

By: Leach

H.B. No. 3774

Substitute the following for H.B. No. 3774:

By: Krause

C.S.H.B. No. 3774

A BILL TO BE ENTITLED

1

AN ACT

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) Effective October 1, 2022, Subchapter C,
23 Chapter 24, Government Code, is amended by adding Section 24.60025
24 to read as follows:

1 Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON
2 COUNTY). The 480th Judicial District is composed of Williamson
3 County.

4 (b) The 480th Judicial District is created on October 1,
5 2022.

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

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

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

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

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

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

18 SECTION 1.05. (a) Subchapter C, Chapter 24, Government
19 Code, is amended by adding Section 24.60029 to read as follows:

20 Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY).
21 (a) The 484th Judicial District is composed of Cameron County.

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

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

26 SECTION 1.06. (a) Section 24.120(b), Government Code, is
27 amended to read as follows:

1 (b) The 19th, 54th, 74th, 170th, [~~and~~] 414th, and 474th
2 district courts have concurrent jurisdiction in McLennan County.

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

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

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

9 SECTION 1.07. (a) Section 24.910(b), Government Code, is
10 amended to read as follows:

11 (b) This section applies to the Tarrant County Criminal
12 District Courts Nos. 1, 2, [~~and~~] 3, and 5.

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

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

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

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

23 ARTICLE 2. STATUTORY COUNTY COURTS

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

26 (a) Beginning on the first day of the state fiscal year, the
27 state shall annually compensate each county that collects the

1 additional fees under Section 51.704 in an amount equal to 60
2 percent of the annual base salary the state pays to a district judge
3 as set by the General Appropriations Act in accordance with Section
4 659.012(a) [\$40,000] for each statutory probate court judge in the
5 county.

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

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

1 the deputy clerks of the other county courts at law in Bexar County.
2 The commissioners court shall pay the salary of a deputy clerk in
3 equal monthly installments from county funds.

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

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

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

26 (b) Denton County has the following statutory probate
27 courts:

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

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

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

12 (b) Section [25.0633](#)(e), Government Code, is amended to read
13 as follows:

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

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

18 (2) regardless of the amount in controversy sought,
19 over:

20 (A) eminent domain cases as provided by Section
21 [21.001](#), Property Code, for statutory county courts; and

22 (B) direct and inverse condemnation cases.

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

25 SECTION 2.05. (a) Section [25.1571](#), Government Code, is
26 amended to read as follows:

27 Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the

1 following statutory county courts:

- 2 (1) County Court at Law of McLennan County; [~~and~~]
- 3 (2) County Court at Law No. 2 of McLennan County; and
- 4 (3) County Court at Law No. 3 of McLennan County.

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

7 SECTION 2.06. (a) Section 25.1721, Government Code, is
8 amended to read as follows:

9 Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the
10 following statutory county courts:

- 11 (1) County Court at Law No. 1 of Montgomery County;
- 12 (2) County Court at Law No. 2 of Montgomery County;
- 13 (3) County Court at Law No. 3 of Montgomery County;
- 14 (4) County Court at Law No. 4 of Montgomery County;
- 15 [~~and~~]
- 16 (5) County Court at Law No. 5 of Montgomery County;
17 and
- 18 (6) County Court at Law No. 6 of Montgomery County.

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

21 SECTION 2.07. Sections 25.1972(a) and (b), Government Code,
22 are amended to read as follows:

23 (a) In addition to the jurisdiction provided by Section
24 25.0003 and other law, and except as limited by Subsection (b), a
25 county court at law in Reeves County has:

- 26 (1) concurrent jurisdiction with the district court:
 - 27 (A) in disputes ancillary to probate, eminent

1 domain, condemnation, or landlord and tenant matters relating to
2 the adjudication and determination of land titles and trusts,
3 whether testamentary, inter vivos, constructive, resulting, or any
4 other class or type of trust, regardless of the amount in
5 controversy or the remedy sought;

6 (B) over civil forfeitures, including surety
7 bond forfeitures without minimum or maximum limitation as to the
8 amount in controversy or remedy sought;

