court,
18 contains provisions applicable to both that court and the 478th
19 District Court.

20 (c) The 478th Judicial District is created on the effective
21 date of this Act.

22 SECTION 1.02. (a) Subchapter C, Chapter 24, Government
23 Code, is amended by adding Section 24.60025 to read as follows:

24 Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON

1 COUNTY). The 480th Judicial District is composed of Williamson
2 County.

3 (b) The 480th Judicial District is created on October 1,
4 2022.

5 SECTION 1.03. (a) Subchapter C, Chapter 24, Government
6 Code, is amended by adding Section 24.60026 to read as follows:

7 Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY).
8 The 481st Judicial District is composed of Denton County.

9 (b) The 481st Judicial District is created on the effective
10 date of this Act.

11 SECTION 1.04. (a) Subchapter C, Chapter 24, Government
12 Code, is amended by adding Section 24.60027 to read as follows:

13 Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY).
14 (a) The 482nd Judicial District is composed of Harris County.

15 (b) The 482nd District Court shall give preference to
16 criminal cases.

17 (b) The 482nd Judicial District is created on the effective
18 date of this Act.

19 SECTION 1.05. (a) Subchapter C, Chapter 24, Government
20 Code, is amended by adding Section 24.60028 to read as follows:

21 Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The
22 483rd Judicial District is composed of Hays County.

23 (b) The 483rd Judicial District is created on September 1,
24 2022.

25 SECTION 1.06. (a) Subchapter C, Chapter 24, Government
26 Code, is amended by adding Section 24.60029 to read as follows:

27 Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY).

1 (a) The 484th Judicial District is composed of Cameron County.

2 (b) The 484th District Court shall give preference to
3 juvenile matters under Title 3, Family Code.

4 (b) The 484th Judicial District is created on the effective
5 date of this Act.

6 SECTION 1.07. (a) Section 24.120(b), Government Code, is
7 amended to read as follows:

8 (b) The 19th, 54th, 74th, 170th, ~~and~~ 414th, and 474th
9 district courts have concurrent jurisdiction in McLennan County.

10 (b) Subchapter C, Chapter 24, Government Code, is amended by
11 adding Section 24.60097 to read as follows:

12 Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY).
13 The 474th Judicial District is composed of McLennan County.

14 (c) The 474th Judicial District is created on the effective
15 date of this Act.

16 SECTION 1.08. (a) Subchapter C, Chapter 24, Government
17 Code, is amended by adding Section 24.60098 to read as follows:

18 Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). The
19 475th Judicial District is composed of Smith County.

20 (b) Notwithstanding Section 24.026, Government Code, the
21 initial vacancy in the office of judge of the 475th Judicial
22 District shall be filled by election. The office exists for
23 purposes of the primary and general elections in 2022. A vacancy
24 after the initial vacancy is filled as provided by Section 28,
25 Article V, Texas Constitution.

26 (c) The 475th Judicial District is created January 1, 2023.

27 SECTION 1.09. (a) Subchapter C, Chapter 24, Government

1 Code, is amended by adding Section 24.60099 to read as follows:

2 Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).

3 The 476th Judicial District is composed of Hidalgo County.

4 (b) The 476th Judicial District is created on the effective
5 date of this Act.

6 SECTION 1.10. (a) Section 24.910(b), Government Code, is
7 amended to read as follows:

8 (b) This section applies to the Tarrant County Criminal
9 District Courts Nos. 1, 2, ~~and~~ 3, and 5.

10 (b) Subchapter E, Chapter 24, Government Code, is amended by
11 adding Section 24.915 to read as follows:

12 Sec. 24.915. CRIMINAL JUDICIAL DISTRICT NO. 5 OF TARRANT
13 COUNTY. (a) The Criminal Judicial District No. 5 of Tarrant County
14 is composed of Tarrant County.

15 (b) Section 24.910, relating to the Tarrant County Criminal
16 District Court No. 1, contains provisions applicable to both that
17 court and the Tarrant County Criminal District Court No. 5.

18 (c) The Criminal Judicial District No. 5 of Tarrant County
19 is created on the effective date of this Act.

20 ARTICLE 2. STATUTORY COUNTY COURTS AND CONSTITUTIONAL COUNTY COURTS

21 SECTION 2.01. Section 25.00211(a), Government Code, is
22 amended to read as follows:

23 (a) Beginning on the first day of the state fiscal year, the
24 state shall annually compensate each county that collects the
25 additional fees under Section 51.704 in an amount equal to 60
26 percent of the annual base salary the state pays to a district judge
27 as set by the General Appropriations Act in accordance with Section

1 659.012(a) [~~\$40,000~~] for each statutory probate court judge in the
2 county.

3 SECTION 2.02. Section 25.0172(p), Government Code, is
4 amended to read as follows:

5 (p) The county clerk shall keep a separate docket for each
6 county court at law. The county clerk shall appoint a deputy clerk
7 for each county court at law. [~~An appointment of a deputy clerk of
8 County Court at Law No. 2 or 3 takes effect when it is confirmed in
9 writing by the judge of the court to which the deputy clerk is
10 assigned and the deputy clerk serves at the pleasure of the judge of
11 the court to which he is assigned.~~] A deputy clerk must take the
12 constitutional oath of office and may be required to furnish bond in
13 an amount, conditioned and payable, as required by the county
14 clerk. A deputy clerk must attend all sessions of the court to
15 which the deputy clerk [~~he~~] is assigned. A deputy clerk acts in the
16 name of the county clerk and may perform any official act or service
17 required of the county clerk and shall perform any other service
18 required by the judge of a county court at law. The deputy clerks
19 may act for one another in performing services for the county courts
20 at law, but a deputy is not entitled to receive additional
21 compensation for acting for another deputy. If a vacancy occurs,
22 the county clerk shall immediately appoint another deputy clerk as
23 provided by this subsection. [~~A deputy clerk of a county court at
24 law is entitled to the same amount of compensation as received by
25 the deputy clerks of the other county courts at law in Bexar County.
26 The commissioners court shall pay the salary of a deputy clerk in
27 equal monthly installments from county funds.~~]

1 SECTION 2.03. Section 25.0173(g), Government Code, is
2 amended to read as follows:

3 (g) The county clerk shall appoint a deputy clerk for each
4 statutory probate court. ~~[An appointment takes effect when it is
5 confirmed in writing by the judge of the court to which the deputy
6 clerk is assigned.]~~ A deputy clerk serves at the pleasure of the
7 judge of the court to which the deputy clerk is assigned. A deputy
8 clerk must take the constitutional oath of office, and the county
9 clerk may require the deputy clerk to furnish a bond in an amount,
10 conditioned and payable, as required by law. A deputy clerk acts in
11 the name of the county clerk and may perform any official act or
12 service required of the county clerk and shall perform any other
13 service required by the judge of a statutory probate court. A
14 deputy clerk must attend all sessions of the court to which the
15 deputy clerk ~~[he]~~ is assigned. ~~[A deputy clerk is entitled to
16 receive an annual salary set by the judge in an amount that does not
17 exceed the amount paid the deputies of the county courts at law of
18 Bexar County. The salary shall be paid in equal monthly
19 installments as provided by law for the payment of salaries of
20 deputy clerks.]~~

21 SECTION 2.04. (a) Sections 25.0631(b) and (c), Government
22 Code, are amended to read as follows:

23 (b) Denton County has the following statutory probate
24 courts:

25 (1) [one statutory probate court, the] Probate Court
26 of Denton County; and

27 (2) Probate Court Number 2 of Denton County.

1 (c) The statutory county courts of Denton County sit in the
2 county seat or at another location in the county as assigned by the
3 local administrative statutory county court judge. The statutory
4 probate courts [~~court~~] of Denton County sit [~~sits~~] in the county
5 seat and may conduct docket matters at other locations in the county
6 as the statutory probate court judges consider [~~judge considers~~]
7 necessary for the protection of wards or mental health respondents
8 or as otherwise provided by law.

9 (b) Section 25.0633(e), Government Code, is amended to read
10 as follows:

11 (e) The County Court at Law No. 2 of Denton County has
12 jurisdiction:

13 (1) over all civil causes and proceedings, original
14 and appellate, prescribed by law for county courts; and

15 (2) regardless of the amount in controversy sought,
16 over:

17 (A) eminent domain cases as provided by Section
18 21.001, Property Code, for statutory county courts; and

19 (B) direct and inverse condemnation cases.

20 (c) The Probate Court Number 2 of Denton County is created
21 on the effective date of this Act.

22 SECTION 2.05. (a) Subchapter C, Chapter 25, Government
23 Code, is amended by adding Sections 25.1331 and 25.1332 to read as
24 follows:

25 Sec. 25.1331. KENDALL COUNTY. Kendall County has one
26 statutory county court, the County Court at Law of Kendall County.

27 Sec. 25.1332. KENDALL COUNTY COURT AT LAW PROVISIONS. (a)

1 In addition to the jurisdiction provided by Section 25.0003 and
2 other law, a county court at law in Kendall County has:

3 (1) concurrent jurisdiction with the district court in
4 state jail, third degree, and second degree felony cases on
5 assignment from a district judge presiding in Kendall County and
6 acceptance of the assignment by the judge of the county court at law
7 to:

- 8 (A) conduct arraignments;
- 9 (B) conduct pretrial hearings;
- 10 (C) accept guilty pleas and conduct sentencing;
- 11 (D) conduct jury trials and nonjury trials;
- 12 (E) conduct probation revocation hearings;
- 13 (F) conduct post-trial proceedings; and
- 14 (G) conduct family law cases and proceedings; and

15 (2) jurisdiction in:

- 16 (A) Class A and Class B misdemeanor cases;
- 17 (B) probate proceedings;
- 18 (C) disputes ancillary to probate, eminent
19 domain, condemnation, or landlord and tenant matters relating to
20 the adjudication and determination of land titles and trusts,
21 whether testamentary, inter vivos, constructive, resulting, or any
22 other class or type of trust, regardless of the amount in
23 controversy or the remedy sought;
- 24 (D) eminent domain; and
- 25 (E) appeals from the justice and municipal
26 courts.

27 (b) A judge of a county court at law shall be paid a total

1 annual salary set by the commissioners court in an amount that is
2 not less than \$1,000 less than the annual salary received by a
3 district judge with equivalent years of service as a judge, as
4 provided under Section 25.0005, to be paid out of the county
5 treasury by the commissioners court.

6 (c) The district clerk serves as clerk of a county court at
7 law in matters of concurrent jurisdiction with the district court,
8 and the county clerk serves as clerk of a county court at law in all
9 other matters. Each clerk shall establish a separate docket for a
10 county court at law.

11 (d) The official court reporter of a county court at law is
12 entitled to receive the same compensation and to be paid in the same
13 manner as the court reporters of the district court in Kendall
14 County.

15 (b) The County Court at Law of Kendall County is created on
16 October 1, 2022.

17 SECTION 2.06. (a) Section 25.1571, Government Code, is
18 amended to read as follows:

19 Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the
20 following statutory county courts:

- 21 (1) County Court at Law of McLennan County; ~~and~~
- 22 (2) County Court at Law No. 2 of McLennan County; and
- 23 (3) County Court at Law No. 3 of McLennan County.

24 (b) The County Court at Law No. 3 of McLennan County is
25 created on the effective date of this Act.

26 SECTION 2.07. (a) Section 25.1721, Government Code, is
27 amended to read as follows:

1 Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the
2 following statutory county courts:

- 3 (1) County Court at Law No. 1 of Montgomery County;
- 4 (2) County Court at Law No. 2 of Montgomery County;
- 5 (3) County Court at Law No. 3 of Montgomery County;
- 6 (4) County Court at Law No. 4 of Montgomery County;
- 7 ~~and~~
- 8 (5) County Court at Law No. 5 of Montgomery County;
- 9 and
- 10 (6) County Court at Law No. 6 of Montgomery County.

11 (b) The County Court at Law No. 6 of Montgomery County is
12 created on the effective date of this Act.

13 SECTION 2.08. Sections 25.1972(a) and (b), Government Code,
14 are amended to read as follows:

15 (a) In addition to the jurisdiction provided by Section
16 25.0003 and other law, and except as limited by Subsection (b), a
17 county court at law in Reeves County has:

- 18 (1) concurrent jurisdiction with the district court:
 - 19 (A) in disputes ancillary to probate, eminent
 - 20 domain, condemnation, or landlord and tenant matters relating to
 - 21 the adjudication and determination of land titles and trusts,
 - 22 whether testamentary, inter vivos, constructive, resulting, or any
 - 23 other class or type of trust, regardless of the amount in
 - 24 controversy or the remedy sought;
 - 25 (B) over civil forfeitures, including surety
 - 26 bond forfeitures without minimum or maximum limitation as to the
 - 27 amount in controversy or remedy sought;

1 (C) in all actions by or against a personal
2 representative, in all actions involving an inter vivos trust, in
3 all actions involving a charitable trust, and in all actions
4 involving a testamentary trust, whether the matter is appertaining
5 to or incident to an estate;

6 (D) in proceedings under Title 3, Family Code;
7 and

8 (E) in family law cases and proceedings [~~any~~
9 ~~proceeding involving an order relating to a child in the possession~~
10 ~~or custody of the Department of Family and Protective Services or~~
11 ~~for whom the court has appointed a temporary or permanent managing~~
12 ~~conservator~~];

13 (2) jurisdiction in mental health matters, original or
14 appellate, provided by law for constitutional county courts,
15 statutory county courts, or district courts with mental health
16 jurisdiction, including proceedings under:

17 (A) Chapter 462, Health and Safety Code; and

18 (B) Subtitles C and D, Title 7, Health and Safety
19 Code;

20 (3) jurisdiction over the collection and management of
21 estates of minors, persons with a mental illness or intellectual
22 disability, and deceased persons; and

23 (4) jurisdiction in all cases assigned, transferred,
24 or heard under Sections 74.054, 74.059, and 74.094.

