

1-1 By: Leach, et al. (Senate Sponsor - Huffman) H.B. No. 3774
1-2 (In the Senate - Received from the House May 10, 2021;
1-3 May 14, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 25, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 25, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hinojosa	X		
1-11	Creighton	X		
1-12	Hughes	X		
1-13	Johnson	X		

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 3774 By: Huffman

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the operation and administration of and practice and
1-18 procedure related to proceedings in the judicial branch of state
1-19 government.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 ARTICLE 1. DISTRICT COURTS

1-22 SECTION 1.01. (a) Section 24.129(b), Government Code, is
1-23 amended to read as follows:

1-24 (b) The 27th, 146th, 169th, 264th, ~~and~~ 426th, and 478th
1-25 judicial districts have concurrent jurisdiction in Bell County.

1-26 (b) Subchapter C, Chapter 24, Government Code, is amended by
1-27 adding Section 24.60022 to read as follows:

1-28 Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a)
1-29 The 478th Judicial District is composed of Bell County.

1-30 (b) The terms of the 478th District Court begin on the first
1-31 Mondays in January, April, July, and October.

1-32 (c) Section 24.129, relating to the 27th District Court,
1-33 contains provisions applicable to both that court and the 478th
1-34 District Court.

1-35 (c) The 478th Judicial District is created on the effective
1-36 date of this Act.

1-37 SECTION 1.02. (a) Subchapter C, Chapter 24, Government
1-38 Code, is amended by adding Section 24.60027 to read as follows:

1-39 Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY).
1-40 The 482nd Judicial District is composed of Harris County.

1-41 (b) The 482nd Judicial District is created on the effective
1-42 date of this Act.

1-43 SECTION 1.03. (a) Effective January 1, 2022, Subchapter C,
1-44 Chapter 24, Government Code, is amended by adding Section 24.60030
1-45 to read as follows:

1-46 Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY).
1-47 (a) The 485th Judicial District is composed of Tarrant County.

1-48 (b) The 485th District Court shall give preference to
1-49 criminal matters.

1-50 (b) The 485th Judicial District is created on January 1,
1-51 2022.

1-52 SECTION 1.04. (a) Effective October 1, 2022, Subchapter C,
1-53 Chapter 24, Government Code, is amended by adding Section 24.60025
1-54 to read as follows:

1-55 Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON
1-56 COUNTY). The 480th Judicial District is composed of Williamson
1-57 County.

1-58 (b) The 480th Judicial District is created on October 1,
1-59 2022.

1-60 SECTION 1.05. (a) Effective January 1, 2022, Subchapter C,

2-1 Chapter 24, Government Code, is amended by adding Section 24.60026
2-2 to read as follows:

2-3 Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY).
2-4 The 481st Judicial District is composed of Denton County.

2-5 (b) The 481st Judicial District is created on January 1,
2-6 2022.

2-7 SECTION 1.06. (a) Effective September 1, 2022, Subchapter
2-8 C, Chapter 24, Government Code, is amended by adding Section
2-9 24.60028 to read as follows:

2-10 Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The
2-11 483rd Judicial District is composed of Hays County.

2-12 (b) The 483rd Judicial District is created on September 1,
2-13 2022.

2-14 SECTION 1.07. (a) Subchapter C, Chapter 24, Government
2-15 Code, is amended by adding Section 24.60029 to read as follows:

2-16 Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY).
2-17 (a) The 484th Judicial District is composed of Cameron County.

2-18 (b) The 484th District Court shall give preference to
2-19 juvenile matters under Title 3, Family Code.

2-20 (b) The 484th Judicial District is created on the effective
2-21 date of this Act.

2-22 SECTION 1.08. (a) Effective October 1, 2022, Section
2-23 24.120(b), Government Code, is amended to read as follows:

2-24 (b) The 19th, 54th, 74th, 170th, ~~and~~ 414th, and 474th
2-25 district courts have concurrent jurisdiction in McLennan County.

2-26 (b) Effective October 1, 2022, Subchapter C, Chapter 24,
2-27 Government Code, is amended by adding Section 24.60097 to read as
2-28 follows:

2-29 Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY).
2-30 The 474th Judicial District is composed of McLennan County.

2-31 (c) The 474th Judicial District is created on October 1,
2-32 2022.

2-33 SECTION 1.09. (a) Effective January 1, 2023, Subchapter C,
2-34 Chapter 24, Government Code, is amended by adding Section 24.60098
2-35 to read as follows:

2-36 Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). The
2-37 475th Judicial District is composed of Smith County.

2-38 (b) The 475th Judicial District is created January 1, 2023.

2-39 SECTION 1.10. (a) Effective September 1, 2022, Subchapter
2-40 C, Chapter 24, Government Code, is amended by adding Section
2-41 24.60099 to read as follows:

2-42 Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).
2-43 The 476th Judicial District is composed of Hidalgo County.

2-44 (b) The 476th Judicial District is created on September 1,
2-45 2022.

2-46 ARTICLE 2. STATUTORY COUNTY COURTS

2-47 SECTION 2.01. Section 25.0172(p), Government Code, is
2-48 amended to read as follows:

2-49 (p) The county clerk shall keep a separate docket for each
2-50 county court at law. The county clerk shall appoint a deputy clerk
2-51 for each county court at law. ~~[An appointment of a deputy clerk of~~
2-52 ~~County Court at Law No. 2 or 3 takes effect when it is confirmed in~~
2-53 ~~writing by the judge of the court to which the deputy clerk is~~
2-54 ~~assigned and the deputy clerk serves at the pleasure of the judge of~~
2-55 ~~the court to which he is assigned.]~~ A deputy clerk must take the
2-56 constitutional oath of office and may be required to furnish bond in
2-57 an amount, conditioned and payable, as required by the county
2-58 clerk. A deputy clerk must attend all sessions of the court to
2-59 which the deputy clerk ~~he~~ is assigned. A deputy clerk acts in the
2-60 name of the county clerk and may perform any official act or service
2-61 required of the county clerk and shall perform any other service
2-62 required by the judge of a county court at law. The deputy clerks
2-63 may act for one another in performing services for the county courts
2-64 at law, but a deputy is not entitled to receive additional
2-65 compensation for acting for another deputy. If a vacancy occurs,
2-66 the county clerk shall immediately appoint another deputy clerk as
2-67 provided by this subsection. ~~[A deputy clerk of a county court at~~
2-68 ~~law is entitled to the same amount of compensation as received by~~
2-69 ~~the deputy clerks of the other county courts at law in Bexar County.~~

3-1 ~~The commissioners court shall pay the salary of a deputy clerk in~~
3-2 ~~equal monthly installments from county funds.]~~

3-3 SECTION 2.02. Section 25.0173(g), Government Code, is
3-4 amended to read as follows:

3-5 (g) The county clerk shall appoint a deputy clerk for each
3-6 statutory probate court. ~~[An appointment takes effect when it is~~
3-7 ~~confirmed in writing by the judge of the court to which the deputy~~
3-8 ~~clerk is assigned.]~~ A deputy clerk serves at the pleasure of the
3-9 judge of the court to which the deputy clerk is assigned. A deputy
3-10 clerk must take the constitutional oath of office, and the county
3-11 clerk may require the deputy clerk to furnish a bond in an amount,
3-12 conditioned and payable, as required by law. A deputy clerk acts in
3-13 the name of the county clerk and may perform any official act or
3-14 service required of the county clerk and shall perform any other
3-15 service required by the judge of a statutory probate court. A
3-16 deputy clerk must attend all sessions of the court to which the
3-17 deputy clerk ~~[he]~~ is assigned. ~~[A deputy clerk is entitled to~~
3-18 ~~receive an annual salary set by the judge in an amount that does not~~
3-19 ~~exceed the amount paid the deputies of the county courts at law of~~
3-20 ~~Bexar County. The salary shall be paid in equal monthly~~
3-21 ~~installments as provided by law for the payment of salaries of~~
3-22 ~~deputy clerks.]~~

3-23 SECTION 2.03. (a) Effective January 1, 2022, Sections
3-24 25.0631(b) and (c), Government Code, are amended to read as
3-25 follows:

3-26 (b) Denton County has the following statutory probate
3-27 courts:

3-28 (1) ~~[one statutory probate court, the]~~ Probate Court
3-29 of Denton County; and

3-30 (2) Probate Court Number 2 of Denton County.

