

By: Leach

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) Effective January 1, 2022, Subchapter C,
8 Chapter 24, Government Code, is amended by adding Section 24.60022
9 to read as follows:

10 Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). The
11 478th Judicial District is composed of Bell County.

12 (b) The 478th Judicial District is created on January 1,
13 2022.

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

16 Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON
17 COUNTY). The 480th Judicial District is composed of Williamson
18 County.

19 (b) The 480th Judicial District is created on the effective
20 date of this Act.

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

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

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

3 SECTION 1.04. (a) Section 24.910(b), Government Code, is
4 amended to read as follows:

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

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

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

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

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

17 ARTICLE 2. STATUTORY COUNTY COURTS

18 SECTION 2.01. (a) Sections 25.0631(b) and (c), Government
19 Code, are amended to read as follows:

20 (b) Denton County has the following statutory probate
21 courts:

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

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

25 (c) The statutory county courts of Denton County sit in the
26 county seat or at another location in the county as assigned by the
27 local administrative statutory county court judge. The statutory

1 probate courts [~~court~~] of Denton County sit [~~sits~~] in the county
2 seat and may conduct docket matters at other locations in the county
3 as the statutory probate court judges consider [~~judge considers~~]
4 necessary for the protection of wards or mental health respondents
5 or as otherwise provided by law.

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

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

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

12 (2) regardless of the amount in controversy sought,
13 over:

14 (A) eminent domain cases as provided by Section
15 21.001, Property Code, for statutory county courts; and

16 (B) direct and inverse condemnation cases.

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

19 SECTION 2.02. (a) Section 25.2481, Government Code, is
20 amended to read as follows:

21 Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the
22 following statutory county courts:

23 (1) County Court at Law No. 1 of Williamson County;

24 (2) County Court at Law No. 2 of Williamson County;

25 (3) County Court at Law No. 3 of Williamson County;

26 [~~and~~]

27 (4) County Court at Law No. 4 of Williamson County;

1 and

2 (5) County Court at Law No. 5 of Williamson County.

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

5 ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

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

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

12 ARTICLE 4. TRANSFER OF CASES

13 SECTION 4.01. Section 155.207, Family Code, is amended to
14 read as follows:

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

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

24 (2) [~~certified copies of all entries in the minutes,~~

25 [~~(3) a certified copy of each final order, and~~

26 [~~(4)] a [certified] copy of the order of transfer~~

27 signed by the transferring 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, Government Code.

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

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

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

19 (1) accept documents transferred under Subsection
20 (a);

21 (2) docket the suit; and

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

27 (c-1) The clerk of the transferee court shall physically or

1 electronically mark or stamp the transfer certificate and index of
2 transferred documents to evidence the date and time of acceptance
3 under Subsection (c), but may not physically or electronically mark
4 or stamp any other document transferred under Subsection (a).

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

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

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

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

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

22 SECTION 4.02. Section 51.3071, Government Code, is amended
23 to read as follows:

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

1 ~~electronic or paper form~~]:

2 (1) a transfer certificate and index of transferred
3 documents [~~certified transcript of the proceedings held in the~~
4 ~~district court~~];

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

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

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

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

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

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

26 SECTION 4.03. Section 51.403, Government Code, is amended
27 to read as follows:

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

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

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

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

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

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

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

1 (b) If civil or criminal jurisdiction of a county court is
2 transferred to a district court, the clerk of the county court shall
3 send using the electronic filing system established under Section
4 72.031 a certified copy of the judgments rendered in the county
5 court that remain unsatisfied [~~in electronic or paper form~~] to
6 the district clerks of the appropriate counties.

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

9 SECTION 4.04. Subchapter C, Chapter 72, Government Code, is
10 amended by adding Section 72.037 to read as follows:

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

16 (b) Rules adopted under this section must require the
17 transfer of the following documents relating to a transferred case
18 or proceeding:

19 (1) a copy of the original papers filed in the
20 transferring court;

21 (2) a copy of each final order;

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

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

26 (c) The office shall develop and make available a
27 standardized transfer certificate and index of transferred

1 documents form to be used for the transfer of cases and proceedings
2 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
3 of this code.