9 (C) in all actions by or against a personal
10 representative, in all actions involving an inter vivos trust, in
11 all actions involving a charitable trust, and in all actions
12 involving a testamentary trust, whether the matter is appertaining
13 to or incident to an estate;

14 (D) in proceedings under Title 3, Family Code;
15 and

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

21 (2) jurisdiction in mental health matters, original or
22 appellate, provided by law for constitutional county courts,
23 statutory county courts, or district courts with mental health
24 jurisdiction, including proceedings under:

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

26 (B) Subtitles C and D, Title 7, Health and Safety
27 Code;

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

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

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

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

8 (2) misdemeanors involving official misconduct unless
9 assigned under Sections 74.054 and 74.059; or

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

11 [~~(4) except as provided by Subsections (a)(1)(D) and~~
12 ~~(E), family law cases].~~

13 SECTION 2.08. (a) Effective January 1, 2023, Section
14 25.2071(a), Government Code, is amended to read as follows:

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

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

19 (2) the County Court at Law No. 2 of San Patricio
20 County.

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

24 (a) In addition to the jurisdiction provided by Section
25 25.0003 and other law, a county court at law in San Patricio County
26 has concurrent jurisdiction with the district court except that a
27 county court at law does not have jurisdiction of:

1 (1) felony criminal matters; and

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

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

9 (g-1) The county clerk serves as clerk of a county court at
10 law except in family law cases. In family law cases, including
11 juvenile and child welfare cases, the district clerk serves as
12 clerk of a county court at law. The district clerk shall establish
13 a separate family law docket for each county court at law.

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

17 (m) The judge of the county court and the judges [~~judge~~] of
18 the [~~a~~] county courts [~~court~~] at law may agree on a plan governing
19 the filing, numbering, and docketing of cases within the concurrent
20 jurisdiction of their courts and the assignment of those cases for
21 trial. The plan may provide for the centralized institution and
22 filing of all such cases with one court, clerk, or coordinator
23 designated by the plan and for the systemized assignment of those
24 cases to the courts participating in the plan, and the provisions of
25 the plan for the centralized filing and assignment of cases shall
26 control notwithstanding any other provisions of this section. If
27 the judges of the county court and the county courts [~~court~~] at law

1 are unable to agree on a filing, docketing, and assignment of cases
2 plan, a board of judges composed of the district judges and the
3 county court at law judges for San Patricio County [~~the presiding~~
4 ~~judge of the 36th Judicial District~~] shall design a plan for the
5 [~~both~~] courts.

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

8 SECTION 2.09. Section 25.2223(1), Government Code, is
9 amended to read as follows:

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

15 SECTION 2.10. (a) Section 25.2481, Government Code, is
16 amended to read as follows:

17 Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the
18 following statutory county courts:

- 19 (1) County Court at Law No. 1 of Williamson County;
- 20 (2) County Court at Law No. 2 of Williamson County;
- 21 (3) County Court at Law No. 3 of Williamson County;
- 22 [~~and~~]
- 23 (4) County Court at Law No. 4 of Williamson County;
- 24 and
- 25 (5) County Court at Law No. 5 of Williamson County.

26 (b) The County Court at Law No. 5 of Williamson County is
27 created on the effective date of this Act.

ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

SECTION 3.01. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0241 to read as follows:

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

ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

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

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

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

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

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

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

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

(h) A judge exercising jurisdiction over a child in a suit instituted under Subtitle E, Title 5, may refer any aspect of a suit involving a dual status ~~the~~ child that is instituted under this

1 title to the appropriate associate judge appointed under Subchapter
2 C, Chapter 201, serving in the county and exercising jurisdiction
3 over the child under Subtitle E, Title 5, if the associate judge
4 consents to the referral. The scope of an associate judge's
5 authority over a suit referred under this subsection is subject to
6 any limitations placed by the court judge in the order of referral.