3-31 (c) The statutory county courts of Denton County sit in the
3-32 county seat or at another location in the county as assigned by the
3-33 local administrative statutory county court judge. The statutory
3-34 probate courts ~~[court]~~ of Denton County sit ~~[sits]~~ in the county
3-35 seat and may conduct docket matters at other locations in the county
3-36 as the statutory probate court judges consider ~~[judge considers]~~
3-37 necessary for the protection of wards or mental health respondents
3-38 or as otherwise provided by law.

3-39 (b) Section 25.0632(i), Government Code, is amended to read
3-40 as follows:

3-41 (i) A judge of a statutory probate court is subject to
3-42 assignment as provided by Section 25.0022. On request by the judge
3-43 of a Denton County statutory county court, a judge of a statutory
3-44 probate court may be assigned by the regional presiding judge to the
3-45 requesting judge's court pursuant to Chapter 74. A statutory
3-46 probate court judge assigned to a statutory county court by the
3-47 regional presiding judge may hear any matter pending in the
3-48 requesting judge's court.

3-49 (c) Section 25.0633(e), Government Code, is amended to read
3-50 as follows:

3-51 (e) The County Court at Law No. 2 of Denton County has
3-52 jurisdiction:

3-53 (1) over all civil causes and proceedings, original
3-54 and appellate, prescribed by law for county courts; and

3-55 (2) regardless of the amount in controversy sought,
3-56 over:

3-57 (A) eminent domain cases as provided by Section
3-58 21.001, Property Code, for statutory county courts; and

3-59 (B) direct and inverse condemnation cases.

3-60 (d) The Probate Court Number 2 of Denton County is created
3-61 on January 1, 2022.

3-62 SECTION 2.04. (a) Effective October 1, 2022, Subchapter C,
3-63 Chapter 25, Government Code, is amended by adding Sections 25.1331
3-64 and 25.1332 to read as follows:

3-65 Sec. 25.1331. KENDALL COUNTY. Kendall County has one
3-66 statutory county court, the County Court at Law of Kendall County.

3-67 Sec. 25.1332. KENDALL COUNTY COURT AT LAW PROVISIONS. (a)
3-68 In addition to the jurisdiction provided by Section 25.0003 and
3-69 other law, a county court at law in Kendall County has:

4-1 (1) concurrent jurisdiction with the district court in
4-2 state jail, third degree, and second degree felony cases on
4-3 assignment from a district judge presiding in Kendall County and
4-4 acceptance of the assignment by the judge of the county court at law
4-5 to:

- 4-6 (A) conduct arraignments;
- 4-7 (B) conduct pretrial hearings;
- 4-8 (C) accept guilty pleas and conduct sentencing;
- 4-9 (D) conduct jury trials and nonjury trials;
- 4-10 (E) conduct probation revocation hearings;
- 4-11 (F) conduct post-trial proceedings; and
- 4-12 (G) conduct family law cases and proceedings; and

4-13 (2) jurisdiction in:

- 4-14 (A) Class A and Class B misdemeanor cases;
- 4-15 (B) probate proceedings;
- 4-16 (C) disputes ancillary to probate, eminent
4-17 domain, condemnation, or landlord and tenant matters relating to
4-18 the adjudication and determination of land titles and trusts,
4-19 whether testamentary, inter vivos, constructive, resulting, or any
4-20 other class or type of trust, regardless of the amount in
4-21 controversy or the remedy sought;

- 4-22 (D) eminent domain; and
- 4-23 (E) appeals from the justice and municipal
4-24 courts.

4-25 (b) A judge of a county court at law shall be paid a total
4-26 annual salary set by the commissioners court in an amount that is
4-27 not less than \$1,000 less than the annual salary received by a
4-28 district judge with equivalent years of service as a judge, as
4-29 provided under Section 25.0005, to be paid out of the county
4-30 treasury by the commissioners court.

4-31 (c) The district clerk serves as clerk of a county court at
4-32 law in matters of concurrent jurisdiction with the district court,
4-33 and the county clerk serves as clerk of a county court at law in all
4-34 other matters. Each clerk shall establish a separate docket for a
4-35 county court at law.

4-36 (d) The official court reporter of a county court at law is
4-37 entitled to receive the same compensation and to be paid in the same
4-38 manner as the court reporters of the district court in Kendall
4-39 County.

4-40 (b) The County Court at Law of Kendall County is created on
4-41 October 1, 2022.

4-42 SECTION 2.05. (a) Section 25.1571, Government Code, is
4-43 amended to read as follows:

4-44 Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the
4-45 following statutory county courts:

- 4-46 (1) County Court at Law of McLennan County; ~~and~~
- 4-47 (2) County Court at Law No. 2 of McLennan County; and
- 4-48 (3) County Court at Law No. 3 of McLennan County.

4-49 (b) Section 25.1572, Government Code, is amended by
4-50 amending Subsections (a), (d), and (i) and adding Subsections (b),
4-51 (c), and (e) to read as follows:

4-52 (a) In addition to the jurisdiction provided by Section
4-53 25.0003 and other law and except as limited by Subsection (b), a
4-54 county court at law in McLennan County has jurisdiction in third
4-55 degree felony cases and jurisdiction to conduct arraignments,
4-56 conduct pretrial hearings, accept guilty pleas, and conduct
4-57 probation revocation hearings in felony cases.

4-58 (b) On request of a district judge presiding in McLennan
4-59 County, the regional presiding judge may assign a judge of a county
4-60 court at law in McLennan County to the requesting judge's court
4-61 under Chapter 74. A county court at law judge assigned to a
4-62 district court may hear any matter pending in the requesting
4-63 judge's court.

4-64 (c) A county court at law does not have jurisdiction in:

- 4-65 (1) suits on behalf of the state to recover penalties
4-66 or escheated property;
- 4-67 (2) misdemeanors involving official misconduct; or
- 4-68 (3) contested elections.