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

7 SECTION 4.05. As soon as practicable after the effective
8 date of this Act, the Office of Court Administration of the Texas
9 Judicial System shall adopt rules and develop and make available
10 all forms and materials required by Section 72.037, Government
11 Code, as added by this Act.

12 ARTICLE 5. HABEAS CORPUS

13 SECTION 5.01. Section 5(a), Article 11.072, Code of
14 Criminal Procedure, is amended to read as follows:

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

18 (1) [either] certified mail, return receipt
19 requested;

20 (2) [~~7-01~~] personal service; or

21 (3) the secure electronic mail the attorney has on
22 file with the electronic filing system as required under Section
23 80.003, Government Code, or another form of secure electronic
24 transmission.

25 SECTION 5.02. Section 5(a), Article 11.072, Code of
26 Criminal Procedure, as amended by this Act, applies only to an
27 application for a writ of habeas corpus filed on or after the

1 effective date of this Act. An application filed before the
2 effective date of this Act is governed by the law in effect when the
3 application was filed, and the former law is continued in effect for
4 that purpose.

5 ARTICLE 6. PUBLICATION OF CITATION FOR RECEIVERSHIP

6 SECTION 6.01. Section 64.101(c), Civil Practice and
7 Remedies Code, is amended to read as follows:

8 (c) Except as provided by Section 17.032, the [The] citation
9 shall be published on the public information Internet website
10 maintained as required by Section 72.034, Government Code, and in a
11 newspaper of general circulation:

12 (1) once in the county in which the missing person
13 resides; and

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

16 SECTION 6.02. Section 51.103(b), Estates Code, is amended
17 to read as follows:

18 (b) Proof of service consists of:

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

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

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

24 (A) the certificate of the county clerk making
25 the service, or the statement [~~affidavit~~] of the personal
26 representative or other person making the service, stating that the
27 citation or notice was mailed and the date of the mailing; and

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

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

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

6 (i) made by the Office of Court
7 Administration of the Texas Judicial System or an employee of the
8 office;

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

11 (iii) that states the date of publication
12 on the public information Internet website maintained as required
13 by Section 72.034, Government Code; and

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

15 (i) made by the publisher of the newspaper
16 in which the citation or notice was published or an employee of the
17 publisher;

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

20 (iii) that states the date of publication
21 printed on the newspaper in which the citation or notice was
22 published.

23 SECTION 6.03. Section 1051.153(b), Estates Code, is amended
24 to read as follows:

25 (b) Proof of service consists of:

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

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

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

4 (A) the certificate of the county clerk making
5 the service, or the statement [~~affidavit~~] of the guardian or other
6 person making the service that states that the citation or notice
7 was mailed and the date of the mailing; and

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

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

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

13 (i) is made by the Office of Court
14 Administration of the Texas Judicial System or an employee of the
15 office;

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

18 (iii) states the date of publication on the
19 public information Internet website maintained as required by
20 Section 72.034, Government Code; and

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

22 (i) is made by the publisher of the
23 newspaper in which the citation or notice was published or an
24 employee of the publisher;

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

27 (iii) states the date of publication

1 printed on the newspaper in which the citation or notice was
2 published.

3 ARTICLE 7. EVIDENCE

4 SECTION 7.01. Section 2, Article 38.01, Code of Criminal
5 Procedure, is amended by adding Subdivision (4-a) to read as
6 follows:

7 (4-a) "Forensic examination or test not subject to
8 accreditation" means an examination or test described by Article
9 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

10 SECTION 7.02. Article 38.01, Code of Criminal Procedure, is
11 amended by adding Section 3-b to read as follows:

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

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

18 (c) The commission shall adopt rules establishing sanctions
19 for code violations.