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

9 (a) The juvenile court may transfer a dual status child's
10 case, including transcripts of records and documents for the case,
11 to a district or statutory county court located in another county
12 that is exercising jurisdiction over the child in a suit instituted
13 under Subtitle E, Title 5. A case may only be transferred under this
14 section with the consent of the judge of the court to which the case
15 is being transferred.

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

18 (d) Except as provided by Subsection (e), an attorney ad
19 litem appointed for a child in a proceeding under Chapter 262, ~~[or]~~
20 263, or 264 shall:

21 (1) meet before each court hearing with:

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

24 (B) the individual with whom the child ordinarily
25 resides, including the child's parent, conservator, guardian,
26 caretaker, or custodian, if the child is younger than four years of
27 age; and

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

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

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

8 (e) An attorney ad litem appointed for a child in a
9 proceeding under Chapter 262, [~~or~~] 263, or 264 is not required to
10 comply with Subsection (d) before a hearing if the court finds at
11 that hearing that the attorney ad litem has shown good cause why the
12 attorney ad litem's compliance with that subsection is not feasible
13 or in the best interest of the child. Additionally, a court may, on
14 a showing of good cause, authorize an attorney ad litem to comply
15 with Subsection (d) by conferring with the child or other
16 individual, as appropriate, by telephone or video conference.

17 ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

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

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

- 22 1. The Court of Criminal Appeals;
- 23 2. Courts of appeals;
- 24 3. The district courts;
- 25 4. The criminal district courts;
- 26 5. The magistrates appointed by the judges of the
27 district courts of Bexar County, Dallas County, Tarrant County, or

1 Travis County that give preference to criminal cases and the
2 magistrates appointed by the judges of the criminal district courts
3 of Dallas County or Tarrant County;

4 6. The county courts;

5 7. All county courts at law with criminal
6 jurisdiction;

7 8. County criminal courts;

8 9. Justice courts;

9 10. Municipal courts;

10 11. The magistrates appointed by the judges of the
11 district courts of Lubbock County; ~~and~~

12 12. The magistrates appointed by the El Paso Council
13 of Judges;

14 13. The magistrates appointed by the Collin County
15 Commissioners Court; and

16 14. The magistrates appointed by the Brazoria County
17 Commissioners Court or the local administrative judge for Brazoria
18 County.

19 SECTION 5.02. Chapter 54, Government Code, is amended by
20 adding Subchapter PP to read as follows:

21 SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

22 Sec. 54.2501. CREATION. The Brazoria County Criminal Law
23 Magistrate Court is a court with the jurisdiction provided by this
24 subchapter.

25 Sec. 54.2502. APPOINTMENT. (a) On recommendation from the
26 local administrative judge, the commissioners court of Brazoria
27 County may appoint one or more full- or part-time judges to preside

1 over the criminal law magistrate court for the term determined by
2 the commissioners court. The local administrative judge shall
3 appoint one or more full- or part-time judges to preside over the
4 criminal law magistrate court if the commissioners court is
5 prohibited by law from appointing a judge.

6 (b) To be eligible for appointment as a judge of the
7 criminal law magistrate court, a person must meet all the
8 requirements and qualifications to serve as a district court judge.

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

13 (d) A judge appointed under this section serves at the
14 pleasure of the commissioners court or the local administrative
15 judge, as applicable.

16 Sec. 54.2503. JURISDICTION. (a) Except as provided by this
17 subsection, the criminal law magistrate court has the criminal
18 jurisdiction provided by the constitution and laws of this state
19 for county courts at law. The criminal law magistrate court does
20 not have jurisdiction to:

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

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

25 (b) The criminal law magistrate court has the jurisdiction
26 provided by the constitution and laws of this state for
27 magistrates. A judge of the criminal law magistrate court is a

1 magistrate as that term is defined by Article 2.09, Code of Criminal
2 Procedure.

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

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

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

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

14 (4) hear any part of a capital murder case after
15 indictment.

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

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

22 (f) A judge of the criminal law magistrate court shall
23 exercise jurisdiction granted by this subchapter over felony and
24 misdemeanor indictments and informations only as judge presiding
25 for the court in which the indictment or information is pending and
26 under the limitations set out in the assignment order by the
27 assigning court or as provided by local administrative rules.