4-69 (d) A judge of a county court at law shall be paid an annual

5-1 ~~base salary set by the commissioners court in an amount not less~~
 5-2 ~~than \$1,000 less than the annual base salary the state pays to a~~
 5-3 ~~district judge as set by the General Appropriations Act in~~
 5-4 ~~accordance with Section 659.012 with equivalent years of service as~~
 5-5 ~~the judge [of not more than \$20,000]. A county court at law judge's~~
 5-6 ~~and a district judge's annual base salaries do not include~~
 5-7 ~~contributions and supplements paid by the county [Each judge~~
 5-8 ~~receives the same amount as salary. The salary shall be paid out of~~
 5-9 ~~the county treasury by the commissioners court].~~

5-10 (e) ~~The district clerk serves as clerk of a county court at~~
 5-11 ~~law in matters of concurrent jurisdiction with the district court.~~
 5-12 ~~The county clerk serves as the clerk of a county court at law in all~~
 5-13 ~~other matters. Each clerk shall establish a separate docket for a~~
 5-14 ~~county court at law.~~

5-15 (i) ~~The official court reporter of a county court at law is~~
 5-16 ~~entitled to receive a salary set by the judge of a county court at~~
 5-17 ~~law with the approval of the commissioners court [the same~~
 5-18 ~~compensation and to be paid in the same manner as the court~~
 5-19 ~~reporters of the district courts in McLennan County].~~

5-20 (c) ~~The County Court at Law No. 3 of McLennan County is~~
 5-21 ~~created on the effective date of this Act.~~

5-22 SECTION 2.06. (a) Section 25.1721, Government Code, is
 5-23 amended to read as follows:

5-24 Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the
 5-25 following statutory county courts:

- 5-26 (1) County Court at Law No. 1 of Montgomery County;
- 5-27 (2) County Court at Law No. 2 of Montgomery County;
- 5-28 (3) County Court at Law No. 3 of Montgomery County;
- 5-29 (4) County Court at Law No. 4 of Montgomery County;
- 5-30 [~~and~~]
- 5-31 (5) County Court at Law No. 5 of Montgomery County;
- 5-32 and
- 5-33 (6) County Court at Law No. 6 of Montgomery County.

5-34 (b) ~~The County Court at Law No. 6 of Montgomery County is~~
 5-35 ~~created on the effective date of this Act.~~

5-36 SECTION 2.07. Sections 25.1972(a) and (b), Government Code,
 5-37 are amended to read as follows:

5-38 (a) In addition to the jurisdiction provided by Section
 5-39 25.0003 and other law, and except as limited by Subsection (b), a
 5-40 county court at law in Reeves County has:

- 5-41 (1) concurrent jurisdiction with the district court:
 - 5-42 (A) in disputes ancillary to probate, eminent
 - 5-43 domain, condemnation, or landlord and tenant matters relating to
 - 5-44 the adjudication and determination of land titles and trusts,
 - 5-45 whether testamentary, inter vivos, constructive, resulting, or any
 - 5-46 other class or type of trust, regardless of the amount in
 - 5-47 controversy or the remedy sought;
 - 5-48 (B) over civil forfeitures, including surety
 - 5-49 bond forfeitures without minimum or maximum limitation as to the
 - 5-50 amount in controversy or remedy sought;
 - 5-51 (C) in all actions by or against a personal
 - 5-52 representative, in all actions involving an inter vivos trust, in
 - 5-53 all actions involving a charitable trust, and in all actions
 - 5-54 involving a testamentary trust, whether the matter is appertaining
 - 5-55 to or incident to an estate;
 - 5-56 (D) in proceedings under Title 3, Family Code;
 - 5-57 and
 - 5-58 (E) in family law cases and proceedings [~~any~~
 - 5-59 ~~proceeding involving an order relating to a child in the possession~~
 - 5-60 ~~or custody of the Department of Family and Protective Services or~~
 - 5-61 ~~for whom the court has appointed a temporary or permanent managing~~
 - 5-62 ~~conservator];~~

5-63 (2) jurisdiction in mental health matters, original or
 5-64 appellate, provided by law for constitutional county courts,
 5-65 statutory county courts, or district courts with mental health
 5-66 jurisdiction, including proceedings under:

- 5-67 (A) Chapter 462, Health and Safety Code; and
- 5-68 (B) Subtitles C and D, Title 7, Health and Safety
- 5-69 Code;

6-1 (3) jurisdiction over the collection and management of
6-2 estates of minors, persons with a mental illness or intellectual
6-3 disability, and deceased persons; and

6-4 (4) jurisdiction in all cases assigned, transferred,
6-5 or heard under Sections 74.054, 74.059, and 74.094.

6-6 (b) A county court at law does not have jurisdiction of:
6-7 (1) felony cases, except as otherwise provided by law;
6-8 (2) misdemeanors involving official misconduct unless
6-9 assigned under Sections 74.054 and 74.059; or

6-10 (3) contested elections[~~, or~~
6-11 [~~(4) except as provided by Subsections (a)(1)(D) and~~
6-12 ~~(E), family law cases].~~

6-13 SECTION 2.08. (a) Effective January 1, 2023, Section
6-14 25.2071(a), Government Code, is amended to read as follows:

6-15 (a) San Patricio County has the following ~~[one]~~ statutory
6-16 county courts:

6-17 (1) ~~[court,]~~ the County Court at Law of San Patricio
6-18 County; and

6-19 (2) the County Court at Law No. 2 of San Patricio
6-20 County.

6-21 (b) Effective January 1, 2023, Section 25.2072, Government
6-22 Code, is amended by amending Subsections (a), (d), and (m) and
6-23 adding Subsections (g-1) and (g-2) to read as follows:

6-24 (a) In addition to the jurisdiction provided by Section
6-25 25.0003 and other law, a county court at law in San Patricio County
6-26 has concurrent jurisdiction with the district court except that a
6-27 county court at law does not have jurisdiction of:

6-28 (1) felony criminal matters; and

6-29 (2) civil cases in which the matter in controversy
6-30 exceeds the maximum amount provided by Section 25.0003 ~~[in matters~~
6-31 ~~involving the juvenile and child welfare law of this state].~~

6-32 (d) ~~[The judge of a county court at law shall be paid an~~
6-33 ~~annual salary in an amount of not less than \$43,000.]~~ The judge of a
6-34 county court at law is entitled to receive travel and necessary
6-35 office expenses, including administrative and clerical assistance.

6-36 (g-1) The county clerk serves as clerk of a county court at
6-37 law except in family law cases. In family law cases, including
6-38 juvenile and child welfare cases, the district clerk serves as
6-39 clerk of a county court at law. The district clerk shall establish
6-40 a separate family law docket for each county court at law.

6-41 (g-2) The commissioners court shall provide the deputy
6-42 clerks, bailiffs, and other personnel necessary to operate the
6-43 county courts at law.

6-44 (m) The judge of the county court and the judges ~~[judge]~~ of
6-45 the [a] county courts ~~[court]~~ at law may agree on a plan governing
6-46 the filing, numbering, and docketing of cases within the concurrent
6-47 jurisdiction of their courts and the assignment of those cases for
6-48 trial. The plan may provide for the centralized institution and
6-49 filing of all such cases with one court, clerk, or coordinator
6-50 designated by the plan and for the systemized assignment of those
6-51 cases to the courts participating in the plan, and the provisions of
6-52 the plan for the centralized filing and assignment of cases shall
6-53 control notwithstanding any other provisions of this section. If
6-54 the judges of the county court and the county courts ~~[court]~~ at law
6-55 are unable to agree on a filing, docketing, and assignment of cases
6-56 plan, a board of judges composed of the district judges and the
6-57 county court at law judges for San Patricio County ~~[the presiding~~
6-58 ~~judge of the 36th Judicial District]~~ shall design a plan for the
6-59 [both] courts.

6-60 (c) The County Court at Law No. 2 of San Patricio County is
6-61 created January 1, 2023.