25 (b) A county court at law does not have jurisdiction of:

26 (1) felony cases, except as otherwise provided by law;

27 (2) misdemeanors involving official misconduct unless

1 assigned under Sections 74.054 and 74.059; or

2 (3) contested elections[~~, or~~

3 [~~(4) except as provided by Subsections (a)(1)(D) and~~

4 ~~(E), family law cases]~~.

5 SECTION 2.09. (a) Section 25.2071(a), Government Code, is
6 amended to read as follows:

7 (a) San Patricio County has the following [~~one~~] statutory
8 county courts:

9 (1) [~~court,~~] the County Court at Law of San Patricio
10 County; and

11 (2) the County Court at Law No. 2 of San Patricio
12 County.

13 (b) Section 25.2072, Government Code, is amended by
14 amending Subsections (a), (d), and (m) and adding Subsections (g-1)
15 and (g-2) to read as follows:

16 (a) In addition to the jurisdiction provided by Section
17 25.0003 and other law, a county court at law in San Patricio County
18 has concurrent jurisdiction with the district court except that a
19 county court at law does not have jurisdiction of:

20 (1) felony criminal matters; and

21 (2) civil cases in which the matter in controversy
22 exceeds the maximum amount provided by Section 25.0003 [~~in matters~~
23 ~~involving the juvenile and child welfare law of this state]~~.

24 (d) [~~The judge of a county court at law shall be paid an~~
25 ~~annual salary in an amount of not less than \$43,000.~~] The judge of a
26 county court at law is entitled to receive travel and necessary
27 office expenses, including administrative and clerical assistance.

1 (g-1) The county clerk serves as clerk of a county court at
2 law except in family law cases. In family law cases, including
3 juvenile and child welfare cases, the district clerk serves as
4 clerk of a county court at law. The district clerk shall establish
5 a separate family law docket for each county court at law.

6 (g-2) The commissioners court shall provide the deputy
7 clerks, bailiffs, and other personnel necessary to operate the
8 county courts at law.

9 (m) The judge of the county court and the judges [~~judge~~] of
10 the [~~a~~] county courts [~~court~~] at law may agree on a plan governing
11 the filing, numbering, and docketing of cases within the concurrent
12 jurisdiction of their courts and the assignment of those cases for
13 trial. The plan may provide for the centralized institution and
14 filing of all such cases with one court, clerk, or coordinator
15 designated by the plan and for the systemized assignment of those
16 cases to the courts participating in the plan, and the provisions of
17 the plan for the centralized filing and assignment of cases shall
18 control notwithstanding any other provisions of this section. If
19 the judges of the county court and the county courts [~~court~~] at law
20 are unable to agree on a filing, docketing, and assignment of cases
21 plan, a board of judges composed of the district judges and the
22 county court at law judges for San Patricio County [~~the presiding~~
23 ~~judge of the 36th Judicial District~~] shall design a plan for the
24 [~~both~~] courts.

25 (c) The County Court at Law No. 2 of San Patricio County is
26 created January 1, 2023.

27 SECTION 2.10. Section [25.2223](#)(1), Government Code, is

1 amended to read as follows:

2 (1) The County Criminal Court No. 5 of Tarrant County and
3 the County Criminal Court No. 6 of Tarrant County shall give
4 preference to cases brought under Title 5, Penal Code, involving
5 family violence as defined by Section 71.004, Family Code, and
6 cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

7 SECTION 2.11. (a) Section 25.2481, Government Code, is
8 amended to read as follows:

9 Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the
10 following statutory county courts:

- 11 (1) County Court at Law No. 1 of Williamson County;
- 12 (2) County Court at Law No. 2 of Williamson County;
- 13 (3) County Court at Law No. 3 of Williamson County;
- 14 [~~and~~]
- 15 (4) County Court at Law No. 4 of Williamson County;
- 16 and
- 17 (5) County Court at Law No. 5 of Williamson County.

18 (b) The County Court at Law No. 5 of Williamson County is
19 created on October 1, 2022.

20 SECTION 2.12. (a) Sections 26.006(a) and (b), Government
21 Code, are amended to read as follows:

22 (a) A county judge is entitled to an annual salary
23 supplement from the state in an amount equal to 18 percent of the
24 state base salary paid to a district judge as set by the General
25 Appropriations Act in accordance with Section 659.012(a) if at
26 least 18 [~~40~~] percent of the:

27 (1) functions that the judge performs are judicial

1 functions; or

2 (2) total hours that the judge works are in the
3 performance of judicial functions.

4 (b) To receive a supplement under Subsection (a), a county
5 judge must file with the comptroller's judiciary section an
6 affidavit stating that at least 18 [~~40~~] percent of the:

7 (1) functions that the judge performs are judicial
8 functions; or

9 (2) total hours that the judge works are in the
10 performance of judicial functions.

11 (b) The changes in law made by this section take effect on
12 the effective date of this Act and apply only to a salary payment
13 for a pay period beginning on or after that date. A salary payment
14 for a pay period beginning before the effective date of this Act is
15 governed by the law in effect on the date the pay period began, and
16 that law is continued in effect for that purpose.

17 ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

18 SECTION 3.01. Article 4.14(g), Code of Criminal Procedure,
19 is amended to read as follows:

20 (g) A municipality may enter into an agreement with a
21 contiguous municipality or a municipality with boundaries that are
22 within one-half mile of the municipality seeking to enter into the
23 agreement to establish concurrent jurisdiction of the municipal
24 courts in the municipalities and provide original jurisdiction to a
25 municipal court in which a case is brought as if the municipal court
26 were located in the municipality in which the case arose, for:

27 (1) all cases in which either municipality has

1 jurisdiction under Subsection (a) or (b); and

2 (2) cases that arise under Section 821.022, Health and
3 Safety Code.

4 SECTION 3.02. Subchapter B, Chapter 45, Code of Criminal
5 Procedure, is amended by adding Article 45.0241 to read as follows:

6 Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or
7 judge may not accept a plea of guilty or plea of nolo contendere
8 unless it appears to the justice or judge that the defendant is
9 mentally competent and the plea is free and voluntary.

10 SECTION 3.03. Article 103.003, Code of Criminal Procedure,
11 is amended by adding Subsection (a-1) to read as follows:

12 (a-1) The clerk of a municipal court may collect money
13 payable to the municipal court under this title.

14 SECTION 3.04. Article 103.0081, Code of Criminal Procedure,
15 is amended to read as follows:

16 Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any
17 officer authorized by this chapter to collect a fine, fee, or item
18 of cost may request the trial court in which a criminal action or
19 proceeding was held to make a finding that a fine, fee, or item of
20 cost imposed in the action or proceeding is uncollectible if the
21 officer believes:

22 (1) the defendant is deceased;

23 (2) the defendant is serving a sentence for
24 imprisonment for life or life without parole; or

25 (3) the fine, fee, or item of cost has been unpaid for
26 at least 15 years.

27 (b) On a finding by a court that any condition described by

1 Subsections (a)(1)-(3) is true, the court may order the officer to
2 designate the fine, fee, or item of cost as uncollectible in the fee
3 record. The officer shall attach a copy of the court's order to the
4 fee record.

5 SECTION 3.05. Section 29.003(i), Government Code, is
6 amended to read as follows:

7 (i) A municipality may enter into an agreement with a
8 contiguous municipality or a municipality with boundaries that are
9 within one-half mile of the municipality seeking to enter into the
10 agreement to establish concurrent jurisdiction of the municipal
11 courts in the municipalities and provide original jurisdiction to a
12 municipal court in which a case is brought as if the municipal court
13 were located in the municipality in which the case arose, for:

14 (1) all cases in which either municipality has
15 jurisdiction under Subsection (a) or (b); and

16 (2) cases that arise under Section 821.022, Health and
17 Safety Code, or Section 65.003(a), Family Code.

18 ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

19 SECTION 4.01. Section 51.02, Family Code, is amended by
20 adding Subdivision (3-a) to read as follows:

21 (3-a) "Dual status child" means a child who has been
22 referred to the juvenile justice system and is:

23 (A) in the temporary or permanent managing
24 conservatorship of the Department of Family and Protective
25 Services;

26 (B) the subject of a case for which family-based
27 safety services have been offered or provided by the department;

1 (C) an alleged victim of abuse or neglect in an
2 open child protective investigation; or

3 (D) a victim in a case in which, after an
4 investigation, the department concluded there was reason to believe
5 the child was abused or neglected.

6 SECTION 4.02. Section 51.04(h), Family Code, is amended to
7 read as follows:

8 (h) A judge exercising jurisdiction over a child in a suit
9 instituted under Subtitle E, Title 5, may refer any aspect of a suit
10 involving a dual status [~~the~~] child that is instituted under this
11 title to the appropriate associate judge appointed under Subchapter
12 C, Chapter 201, serving in the county and exercising jurisdiction
13 over the child under Subtitle E, Title 5, if the associate judge
14 consents to the referral. The scope of an associate judge's
15 authority over a suit referred under this subsection is subject to
16 any limitations placed by the court judge in the order of referral.

17 SECTION 4.03. Section 51.0414(a), Family Code, is amended
18 to read as follows:

19 (a) The juvenile court may transfer a dual status child's
20 case, including transcripts of records and documents for the case,
21 to a district or statutory county court located in another county
22 that is exercising jurisdiction over the child in a suit instituted
23 under Subtitle E, Title 5. A case may only be transferred under this
24 section with the consent of the judge of the court to which the case
25 is being transferred.

26 SECTION 4.04. Sections 107.004(d) and (e), Family Code, are
27 amended to read as follows:

1 (d) Except as provided by Subsection (e), an attorney ad
2 litem appointed for a child in a proceeding under Chapter 262, ~~[or]~~
3 263, or 264 shall:

4 (1) meet before each court hearing with:

5 (A) the child, if the child is at least four years
6 of age; or

7 (B) the individual with whom the child ordinarily
8 resides, including the child's parent, conservator, guardian,
9 caretaker, or custodian, if the child is younger than four years of
10 age; and

11 (2) report to the court whether ~~[if the child or~~
12 ~~individual is not present at the court hearing, file a written~~
13 ~~statement with the court indicating that]~~ the attorney ad litem:

14 (A) complied with Subdivision (1); or

15 (B) requests that the court find good cause for
16 noncompliance because compliance was not feasible or in the best
17 interest of the child under Subsection (e).

18 (e) An attorney ad litem appointed for a child in a
19 proceeding under Chapter 262, ~~[or]~~ 263, or 264 is not required to
20 comply with Subsection (d) before a hearing if the court finds at
21 that hearing that the attorney ad litem has shown good cause why the
22 attorney ad litem's compliance with that subsection is not feasible
23 or in the best interest of the child. Additionally, a court may, on
24 a showing of good cause, authorize an attorney ad litem to comply
25 with Subsection (d) by conferring with the child or other
26 individual, as appropriate, by telephone or video conference.

27 ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

1 SECTION 5.01. Article 4.01, Code of Criminal Procedure, is
2 amended to read as follows:

3 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The
4 following courts have jurisdiction in criminal actions:

- 5 1. The Court of Criminal Appeals;
- 6 2. Courts of appeals;
- 7 3. The district courts;
- 8 4. The criminal district courts;
- 9 5. The magistrates appointed by the judges of the
10 district courts of Bexar County, Dallas County, Tarrant County, or
11 Travis County that give preference to criminal cases and the
12 magistrates appointed by the judges of the criminal district courts
13 of Dallas County or Tarrant County;
- 14 6. The county courts;
- 15 7. All county courts at law with criminal
16 jurisdiction;
- 17 8. County criminal courts;
- 18 9. Justice courts;
- 19 10. Municipal courts;
- 20 11. The magistrates appointed by the judges of the
21 district courts of Lubbock County; ~~and~~
- 22 12. The magistrates appointed by the El Paso Council
23 of Judges;
- 24 13. The magistrates appointed by the Collin County
25 Commissioners Court;
- 26 14. The magistrates appointed by the Brazoria County
27 Commissioners Court or the local administrative judge for Brazoria

1 County; and

2 15. The magistrates appointed by the judges of the
3 district courts of Tom Green County.

4 SECTION 5.02. Articles 15.03(a), (c), and (f), Code of
5 Criminal Procedure, are amended to read as follows:

6 (a) A magistrate may issue a warrant of arrest or a summons:

7 1. In any case in which he is by law authorized to
8 order verbally the arrest of an offender;

9 2. When any person shall make oath before the
10 magistrate or other person authorized by law to administer oaths
11 that another has committed some offense against the laws of the
12 State; and

13 3. In any case named in this Code where he is specially
14 authorized to issue warrants of arrest.

15 (c) For purposes of Subdivision 2, Subsection (a), a person
16 may appear before the magistrate or other person authorized by law
17 to administer oaths in person or the person's image may be presented
18 to the magistrate through an electronic broadcast system.