1 (g) The criminal law magistrate court has concurrent
2 criminal jurisdiction with the justice courts located in Brazoria
3 County.

4 Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law
5 magistrate court or a judge of the criminal law magistrate court may
6 issue writs of injunction and all other writs necessary for the
7 enforcement of the jurisdiction of the court and may issue
8 misdemeanor writs of habeas corpus in cases in which the offense
9 charged is within the jurisdiction of the court or of any other
10 court of inferior jurisdiction in the county. The court and the
11 judge may punish for contempt as provided by law for district
12 courts. A judge of the criminal law magistrate court has all other
13 powers, duties, immunities, and privileges provided by law for:

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

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

18 (3) district court judges when acting in a felony
19 case.

20 (b) A judge of the criminal law magistrate court may hold an
21 indigency hearing and a capias pro fine hearing. When acting as the
22 judge who issued the capias pro fine, a judge of the criminal law
23 magistrate court may make all findings of fact and conclusions of
24 law required of the judge who issued the capias pro fine. In
25 conducting a hearing under this subsection, the judge of the
26 criminal law magistrate court is empowered to make all findings of
27 fact and conclusions of law and to issue all orders necessary to

1 properly dispose of the capias pro fine or indigency hearing in
2 accordance with the provisions of the Code of Criminal Procedure
3 applicable to a misdemeanor or felony case of the same type and
4 level.

5 (c) A judge of the magistrate court may accept a plea of
6 guilty or nolo contendere from a defendant charged with a
7 misdemeanor or felony offense.

8 Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except
9 as provided by Subsection (b) or local administrative rules, the
10 local administrative judge or a judge of the criminal law
11 magistrate court may transfer between courts a case that is pending
12 in the court of any magistrate in the criminal law magistrate
13 court's jurisdiction if the case is:

- 14 (1) an unindicted felony case;
15 (2) a Class A or Class B misdemeanor case if an
16 information has not been filed; or
17 (3) a Class C misdemeanor case.

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

22 (c) Except as provided by Subsection (d) or local
23 administrative rules, the local administrative judge may assign a
24 judge of the criminal law magistrate court to act as presiding judge
25 in a case that is pending in the court of any magistrate in the
26 criminal law magistrate court's jurisdiction if the case is:

- 27 (1) an unindicted felony case;

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

3 (3) a Class C misdemeanor case.

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

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

9 Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district
10 judge, county court at law judge, or justice of the peace may refer
11 to a judge of the criminal law magistrate court any criminal case or
12 matter relating to a criminal case for any proceeding other than
13 presiding over a criminal trial on the merits, whether or not the
14 trial is before a jury.

15 Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law
16 magistrate court must take the constitutional oath of office
17 prescribed for appointed officers.

18 Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal
19 law magistrate court has the same judicial immunity as a district
20 judge.

21 Sec. 54.2509. CLERK. The clerk of a district court or
22 county court at law that refers a proceeding to a magistrate under
23 this subchapter shall perform the statutory duties necessary for
24 the magistrate to perform the duties authorized by this subchapter.

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

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

4 (b) A referring court may fine or imprison a witness or
5 other court participant for failure to appear after being summoned,
6 refusal to answer questions, or other acts of direct contempt
7 before a magistrate.

8 SECTION 5.03. Section 54.653(b), Government Code, is
9 repealed.

10 ARTICLE 6. CAPITAL AND FORENSIC WRITS COMMITTEE

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

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

16 (1) recommending [~~recommend~~] to the court of criminal
17 appeals as provided by Section 78.004 a director for the office of
18 capital and forensic writs when a vacancy exists for the position of
19 director;

20 (2) setting policy for the office of capital and
21 forensic writs; and

22 (3) developing a budget proposal for the office of
23 capital and forensic writs.

24 (c) The committee may not access privileged or confidential
25 information.