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

24 SECTION 7.03. Sections 4(a), (a-1), (b-1), and (c), Article
25 38.01, Code of Criminal Procedure, are amended to read as follows:

26 (a) The commission shall:

27 (1) develop and implement a reporting system through

1 which a crime laboratory may report professional negligence or
2 professional misconduct;

3 (2) require a crime laboratory that conducts forensic
4 analyses to report professional negligence or professional
5 misconduct to the commission; and

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

9 (A) the results of a forensic analysis conducted
10 by a crime laboratory;

11 (B) an examination or test that is conducted by a
12 crime laboratory and that is a forensic examination or test not
13 subject to accreditation; or

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

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

27 (b-1) If the commission conducts an investigation under

1 Subsection (a)(3) of a crime laboratory that is not accredited
2 under this article or the investigation involves a forensic
3 examination or test not subject to accreditation [~~is conducted~~
4 ~~pursuant to an allegation involving a forensic method or~~
5 ~~methodology that is not an accredited field of forensic science~~],
6 the investigation may include the preparation of a written report
7 that contains:

8 (1) observations of the commission regarding the
9 integrity and reliability of the applicable [~~forensic~~] analysis,
10 examination, or test conducted;

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

13 (3) other recommendations that are relevant, as
14 determined by the commission.

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

19 SECTION 7.04. Section 4-a(c), Article 38.01, Code of
20 Criminal Procedure, is amended to read as follows:

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

24 SECTION 7.05. Section 4-d(b-1), Article 38.01, Code of
25 Criminal Procedure, is amended to read as follows:

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

1 (1) establish minimum standards that relate to the
2 timely production of a forensic analysis to the agency requesting
3 the analysis and that are consistent with this article and
4 applicable laws;

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

7 (3) establish procedures, policies, standards, and
8 practices to improve the quality of forensic analyses conducted in
9 this state.

10 SECTION 7.06. Article 38.01, Code of Criminal Procedure, is
11 amended by adding Section 14 to read as follows:

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

15 SECTION 7.07. Section 2254.002(2), Government Code, is
16 amended to read as follows:

17 (2) "Professional services" means services:

18 (A) within the scope of the practice, as defined
19 by state law, of:

- 20 (i) accounting;
- 21 (ii) architecture;
- 22 (iii) landscape architecture;
- 23 (iv) land surveying;
- 24 (v) medicine;
- 25 (vi) optometry;
- 26 (vii) professional engineering;
- 27 (viii) real estate appraising; [~~or~~]

1 (ix) professional nursing; or

2 (x) forensic science;

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

5 (i) a certified public accountant;

6 (ii) an architect;

7 (iii) a landscape architect;

8 (iv) a land surveyor;

9 (v) a physician, including a surgeon;

10 (vi) an optometrist;

11 (vii) a professional engineer;

12 (viii) a state certified or state licensed
13 real estate appraiser; ~~or~~

14 (ix) a registered nurse; or

15 (x) a forensic analyst or forensic science
16 expert; or

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

20 ARTICLE 8. JURY SERVICE

21 SECTION 8.01. Sections 61.003(a) and (c), Government Code,
22 are amended to read as follows:

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

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

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

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

10 (4) any other program approved by the commissioners
11 court of the county, including a program established under Article
12 56A.205, Code of Criminal Procedure, that offers psychological
13 counseling in criminal cases involving graphic evidence or
14 testimony; ~~or~~

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

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

19 (c) The county treasurer shall:

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

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

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

5 ARTICLE 9. SPECIALTY COURT PROGRAMS

6 SECTION 9.01. Chapter 121, Government Code, is amended by
7 adding Sections 121.003 and 121.004 to read as follows:

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

13 (1) the local administrative district and statutory
14 county court judges of each county participating in the program
15 approve the appointment by majority vote or another approval method
16 selected by the judges; and

17 (2) the presiding judges of each of the administrative
18 judicial regions in which the participating counties are located
19 sign an order granting the appointment.

20 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR
21 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or
22 magistrate appointed to preside over a regional specialty court
23 program may hear any misdemeanor or felony case properly
24 transferred to the program by an originating trial court
25 participating in the program, regardless of whether the originating
26 trial court and specialty court program are in the same county. The
27 appointed judge or magistrate may exercise only the authority

1 granted under this subtitle.