19 (f) In this article, "electronic broadcast system" means a
20 two-way electronic communication of image and sound between a
21 person and magistrate or other person authorized by law to
22 administer oaths and includes secure Internet videoconferencing.

23 SECTION 5.03. Article 18.0215(c), Code of Criminal
24 Procedure, is amended to read as follows:

25 (c) A judge may issue a warrant under this article only on
26 the application of a peace officer. An application must be written
27 and signed and sworn to or affirmed before the judge or other person

1 authorized by law to administer oaths. The application must:

2 (1) state the name, department, agency, and address of
3 the applicant;

4 (2) identify the cellular telephone or other wireless
5 communications device to be searched;

6 (3) state the name of the owner or possessor of the
7 telephone or device to be searched;

8 (4) state the judicial district in which:

9 (A) the law enforcement agency that employs the
10 peace officer is located, if the telephone or device is in the
11 officer's possession; or

12 (B) the telephone or device is likely to be
13 located; and

14 (5) state the facts and circumstances that provide the
15 applicant with probable cause to believe that:

16 (A) criminal activity has been, is, or will be
17 committed; and

18 (B) searching the telephone or device is likely
19 to produce evidence in the investigation of the criminal activity
20 described in Paragraph (A).

21 SECTION 5.04. (a) Section 54.1501(b), Government Code, is
22 amended to read as follows:

23 (b) The commissioners court shall establish the minimum
24 qualifications, salary, benefits, and other compensation of each
25 magistrate position and shall determine whether the position is
26 full-time or part-time. ~~[The qualifications must require the~~
27 ~~magistrate to:~~

1 ~~[(1) have served as a justice of the peace or municipal~~
2 ~~court judge, or~~

3 ~~[(2) be an attorney licensed in this state.]~~

4 (b) Section 54.1502, Government Code, is amended to read as
5 follows:

6 Sec. 54.1502. JURISDICTION. A magistrate has concurrent
7 criminal jurisdiction with:

8 (1) the judges of the justice of the peace courts of
9 Burnet County; and

10 (2) a municipal court in Burnet County, if approved by
11 a memorandum of understanding between the municipality and Burnet
12 County.

13 SECTION 5.05. Chapter 54, Government Code, is amended by
14 adding Subchapter PP to read as follows:

15 SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

16 Sec. 54.2501. CREATION. The Brazoria County Criminal Law
17 Magistrate Court is a court with the jurisdiction provided by this
18 subchapter.

19 Sec. 54.2502. APPOINTMENT. (a) On recommendation from the
20 local administrative judge, the commissioners court of Brazoria
21 County may appoint one or more full- or part-time judges to preside
22 over the criminal law magistrate court for the term determined by
23 the commissioners court. The local administrative judge shall
24 appoint one or more full- or part-time judges to preside over the
25 criminal law magistrate court if the commissioners court is
26 prohibited by law from appointing a judge.

27 (b) To be eligible for appointment as a judge of the

1 criminal law magistrate court, a person must meet all the
2 requirements and qualifications to serve as a district court judge.

3 (c) A judge of the criminal law magistrate court is entitled
4 to the salary set by the commissioners court. The salary may not be
5 less than the annual base salary paid to a district judge under
6 Chapter 659.

7 (d) A judge appointed under this section serves at the
8 pleasure of the commissioners court or the local administrative
9 judge, as applicable.

10 Sec. 54.2503. JURISDICTION. (a) Except as provided by this
11 subsection, the criminal law magistrate court has the criminal
12 jurisdiction provided by the constitution and laws of this state
13 for county courts at law. The criminal law magistrate court does
14 not have jurisdiction to:

15 (1) hear a trial of a misdemeanor offense, other than a
16 Class C misdemeanor, on the merits if a jury trial is demanded; or

17 (2) hear a trial of a misdemeanor, other than a Class C
18 misdemeanor, on the merits if a defendant pleads not guilty.

19 (b) The criminal law magistrate court has the jurisdiction
20 provided by the constitution and laws of this state for
21 magistrates. A judge of the criminal law magistrate court is a
22 magistrate as that term is defined by Article 2.09, Code of Criminal
23 Procedure.

24 (c) Except as provided by this subsection, the criminal law
25 magistrate court has the criminal jurisdiction provided by the
26 constitution and laws of this state for a district court. The
27 criminal law magistrate court does not have jurisdiction to:

1 (1) hear a trial of a felony offense on the merits if a
2 jury trial is demanded;

3 (2) hear a trial of a felony offense on the merits if a
4 defendant pleads not guilty;

5 (3) sentence in a felony case unless the judge in whose
6 court the case is pending assigned the case to the criminal law
7 magistrate court for a guilty plea and sentence; or

8 (4) hear any part of a capital murder case after
9 indictment.

10 (d) A criminal law magistrate court may not issue writs of
11 habeas corpus in felony cases but may hear and grant relief on a
12 writ of habeas corpus issued by a district court and assigned by the
13 district court to the criminal law magistrate court.

14 (e) A felony or misdemeanor indictment or information may
15 not be filed in or transferred to the criminal law magistrate court.

16 (f) A judge of the criminal law magistrate court shall
17 exercise jurisdiction granted by this subchapter over felony and
18 misdemeanor indictments and informations only as judge presiding
19 for the court in which the indictment or information is pending and
20 under the limitations set out in the assignment order by the
21 assigning court or as provided by local administrative rules.

22 (g) The criminal law magistrate court has concurrent
23 criminal jurisdiction with the justice courts located in Brazoria
24 County.

25 Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law
26 magistrate court or a judge of the criminal law magistrate court may
27 issue writs of injunction and all other writs necessary for the

1 enforcement of the jurisdiction of the court and may issue
2 misdemeanor writs of habeas corpus in cases in which the offense
3 charged is within the jurisdiction of the court or of any other
4 court of inferior jurisdiction in the county. The court and the
5 judge may punish for contempt as provided by law for district
6 courts. A judge of the criminal law magistrate court has all other
7 powers, duties, immunities, and privileges provided by law for:

8 (1) justices of the peace when acting in a Class C
9 misdemeanor case;

10 (2) county court at law judges when acting in a Class A
11 or Class B misdemeanor case; and

12 (3) district court judges when acting in a felony
13 case.

14 (b) A judge of the criminal law magistrate court may hold an
15 indigency hearing and a capias pro fine hearing. When acting as the
16 judge who issued the capias pro fine, a judge of the criminal law
17 magistrate court may make all findings of fact and conclusions of
18 law required of the judge who issued the capias pro fine. In
19 conducting a hearing under this subsection, the judge of the
20 criminal law magistrate court is empowered to make all findings of
21 fact and conclusions of law and to issue all orders necessary to
22 properly dispose of the capias pro fine or indigency hearing in
23 accordance with the provisions of the Code of Criminal Procedure
24 applicable to a misdemeanor or felony case of the same type and
25 level.

26 (c) A judge of the magistrate court may accept a plea of
27 guilty or nolo contendere from a defendant charged with a

1 misdemeanor or felony offense.

2 Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except
3 as provided by Subsection (b) or local administrative rules, the
4 local administrative judge or a judge of the criminal law
5 magistrate court may transfer between courts a case that is pending
6 in the court of any magistrate in the criminal law magistrate
7 court's jurisdiction if the case is:

8 (1) an unindicted felony case;

9 (2) a Class A or Class B misdemeanor case if an
10 information has not been filed; or

11 (3) a Class C misdemeanor case.

12 (b) A case may not be transferred from or to the magistrate
13 docket of a district court judge, county court at law judge, or
14 justice of the peace without the consent of the judge of the court
15 to which it is transferred.

16 (c) Except as provided by Subsection (d) or local
17 administrative rules, the local administrative judge may assign a
18 judge of the criminal law magistrate court to act as presiding judge
19 in a case that is pending in the court of any magistrate in the
20 criminal law magistrate court's jurisdiction if the case is:

21 (1) an unindicted felony case;

22 (2) a Class A or Class B misdemeanor case if an
23 information has not been filed; or

24 (3) a Class C misdemeanor case.

25 (d) A case may not be assigned to a district court judge,
26 county court at law judge, or justice of the peace without the
27 assigned judge's consent.

1 (e) This section applies only to the district courts, county
2 courts at law, and justice courts in the county.

3 Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district
4 judge, county court at law judge, or justice of the peace may refer
5 to a judge of the criminal law magistrate court any criminal case or
6 matter relating to a criminal case for any proceeding other than
7 presiding over a criminal trial on the merits, whether or not the
8 trial is before a jury.

9 Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law
10 magistrate court must take the constitutional oath of office
11 prescribed for appointed officers.

12 Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal
13 law magistrate court has the same judicial immunity as a district
14 judge.

15 Sec. 54.2509. CLERK. The clerk of a district court or
16 county court at law that refers a proceeding to a magistrate under
17 this subchapter shall perform the statutory duties necessary for
18 the magistrate to perform the duties authorized by this subchapter.

19 Sec. 54.2510. SHERIFF. The county sheriff, either in
20 person or by deputy, shall attend the criminal law magistrate court
21 as required by the judge of that court.

22 Sec. 54.2511. WITNESSES. (a) A witness who is sworn and who
23 appears before a magistrate is subject to the penalties for perjury
24 and aggravated perjury provided by law.

25 (b) A referring court may fine or imprison a witness or
26 other court participant for failure to appear after being summoned,
27 refusal to answer questions, or other acts of direct contempt

1 before a magistrate.

2 SECTION 5.06. Chapter 54, Government Code, is amended by
3 adding Subchapter QQ to read as follows:

4 SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

5 Sec. 54.2601. APPOINTMENT. (a) The judges of the district
6 courts of Tom Green County, with the consent and approval of the
7 commissioners court of Tom Green County, shall jointly appoint the
8 number of magistrates set by the commissioners court to perform the
9 duties authorized by this subchapter.

10 (b) Each magistrate's appointment must be made with the
11 approval of at least two-thirds of all the judges described in
12 Subsection (a).

13 (c) If the number of magistrates is less than the number of
14 district judges, each magistrate shall serve equally in the courts
15 of those judges.

16 Sec. 54.2602. QUALIFICATIONS. To be eligible for
17 appointment as a magistrate, a person must:

18 (1) be a resident of this state; and

19 (2) have been licensed to practice law in this state
20 for at least four years.

21 Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is
22 entitled to the salary determined by the commissioners court of Tom
23 Green County. The salary may not be less than an amount equal to the
24 salary, supplements, and allowances paid to a justice of the peace
25 of Tom Green County as set by the annual budget of Tom Green County.

26 (b) A magistrate's salary is paid from the county fund
27 available for payment of officer's salaries.

1 (c) The salary of a part-time magistrate is equal to the
2 per-hour salary of a full-time magistrate. The per-hour salary is
3 determined by dividing the annual salary by a 2,080 work-hour year.
4 The judges of the courts trying criminal cases in Tom Green County
5 shall approve the number of hours for which a part-time magistrate
6 is to be paid.

7 Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same
8 judicial immunity as a district judge.

9 Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate
10 who serves a single court serves at the will of the judge.

11 (b) The services of a magistrate who serves more than one
12 court may be terminated by a majority vote of all the judges whom
13 the magistrate serves.

14 Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) A judge
15 may refer to a magistrate any criminal case or matter relating to a
16 criminal case for proceedings involving:

17 (1) a negotiated plea of guilty or no contest and
18 sentencing before the court;

19 (2) a bond forfeiture, remittitur, and related
20 proceedings;

21 (3) a pretrial motion;

22 (4) a writ of habeas corpus;

23 (5) an examining trial;

24 (6) an occupational driver's license;

25 (7) a petition for an order of expunction under
26 Chapter 55, Code of Criminal Procedure;

27 (8) an asset forfeiture hearing as provided by Chapter

1 59, Code of Criminal Procedure;

2 (9) a petition for an order of nondisclosure of
3 criminal history record information or an order of nondisclosure of
4 criminal history record information that does not require a
5 petition provided by Subchapter E-1, Chapter 411;

6 (10) a motion to modify or revoke community
7 supervision or to proceed with an adjudication of guilty;

8 (11) setting conditions, modifying, revoking, and
9 surrendering of bonds, including surety bonds;

10 (12) specialty court proceedings;

11 (13) a waiver of extradition; and

12 (14) any other matter the judge considers necessary
13 and proper.

14 (b) A judge may refer to a magistrate a civil case arising
15 out of Chapter 59, Code of Criminal Procedure, for any purpose
16 authorized by that chapter, including issuing orders, accepting
17 agreed judgments, enforcing judgments, and presiding over a case on
18 the merits if a party has not requested a jury trial.

19 (c) A magistrate may accept a plea of guilty from a
20 defendant charged with misdemeanor, felony, or both misdemeanor and
21 felony offenses.

22 (d) A magistrate may select a jury. A magistrate may not
23 preside over a criminal trial on the merits, whether or not the
24 trial is before a jury.

25 (e) A magistrate may not hear a jury trial on the merits of a
26 bond forfeiture.

27 (f) A judge of a designated juvenile court may refer to a

1 magistrate any proceeding over which a juvenile court has exclusive
2 original jurisdiction under Title 3, Family Code, including any
3 matter ancillary to the proceeding.

4 Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more
5 cases to a magistrate, a judge must issue an order of referral
6 specifying the magistrate's duties.