6-62 SECTION 2.09. Effective January 1, 2023, Section
6-63 25.2223(1), Government Code, is amended to read as follows:

6-64 (1) The County Criminal Court No. 5 of Tarrant County and
6-65 the County Criminal Court No. 6 of Tarrant County shall give
6-66 preference to cases brought under Title 5, Penal Code, involving
6-67 family violence as defined by Section 71.004, Family Code, and
6-68 cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

6-69 SECTION 2.10. (a) Effective October 1, 2022, Section

7-1 25.2481, Government Code, is amended to read as follows:

7-2 Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the
7-3 following statutory county courts:

- 7-4 (1) County Court at Law No. 1 of Williamson County;
- 7-5 (2) County Court at Law No. 2 of Williamson County;
- 7-6 (3) County Court at Law No. 3 of Williamson County;

7-7 [~~and~~]

- 7-8 (4) County Court at Law No. 4 of Williamson County;

7-9 and

- 7-10 (5) County Court at Law No. 5 of Williamson County.

7-11 (b) The County Court at Law No. 5 of Williamson County is
7-12 created on October 1, 2022.

7-13 ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

7-14 SECTION 3.01. Subchapter B, Chapter 45, Code of Criminal
7-15 Procedure, is amended by adding Article 45.0241 to read as follows:

7-16 Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or
7-17 judge may not accept a plea of guilty or plea of nolo contendere
7-18 from a defendant in open court unless it appears to the justice or
7-19 judge that the defendant is mentally competent and the plea is free
7-20 and voluntary.

7-21 SECTION 3.02. Section 292.001(d), Local Government Code, is
7-22 amended to read as follows:

7-23 (d) A justice of the peace court may not be housed or
7-24 conducted in a building located outside the court's precinct except
7-25 as provided by Section 27.051(f) or 27.0515, Government Code, or
7-26 unless the justice of the peace court is situated in the county
7-27 courthouse in a county with a population of at least 305,000
7-28 [~~275,000~~] persons and the county seat of which is located in the
7-29 Llano Estacado region of this state [but no more than 285,000
7-30 persons].

7-31 ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

7-32 SECTION 4.01. Section 51.02, Family Code, is amended by
7-33 adding Subdivision (3-a) to read as follows:

7-34 (3-a) "Dual status child" means a child who has been
7-35 referred to the juvenile justice system and is:

7-36 (A) in the temporary or permanent managing
7-37 conservatorship of the Department of Family and Protective
7-38 Services;

7-39 (B) the subject of a case for which family-based
7-40 safety services have been offered or provided by the department;

7-41 (C) an alleged victim of abuse or neglect in an
7-42 open child protective investigation; or

7-43 (D) a victim in a case in which, after an
7-44 investigation, the department concluded there was reason to believe
7-45 the child was abused or neglected.

7-46 SECTION 4.02. Section 51.04(h), Family Code, is amended to
7-47 read as follows:

7-48 (h) A judge exercising jurisdiction over a child in a suit
7-49 instituted under Subtitle E, Title 5, may refer any aspect of a suit
7-50 involving a dual status [~~the~~] child that is instituted under this
7-51 title to the appropriate associate judge appointed under Subchapter
7-52 C, Chapter 201, serving in the county and exercising jurisdiction
7-53 over the child under Subtitle E, Title 5, if the associate judge
7-54 consents to the referral. The scope of an associate judge's
7-55 authority over a suit referred under this subsection is subject to
7-56 any limitations placed by the court judge in the order of referral.

7-57 SECTION 4.03. Section 51.0414(a), Family Code, is amended
7-58 to read as follows:

7-59 (a) The juvenile court may transfer a dual status child's
7-60 case, including transcripts of records and documents for the case,
7-61 to a district or statutory county court located in another county
7-62 that is exercising jurisdiction over the child in a suit instituted
7-63 under Subtitle E, Title 5. A case may only be transferred under this
7-64 section with the consent of the judge of the court to which the case
7-65 is being transferred.

7-66 SECTION 4.04. Sections 107.004(d) and (e), Family Code, are
7-67 amended to read as follows:

7-68 (d) Except as provided by Subsection (e), an attorney ad
7-69 litem appointed for a child in a proceeding under Chapter 262, [~~or~~]

8-1 263, or 264 shall:

8-2 (1) meet before each court hearing with:

8-3 (A) the child, if the child is at least four years

8-4 of age; or

8-5 (B) the individual with whom the child ordinarily

8-6 resides, including the child's parent, conservator, guardian,

8-7 caretaker, or custodian, if the child is younger than four years of

8-8 age; and

8-9 (2) report to the court whether [if the child or

8-10 individual is not present at the court hearing, file a written

8-11 statement with the court indicating that] the attorney ad litem:

8-12 (A) complied with Subdivision (1); or

8-13 (B) requests that the court find good cause for

8-14 noncompliance because compliance was not feasible or in the best

8-15 interest of the child under Subsection (e).

8-16 (e) An attorney ad litem appointed for a child in a

8-17 proceeding under Chapter 262, [or] 263, or 264 is not required to

8-18 comply with Subsection (d) before a hearing if the court finds at

8-19 that hearing that the attorney ad litem has shown good cause why the

8-20 attorney ad litem's compliance with that subsection is not feasible

8-21 or in the best interest of the child. Additionally, a court may, on

8-22 a showing of good cause, authorize an attorney ad litem to comply

8-23 with Subsection (d) by conferring with the child or other

8-24 individual, as appropriate, by telephone or video conference.

8-25 ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

8-26 SECTION 5.01. Article 4.01, Code of Criminal Procedure, is

8-27 amended to read as follows:

8-28 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The

8-29 following courts have jurisdiction in criminal actions:

- 8-30 1. The Court of Criminal Appeals;
- 8-31 2. Courts of appeals;
- 8-32 3. The district courts;
- 8-33 4. The criminal district courts;
- 8-34 5. The magistrates appointed by the judges of the

8-35 district courts of Bexar County, Dallas County, Tarrant County, or

8-36 Travis County that give preference to criminal cases and the

8-37 magistrates appointed by the judges of the criminal district courts

8-38 of Dallas County or Tarrant County;
- 8-39 6. The county courts;
- 8-40 7. All county courts at law with criminal

8-41 jurisdiction;

- 8-42 8. County criminal courts;
- 8-43 9. Justice courts;
- 8-44 10. Municipal courts;
- 8-45 11. The magistrates appointed by the judges of the

8-46 district courts of Lubbock County; ~~and~~

8-47 12. The magistrates appointed by the El Paso Council

8-48 of Judges;

- 8-49 13. The magistrates appointed by the Collin County

8-50 Commissioners Court;

- 8-51 14. The magistrates appointed by the Brazoria County

8-52 Commissioners Court or the local administrative judge for Brazoria

8-53 County; and

- 8-54 15. The magistrates appointed by the judges of the

8-55 district courts of Tom Green County.

8-56 SECTION 5.02. Section 54.1502, Government Code, is amended

8-57 to read as follows:

8-58 Sec. 54.1502. JURISDICTION. A magistrate has concurrent

8-59 criminal jurisdiction with:

- 8-60 (1) the judges of the justice of the peace courts of

8-61 Burnet County; and

- 8-62 (2) a municipal court in Burnet County, if approved by

8-63 a memorandum of understanding between the municipality and Burnet

8-64 County.

8-65 SECTION 5.03. Chapter 54, Government Code, is amended by

8-66 adding Subchapter PP to read as follows:

8-67 SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

8-68 Sec. 54.2501. CREATION. The Brazoria County Criminal Law

8-69 Magistrate Court is a court with the jurisdiction provided by this

9-1 subchapter.

9-2 Sec. 54.2502. APPOINTMENT. (a) On recommendation from the
 9-3 local administrative judge, the commissioners court of Brazoria
 9-4 County may appoint one or more full- or part-time judges to preside
 9-5 over the criminal law magistrate court for the term determined by
 9-6 the commissioners court. The local administrative judge shall
 9-7 appoint one or more full- or part-time judges to preside over the
 9-8 criminal law magistrate court if the commissioners court is
 9-9 prohibited by law from appointing a judge.