26 SECTION 6.02. Section 78.003, Government Code, is amended
27 by amending Subsections (a) and (c) and adding Subsections (a-1),

1 (a-2), and (a-3) to read as follows:

2 (a) The committee is composed of the following seven [~~five~~]
3 members who are appointed as follows [~~by the president of the State~~
4 ~~Bar of Texas, with ratification by the executive committee of the~~
5 ~~State Bar of Texas~~]:

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

11 (2) two attorneys who are appointed by the president
12 of the State Bar of Texas, with ratification by the executive
13 committee of the State Bar of Texas; and

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

18 (a-1) Each member of the committee must be a licensed
19 attorney and must have significant experience in capital defense or
20 indigent criminal defense policy or practice. A member of the
21 committee may not be a prosecutor, a law enforcement official, a
22 judge of a court that presides over criminal offenses, or an
23 employee of the office of capital and forensic writs.

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

26 (a-3) If a vacancy occurs, the appropriate appointing
27 authority shall appoint a person to serve for the remainder of the

1 unexpired term in the same manner as the original appointment.

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

5 ARTICLE 7. TRANSFER OF CASES

6 SECTION 7.01. Section 155.207, Family Code, is amended to
7 read as follows:

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

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

17 (2) [~~certified copies of all entries in the minutes,~~
18 [~~(3) a certified copy of each final order, and~~
19 [~~(4)~~] a [~~certified~~] copy of the order of transfer
20 signed by the transferring court; and

21 (3) a copy of all documents required to be transferred
22 under rules adopted by the Office of Court Administration of the
23 Texas Judicial System under Section 72.037, Government Code.

24 (a-1) The clerk of the transferring court shall use the
25 standardized transfer certificate and index of transferred
26 documents form created by the Office of Court Administration of the
27 Texas Judicial System under Section 72.037, Government Code, when

1 transferring a proceeding under this section.

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

9 (c) The ~~[On receipt of the pleadings, documents, and orders~~
10 ~~from the transferring court, the]~~ clerk of the transferee court
11 shall:

12 (1) accept documents transferred under Subsection
13 (a);

14 (2) docket the suit; and

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

20 (c-1) The clerk of the transferee court shall physically or
21 electronically mark or stamp the transfer certificate and index of
22 transferred documents to evidence the date and time of acceptance
23 under Subsection (c), but may not physically or electronically mark
24 or stamp any other document transferred under Subsection (a).

25 (d) The clerk of the transferring court shall send a
26 certified copy of the order directing payments to the transferee
27 court:

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

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

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

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

15 SECTION 7.02. Section 51.3071, Government Code, is amended
16 to read as follows:

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

22 (1) a transfer certificate and index of transferred
23 documents ~~[certified transcript of the proceedings held in the~~
24 ~~district court]~~;

25 (2) a copy of the order of transfer signed by the
26 transferring court ~~[the original papers filed in the district~~
27 ~~court]~~; and

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

5 (b) The clerk of the transferring court shall use the
6 standardized transfer certificate and index of transferred
7 documents form created by the Office of Court Administration of the
8 Texas Judicial System under Section 72.037 when transferring a case
9 under this section.

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

12 (d) The clerk of the transferee court shall physically or
13 electronically mark or stamp the transfer certificate and index of
14 transferred documents to evidence the date and time of acceptance
15 under Subsection (c), but may not physically or electronically mark
16 or stamp any other document transferred under Subsection (a).

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

19 SECTION 7.03. Section 51.403, Government Code, is amended
20 to read as follows:

21 Sec. 51.403. TRANSFER OF CASES. (a) If a case is
22 transferred from a county court to a district court, the clerk of
23 the county court shall send to the district clerk using the
24 electronic filing system established under Section 72.031 [~~in~~
25 ~~electronic or paper form~~]:

26 (1) a transfer certificate and index of transferred
27 documents [~~certified transcript of the proceedings held in the~~

1 ~~county court~~];

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

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

9 (a-1) The clerk of the transferring court shall use the
10 standardized transfer certificate and index of transferred
11 documents form created by the Office of Court Administration of the
12 Texas Judicial System under Section 72.037 when transferring a case
13 under this section.