7 (b) An order of referral may:

8 (1) limit the powers of the magistrate and direct the
9 magistrate to report only on specific issues, perform particular
10 acts, or only receive and report on evidence;

11 (2) set the time and place for the hearing;

12 (3) prescribe a closing date for the hearing;

13 (4) provide a date for filing the magistrate's
14 findings;

15 (5) designate proceedings for more than one case over
16 which the magistrate shall preside;

17 (6) direct the magistrate to call the court's docket;
18 and

19 (7) provide the general powers and limitations of
20 authority of the magistrate applicable to any case referred.

21 Sec. 54.2608. POWERS. (a) Except as limited by an order of
22 referral, a magistrate to whom a case is referred may:

23 (1) conduct hearings;

24 (2) hear evidence;

25 (3) compel production of relevant evidence;

26 (4) rule on admissibility of evidence;

27 (5) issue summons for the appearance of witnesses;

- 1 (6) examine witnesses;
- 2 (7) swear witnesses for hearings;
- 3 (8) make findings of fact on evidence;
- 4 (9) formulate conclusions of law;
- 5 (10) rule on a pretrial motion;
- 6 (11) recommend the rulings, orders, or judgment to be
7 made in a case;
- 8 (12) regulate proceedings in a hearing;
- 9 (13) accept a plea of guilty from a defendant charged
10 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 11 (14) select a jury;
- 12 (15) accept a negotiated plea on probation revocation;
- 13 (16) conduct a contested probation revocation
14 hearing;
- 15 (17) sign a dismissal in a misdemeanor case;
- 16 (18) in any case referred under Section 54.656(a)(1),
17 accept a negotiated plea of guilty or no contest and:
- 18 (A) enter a finding of guilty and impose or
19 suspend the sentence; or
- 20 (B) defer adjudication of guilty; and
- 21 (19) perform any act and take any measure necessary
22 and proper for the efficient performance of the duties required by
23 the order of referral.
- 24 (b) A magistrate may sign a motion to dismiss submitted by
25 an attorney representing the state on cases referred to the
26 magistrate, or on dockets called by the magistrate, and may
27 consider adjudicated cases at sentencing under Section 12.45, Penal

1 Code.

2 (c) A magistrate has all the powers of a magistrate under
3 the laws of this state and may administer an oath for any purpose.

4 Sec. 54.2609. COURT REPORTER. At the request of a party in
5 a felony case, the court shall provide a court reporter to record
6 the proceedings before the magistrate.

7 Sec. 54.2610. WITNESS. (a) A witness who appears before a
8 magistrate and is sworn is subject to the penalties for perjury
9 provided by law.

10 (b) A referring court may issue attachment against and may
11 fine or imprison a witness whose failure to appear after being
12 summoned or whose refusal to answer questions has been certified to
13 the court.

14 Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the
15 conclusion of the proceedings, a magistrate shall transmit to the
16 referring court any papers relating to the case, including the
17 magistrate's findings, conclusions, orders, recommendations, or
18 other action taken.

19 Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may
20 modify, correct, reject, reverse, or recommit for further
21 information any action taken by the magistrate.

22 (b) If the court does not modify, correct, reject, reverse,
23 or recommit an action of the magistrate, the action becomes the
24 decree of the court.

25 (c) At the conclusion of each term during which the services
26 of a magistrate are used, the referring court shall enter a decree
27 on the minutes adopting the actions of the magistrate of which the

1 court approves.

2 Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed
3 under this subchapter is absent or unable to serve, the judge
4 referring the case may appoint another magistrate to serve for the
5 absent magistrate.

6 (b) A magistrate serving for another magistrate under this
7 section has the powers and shall perform the duties of the
8 magistrate for whom the magistrate is serving.

9 Sec. 54.2614. CLERK. The clerk of a district court that
10 refers a proceeding to a magistrate under this subchapter shall
11 perform the statutory duties necessary for the magistrate to
12 perform the duties authorized by this subchapter.

13 SECTION 5.07. Section 54.653(b), Government Code, is
14 repealed.

15 ARTICLE 6. CAPITAL AND FORENSIC WRITS COMMITTEE

16 SECTION 6.01. Section 78.002, Government Code, is amended
17 by amending Subsection (b) and adding Subsection (c) to read as
18 follows:

19 (b) The committee shall provide oversight and strategic
20 guidance to the office of capital and forensic writs, including:

21 (1) recommending [recommend] to the court of criminal
22 appeals as provided by Section 78.004 a director for the office of
23 capital and forensic writs when a vacancy exists for the position of
24 director;

25 (2) setting policy for the office of capital and
26 forensic writs; and

27 (3) developing a budget proposal for the office of

1 capital and forensic writs.

2 (c) The committee may not access privileged or confidential
3 information.

4 SECTION 6.02. Section 78.003, Government Code, is amended
5 by amending Subsections (a) and (c) and adding Subsections (a-1),
6 (a-2), and (a-3) to read as follows:

7 (a) The committee is composed of the following seven [~~five~~]
8 members who are appointed as follows [~~by the president of the State~~
9 ~~Bar of Texas, with ratification by the executive committee of the~~
10 ~~State Bar of Texas]~~:

11 (1) three attorneys who are appointed by the executive
12 director of the Texas Indigent Defense Commission [~~members of the~~
13 ~~State Bar of Texas and who are not employed as prosecutors or law~~
14 ~~enforcement officials, all of whom must have criminal defense~~
15 ~~experience with death penalty proceedings in this state]; [and]~~

16 (2) two attorneys who are appointed by the president
17 of the State Bar of Texas, with ratification by the executive
18 committee of the State Bar of Texas; and

19 (3) two attorneys, each of whom are appointed by a
20 majority of the deans of the public law schools in this state [~~two~~
21 ~~state district judges, one of whom serves as presiding judge of an~~
22 ~~administrative judicial region]~~.

23 (a-1) Each member of the committee must be a licensed
24 attorney and must have significant experience in capital defense or
25 indigent criminal defense policy or practice. A member of the
26 committee may not be a prosecutor, a law enforcement official, a
27 judge of a court that presides over criminal offenses, or an

1 employee of the office of capital and forensic writs.

2 (a-2) Members of the committee serve four-year terms and may
3 be reappointed.

4 (a-3) If a vacancy occurs, the appropriate appointing
5 authority shall appoint a person to serve for the remainder of the
6 unexpired term in the same manner as the original appointment.

7 (c) The committee shall meet [~~members serve at the pleasure~~
8 ~~of the president of the State Bar of Texas, and the committee meets~~]
9 at the call of the presiding officer of the committee.

10 ARTICLE 7. TRANSFER OF CASES AND ELECTRONIC FILING SYSTEM

11 SECTION 7.01. Section 155.207, Family Code, is amended to
12 read as follows:

13 Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than
14 the 10th working day after the date an order of transfer is signed,
15 the clerk of the court transferring a proceeding shall send, using
16 the electronic filing system established under Section 72.031,
17 Government Code, to the proper court in the county to which transfer
18 is being made:

19 (1) a transfer certificate and index of transferred
20 documents [~~the pleadings in the pending proceeding and any other~~
21 ~~document specifically requested by a party~~];

22 (2) [~~certified copies of all entries in the minutes,~~
23 [~~(3) a certified copy of each final order, and~~
24 [~~(4)~~] a [~~certified~~] copy of the order of transfer
25 signed by the transferring court; and

26 (3) a copy of all documents required to be transferred
27 under rules adopted by the Office of Court Administration of the

1 Texas Judicial System under Section 72.037, Government Code.

2 (a-1) The clerk of the transferring court shall use the
3 standardized transfer certificate and index of transferred
4 documents form created by the Office of Court Administration of the
5 Texas Judicial System under Section 72.037, Government Code, when
6 transferring a proceeding under this section.

7 (b) The clerk of the transferring court shall keep a copy of
8 ~~[the] transferred pleadings [and other requested documents. If the~~
9 ~~transferring court retains jurisdiction of another child who was~~
10 ~~the subject of the suit, the clerk shall send a copy of the~~
11 ~~pleadings and other requested documents to the court to which the~~
12 ~~transfer is made and shall keep the original pleadings and other~~
13 ~~requested documents].~~

14 (c) ~~The [On receipt of the pleadings, documents, and orders~~
15 ~~from the transferring court, the]~~ clerk of the transferee court
16 shall:

17 (1) accept documents transferred under Subsection
18 (a);

19 (2) docket the suit; and

20 (3) [shall] notify, using the electronic filing system
21 established under Section 72.031, Government Code [the judge of the
22 ~~transferee court],~~ all parties, the clerk of the transferring
23 court, and, if appropriate, the transferring court's local registry
24 that the suit has been docketed.

25 (c-1) The clerk of the transferee court shall physically or
26 electronically mark or stamp the transfer certificate and index of
27 transferred documents to evidence the date and time of acceptance

1 under Subsection (c), but may not physically or electronically mark
2 or stamp any other document transferred under Subsection (a).

3 (d) The clerk of the transferring court shall send a
4 certified copy of the order directing payments to the transferee
5 court:

6 (1) [r] to any party ~~[or employer]~~ affected by the
7 ~~[that]~~ order, and, if appropriate, to the local registry of the
8 transferee court using the electronic filing system established
9 under Section 72.031, Government Code; and

10 (2) to an employer affected by the order
11 electronically or by first class mail.

12 (e) The clerks of both the transferee and transferring
13 courts may each produce under Chapter 51, Government Code,
14 certified or uncertified copies of documents filed in a case
15 transferred under this section, but shall also include a copy of the
16 transfer certificate and index of transferred documents with each
17 document produced.

18 (f) Sections 80.001 and 80.002, Government Code, do not
19 apply to the transfer of documents under this section.

20 SECTION 7.02. Section 51.3071, Government Code, is amended
21 to read as follows:

22 Sec. 51.3071. TRANSFER OF CASES. (a) If a case is
23 transferred from a district court to a county court, the clerk of
24 the district court shall ~~[may]~~ send to the county clerk using the
25 electronic filing system established under Section 72.031 ~~[in~~
26 ~~electronic or paper form]~~:

27 (1) a transfer certificate and index of transferred

1 documents [~~certified transcript of the proceedings held in the~~
2 ~~district court~~];

3 (2) a copy of the order of transfer signed by the
4 transferring court [~~the original papers filed in the district~~
5 ~~court~~]; and

6 (3) a copy of all documents required to be transferred
7 under rules adopted by the Office of Court Administration of the
8 Texas Judicial System under Section 72.037 [~~a bill of the costs that~~
9 ~~have accrued in the district court~~].

10 (b) The clerk of the transferring court shall use the
11 standardized transfer certificate and index of transferred
12 documents form created by the Office of Court Administration of the
13 Texas Judicial System under Section 72.037 when transferring a case
14 under this section.

15 (c) The clerk of the transferee court shall accept documents
16 transferred under Subsection (a) and docket the case.

17 (d) The clerk of the transferee court shall physically or
18 electronically mark or stamp the transfer certificate and index of
19 transferred documents to evidence the date and time of acceptance
20 under Subsection (c), but may not physically or electronically mark
21 or stamp any other document transferred under Subsection (a).

22 (e) Sections 80.001 and 80.002 do not apply to the transfer
23 of documents under this section.

24 SECTION 7.03. Section 51.403, Government Code, is amended
25 to read as follows:

26 Sec. 51.403. TRANSFER OF CASES. (a) If a case is
27 transferred from a county court to a district court, the clerk of

1 the county court shall send to the district clerk using the
2 electronic filing system established under Section 72.031 [~~in~~
3 ~~electronic or paper form~~]:

4 (1) a transfer certificate and index of transferred
5 documents [~~certified transcript of the proceedings held in the~~
6 ~~county court~~];

7 (2) a copy of the order of transfer signed by the
8 transferring court [~~the original papers filed in the county court~~];
9 and

10 (3) a copy of all documents required to be transferred
11 under rules adopted by the Office of Court Administration of the
12 Texas Judicial System under Section 72.037 [~~a bill of the costs that~~
13 ~~have accrued in the county court~~].

14 (a-1) The clerk of the transferring court shall use the
15 standardized transfer certificate and index of transferred
16 documents form created by the Office of Court Administration of the
17 Texas Judicial System under Section 72.037 when transferring a case
18 under this section.

19 (a-2) The clerk of the transferee court shall accept
20 documents transferred under Subsection (a) and docket the case.

21 (a-3) The clerk of the transferee court shall physically or
22 electronically mark or stamp the transfer certificate and index of
23 transferred documents to evidence the date and time of acceptance
24 under Subsection (a-2), but may not physically or electronically
25 mark or stamp any other document transferred under Subsection (a).

26 (b) If civil or criminal jurisdiction of a county court is
27 transferred to a district court, the clerk of the county court shall

1 send using the electronic filing system established under Section
2 72.031 a certified copy of the judgments rendered in the county
3 court that remain unsatisfied [~~, in electronic or paper form,~~] to
4 the district clerks of the appropriate counties.

5 (c) Sections 80.001 and 80.002 do not apply to the transfer
6 of documents under this section.

7 SECTION 7.04. (a) Section 72.031(a), Government Code, is
8 amended by adding Subdivision (5) to read as follows:

9 (5) "State court document database" means a database
10 accessible by the public and established or authorized by the
11 supreme court for storing documents filed with a court in this
12 state.

13 (b) Section 72.031(b), Government Code, is amended to read
14 as follows:

15 (b) The office as authorized by supreme court rule or order
16 may:

17 (1) implement an electronic filing system for use in
18 the courts of this state;

19 (2) allow public access to view information or
20 documents in the state court document database; and

21 (3) charge a reasonable fee for additional optional
22 features in the state court document database.