9-10 (b) To be eligible for appointment as a judge of the
 9-11 criminal law magistrate court, a person must meet all the
 9-12 requirements and qualifications to serve as a district court judge.

9-13 (c) A judge of the criminal law magistrate court is entitled
 9-14 to the salary set by the commissioners court. The salary may not be
 9-15 less than the annual base salary paid to a district judge under
 9-16 Chapter 659.

9-17 (d) A judge appointed under this section serves at the
 9-18 pleasure of the commissioners court or the local administrative
 9-19 judge, as applicable.

9-20 Sec. 54.2503. JURISDICTION. (a) Except as provided by this
 9-21 subsection, the criminal law magistrate court has the criminal
 9-22 jurisdiction provided by the constitution and laws of this state
 9-23 for county courts at law. The criminal law magistrate court does
 9-24 not have jurisdiction to:

9-25 (1) hear a trial of a misdemeanor offense, other than a
 9-26 Class C misdemeanor, on the merits if a jury trial is demanded; or

9-27 (2) hear a trial of a misdemeanor, other than a Class C
 9-28 misdemeanor, on the merits if a defendant pleads not guilty.

9-29 (b) The criminal law magistrate court has the jurisdiction
 9-30 provided by the constitution and laws of this state for
 9-31 magistrates. A judge of the criminal law magistrate court is a
 9-32 magistrate as that term is defined by Article 2.09, Code of Criminal
 9-33 Procedure.

9-34 (c) Except as provided by this subsection, the criminal law
 9-35 magistrate court has the criminal jurisdiction provided by the
 9-36 constitution and laws of this state for a district court. The
 9-37 criminal law magistrate court does not have jurisdiction to:

9-38 (1) hear a trial of a felony offense on the merits if a
 9-39 jury trial is demanded;

9-40 (2) hear a trial of a felony offense on the merits if a
 9-41 defendant pleads not guilty;

9-42 (3) sentence in a felony case unless the judge in whose
 9-43 court the case is pending assigned the case to the criminal law
 9-44 magistrate court for a guilty plea and sentence; or

9-45 (4) hear any part of a capital murder case after
 9-46 indictment.

9-47 (d) A criminal law magistrate court may not issue writs of
 9-48 habeas corpus in felony cases but may hear and grant relief on a
 9-49 writ of habeas corpus issued by a district court and assigned by the
 9-50 district court to the criminal law magistrate court.

9-51 (e) A felony or misdemeanor indictment or information may
 9-52 not be filed in or transferred to the criminal law magistrate court.

9-53 (f) A judge of the criminal law magistrate court shall
 9-54 exercise jurisdiction granted by this subchapter over felony and
 9-55 misdemeanor indictments and informations only as judge presiding
 9-56 for the court in which the indictment or information is pending and
 9-57 under the limitations set out in the assignment order by the
 9-58 assigning court or as provided by local administrative rules.

9-59 (g) The criminal law magistrate court has concurrent
 9-60 criminal jurisdiction with the justice courts located in Brazoria
 9-61 County.

9-62 Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law
 9-63 magistrate court or a judge of the criminal law magistrate court may
 9-64 issue writs of injunction and all other writs necessary for the
 9-65 enforcement of the jurisdiction of the court and may issue
 9-66 misdemeanor writs of habeas corpus in cases in which the offense
 9-67 charged is within the jurisdiction of the court or of any other
 9-68 court of inferior jurisdiction in the county. The court and the
 9-69 judge may punish for contempt as provided by law for district

10-1 courts. A judge of the criminal law magistrate court has all other
10-2 powers, duties, immunities, and privileges provided by law for:

10-3 (1) justices of the peace when acting in a Class C
10-4 misdemeanor case;

10-5 (2) county court at law judges when acting in a Class A
10-6 or Class B misdemeanor case; and

10-7 (3) district court judges when acting in a felony
10-8 case.

10-9 (b) A judge of the criminal law magistrate court may hold an
10-10 indigency hearing and a capias pro fine hearing. When acting as the
10-11 judge who issued the capias pro fine, a judge of the criminal law
10-12 magistrate court may make all findings of fact and conclusions of
10-13 law required of the judge who issued the capias pro fine. In
10-14 conducting a hearing under this subsection, the judge of the
10-15 criminal law magistrate court is empowered to make all findings of
10-16 fact and conclusions of law and to issue all orders necessary to
10-17 properly dispose of the capias pro fine or indigency hearing in
10-18 accordance with the provisions of the Code of Criminal Procedure
10-19 applicable to a misdemeanor or felony case of the same type and
10-20 level.

10-21 (c) A judge of the magistrate court may accept a plea of
10-22 guilty or nolo contendere from a defendant charged with a
10-23 misdemeanor or felony offense.

10-24 Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except
10-25 as provided by Subsection (b) or local administrative rules, the
10-26 local administrative judge or a judge of the criminal law
10-27 magistrate court may transfer between courts a case that is pending
10-28 in the court of any magistrate in the criminal law magistrate
10-29 court's jurisdiction if the case is:

10-30 (1) an unindicted felony case;

10-31 (2) a Class A or Class B misdemeanor case if an
10-32 information has not been filed; or

10-33 (3) a Class C misdemeanor case.

10-34 (b) A case may not be transferred from or to the magistrate
10-35 docket of a district court judge, county court at law judge, or
10-36 justice of the peace without the consent of the judge of the court
10-37 to which it is transferred.

10-38 (c) Except as provided by Subsection (d) or local
10-39 administrative rules, the local administrative judge may assign a
10-40 judge of the criminal law magistrate court to act as presiding judge
10-41 in a case that is pending in the court of any magistrate in the
10-42 criminal law magistrate court's jurisdiction if the case is:

10-43 (1) an unindicted felony case;

10-44 (2) a Class A or Class B misdemeanor case if an
10-45 information has not been filed; or

10-46 (3) a Class C misdemeanor case.

10-47 (d) A case may not be assigned to a district court judge,
10-48 county court at law judge, or justice of the peace without the
10-49 assigned judge's consent.

10-50 (e) This section applies only to the district courts, county
10-51 courts at law, and justice courts in the county.

10-52 Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district
10-53 judge, county court at law judge, or justice of the peace may refer
10-54 to a judge of the criminal law magistrate court any criminal case or
10-55 matter relating to a criminal case for any proceeding other than
10-56 presiding over a criminal trial on the merits, whether or not the
10-57 trial is before a jury.

10-58 Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law
10-59 magistrate court must take the constitutional oath of office
10-60 prescribed for appointed officers.

10-61 Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal
10-62 law magistrate court has the same judicial immunity as a district
10-63 judge.

10-64 Sec. 54.2509. CLERK. The clerk of a district court or
10-65 county court at law that refers a proceeding to a magistrate under
10-66 this subchapter shall perform the statutory duties necessary for
10-67 the magistrate to perform the duties authorized by this subchapter.

10-68 Sec. 54.2510. SHERIFF. The county sheriff, either in
10-69 person or by deputy, shall attend the criminal law magistrate court

11-1 as required by the judge of that court.

11-2 Sec. 54.2511. WITNESSES. (a) A witness who is sworn and who
 11-3 appears before a magistrate is subject to the penalties for perjury
 11-4 and aggravated perjury provided by law.