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

16 (a-3) The clerk of the transferee court shall physically or
17 electronically mark or stamp the transfer certificate and index of
18 transferred documents to evidence the date and time of acceptance
19 under Subsection (a-2), but may not physically or electronically
20 mark or stamp any other document transferred under Subsection (a).

21 (b) If civil or criminal jurisdiction of a county court is
22 transferred to a district court, the clerk of the county court shall
23 send using the electronic filing system established under Section
24 72.031 a certified copy of the judgments rendered in the county
25 court that remain unsatisfied [~~in electronic or paper form~~] to
26 the district clerks of the appropriate counties.

27 (c) Sections 80.001 and 80.002 do not apply to the transfer

1 of documents under this section.

2 SECTION 7.04. Subchapter C, Chapter 72, Government Code, is
3 amended by adding Section 72.037 to read as follows:

4 Sec. 72.037. PROCEDURE FOR TRANSFER OF CASES AND
5 PROCEEDINGS. (a) The office shall adopt rules prescribing the
6 documents to be transferred between courts when a transfer of a case
7 or proceeding is ordered under Section 155.207, Family Code, or
8 Section 51.3071 or 51.403 of this code.

9 (b) Rules adopted under this section must require the
10 transfer of the following documents relating to a transferred case
11 or proceeding:

12 (1) a copy of the original papers filed in the
13 transferring court;

14 (2) a copy of each final order;

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

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

19 (c) The office shall develop and make available a
20 standardized transfer certificate and index of transferred
21 documents form to be used for the transfer of cases and proceedings
22 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
23 of this code.

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

27 SECTION 7.05. As soon as practicable after the effective

1 date of this Act, the Office of Court Administration of the Texas
2 Judicial System shall adopt rules and develop and make available
3 all forms and materials required by Section 72.037, Government
4 Code, as added by this Act.

5 ARTICLE 8. HABEAS CORPUS

6 SECTION 8.01. Section 5(a), Article 11.072, Code of
7 Criminal Procedure, is amended to read as follows:

8 (a) Immediately on filing an application, the applicant
9 shall serve a copy of the application on the attorney representing
10 the state~~[r]~~ by:

11 (1) (1) [~~either~~] certified mail, return receipt
12 requested;

13 (2) [~~r~~] personal service; or

14 (3) the secure electronic mail the attorney has on
15 file with the electronic filing system as required under Section
16 80.003, Government Code, or another form of secure electronic
17 transmission.

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

25 ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

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

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

6 (1) once in the county in which the missing person
7 resides; and

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

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

12 (b) Proof of service consists of:

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

15 (2) if the service is made by a private person, the
16 person's statement [~~affidavit~~];

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

18 (A) the certificate of the county clerk making
19 the service, or the statement [~~affidavit~~] of the personal
20 representative or other person making the service, stating that the
21 citation or notice was mailed and the date of the mailing; and

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

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

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

27 (i) made by the Office of Court

1 Administration of the Texas Judicial System or an employee of the
2 office;

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

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

9 (B) a statement [~~an affidavit~~]:

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

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

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

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

20 (b) Proof of service consists of:

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

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

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

26 (A) the certificate of the county clerk making
27 the service, or the statement [~~affidavit~~] of the guardian or other

1 person making the service that states that the citation or notice
2 was mailed and the date of the mailing; and

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

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

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

8 (i) is made by the Office of Court
9 Administration of the Texas Judicial System or an employee of the
10 office;

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

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

17 (B) a statement [~~an affidavit~~] that:

18 (i) is made by the publisher of the
19 newspaper in which the citation or notice was published or an
20 employee of the publisher;

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

23 (iii) states the date of publication
24 printed on the newspaper in which the citation or notice was
25 published.

26 ARTICLE 10. EVIDENCE

27 SECTION 10.01. Section 2, Article 38.01, Code of Criminal

1 Procedure, is amended by adding Subdivision (4-a) to read as
2 follows:

3 (4-a) "Forensic examination or test not subject to
4 accreditation" means an examination or test described by Article
5 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

6 SECTION 10.02. Article 38.01, Code of Criminal Procedure,
7 is amended by adding Section 3-b to read as follows:

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

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

14 (c) The commission shall adopt rules establishing sanctions
15 for code violations.