23 SECTION 7.05. Subchapter C, Chapter 72, Government Code, is
24 amended by adding Section 72.037 to read as follows:

25 Sec. 72.037. PROCEDURE FOR TRANSFER OF CASES AND
26 PROCEEDINGS. (a) The office shall adopt rules prescribing the
27 documents to be transferred between courts when a transfer of a case

1 or proceeding is ordered under Section 155.207, Family Code, or
2 Section 51.3071 or 51.403 of this code.

3 (b) Rules adopted under this section must require the
4 transfer of the following documents relating to a transferred case
5 or proceeding:

6 (1) a copy of the original papers filed in the
7 transferring court;

8 (2) a copy of each final order;

9 (3) a copy of the transfer certificate and index of
10 transferred documents from each previous transfer; and

11 (4) a bill of any costs that have accrued in the
12 transferring court.

13 (c) The office shall develop and make available a
14 standardized transfer certificate and index of transferred
15 documents form to be used for the transfer of cases and proceedings
16 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
17 of this code.

18 (d) In adopting rules and developing forms under this
19 section, the office shall consult with representatives of county
20 and district clerks.

21 SECTION 7.06. As soon as practicable after the effective
22 date of this Act, the Office of Court Administration of the Texas
23 Judicial System shall adopt rules and develop and make available
24 all forms and materials required by Section 72.037, Government
25 Code, as added by this Act.

26 ARTICLE 8. HABEAS CORPUS

27 SECTION 8.01. Section 5(a), Article 11.072, Code of

1 Criminal Procedure, is amended to read as follows:

2 (a) Immediately on filing an application, the applicant
3 shall serve a copy of the application on the attorney representing
4 the state~~[7]~~ by:

5 (1) [either] certified mail, return receipt
6 requested;

7 (2) ~~[7-07]~~ personal service; or

8 (3) the secure electronic mail the attorney has on
9 file with the electronic filing system as required under Section
10 80.003, Government Code, or another form of secure electronic
11 transmission.

12 SECTION 8.02. Section 5(a), Article 11.072, Code of
13 Criminal Procedure, as amended by this Act, applies only to an
14 application for a writ of habeas corpus filed on or after the
15 effective date of this Act. An application filed before the
16 effective date of this Act is governed by the law in effect when the
17 application was filed, and the former law is continued in effect for
18 that purpose.

19 ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

20 SECTION 9.01. Section 64.101(c), Civil Practice and
21 Remedies Code, is amended to read as follows:

22 (c) Except as provided by Section 17.032, the [The] citation
23 shall be published on the public information Internet website
24 maintained as required by Section 72.034, Government Code, as added
25 by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular
26 Session, 2019, and in a newspaper of general circulation:

27 (1) once in the county in which the missing person

1 resides; and

2 (2) once in each county in which property of the
3 missing person's estate is located.

4 SECTION 9.02. Section 51.103(b), Estates Code, is amended
5 to read as follows:

6 (b) Proof of service consists of:

7 (1) if the service is made by a sheriff or constable,
8 the return of service;

9 (2) if the service is made by a private person, the
10 person's affidavit;

11 (3) if the service is made by mail:

12 (A) the certificate of the county clerk making
13 the service, or the affidavit of the personal representative or
14 other person making the service, stating that the citation or
15 notice was mailed and the date of the mailing; and

16 (B) the return receipt attached to the
17 certificate or affidavit, as applicable, if the mailing was by
18 registered or certified mail and a receipt has been returned; and

19 (4) if the service is made by publication:

20 (A) a statement [~~an affidavit~~]:

21 (i) made by the Office of Court
22 Administration of the Texas Judicial System or an employee of the
23 office;

24 (ii) that contains or to which is attached a
25 copy of the published citation or notice; and

26 (iii) that states the date of publication
27 on the public information Internet website maintained as required

1 by Section [72.034](#), Government Code, as added by Chapter 606 (S.B.
2 891), Acts of the 86th Legislature, Regular Session, 2019; and

3 (B) an affidavit:

4 (i) made by the publisher of the newspaper
5 in which the citation or notice was published or an employee of the
6 publisher;

7 (ii) that contains or to which is attached a
8 copy of the published citation or notice; and

9 (iii) that states the date of publication
10 printed on the newspaper in which the citation or notice was
11 published.

12 SECTION 9.03. Section [1051.153](#)(b), Estates Code, is amended
13 to read as follows:

14 (b) Proof of service consists of:

15 (1) if the service is made by a sheriff or constable,
16 the return of service;

17 (2) if the service is made by a private person, the
18 person's affidavit;

19 (3) if the service is made by mail:

20 (A) the certificate of the county clerk making
21 the service, or the affidavit of the guardian or other person making
22 the service that states that the citation or notice was mailed and
23 the date of the mailing; and

24 (B) the return receipt attached to the
25 certificate, if the mailing was by registered or certified mail and
26 a receipt has been returned; and

27 (4) if the service is made by publication:

1 (A) a statement [~~an affidavit~~] that:

2 (i) is made by the Office of Court
3 Administration of the Texas Judicial System or an employee of the
4 office;

5 (ii) contains or to which is attached a copy
6 of the published citation or notice; and

7 (iii) states the date of publication on the
8 public information Internet website maintained as required by
9 Section 72.034, Government Code, as added by Chapter 606 (S.B.
10 891), Acts of the 86th Legislature, Regular Session, 2019; and

11 (B) an affidavit that:

12 (i) is made by the publisher of the
13 newspaper in which the citation or notice was published or an
14 employee of the publisher;

15 (ii) contains or to which is attached a copy
16 of the published citation or notice; and

17 (iii) states the date of publication
18 printed on the newspaper in which the citation or notice was
19 published.

20 ARTICLE 10. EVIDENCE

21 SECTION 10.01. Section 2, Article 38.01, Code of Criminal
22 Procedure, is amended by adding Subdivision (4-a) to read as
23 follows:

24 (4-a) "Forensic examination or test not subject to
25 accreditation" means an examination or test described by Article
26 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

27 SECTION 10.02. Article 38.01, Code of Criminal Procedure,

1 is amended by adding Section 3-b to read as follows:

2 Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY. (a) The
3 commission shall adopt a code of professional responsibility to
4 regulate the conduct of persons, laboratories, facilities, and
5 other entities regulated under this article.

6 (b) The commission shall publish the code of professional
7 responsibility adopted under Subsection (a).

8 (c) The commission shall adopt rules establishing sanctions
9 for code violations.

10 (d) The commission shall update the code of professional
11 responsibility as necessary to reflect changes in science,
12 technology, or other factors affecting the persons, laboratories,
13 facilities, and other entities regulated under this article.

14 SECTION 10.03. Sections 4(a), (a-1), (b-1), and (c),
15 Article 38.01, Code of Criminal Procedure, are amended to read as
16 follows:

17 (a) The commission shall:

18 (1) develop and implement a reporting system through
19 which a crime laboratory may report professional negligence or
20 professional misconduct;

21 (2) require a crime laboratory that conducts forensic
22 analyses to report professional negligence or professional
23 misconduct to the commission; and

24 (3) investigate, in a timely manner, any allegation of
25 professional negligence or professional misconduct that would
26 substantially affect the integrity of:

27 (A) the results of a forensic analysis conducted

1 by a crime laboratory;

2 (B) an examination or test that is conducted by a
3 crime laboratory and that is a forensic examination or test not
4 subject to accreditation; or

5 (C) testimony related to an analysis,
6 examination, or test described by Paragraph (A) or (B).

7 (a-1) The commission may initiate [~~for educational~~
8 ~~purposes~~] an investigation of a forensic analysis or a forensic
9 examination or test not subject to accreditation, without receiving
10 a complaint⁷ submitted through the reporting system implemented
11 under Subsection (a)(1), [~~that contains an allegation of~~
12 ~~professional negligence or professional misconduct involving the~~
13 ~~forensic analysis conducted~~] if the commission determines by a
14 majority vote of a quorum of the members of the commission that an
15 investigation of the [~~forensic~~] analysis, examination, or test
16 would advance the integrity and reliability of forensic science in
17 this state.

18 (b-1) If the commission conducts an investigation under
19 Subsection (a)(3) of a crime laboratory that is not accredited
20 under this article or the investigation involves a forensic
21 examination or test not subject to accreditation [~~is conducted~~
22 ~~pursuant to an allegation involving a forensic method or~~
23 ~~methodology that is not an accredited field of forensic science],
24 the investigation may include the preparation of a written report
25 that contains:~~

26 (1) observations of the commission regarding the
27 integrity and reliability of the applicable [~~forensic~~] analysis,

1 examination, or test conducted;

2 (2) best practices identified by the commission during
3 the course of the investigation; or

4 (3) other recommendations that are relevant, as
5 determined by the commission.

6 (c) The commission by contract may delegate the duties
7 described by Subsections (a)(1) and (3) and Sections 4-d(b)(1),
8 (b-1), and (d) to any person the commission determines to be
9 qualified to assume those duties.

10 SECTION 10.04. Section 4-a(c), Article 38.01, Code of
11 Criminal Procedure, is amended to read as follows:

12 (c) The commission by rule may establish voluntary
13 licensing programs for forensic examinations or tests [~~disciplines~~
14 ~~that are~~] not subject to accreditation [~~under this article~~].

15 SECTION 10.05. Section 4-d(b-1), Article 38.01, Code of
16 Criminal Procedure, is amended to read as follows:

17 (b-1) As part of the accreditation process established and
18 implemented under Subsection (b), the commission may:

19 (1) establish minimum standards that relate to the
20 timely production of a forensic analysis to the agency requesting
21 the analysis and that are consistent with this article and
22 applicable laws;

23 (2) validate or approve specific forensic methods or
24 methodologies; and

25 (3) establish procedures, policies, standards, and
26 practices to improve the quality of forensic analyses conducted in
27 this state.

1 SECTION 10.06. Article 38.01, Code of Criminal Procedure,
2 is amended by adding Section 14 to read as follows:

3 Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The
4 commission may use appropriated funds for the training and
5 education of forensic analysts.

6 SECTION 10.07. Section 2254.002(2), Government Code, is
7 amended to read as follows:

8 (2) "Professional services" means services:

9 (A) within the scope of the practice, as defined
10 by state law, of:

- 11 (i) accounting;
- 12 (ii) architecture;
- 13 (iii) landscape architecture;
- 14 (iv) land surveying;
- 15 (v) medicine;
- 16 (vi) optometry;
- 17 (vii) professional engineering;
- 18 (viii) real estate appraising; ~~or~~
- 19 (ix) professional nursing; or
- 20 (x) forensic science;

21 (B) provided in connection with the professional
22 employment or practice of a person who is licensed or registered as:

- 23 (i) a certified public accountant;
- 24 (ii) an architect;
- 25 (iii) a landscape architect;
- 26 (iv) a land surveyor;
- 27 (v) a physician, including a surgeon;

- 1 (vi) an optometrist;
- 2 (vii) a professional engineer;
- 3 (viii) a state certified or state licensed
- 4 real estate appraiser; ~~or~~
- 5 (ix) a registered nurse; or
- 6 (x) a forensic analyst or forensic science
- 7 expert; or

8 (C) provided by a person lawfully engaged in
9 interior design, regardless of whether the person is registered as
10 an interior designer under Chapter 1053, Occupations Code.

11 ARTICLE 11. JURY SERVICE

12 SECTION 11.01. Sections 61.003(a) and (c), Government Code,
13 are amended to read as follows:

14 (a) Each person who reports for jury service shall be
15 personally provided a form letter that when signed by the person
16 directs the county treasurer to donate all, or a specific amount
17 designated by the person, of the person's daily reimbursement under
18 this chapter to:

19 (1) the compensation to victims of crime fund
20 established under Subchapter J, Chapter 56B, Code of Criminal
21 Procedure;

22 (2) the child welfare, child protective services, or
23 child services board of the county appointed under Section 264.005,
24 Family Code, that serves abused and neglected children;

25 (3) any program selected by the commissioners court
26 that is operated by a public or private nonprofit organization and
27 that provides shelter and services to victims of family violence;

1 (4) any other program approved by the commissioners
2 court of the county, including a program established under Article
3 [56A.205](#), Code of Criminal Procedure, that offers psychological
4 counseling in criminal cases involving graphic evidence or
5 testimony; ~~or~~

6 (5) a veterans court program established by the
7 commissioners court as provided by Chapter [124](#); or

8 (6) a veterans county service office established by
9 the commissioners court as provided by Subchapter B, Chapter [434](#).

10 (c) The county treasurer shall:

11 (1) send all donations made under Subsection (a)(1) to
12 the comptroller, at the time and in the manner prescribed by the
13 attorney general, for deposit to the credit of the compensation to
14 victims of crime fund;

15 (2) deposit donations made to the county child welfare
16 board under Subsection (a)(2) in a fund established by the county to
17 be used by the child welfare board in a manner authorized by the
18 commissioners court of the county; and

19 (3) send all donations made under Subsection (a)(3),
20 ~~or~~ (a)(4), or (a)(6) directly to the program or office, as
21 applicable, specified on the form letter signed by the person who
22 reported for jury service.

23 SECTION 11.02. Section [62.202](#)(b), Government Code, is
24 amended to read as follows:

25 (b) The district judge may draw a warrant on the jury fund or
26 other appropriate fund of the county in which the civil case is
27 tried to cover the cost of buying and transporting the meals to the

1 jury room. The judge may spend a reasonable amount [~~Not more than~~
2 ~~\$3~~] per meal [~~may be spent~~] for a juror serving on a jury in a civil
3 case.