11-5 (b) A referring court may fine or imprison a witness or
 11-6 other court participant for failure to appear after being summoned,
 11-7 refusal to answer questions, or other acts of direct contempt
 11-8 before a magistrate.

11-9 SECTION 5.04. Chapter 54, Government Code, is amended by
 11-10 adding Subchapter QQ to read as follows:

11-11 SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

11-12 Sec. 54.2601. APPOINTMENT. (a) The judges of the district
 11-13 courts of Tom Green County, with the consent and approval of the
 11-14 commissioners court of Tom Green County, shall jointly appoint the
 11-15 number of magistrates set by the commissioners court to perform the
 11-16 duties authorized by this subchapter.

11-17 (b) Each magistrate's appointment must be made with the
 11-18 approval of at least two-thirds of all the judges described in
 11-19 Subsection (a).

11-20 (c) If the number of magistrates is less than the number of
 11-21 district judges, each magistrate shall serve equally in the courts
 11-22 of those judges.

11-23 Sec. 54.2602. QUALIFICATIONS. To be eligible for
 11-24 appointment as a magistrate, a person must:

11-25 (1) be a resident of this state; and

11-26 (2) have been licensed to practice law in this state
 11-27 for at least four years.

11-28 Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is
 11-29 entitled to the salary determined by the commissioners court of Tom
 11-30 Green County. The salary may not be less than an amount equal to the
 11-31 salary, supplements, and allowances paid to a justice of the peace
 11-32 of Tom Green County as set by the annual budget of Tom Green County.

11-33 (b) A magistrate's salary is paid from the county fund
 11-34 available for payment of officers' salaries.

11-35 (c) The salary of a part-time magistrate is equal to the
 11-36 per-hour salary of a full-time magistrate. The per-hour salary is
 11-37 determined by dividing the annual salary by a 2,080 work-hour year.
 11-38 The judges of the courts trying criminal cases in Tom Green County
 11-39 shall approve the number of hours for which a part-time magistrate
 11-40 is to be paid.

11-41 Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same
 11-42 judicial immunity as a district judge.

11-43 Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate
 11-44 who serves a single court serves at the will of the judge.

11-45 (b) The services of a magistrate who serves more than one
 11-46 court may be terminated by a majority vote of all the judges whom
 11-47 the magistrate serves.

11-48 Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) A judge
 11-49 may refer to a magistrate any criminal case or matter relating to a
 11-50 criminal case for proceedings involving:

11-51 (1) a negotiated plea of guilty or no contest and
 11-52 sentencing before the court;

11-53 (2) a bond forfeiture, remittitur, and related
 11-54 proceedings;

11-55 (3) a pretrial motion;

11-56 (4) a writ of habeas corpus;

11-57 (5) an examining trial;

11-58 (6) an occupational driver's license;

11-59 (7) a petition for an order of expunction under
 11-60 Chapter 55, Code of Criminal Procedure;

11-61 (8) an asset forfeiture hearing as provided by Chapter
 11-62 59, Code of Criminal Procedure;

11-63 (9) a petition for an order of nondisclosure of
 11-64 criminal history record information or an order of nondisclosure of
 11-65 criminal history record information that does not require a
 11-66 petition provided by Subchapter E-1, Chapter 411;

11-67 (10) a motion to modify or revoke community
 11-68 supervision or to proceed with an adjudication of guilty;

11-69 (11) setting conditions, modifying, revoking, and

12-1 surrendering of bonds, including surety bonds;
 12-2 (12) specialty court proceedings;
 12-3 (13) a waiver of extradition; and
 12-4 (14) any other matter the judge considers necessary
 12-5 and proper.
 12-6 (b) A judge may refer to a magistrate a civil case arising
 12-7 out of Chapter 59, Code of Criminal Procedure, for any purpose
 12-8 authorized by that chapter, including issuing orders, accepting
 12-9 agreed judgments, enforcing judgments, and presiding over a case on
 12-10 the merits if a party has not requested a jury trial.
 12-11 (c) A magistrate may accept a plea of guilty from a
 12-12 defendant charged with misdemeanor, felony, or both misdemeanor and
 12-13 felony offenses.
 12-14 (d) A magistrate may select a jury. A magistrate may not
 12-15 preside over a criminal trial on the merits, whether or not the
 12-16 trial is before a jury.
 12-17 (e) A magistrate may not hear a jury trial on the merits of a
 12-18 bond forfeiture.
 12-19 (f) A judge of a designated juvenile court may refer to a
 12-20 magistrate any proceeding over which a juvenile court has exclusive
 12-21 original jurisdiction under Title 3, Family Code, including any
 12-22 matter ancillary to the proceeding.
 12-23 Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more
 12-24 cases to a magistrate, a judge must issue an order of referral
 12-25 specifying the magistrate's duties.
 12-26 (b) An order of referral may:
 12-27 (1) limit the powers of the magistrate and direct the
 12-28 magistrate to report only on specific issues, perform particular
 12-29 acts, or only receive and report on evidence;
 12-30 (2) set the time and place for the hearing;
 12-31 (3) prescribe a closing date for the hearing;
 12-32 (4) provide a date for filing the magistrate's
 12-33 findings;
 12-34 (5) designate proceedings for more than one case over
 12-35 which the magistrate shall preside;
 12-36 (6) direct the magistrate to call the court's docket;
 12-37 and
 12-38 (7) provide the general powers and limitations of
 12-39 authority of the magistrate applicable to any case referred.
 12-40 Sec. 54.2608. POWERS. (a) Except as limited by an order of
 12-41 referral, a magistrate to whom a case is referred may:
 12-42 (1) conduct hearings;
 12-43 (2) hear evidence;
 12-44 (3) compel production of relevant evidence;
 12-45 (4) rule on admissibility of evidence;
 12-46 (5) issue summons for the appearance of witnesses;
 12-47 (6) examine witnesses;
 12-48 (7) swear witnesses for hearings;
 12-49 (8) make findings of fact on evidence;
 12-50 (9) formulate conclusions of law;
 12-51 (10) rule on a pretrial motion;
 12-52 (11) recommend the rulings, orders, or judgment to be
 12-53 made in a case;
 12-54 (12) regulate proceedings in a hearing;
 12-55 (13) accept a plea of guilty from a defendant charged
 12-56 with misdemeanor, felony, or both misdemeanor and felony offenses;
 12-57 (14) select a jury;
 12-58 (15) accept a negotiated plea on probation revocation;
 12-59 (16) conduct a contested probation revocation
 12-60 hearing;
 12-61 (17) sign a dismissal in a misdemeanor case;
 12-62 (18) in any case referred under Section 54.656(a)(1),
 12-63 accept a negotiated plea of guilty or no contest and:
 12-64 (A) enter a finding of guilty and impose or
 12-65 suspend the sentence; or
 12-66 (B) defer adjudication of guilty; and
 12-67 (19) perform any act and take any measure necessary
 12-68 and proper for the efficient performance of the duties required by
 12-69 the order of referral.

13-1 (b) A magistrate may sign a motion to dismiss submitted by
 13-2 an attorney representing the state on cases referred to the
 13-3 magistrate, or on dockets called by the magistrate, and may
 13-4 consider adjudicated cases at sentencing under Section 12.45, Penal
 13-5 Code.

13-6 (c) A magistrate has all the powers of a magistrate under
 13-7 the laws of this state and may administer an oath for any purpose.

13-8 Sec. 54.2609. COURT REPORTER. At the request of a party in
 13-9 a felony case, the court shall provide a court reporter to record
 13-10 the proceedings before the magistrate.