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

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

23 (a) The commission shall:

24 (1) develop and implement a reporting system through
25 which a crime laboratory may report professional negligence or
26 professional misconduct;

27 (2) require a crime laboratory that conducts forensic

1 analyses to report professional negligence or professional
2 misconduct to the commission; and

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

6 (A) the results of a forensic analysis conducted
7 by a crime laboratory;

8 (B) an examination or test that is conducted by a
9 crime laboratory and that is a forensic examination or test not
10 subject to accreditation; or

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

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

24 (b-1) If the commission conducts an investigation under
25 Subsection (a)(3) of a crime laboratory that is not accredited
26 under this article or the investigation involves a forensic
27 examination or test not subject to accreditation [~~is conducted~~

1 ~~pursuant to an allegation involving a forensic method or~~
2 ~~methodology that is not an accredited field of forensic science],~~
3 the investigation may include the preparation of a written report
4 that contains:

5 (1) observations of the commission regarding the
6 integrity and reliability of the applicable [forensic] analysis,
7 examination, or test conducted;

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

10 (3) other recommendations that are relevant, as
11 determined by the commission.

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

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

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

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

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

25 (1) establish minimum standards that relate to the
26 timely production of a forensic analysis to the agency requesting
27 the analysis and that are consistent with this article and

1 applicable laws;

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

4 (3) establish procedures, policies, standards, and
5 practices to improve the quality of forensic analyses conducted in
6 this state.

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

9 Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The
10 commission may use appropriated funds for the training and
11 education of forensic analysts.

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

14 (2) "Professional services" means services:

15 (A) within the scope of the practice, as defined
16 by state law, of:

17 (i) accounting;

18 (ii) architecture;

19 (iii) landscape architecture;

20 (iv) land surveying;

21 (v) medicine;

22 (vi) optometry;

23 (vii) professional engineering;

24 (viii) real estate appraising; ~~or~~

25 (ix) professional nursing; or

26 (x) forensic science;

27 (B) provided in connection with the professional

1 employment or practice of a person who is licensed or registered as:
2 (i) a certified public accountant;
3 (ii) an architect;
4 (iii) a landscape architect;
5 (iv) a land surveyor;
6 (v) a physician, including a surgeon;
7 (vi) an optometrist;
8 (vii) a professional engineer;
9 (viii) a state certified or state licensed
10 real estate appraiser; ~~or~~
11 (ix) a registered nurse; or
12 (x) a forensic analyst or forensic science
13 expert; or

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

17 ARTICLE 11. JURY SERVICE

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

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

25 (1) the compensation to victims of crime fund
26 established under Subchapter J, Chapter 56B, Code of Criminal
27 Procedure;

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

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

7 (4) any other program approved by the commissioners
8 court of the county, including a program established under Article
9 56A.205, Code of Criminal Procedure, that offers psychological
10 counseling in criminal cases involving graphic evidence or
11 testimony; ~~or~~

12 (5) a veterans treatment court program established by
13 the commissioners court as provided by Chapter 124; or

14 (6) a veterans county service office established by
15 the commissioners court as provided by Subchapter B, Chapter 434.

16 (c) The county treasurer shall:

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

21 (2) deposit donations made to the county child welfare
22 board under Subsection (a)(2) in a fund established by the county to
23 be used by the child welfare board in a manner authorized by the
24 commissioners court of the county; and

25 (3) send all donations made under Subsection (a)(3),
26 ~~or~~ (a)(4), or (a)(6) directly to the program or office, as
27 applicable, specified on the form letter signed by the person who

1 reported for jury service.