4 SECTION 11.03. Section [434.032](#), Government Code, is amended
5 by adding Subsection (c) to read as follows:

6 (c) The commissioners court of a county that maintains an
7 office:

8 (1) may not consider a juror's donation to the office
9 of the juror's daily reimbursement under Section [61.003](#) for
10 purposes of determining the county's budget for the office; and

11 (2) may use donations described by Subdivision (1)
12 only to supplement, rather than supplant, amounts budgeted by the
13 county for the office.

14 ARTICLE 12. SPECIALTY COURT PROGRAMS

15 SECTION 12.01. Chapter [121](#), Government Code, is amended by
16 adding Sections 121.003 and 121.004 to read as follows:

17 Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE
18 FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a
19 district court or statutory county court who is authorized by law to
20 hear criminal cases may be appointed to preside over a regional
21 specialty court program recognized under this subtitle only if:

22 (1) the local administrative district and statutory
23 county court judges of each county participating in the program
24 approve the appointment by majority vote or another approval method
25 selected by the judges; and

26 (2) the presiding judges of each of the administrative
27 judicial regions in which the participating counties are located

1 sign an order granting the appointment.

2 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR
3 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or
4 magistrate appointed to preside over a regional specialty court
5 program may hear any misdemeanor or felony case properly
6 transferred to the program by an originating trial court
7 participating in the program, regardless of whether the originating
8 trial court and specialty court program are in the same county. The
9 appointed judge or magistrate may exercise only the authority
10 granted under this subtitle.

11 (b) The judge or magistrate of a regional specialty court
12 program may for a case properly transferred to the program:

13 (1) enter orders, judgments, and decrees for the case;

14 (2) sign orders of detention, order community service,
15 or impose other reasonable and necessary sanctions;

16 (3) send recommendations for dismissal and expunction
17 to the originating trial court for a defendant who successfully
18 completes the program; and

19 (4) return the case and documentation required by this
20 subtitle to the originating trial court for final disposition on a
21 defendant's successful completion of or removal from the program.

22 (c) A visiting judge assigned to preside over a regional
23 specialty court program has the same authority as the judge or
24 magistrate appointed to preside over the program.

25 SECTION 12.02. Section 124.003(b), Government Code, is
26 amended to read as follows:

27 (b) A veterans treatment court program established under

1 this chapter shall make, establish, and publish local procedures to
2 ensure maximum participation of eligible defendants in the program
3 [~~county or counties in which those defendants reside~~].

4 SECTION 12.03. Sections 124.006(a) and (d), Government
5 Code, are amended to read as follows:

6 (a) A veterans treatment court program that accepts
7 placement of a defendant may transfer responsibility for
8 supervising the defendant's participation in the program to another
9 veterans treatment court program that is located in the county
10 where the defendant works or resides or in a county adjacent to the
11 county where the defendant works or resides. The defendant's
12 supervision may be transferred under this section only with the
13 consent of both veterans treatment court programs and the
14 defendant.

15 (d) If a defendant is charged with an offense in a county
16 that does not operate a veterans treatment court program, the court
17 in which the criminal case is pending may place the defendant in a
18 veterans treatment court program located in the county where the
19 defendant works or resides or in a county adjacent to the county
20 where the defendant works or resides, provided that a program is
21 operated in that county and the defendant agrees to the placement.
22 A defendant placed in a veterans treatment court program in
23 accordance with this subsection must agree to abide by all rules,
24 requirements, and instructions of the program.

25 SECTION 12.04. (a) Section 121.003, Government Code, as
26 added by this Act, applies only to the appointment of a judge or
27 magistrate to preside over a regional specialty court program that

1 occurs on or after the effective date of this Act.

2 (b) Section 121.004, Government Code, as added by this Act,
3 applies to a case pending in a regional specialty court program on
4 or after the effective date of this Act.

5 ARTICLE 13. PROTECTIVE ORDERS

6 SECTION 13.01. Section 72.151(3), Government Code, is
7 amended to read as follows:

8 (3) "Protective order" means:

9 (A) an order issued by a court in this state under
10 Chapter 83 or 85, Family Code, to prevent family violence, as
11 defined by Section 71.004, Family Code;

12 (B) an order issued by a court in this state under
13 Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent
14 sexual assault or abuse, stalking, trafficking, or other harm to
15 the applicant; or

16 (C) [~~The term includes~~] a magistrate's order
17 for emergency protection issued under Article 17.292, Code of
18 Criminal Procedure, with respect to a person who is arrested for an
19 offense involving family violence.

20 SECTION 13.02. Section 72.152, Government Code, is amended
21 to read as follows:

22 Sec. 72.152. APPLICABILITY. This subchapter applies only
23 to:

24 (1) an application for a protective order filed under:

25 (A) Chapter 82, Family Code;

26 (B) Subchapter A, Chapter 7B, Code of Criminal
27 Procedure; or

1 (C) [~~(B)~~] Article 17.292, Code of Criminal
2 Procedure, with respect to a person who is arrested for an offense
3 involving family violence; and

4 (2) a protective order issued under:

5 (A) Chapter 83 or 85, Family Code;

6 (B) Subchapter A, Chapter 7B, Code of Criminal
7 Procedure; or

8 (C) [~~(B)~~] Article 17.292, Code of Criminal
9 Procedure, with respect to a person who is arrested for an offense
10 involving family violence.

11 SECTION 13.03. Sections 72.154(b) and (d), Government Code,
12 are amended to read as follows:

13 (b) Publicly accessible information regarding each
14 protective order must consist of the following:

15 (1) the court that issued the protective order;

16 (2) the case number;

17 (3) the full name, county of residence, birth year,
18 and race or ethnicity of the person who is the subject of the
19 protective order;

20 (4) the dates the protective order was issued and
21 served; and

22 (5) ~~[the date the protective order was vacated, if~~
23 ~~applicable, and~~

24 [~~(6)~~] the date the protective order expired or will
25 expire, as applicable.

26 (d) The office may not allow a member of the public to access
27 through the registry any information related to:

- 1 (1) a protective order issued under Article 7B.002 or
2 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or
3 (2) a protective order that was vacated.

4 SECTION 13.04. Section 72.155(a), Government Code, is
5 amended to read as follows:

6 (a) The registry must include a copy of each application for
7 a protective order filed in this state and a copy of each protective
8 order issued in this state, including an [a vacated or] expired
9 order, or a vacated order other than an order that was vacated as
10 the result of an appeal or bill of review from a district or county
11 court. Only an authorized user, the attorney general, a district
12 attorney, a criminal district attorney, a county attorney, a
13 municipal attorney, or a peace officer may access that information
14 under the registry.

15 SECTION 13.05. Section 72.157, Government Code, is amended
16 by amending Subsection (b) and adding Subsection (b-1) to read as
17 follows:

18 (b) Except as provided by Subsection (b-1), for [For] a
19 protective order that is vacated or that has expired, the clerk of
20 the applicable court shall modify the record of the order in the
21 registry to reflect the order's status as vacated or expired. The
22 clerk shall ensure that a record of a vacated order is not
23 accessible by the public.

24 (b-1) For a protective order that is vacated as the result
25 of an appeal or bill of review from a district or county court, the
26 clerk of the applicable court shall notify the office not later than
27 the end of the next business day after the date the protective order

1 was vacated. The office shall remove the record of the order from
2 the registry not later than the third business day after the date
3 the notice from the clerk was received.

4 SECTION 13.06. Section 72.158(a), Government Code, is
5 amended to read as follows:

6 (a) The office shall ensure that the public may access
7 information about protective orders, other than information about
8 vacated orders or orders under Article 7B.002 or 17.292, Code of
9 Criminal Procedure, or Chapter 83, Family Code, through the
10 registry, only if:

11 (1) a protected person requests that the office grant
12 the public the ability to access the information described by
13 Section 72.154(b) for the order protecting the person; and

14 (2) the office approves the request.

15 SECTION 13.07. Section 72.152, Government Code, as amended
16 by this Act, applies only to an application for a protective order
17 filed or a protective order issued on or after the effective date of
18 this Act.

19 SECTION 13.08. As soon as practicable after the effective
20 date of this Act, the Office of Court Administration of the Texas
21 Judicial System shall:

22 (1) remove the record of any protective orders that
23 have been vacated as the result of an appeal or bill of review from a
24 district or county court from the protective order registry
25 established under Subchapter F, Chapter 72, Government Code, as
26 amended by this Act; and

27 (2) ensure that the records of vacated orders, other

1 than orders described by Subdivision (1) of this section that are
2 removed from the registry, are not accessible by the public.

3 ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS

4 SECTION 14.01. Section 43.137, Government Code, is amended
5 by adding Subsections (c) and (d) to read as follows:

6 (c) In addition to exercising the duties and authority
7 conferred on district attorneys by general law, the district
8 attorney represents the state in the district and inferior courts
9 in Ector County in all criminal cases, juvenile matters under Title
10 3, Family Code, and matters involving children's protective
11 services.

12 (d) The district attorney has no power, duty, or privilege
13 in any civil matter, other than civil asset forfeiture and civil
14 bond forfeiture matters.

15 SECTION 14.02. Subchapter B, Chapter 45, Government Code,
16 is amended by adding Section 45.168 to read as follows:

17 Sec. 45.168. ECTOR COUNTY. (a) It is the primary duty of
18 the county attorney in Ector County to represent the state, Ector
19 County, and the officials of the county in all civil matters, other
20 than asset forfeiture and bond forfeiture matters for which the
21 district attorney is responsible, pending before the courts of
22 Ector County and any other court in which the state, Ector County,
23 or the county officials have matters pending.

24 (b) The county attorney has no power, duty, or privilege in
25 Ector County relating to criminal matters, juvenile matters under
26 Title 3, Family Code, or matters involving children's protective
27 services.

1 SECTION 14.03. Section 43.137, Government Code, as amended
2 by this article, and Section 45.168, Government Code, as added by
3 this article, apply only to a proceeding commenced on or after the
4 effective date of this Act. A proceeding commenced before the
5 effective date of this Act is governed by the law in effect on the
6 date the proceeding was commenced, and the former law is continued
7 in effect for that purpose.

8 ARTICLE 15. APPELLATE COURTS

9 SECTION 15.01. Subchapter A, Chapter 22, Government Code,
10 is amended by adding Section 22.0042 to read as follows:

11 Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF
12 PROPERTY; FORM. (a) The supreme court shall adopt rules that:

13 (1) establish a simple and expedited procedure for a
14 judgment debtor to assert an exemption to the seizure of personal
15 property by a judgment creditor or a receiver appointed under
16 Section 31.002, Civil Practice and Remedies Code;

17 (2) require a court to stay a proceeding, for a
18 reasonable period, to allow for the assertion of an exemption under
19 Subdivision (1); and

20 (3) require a court to promptly set a hearing and stay
21 proceedings until a hearing is held, if a judgment debtor timely
22 asserts an exemption under Subdivision (1).

23 (b) Rules adopted under this section shall require the
24 provision of a notice in plain language to a judgment debtor
25 regarding the right of the judgment debtor to assert one or more
26 exemptions under Subsection (a)(1). The notice must:

27 (1) be in English with an integrated Spanish

1 translation that can be readily understood by the public and the
2 court;

3 (2) include the form promulgated under Subsection (c);

4 (3) list all exemptions under state and federal law to
5 the seizure of personal property; and

6 (4) provide information for accessing free or low-cost
7 legal assistance.

8 (c) Rules adopted under this section shall include the
9 promulgation of a form in plain language for asserting an exemption
10 under Subsection (a)(1). A form promulgated under this subsection
11 must:

12 (1) be in English with an integrated Spanish
13 translation that can be readily understood by the public and the
14 court; and

15 (2) include instructions for the use of the form.

16 (d) A court shall accept a form promulgated under Subsection
17 (c) unless the form has been completed in a manner that causes a
18 substantive defect that cannot be cured.

19 SECTION 15.02. Not later than May 1, 2022, the Supreme Court
20 of Texas shall adopt rules and promulgate forms under Section
21 22.0042, Government Code, as added by this article.

22 ARTICLE 16. PROCEDURES FOR CERTAIN DEFENDANTS

23 SECTION 16.01. Article 16.22(a)(1), Code of Criminal
24 Procedure, is amended to read as follows:

25 (a)(1) Not later than 12 hours after the sheriff or
26 municipal jailer having custody of a defendant [~~for an offense~~
27 ~~punishable as a Class B misdemeanor or any higher category of~~

1 ~~offense]~~ receives credible information that may establish
2 reasonable cause to believe that the defendant has a mental illness
3 or is a person with an intellectual disability, the sheriff or
4 municipal jailer shall provide written or electronic notice to the
5 magistrate. The notice must include any information related to the
6 sheriff's or municipal jailer's determination, such as information
7 regarding the defendant's behavior immediately before, during, and
8 after the defendant's arrest and, if applicable, the results of any
9 previous assessment of the defendant. On a determination that
10 there is reasonable cause to believe that the defendant has a mental
11 illness or is a person with an intellectual disability, the
12 magistrate, except as provided by Subdivision (2), shall order the
13 service provider that contracts with the jail to provide mental
14 health or intellectual and developmental disability services, the
15 local mental health authority, the local intellectual and
16 developmental disability authority, or another qualified mental
17 health or intellectual and developmental disability expert to:

18 (A) interview the defendant if the defendant has
19 not previously been interviewed by a qualified mental health or
20 intellectual and developmental disability expert on or after the
21 date the defendant was arrested for the offense for which the
22 defendant is in custody and otherwise collect information regarding
23 whether the defendant has a mental illness as defined by Section
24 571.003, Health and Safety Code, or is a person with an intellectual
25 disability as defined by Section 591.003, Health and Safety Code,
26 including, if applicable, information obtained from any previous
27 assessment of the defendant and information regarding any

1 previously recommended treatment or service; and

2 (B) provide to the magistrate a written report of
3 an interview described by Paragraph (A) and the other information
4 collected under that paragraph on the form approved by the Texas
5 Correctional Office on Offenders with Medical or Mental Impairments
6 under Section 614.0032(c), Health and Safety Code.