13-11 Sec. 54.2610. WITNESS. (a) A witness who appears before a
 13-12 magistrate and is sworn is subject to the penalties for perjury
 13-13 provided by law.

13-14 (b) A referring court may issue attachment against and may
 13-15 fine or imprison a witness whose failure to appear after being
 13-16 summoned or whose refusal to answer questions has been certified to
 13-17 the court.

13-18 Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the
 13-19 conclusion of the proceedings, a magistrate shall transmit to the
 13-20 referring court any papers relating to the case, including the
 13-21 magistrate's findings, conclusions, orders, recommendations, or
 13-22 other action taken.

13-23 Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may
 13-24 modify, correct, reject, reverse, or recommit for further
 13-25 information any action taken by the magistrate.

13-26 (b) If the court does not modify, correct, reject, reverse,
 13-27 or recommit an action of the magistrate, the action becomes the
 13-28 decree of the court.

13-29 (c) At the conclusion of each term during which the services
 13-30 of a magistrate are used, the referring court shall enter a decree
 13-31 on the minutes adopting the actions of the magistrate of which the
 13-32 court approves.

13-33 Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed
 13-34 under this subchapter is absent or unable to serve, the judge
 13-35 referring the case may appoint another magistrate to serve for the
 13-36 absent magistrate.

13-37 (b) A magistrate serving for another magistrate under this
 13-38 section has the powers and shall perform the duties of the
 13-39 magistrate for whom the magistrate is serving.

13-40 Sec. 54.2614. CLERK. The clerk of a district court that
 13-41 refers a proceeding to a magistrate under this subchapter shall
 13-42 perform the statutory duties necessary for the magistrate to
 13-43 perform the duties authorized by this subchapter.

13-44 SECTION 5.05. Section 54.653(b), Government Code, is
 13-45 repealed.

ARTICLE 6. ELECTRONIC FILING SYSTEM

13-47 SECTION 6.01. Section 72.031(a), Government Code, is
 13-48 amended by adding Subdivision (5) to read as follows:

13-49 (5) "State court document database" means a database
 13-50 accessible by the public and established or authorized by the
 13-51 supreme court for storing documents filed with a court in this
 13-52 state.

13-53 SECTION 6.02. Section 72.031(b), Government Code, is
 13-54 amended to read as follows:

13-55 (b) The office as authorized by supreme court rule or order
 13-56 may:

13-57 (1) implement an electronic filing system for use in
 13-58 the courts of this state;

13-59 (2) allow public access to view information or
 13-60 documents in the state court document database; and

13-61 (3) charge a reasonable fee for additional optional
 13-62 features in the state court document database.

ARTICLE 7. TRANSFER OF CASES

13-64 SECTION 7.01. Section 155.207, Family Code, is amended to
 13-65 read as follows:

13-66 Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than
 13-67 the 10th working day after the date an order of transfer is signed,
 13-68 the clerk of the court transferring a proceeding shall send, using
 13-69 the electronic filing system established under Section 72.031,

14-1 Government Code, to the proper court in the county to which transfer
 14-2 is being made:

14-3 (1) a transfer certificate and index of transferred
 14-4 documents [the pleadings in the pending proceeding and any other
 14-5 document specifically requested by a party];

14-6 (2) [certified copies of all entries in the minutes,
 14-7 [~~(3)~~] a [certified] copy of each final order;

14-8 (3) [and
 14-9 [~~(4)~~] a [certified] copy of the order of transfer
 14-10 signed by the transferring court;

14-11 (4) a copy of the original papers filed in the
 14-12 transferring court;

14-13 (5) a copy of the transfer certificate and index of
 14-14 transferred documents from each previous transfer; and

14-15 (6) a bill of any costs that have accrued in the
 14-16 transferring court.

14-17 (a-1) The clerk of the transferring court shall use the
 14-18 standardized transfer certificate and index of transferred
 14-19 documents form created by the Office of Court Administration of the
 14-20 Texas Judicial System under Section 72.037, Government Code, when
 14-21 transferring a proceeding under this section.

14-22 (b) The clerk of the transferring court shall keep a copy of
 14-23 [the] transferred pleadings [and other requested documents. If the
 14-24 transferring court retains jurisdiction of another child who was
 14-25 the subject of the suit, the clerk shall send a copy of the
 14-26 pleadings and other requested documents to the court to which the
 14-27 transfer is made and shall keep the original pleadings and other
 14-28 requested documents].

14-29 (c) The [On receipt of the pleadings, documents, and orders
 14-30 from the transferring court, the] clerk of the transferee court
 14-31 shall:

14-32 (1) accept documents transferred under Subsection
 14-33 (a);

14-34 (2) docket the suit; and

14-35 (3) [shall] notify, using the electronic filing system
 14-36 established under Section 72.031, Government Code [the judge of the
 14-37 transferee court], all parties, the clerk of the transferring
 14-38 court, and, if appropriate, the transferring court's local registry
 14-39 that the suit has been docketed.

14-40 (c-1) The clerk of the transferee court shall physically or
 14-41 electronically mark or stamp the transfer certificate and index of
 14-42 transferred documents to evidence the date and time of acceptance
 14-43 under Subsection (c), but may not physically or electronically mark
 14-44 or stamp any other document transferred under Subsection (a).

14-45 (d) The clerk of the transferring court shall send a
 14-46 certified copy of the order directing payments to the transferee
 14-47 court:

14-48 (1) [~~r~~] to any party [~~or employer~~] affected by the
 14-49 [that] order, and, if appropriate, to the local registry of the
 14-50 transferee court using the electronic filing system established
 14-51 under Section 72.031, Government Code; and

14-52 (2) to an employer affected by the order
 14-53 electronically or by first class mail.

14-54 (e) The clerks of both the transferee and transferring
 14-55 courts may each produce under Chapter 51, Government Code,
 14-56 certified or uncertified copies of documents filed in a case
 14-57 transferred under this section, but shall also include a copy of the
 14-58 transfer certificate and index of transferred documents with each
 14-59 document produced.

14-60 (f) Sections 80.001 and 80.002, Government Code, do not
 14-61 apply to the transfer of documents under this section.

14-62 SECTION 7.02. Section 51.3071, Government Code, is amended
 14-63 to read as follows:

14-64 Sec. 51.3071. TRANSFER OF CASES. (a) If a case is
 14-65 transferred from a district court to a county court, the clerk of
 14-66 the district court shall [may] send to the county clerk using the
 14-67 electronic filing system established under Section 72.031 [in
 14-68 electronic or paper form]:

14-69 (1) a transfer certificate and index of transferred

15-1 documents [certified transcript of the proceedings held in the
 15-2 district court];

15-3 (2) a copy of the original papers filed in the
 15-4 transferring [district] court; [and]

15-5 (3) a copy of the order of transfer signed by the
 15-6 transferring court;

15-7 (4) a copy of each final order;

15-8 (5) a copy of the transfer certificate and index of
 15-9 transferred documents from each previous transfer; and

15-10 (6) a bill of any [the] costs that have accrued in the
 15-11 transferring [district] court.

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

15-17 (c) The clerk of the transferee court shall accept documents
 15-18 transferred under Subsection (a) and docket the case.

15-19 (d) The clerk of the transferee court shall physically or
 15-20 electronically mark or stamp the transfer certificate and index of
 15-21 transferred documents to evidence the date and time of acceptance
 15-22 under Subsection (c), but may not physically or electronically mark
 15-23 or stamp any other document transferred under Subsection (a).

15-24 (e) Sections 80.001 and 80.002 do not apply to the transfer
 15-25 of documents under this section.