2 SECTION 11.02. Section 62.202(b), Government Code, is
3 amended to read as follows:

4 (b) The district judge may draw a warrant on the jury fund or
5 other appropriate fund of the county in which the civil case is
6 tried to cover the cost of buying and transporting the meals to the
7 jury room. The judge may spend a reasonable amount [~~Not more than~~
8 ~~\$3~~] per meal [~~may be spent~~] for a juror serving on a jury in a civil
9 case.

10 ARTICLE 12. SPECIALTY COURT PROGRAMS

11 SECTION 12.01. Chapter 121, Government Code, is amended by
12 adding Sections 121.003 and 121.004 to read as follows:

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

18 (1) the local administrative district and statutory
19 county court judges of each county participating in the program
20 approve the appointment by majority vote or another approval method
21 selected by the judges; and

22 (2) the presiding judges of each of the administrative
23 judicial regions in which the participating counties are located
24 sign an order granting the appointment.

25 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR
26 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or
27 magistrate appointed to preside over a regional specialty court

1 program may hear any misdemeanor or felony case properly
2 transferred to the program by an originating trial court
3 participating in the program, regardless of whether the originating
4 trial court and specialty court program are in the same county. The
5 appointed judge or magistrate may exercise only the authority
6 granted under this subtitle.

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

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

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

12 (3) send recommendations for dismissal and expunction
13 to the originating trial court for a defendant who successfully
14 completes the program; and

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

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

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

23 (b) A veterans treatment court program established under
24 this chapter shall make, establish, and publish local procedures to
25 ensure maximum participation of eligible defendants in the program
26 [~~county or counties in which those defendants reside~~].

27 SECTION 12.03. Sections 124.006(a) and (d), Government

1 Code, are amended to read as follows:

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

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

21 SECTION 12.04. (a) Section 121.003, Government Code, as
22 added by this Act, applies only to the appointment of a judge or
23 magistrate to preside over a regional specialty court program that
24 occurs on or after the effective date of this Act.

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

ARTICLE 13. PROTECTIVE ORDERS

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

(3) "Protective order" means:

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

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

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

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

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

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

(A) Chapter 82, Family Code;

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

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

(2) a protective order issued under:

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

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

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

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

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

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

12 (2) the case number;

13 (3) the full name, county of residence, birth year,
14 and race or ethnicity of the person who is the subject of the
15 protective order;

16 (4) the dates the protective order was issued and
17 served; and

18 (5) ~~[the date the protective order was vacated, if~~
19 ~~applicable; and~~

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

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

24 (1) a protective order issued under Article 7B.002 or
25 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or

26 (2) a protective order that was vacated.

27 SECTION 13.04. Section 72.155(a), Government Code, is

1 amended to read as follows:

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

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

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

20 (b-1) For a protective order that is vacated as the result
21 of an appeal or bill of review from a district or county court, the
22 clerk of the applicable court shall notify the office not later than
23 the end of the next business day after the date the protective order
24 was vacated. The office shall remove the record of the order from
25 the registry not later than the third business day after the date
26 the notice from the clerk was received.

27 SECTION 13.06. Section 72.158(a), Government Code, is

1 amended to read as follows:

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

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

10 (2) the office approves the request.

11 SECTION 13.07. Section 72.152, Government Code, as amended
12 by this Act, applies only to an application for a protective order
13 filed or a protective order issued on or after the effective date of
14 this Act.

15 SECTION 13.08. As soon as practicable after the effective
16 date of this Act, the Office of Court Administration of the Texas
17 Judicial System shall:

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

23 (2) ensure that the records of vacated orders, other
24 than orders described by Subdivision (1) of this section that are
25 removed from the registry, are not accessible by the public.

26 ARTICLE 14. TRANSITION

27 SECTION 14.01. A state agency subject to this Act is

1 required to implement a provision of this Act only if the
2 legislature appropriates money specifically for that purpose. If
3 the legislature does not appropriate money specifically for that
4 purpose, the state agency may, but is not required to, implement a
5 provision of this Act using other appropriations available for that
6 purpose.

7 ARTICLE 15. EFFECTIVE DATE

8 SECTION 15.01. Except as otherwise provided by this Act,
9 this Act takes effect September 1, 2021.