7 SECTION 16.02. Articles 16.22(b-1) and (d), Code of
8 Criminal Procedure, are amended to read as follows:

9 (b-1) The magistrate shall provide copies of the written
10 report to the defense counsel, the attorney representing the state,
11 and the trial court. The written report must include a description
12 of the procedures used in the interview and collection of other
13 information under Subsection (a)(1)(A) and the applicable expert's
14 observations and findings pertaining to:

15 (1) whether the defendant is a person who has a mental
16 illness or is a person with an intellectual disability;

17 (2) subject to Article 46B.002, whether there is
18 clinical evidence to support a belief that the defendant may be
19 incompetent to stand trial and should undergo a complete competency
20 examination under Subchapter B, Chapter 46B; and

21 (3) any appropriate or recommended treatment or
22 service.

23 (d) This article does not prevent the applicable court from,
24 before, during, or after the interview and collection of other
25 information regarding the defendant as described by this article:

26 (1) releasing a defendant who has a mental illness or
27 is a person with an intellectual disability from custody on

1 personal or surety bond, including imposing as a condition of
2 release that the defendant submit to an examination or other
3 assessment; or

4 (2) subject to Article 46B.002, ordering an
5 examination regarding the defendant's competency to stand trial.

6 SECTION 16.03. The change in law made by this article
7 applies only to a person who is arrested on or after the effective
8 date of this Act. A person arrested before the effective date of
9 this Act is governed by the law in effect on the date the person was
10 arrested, and the former law is continued in effect for that
11 purpose.

12 ARTICLE 17. MISDEMEANOR CASES

13 SECTION 17.01. Article 15.17(b), Code of Criminal
14 Procedure, is amended to read as follows:

15 (b) After an accused charged with a misdemeanor punishable
16 by fine only is taken before a magistrate under Subsection (a) and
17 the magistrate has identified the accused with certainty, the
18 magistrate may release the accused without bond and order the
19 accused to appear at a later date for arraignment in the applicable
20 justice court or municipal court. The order must state in writing
21 the time, date, and place of the arraignment, and the magistrate
22 must sign the order. The accused shall receive a copy of the order
23 on release. If an accused fails to appear as required by the order,
24 the judge of the court in which the accused is required to appear
25 shall issue a warrant for the arrest of the accused. If the accused
26 is arrested and brought before the judge, the judge may admit the
27 accused to bail, and in admitting the accused to bail, the judge

1 should set as the amount of bail an amount double that generally set
2 for the offense for which the accused was arrested. [~~This~~
3 ~~subsection does not apply to an accused who has previously been~~
4 ~~convicted of a felony or a misdemeanor other than a misdemeanor~~
5 ~~punishable by fine only.~~]

6 SECTION 17.02. Article 45.016(c), Code of Criminal
7 Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th
8 Legislature, Regular Session, 2017, is amended to read as follows:

9 (c) If before the expiration of a 48-hour period following
10 the issuance of the applicable order a defendant described by
11 Subsection (b) remains in custody for a misdemeanor punishable by
12 fine only and [~~Subsections (b)(1) and (2)~~] does not give a required
13 bail bond, the justice or judge:

14 (1) shall reconsider the requirement for the defendant
15 to give the bail bond and presume that the defendant does not have
16 sufficient resources or income to give the bond; and

17 (2) may require the defendant to give a personal bond.

18 SECTION 17.03. Article 45.031, Code of Criminal Procedure,
19 is amended to read as follows:

20 Art. 45.031. COUNSEL FOR STATE NOT PRESENT. (a) If the
21 state is not represented by counsel when the case is called for
22 trial, the justice or judge may:

23 (1) postpone the trial to a date certain;

24 (2) appoint any competent attorney as an attorney pro
25 tem [~~as provided by this code~~] to represent the state,
26 notwithstanding Article 2.07; or

27 (3) proceed to trial.

1 (b) An attorney appointed under Subsection (a) is qualified
2 to perform the duties of the office of the attorney representing the
3 state and may be paid a reasonable fee for performing those duties.

4 SECTION 17.04. The heading to Article 45.0445, Code of
5 Criminal Procedure, is amended to read as follows:

6 Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR
7 COSTS.

8 SECTION 17.05. Article 66.252, Code of Criminal Procedure,
9 is amended by adding Subsection (b-1) to read as follows:

10 (b-1) At any time before final disposition of the case, the
11 justice or judge of a court having jurisdiction of the case of a
12 misdemeanor described by Subsection (b)(3) may order a law
13 enforcement officer to use the uniform incident fingerprint card to
14 take the fingerprints of an offender who is charged with the
15 misdemeanor, but was not placed under custodial arrest at the time
16 of the offense.

17 SECTION 17.06. Article 45.016(c), Code of Criminal
18 Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th
19 Legislature, Regular Session, 2017, is repealed.

20 SECTION 17.07. The change in law made by this article
21 applies only to an offense committed on or after the effective date
22 of this Act. An offense committed before the effective date of this
23 Act is governed by the law in effect on the date the offense was
24 committed, and the former law is continued in effect for that
25 purpose. For purposes of this section, an offense was committed
26 before the effective date of this Act if any element of the offense
27 occurred before that date.

1 SECTION 17.08. The changes in law made by this article apply
2 only to a misdemeanor case that is initially filed in a justice or
3 municipal court on or after the effective date of this Act,
4 regardless of whether the offense for which the case is filed
5 occurred before, on, or after the effective date of this Act.

6 ARTICLE 18. COURT REPORTERS

7 SECTION 18.01. Article 39.03, Code of Criminal Procedure,
8 is amended to read as follows:

9 Art. 39.03. OFFICERS WHO MAY TAKE ~~[THE]~~ DEPOSITION. (a) On
10 ~~[Upon the]~~ filing of the ~~[such an]~~ affidavit and application under
11 Article 39.02, the court shall appoint, order, or designate one of
12 the following persons before whom the ~~[such]~~ deposition must
13 ~~[shall]~~ be taken:

- 14 (1) a ~~[1. A]~~ district judge; ~~[]~~
- 15 (2) a ~~[2. A]~~ county judge; ~~[]~~
- 16 (3) a ~~[3. A]~~ notary public; ~~[]~~
- 17 (4) a ~~[4. A]~~ district clerk; ~~[]~~
- 18 (5) a ~~[5. A]~~ county clerk; or
- 19 (6) a court reporter.

20 (b) The ~~[Such]~~ order shall specifically name the ~~[such]~~
21 person before whom, ~~[and]~~ the time when, and the place where the
22 ~~[such]~~ deposition must ~~[shall]~~ be taken. Failure of a witness to
23 respond to the order is ~~[thereto, shall be]~~ punishable by contempt
24 by the court. The ~~[Such]~~ deposition must ~~[shall]~~ be oral or written,
25 as the court directs ~~[shall direct]~~.

26 SECTION 18.02. Chapter 42, Code of Criminal Procedure, is
27 amended by adding Article 42.25 to read as follows:

1 Art. 42.25. FILING OF REPORTER NOTES. A court reporter may
2 comply with Rule 13.6, Texas Rules of Appellate Procedure, by
3 electronically filing with the trial court clerk not later than the
4 20th day after the expiration of the time the defendant is allotted
5 to perfect the appeal the untranscribed notes created by the court
6 reporter using computer-aided software.

7 SECTION 18.03. Section 52.001(a)(4), Government Code, is
8 amended to read as follows:

9 (4) "Shorthand reporter" and "court reporter" mean a
10 person who is certified as a court reporter, apprentice court
11 reporter, or provisional court reporter under Chapter 154 to engage
12 [engages] in shorthand reporting.

13 SECTION 18.04. Section 52.011, Government Code, is amended
14 to read as follows:

15 Sec. 52.011. PROVISION OF SIGNED DEPOSITION CERTIFICATE;
16 CERTIFICATE REQUIREMENTS [CERTIFICATION]. (a) A court reporting
17 firm representative or a court reporter who reported a deposition
18 for a case shall complete and sign a deposition certificate, known
19 as the further certification.

20 (b) On request of a court reporter who reported a deposition
21 for a case, a court reporting firm shall provide the reporter with a
22 copy of the deposition certificate [~~document related to the~~
23 ~~deposition, known as the further certification,~~] that the reporter
24 has signed or to which the reporter's signature has been applied.

25 (c) The deposition certificate must include:

26 (1) a statement that the deposition transcript was
27 submitted to the deponent or the deponent's attorney for

1 examination and signature;

2 (2) the date the transcript was submitted to the
3 deponent or the deponent's attorney;

4 (3) the date the deponent returned the transcript, if
5 returned, or a statement that the deponent did not return the
6 transcript;

7 (4) a statement that any changes the deponent made to
8 the transcript are reflected in a separate document attached to the
9 transcript;

10 (5) a statement that the transcript was delivered in
11 accordance with Rule 203.3, Texas Rules of Civil Procedure;

12 (6) the amount charged for preparing the original
13 deposition transcript;

14 (7) a statement that a copy of the certificate was
15 served on all parties to the case; and

16 (8) the date the copy of the certificate was served on
17 the parties to the case.

18 SECTION 18.05. Section 52.041, Government Code, is amended
19 to read as follows:

20 Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a)
21 Each judge of a court of record shall appoint an official court
22 reporter. An official court reporter is a sworn officer of the
23 court and holds office at the pleasure of the court.

24 (b) Notwithstanding any other law, a certified shorthand
25 reporter may be appointed by more than one judge of a court of
26 record to serve more than one court. A certified shorthand reporter
27 appointed to serve as an official court reporter by more than one

1 judge of a court of record may be an employee of more than one county
2 or may serve more than one county as an official court reporter
3 under contract with a county.

4 (c) An official court reporter may remotely serve any court
5 to which the official court reporter is appointed and may remotely
6 serve any other court of record with the approval of an appointing
7 court and the agreement of the court reporter.

8 (d) An official court reporter may elect to serve the
9 requesting court in person or, with the permission of the
10 requesting court, remotely.

11 SECTION 18.06. Section 52.042, Government Code, is amended
12 by adding Subsections (e) and (f) to read as follows:

13 (e) A certified shorthand reporter may be appointed by more
14 than one judge of a court of record to serve as a deputy court
15 reporter serving more than one court. A certified shorthand
16 reporter appointed to serve as a deputy court reporter by more than
17 one judge of a court of record may be an employee of more than one
18 county or may serve more than one county as a deputy court reporter
19 under contract with a county and the agreement of the court
20 reporter.

21 (f) A deputy court reporter may remotely serve any court to
22 which the official court reporter is appointed and may remotely
23 serve any other court of record with the approval of an appointing
24 court.

25 SECTION 18.07. Sections 52.046(b) and (d), Government Code,
26 are amended to read as follows:

27 (b) An official court reporter [~~of a district court~~] may

1 conduct the deposition of witnesses, receive, execute, and return
2 commissions, and make a certificate of the proceedings in any
3 county [~~that is included in the judicial district of that court~~].

4 (d) A judge of a county court or county court at law shall
5 appoint a [~~certified~~] shorthand reporter to report the oral
6 testimony given in any contested probate matter in that judge's
7 court.

8 SECTION 18.08. Subchapter E, Chapter 52, Government Code,
9 is amended by adding Section 52.060 to read as follows:

10 Sec. 52.060. MODEL INTERLOCAL AGREEMENT REGARDING
11 COMPENSATION AND EXPENSES OF MULTI-COURT OFFICIAL COURT REPORTERS.

12 (a) In this section, "office" means the Office of Court
13 Administration of the Texas Judicial System.

14 (b) The office shall coordinate the development of a model
15 interlocal agreement that may be used by counties or courts to share
16 the compensation and expenses of an official court reporter or
17 deputy court reporter who serves more than one court of record under
18 Section 52.041 or 52.042, whether the deputy court reporter serves
19 as an employee of one or more counties or courts or under contract
20 to one or more counties or courts.

21 (c) The office shall develop the model interlocal agreement
22 with the participation of the counties and courts of this state. The
23 model interlocal agreement may include provisions for the
24 compensation and expenses of an official court reporter or deputy
25 court reporter serving remotely.

26 (d) A county or court is not required to use the model
27 interlocal agreement developed under Subsection (b) and may enter

1 into agreements as the counties or courts determine appropriate.

2 (e) In the event of a conflict between this subchapter and a
3 model interlocal agreement or any other agreement between counties
4 or courts for the compensation and expenses of official court
5 reporters or deputy court reporters serving more than one court,
6 this subchapter prevails.