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

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

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

7 (3) send recommendations for dismissal and expunction
8 to the originating trial court for a defendant who successfully
9 completes the program; and

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

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

16 SECTION 9.02. Section 124.003(b), Government Code, is
17 amended to read as follows:

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

22 SECTION 9.03. Sections 124.006(a) and (d), Government Code,
23 are amended to read as follows:

24 (a) A veterans treatment court program that accepts
25 placement of a defendant may transfer responsibility for
26 supervising the defendant's participation in the program to another
27 veterans treatment court program that is located in the county

1 where the defendant works or resides or in a county adjacent to the
2 county where the defendant works or resides. The defendant's
3 supervision may be transferred under this section only with the
4 consent of both veterans treatment court programs and the
5 defendant.

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

16 SECTION 9.04. (a) Section 121.003, Government Code, as
17 added by this Act, applies only to the appointment of a judge or
18 magistrate to preside over a regional specialty court program that
19 occurs on or after the effective date of this Act.

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

23 ARTICLE 10. PROTECTIVE ORDERS

24 SECTION 10.01. Section 72.151(3), Government Code, is
25 amended to read as follows:

26 (3) "Protective order" means:

27 (A) an order issued by a court in this state under

1 Chapter 83 or 85, Family Code, to prevent family violence, as
2 defined by Section 71.004, Family Code;

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

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

11 SECTION 10.02. Section 72.152, Government Code, is amended
12 to read as follows:

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

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

16 (A) Chapter 82, Family Code;

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

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

22 (2) a protective order issued under:

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

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

26 (C) [~~(B)~~] Article 17.292, Code of Criminal
27 Procedure, with respect to a person who is arrested for an offense

1 involving family violence.

2 SECTION 10.03. Sections 72.154(b) and (d), Government Code,
3 are amended to read as follows:

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

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

7 (2) the case number;

8 (3) the full name, county of residence, birth year,
9 and race or ethnicity of the person who is the subject of the
10 protective order;

11 (4) the dates the protective order was issued and
12 served; and

13 (5) ~~[the date the protective order was vacated, if~~
14 ~~applicable, and~~

15 [~~6~~] the date the protective order expired or will
16 expire, as applicable.

17 (d) The office may not allow a member of the public to access
18 through the registry any information related to a protective order
19 issued under Article 7B.002 or 17.292, Code of Criminal Procedure,
20 or Chapter 83, Family Code.

21 SECTION 10.04. Section 72.155(a), Government Code, is
22 amended to read as follows:

23 (a) The registry must include a copy of each application for
24 a protective order filed in this state and a copy of each protective
25 order issued in this state, including an ~~[a vacated or]~~ expired
26 order. Only an authorized user, the attorney general, a district
27 attorney, a criminal district attorney, a county attorney, a

1 municipal attorney, or a peace officer may access that information
2 under the registry.

3 SECTION 10.05. Section 72.157, Government Code, is amended
4 by amending Subsection (b) and adding Subsection (b-1) to read as
5 follows:

6 (b) For a protective order [~~that is vacated or~~] that has
7 expired, the clerk of the applicable court shall modify the record
8 of the order in the registry to reflect the order's status as
9 [~~vacated or~~] expired.

10 (b-1) For a protective order that is vacated, the clerk of
11 the applicable court shall remove the record of the order from the
12 registry.

13 SECTION 10.06. Section 72.158(a), Government Code, is
14 amended to read as follows:

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

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

22 (2) the office approves the request.

23 SECTION 10.07. Section 72.152, Government Code, as amended
24 by this Act, applies only to an application for a protective order
25 filed or a protective order issued on or after the effective date of
26 this Act.

27 SECTION 10.08. As soon as practicable after the effective

1 date of this Act, the Office of Court Administration of the Texas
2 Judicial System shall remove the record of any protective orders
3 that have been vacated from the protective order registry
4 established under Subchapter F, Chapter 72, Government Code, as
5 amended by this Act.

6 ARTICLE 11. TRANSITION

7 SECTION 11.01. A state agency subject to this Act is
8 required to implement a provision of this Act only if the
9 legislature appropriates money specifically for that purpose. If
10 the legislature does not appropriate money specifically for that
11 purpose, the state agency may, but is not required to, implement a
12 provision of this Act using other appropriations available for that
13 purpose.

14 ARTICLE 12. EFFECTIVE DATE

15 SECTION 12.01. Except as otherwise provided by this Act,
16 this Act takes effect September 1, 2021.