7 SECTION 18.09. Chapter 72, Government Code, is amended by
8 adding Subchapter H to read as follows:

9 SUBCHAPTER H. FACILITATION OF APPOINTMENT OF COURT REPORTERS TO
10 ADDITIONAL COURTS

11 Sec. 72.161. DEFINITIONS. In this subchapter:

12 (1) "Official court reporter" means a shorthand
13 reporter appointed by a judge as an official court reporter.

14 (2) "Shorthand reporter" and "court reporter" mean a
15 person who engages in shorthand reporting.

16 Sec. 72.162. OFFICIAL COURT REPORTER DATABASES. (a) The
17 office shall develop one or more databases of official court
18 reporters and deputy court reporters willing and authorized by an
19 appointing court or courts to serve as a reporter in a court of this
20 state other than the court to which the reporter is appointed when
21 the reporter's duties to the appointing court or courts do not
22 conflict with duties provided to the requesting court.

23 (b) An official reporter database must include:

24 (1) the court or courts served by each official court
25 reporter and deputy court reporter;

26 (2) the contact information for each court identified
27 under Subdivision (1);

1 (3) the name and contact information for each court
2 reporter; and

3 (4) whether a reporter in the database is willing to
4 serve as a temporary court reporter:

5 (A) only in person;

6 (B) only remotely; or

7 (C) both in person and remotely.

8 Sec. 72.163. COMMUNICATION FACILITATION. The office shall
9 facilitate communication between the courts of this state and
10 official court reporters for purposes of matching court reporters
11 with courts requesting the services of court reporters.

12 Sec. 72.164. ONLINE MATCHING SERVICE. The office, the
13 courts of record of this state, and official court reporters and
14 deputy court reporters may use an online service for matching court
15 reporters with courts requesting the services of court reporters in
16 a database established under Section 72.162(b). The service may be
17 provided by a statewide trade association of court reporters with
18 the permission of the trade association.

19 SECTION 18.10. Section 154.001(a)(4), Government Code, is
20 amended to read as follows:

21 (4) "Shorthand reporter" and "court reporter" mean a
22 person who is certified as a court reporter, apprentice court
23 reporter, or provisional court reporter under this chapter to
24 engage [engages] in shorthand reporting.

25 SECTION 18.11. Section 154.101(e), Government Code, is
26 amended to read as follows:

27 (e) A person may not assume or use the title or designation

1 "court recorder," "court reporter," or "shorthand reporter," or any
2 abbreviation, title, designation, words, letters, sign, card, or
3 device tending to indicate that the person is a court reporter or
4 shorthand reporter, unless the person is certified as a shorthand
5 reporter or provisional court reporter by the supreme court.
6 Nothing in this subsection shall be construed to either sanction or
7 prohibit the use of electronic court recording equipment operated
8 by a person who engages in shorthand reporting but is not certified
9 as a [noncertified] court reporter pursuant and according to rules
10 adopted or approved by the supreme court.

11 SECTION 18.12. Section [154.105](#), Government Code, is amended
12 by amending Subsection (b) and adding Subsections (c), (d), and (e)
13 to read as follows:

14 (b) A [~~certified~~] shorthand reporter may administer oaths
15 to witnesses:

16 (1) anywhere in this state;

17 (2) in a jurisdiction outside this state if:

18 (A) the reporter is at the same location as the
19 witness; and

20 (B) the witness is or may be a witness in a case
21 filed in this state; and

22 (3) at any location authorized in a reciprocity
23 agreement between this state and another jurisdiction under Section
24 [152.202\(b\)](#).

25 (c) Notwithstanding Subsection (b), a shorthand reporter
26 may administer an oath as provided under this subsection to a person
27 who is or may be a witness in a case filed in this state without

1 being at the same location as the witness:

2 (1) if the reporter is physically located in this
3 state at the time the oath is administered; or

4 (2) as authorized in a reciprocity agreement between
5 this state and another jurisdiction under Section 152.202(b) if:

6 (A) the witness is at a location in the other
7 jurisdiction; and

8 (B) the reporter is at a location in the same
9 jurisdiction as the witness.

10 (d) The identity of a witness who is not in the physical
11 presence of a shorthand reporter may be proven by:

12 (1) a statement under oath on the record by a party to
13 the case stating that the party has actual knowledge of the
14 witness's identity;

15 (2) a statement on the record by an attorney for a
16 party to the case, or an attorney for the witness, verifying the
17 witness's identity;

18 (3) a statement on the record by a notary who is in the
19 presence of the witness verifying the witness's identity; or

20 (4) the witness's presentation for inspection by the
21 court reporter of an official document issued by this state,
22 another state, a federal agency, or another jurisdiction that
23 verifies the witness's identity.

24 (e) A shorthand reporter to which this section applies shall
25 state on the record and certify in each transcript of the deposition
26 the physical location of:

27 (1) the witness; and

1 (2) the reporter.

2 SECTION 18.13. Section [154.112](#), Government Code, is amended
3 to read as follows:

4 Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR
5 SHORTHAND REPORTING [~~REPORTERS~~]. (a) A person who is not certified
6 as a court [~~noncertified shorthand~~] reporter may be employed to
7 engage in shorthand reporting until a certified shorthand reporter
8 is available.

9 (b) A person who is not certified as a court [~~noncertified~~
10 ~~shorthand~~] reporter may engage in shorthand reporting to report an
11 oral deposition only if:

12 (1) the person [~~noncertified shorthand reporter~~]
13 delivers an affidavit to the parties or to their counsel present at
14 the deposition stating that a certified shorthand reporter is not
15 available; or

16 (2) the parties or their counsel stipulate on the
17 record at the beginning of the deposition that a certified
18 shorthand reporter is not available.

19 (c) This section does not apply to a deposition taken
20 outside this state for use in this state.

21 SECTION 18.14. (a) Except as provided by Subsection (b) of
22 this section, the changes in law made by this article apply only to
23 a deposition taken on or after the effective date of this Act. A
24 deposition taken before that date is governed by the law in effect
25 on the date the deposition was taken, and the former law is
26 continued in effect for that purpose.

27 (b) Article [39.03](#), Code of Criminal Procedure, as amended by

1 this article, applies only to a deposition taken in a criminal case
2 in which an information is filed or an indictment is returned on or
3 after the effective date of this Act. A deposition taken in a
4 criminal case in which an information is filed or an indictment is
5 returned before the effective date of this Act is governed by the
6 law in effect when the information is filed or the indictment is
7 returned, and the former law is continued in effect for that
8 purpose.

9 ARTICLE 19. JUDICIAL ELECTIONS

10 SECTION 19.01. Section 141.035, Election Code, is amended
11 to read as follows:

12 Sec. 141.035. APPLICATION AS PUBLIC INFORMATION. (a) An
13 application for a place on the ballot, including an accompanying
14 petition, is public information immediately on its filing.

15 (b) Notwithstanding Subsection (a), the home address of a
16 state judge, as defined by Section 572.002(11-a), Government Code,
17 listed on an application may only be made available to the public
18 for in-person review at the office of the authority with whom the
19 application for a place on the ballot is filed. Before a person
20 reviews a state judge's home address, the authority with whom the
21 application is filed must record the person's name, whom the person
22 represents, and the date the person reviewed the state judge's home
23 address. The authority with whom the application is filed must
24 provide the recorded information to the state judge not later than
25 the second day of the review. The authority with whom the
26 application is filed shall retain the information for the time the
27 authority maintains the ballot application.

1 SECTION 19.02. Section 572.032(b), Government Code, is
2 amended to read as follows:

3 (b) Subject to Section 141.035(b), during [~~During~~] the
4 one-year period following the filing of a financial statement, each
5 time a person requests to see the financial statement, excluding
6 the commission or a commission employee acting on official
7 business, the commission shall place in the file a statement of the
8 person's name and address, whom the person represents, and the date
9 of the request. The commission shall retain that statement in the
10 file for one year after the date the requested financial statement
11 is filed.

12 SECTION 19.03. Section 145.007(b), Local Government Code,
13 is amended to read as follows:

14 (b) Subject to Section 141.035(b), until [~~Until~~] the first
15 anniversary of the date a financial statement is filed, each time a
16 person, other than the clerk or secretary of the municipality or an
17 employee of the clerk or secretary who is acting on official
18 business, requests to see the financial statement, the clerk or
19 secretary shall place in the file a statement of the person's name
20 and address, whom the person represents, and the date of the
21 request. The clerk or secretary shall retain that statement in the
22 file until the first anniversary of the date the requested
23 financial statement is filed.

24 ARTICLE 20. REMOTE PROCEEDINGS

25 SECTION 20.01. Section 21.009, Government Code, is amended
26 by adding Subdivision (5) to read as follows:

27 (5) "Remote proceeding" means a proceeding before a

1 court in which one or more of the participants, including a judge,
2 party, attorney, witness, court reporter, juror, or other
3 individual, attends the proceeding remotely through the use of
4 technology and the Internet.

5 SECTION 20.02. Chapter 21, Government Code, is amended by
6 adding Section 21.013 to read as follows:

7 Sec. 21.013. OPTION FOR REMOTE PROCEEDING. (a)

8 Notwithstanding any other law and except as limited by the United
9 States Constitution, the Texas Constitution, rules adopted by the
10 Texas Supreme Court, or this section, a court in this state as the
11 court determines appropriate, on the court's own motion or on the
12 motion of any party, may:

13 (1) conduct a hearing or other proceeding as a remote
14 proceeding; and

15 (2) allow or require a judge, party, attorney,
16 witness, court reporter, juror, or any other individual to
17 participate in a remote proceeding, including a deposition,
18 hearing, trial, or other proceeding.

19 (b) A court that elects to conduct a remote proceeding must:

20 (1) provide adequate notice of the remote proceeding
21 to the parties to the proceeding;

22 (2) allow a party to file with the court a motion
23 objecting to the remote proceeding and requesting an in-person
24 proceeding not later than the 10th day after the date the party
25 receives the notice; and

26 (3) provide a method for a person described by
27 Subsection (a)(2) to notify the court that the person is unable to

1 participate in the remote proceeding because the person is a person
2 with a disability, lacks the required technology, or shows other
3 good cause and:

4 (A) provide an alternate method for the person to
5 participate that accommodates the disability, lack of technology,
6 or other situation;

7 (B) allow the person to appear in person; or

8 (C) conduct the proceeding as an in-person
9 proceeding.

10 (c) On the court's receipt from any party to a proceeding of
11 a motion objecting to the conduct of the proceeding as a remote
12 proceeding and requesting an in-person proceeding, the court shall
13 consider the motion and grant the motion for good cause shown.

14 (d) In any contested adversarial or contested evidentiary
15 criminal proceeding for an offense punishable by confinement, the
16 prosecutor and defendant must each agree for the proceeding to be
17 conducted as a remote proceeding. If the prosecutor or defendant
18 does not agree, the proceeding may not be held as a remote
19 proceeding.

20 (e) A district court, statutory county court, statutory
21 probate court, or county court may not conduct a jury trial as a
22 remote proceeding unless each party to the proceeding agrees to
23 conduct the proceeding as a remote proceeding.

24 (f) For a jury trial that is to be conducted as a remote
25 proceeding in a justice or municipal court, the court shall
26 consider on the record any motion or objection related to
27 proceeding with the trial not later than the seventh day before the

1 trial date, except that if the motion or objection is made later
2 than the seventh day before the trial date, the court must consider
3 the motion or objection on the record as soon as practicable.

4 (g) A court that conducts a jury trial as a remote
5 proceeding shall ensure all prospective jurors have access to the
6 technology necessary to participate in the remote proceeding.

7 (h) A court that conducts a remote proceeding at a location
8 other than the location the court regularly conducts proceedings
9 must provide to the public reasonable notice of the location of the
10 remote proceeding and an opportunity to observe the remote
11 proceeding.

12 (i) The Office of Court Administration of the Texas Judicial
13 System shall provide guidance and assistance to the extent possible
14 to a court conducting a remote proceeding.

15 (j) For purposes of any law requiring notice or citation of
16 the time and place for a proceeding, notice of the remote means by
17 which the proceeding will be conducted and the method for accessing
18 the proceeding through that remote means constitutes notice of the
19 place for the proceeding.

20 SECTION 20.03. The following provisions are repealed:

21 (1) Section 30.012(b), Civil Practice and Remedies
22 Code; and

23 (2) Section 54.012(b), Family Code.

24 SECTION 20.04. As soon as practicable after the effective
25 date of this Act, the Texas Supreme Court shall adopt the rules
26 necessary to implement the changes in law made by this article.
27 Before adopting the rules, the supreme court must consult with

1 interested parties, including prosecutors, criminal defense
2 attorneys, judges, and representatives from the State Bar of Texas
3 and Disability Rights Texas.

4 SECTION 20.05. The Texas Legislative Council, with the
5 assistance of the Office of Court Administration of the Texas
6 Judicial System, shall prepare for consideration by the 88th
7 Legislature a nonsubstantive revision of the statutes of this state
8 as necessary to reflect the changes in law made by this article.

9 ARTICLE 21. TRANSITION

10 SECTION 21.01. A state agency subject to this Act is
11 required to implement a provision of this Act only if the
12 legislature appropriates money specifically for that purpose. If
13 the legislature does not appropriate money specifically for that
14 purpose, the state agency may, but is not required to, implement a
15 provision of this Act using other appropriations available for that
16 purpose.

17 ARTICLE 22. EFFECTIVE DATE

18 SECTION 22.01. Except as otherwise provided by this Act,
19 this Act takes effect September 1, 2021.