15-26 SECTION 7.03. Section 51.403, Government Code, is amended
 15-27 to read as follows:

15-28 Sec. 51.403. TRANSFER OF CASES. (a) If a case is
 15-29 transferred from a county court to a district court, the clerk of
 15-30 the county court shall send to the district clerk using the
 15-31 electronic filing system established under Section 72.031 [in
 15-32 electronic or paper form]:

15-33 (1) a transfer certificate and index of transferred
 15-34 documents [certified transcript of the proceedings held in the
 15-35 county court];

15-36 (2) a copy of the original papers filed in the
 15-37 transferring [county] court; [and]

15-38 (3) a copy of the order of transfer signed by the
 15-39 transferring court;

15-40 (4) a copy of each final order;

15-41 (5) a copy of the transfer certificate and index of
 15-42 transferred documents from each previous transfer; and

15-43 (6) a bill of any [the] costs that have accrued in the
 15-44 transferring [county] court.

15-45 (a-1) The clerk of the transferring court shall use the
 15-46 standardized transfer certificate and index of transferred
 15-47 documents form created by the Office of Court Administration of the
 15-48 Texas Judicial System under Section 72.037 when transferring a case
 15-49 under this section.

15-50 (a-2) The clerk of the transferee court shall accept
 15-51 documents transferred under Subsection (a) and docket the case.

15-52 (a-3) The clerk of the transferee court shall physically or
 15-53 electronically mark or stamp the transfer certificate and index of
 15-54 transferred documents to evidence the date and time of acceptance
 15-55 under Subsection (a-2), but may not physically or electronically
 15-56 mark or stamp any other document transferred under Subsection (a).

15-57 (b) If civil or criminal jurisdiction of a county court is
 15-58 transferred to a district court, the clerk of the county court shall
 15-59 send using the electronic filing system established under Section
 15-60 72.031 a certified copy of the judgments rendered in the county
 15-61 court that remain unsatisfied[, in electronic or paper form,] to
 15-62 the district clerks of the appropriate counties.

15-63 (c) Sections 80.001 and 80.002 do not apply to the transfer
 15-64 of documents under this section.

15-65 SECTION 7.04. Subchapter C, Chapter 72, Government Code, is
 15-66 amended by adding Section 72.037 to read as follows:

15-67 Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED
 15-68 DOCUMENTS FORM. (a) The office shall develop and make available a
 15-69 standardized transfer certificate and an index of transferred

16-1 documents form to be used for the transfer of cases and proceedings
 16-2 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
 16-3 of this code.

16-4 (b) In developing a form under this section, the office
 16-5 shall consult with representatives of county and district clerks.

16-6 SECTION 7.05. As soon as practicable after the effective
 16-7 date of this Act, the Office of Court Administration of the Texas
 16-8 Judicial System shall adopt rules and develop and make available
 16-9 all forms and materials required by Section 72.037, Government
 16-10 Code, as added by this Act.

16-11 ARTICLE 8. HABEAS CORPUS

16-12 SECTION 8.01. Section 3(b), Article 11.07, Code of Criminal
 16-13 Procedure, is amended to read as follows:

16-14 (b) An application for writ of habeas corpus filed after
 16-15 final conviction in a felony case, other than a case in which the
 16-16 death penalty is imposed, must be filed with the clerk of the court
 16-17 in which the conviction being challenged was obtained, and the
 16-18 clerk shall assign the application to that court. When the
 16-19 application is received by that court, a writ of habeas corpus,
 16-20 returnable to the Court of Criminal Appeals, shall issue by
 16-21 operation of law. The clerk of that court shall make appropriate
 16-22 notation thereof, assign to the case a file number (ancillary to
 16-23 that of the conviction being challenged), and forward a copy of the
 16-24 application by certified mail, return receipt requested, by secure
 16-25 electronic mail, or by personal service to the attorney
 16-26 representing the state in that court, who shall answer the
 16-27 application not later than the 30th ~~15th~~ day after the date the
 16-28 copy of the application is received. Matters alleged in the
 16-29 application not admitted by the state are deemed denied.

16-30 SECTION 8.02. Section 5(a), Article 11.072, Code of
 16-31 Criminal Procedure, is amended to read as follows:

16-32 (a) Immediately on filing an application, the applicant
 16-33 shall serve a copy of the application on the attorney representing
 16-34 the state~~[r]~~ by:

16-35 (1) ~~[either]~~ certified mail, return receipt
 16-36 requested;

16-37 (2) ~~[, or]~~ personal service;

16-38 (3) electronic service through the electronic filing
 16-39 manager authorized by Rule 21, Texas Rules of Civil Procedure; or

16-40 (4) a secure electronic transmission to the attorney's
 16-41 e-mail address filed with the electronic filing system as required
 16-42 under Section 80.003, Government Code.

16-43 SECTION 8.03. Section 3(b), Article 11.07, Code of Criminal
 16-44 Procedure, as amended by this Act, applies only to an application
 16-45 for a writ of habeas corpus filed on or after the effective date of
 16-46 this Act. An application filed before the effective date of this
 16-47 Act is governed by the law in effect on the date the application was
 16-48 filed, and the former law is continued in effect for that purpose.

16-49 SECTION 8.04. Section 5(a), Article 11.072, Code of
 16-50 Criminal Procedure, as amended by this Act, applies only to an
 16-51 application for a writ of habeas corpus filed on or after the
 16-52 effective date of this Act. An application filed before the
 16-53 effective date of this Act is governed by the law in effect when the
 16-54 application was filed, and the former law is continued in effect for
 16-55 that purpose.

16-56 ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

16-57 SECTION 9.01. Section 64.101(c), Civil Practice and
 16-58 Remedies Code, is amended to read as follows:

16-59 (c) Except as provided by Section 17.032, the [The] citation
 16-60 shall be published on the public information Internet website
 16-61 maintained as required by Section 72.034, Government Code, as added
 16-62 by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular
 16-63 Session, 2019, and in a newspaper of general circulation:

16-64 (1) once in the county in which the missing person
 16-65 resides; and

16-66 (2) once in each county in which property of the
 16-67 missing person's estate is located.

16-68 SECTION 9.02. Section 51.103(b), Estates Code, is amended
 16-69 to read as follows:

17-1 (b) Proof of service consists of:
 17-2 (1) if the service is made by a sheriff or constable,
 17-3 the return of service;
 17-4 (2) if the service is made by a private person, the
 17-5 person's affidavit;
 17-6 (3) if the service is made by mail:
 17-7 (A) the certificate of the county clerk making
 17-8 the service, or the affidavit of the personal representative or
 17-9 other person making the service, stating that the citation or
 17-10 notice was mailed and the date of the mailing; and
 17-11 (B) the return receipt attached to the
 17-12 certificate or affidavit, as applicable, if the mailing was by
 17-13 registered or certified mail and a receipt has been returned; and
 17-14 (4) if the service is made by publication:
 17-15 (A) a statement [~~an affidavit~~]:
 17-16 (i) made by the Office of Court
 17-17 Administration of the Texas Judicial System or an employee of the
 17-18 office;
 17-19 (ii) that contains or to which is attached a
 17-20 copy of the published citation or notice; and
 17-21 (iii) that states the date of publication
 17-22 on the public information Internet website maintained as required
 17-23 by Section 72.034, Government Code, as added by Chapter 606 (S.B.
 17-24 891), Acts of the 86th Legislature, Regular Session, 2019; and
 17-25 (B) an affidavit:
 17-26 (i) made by the publisher of the newspaper
 17-27 in which the citation or notice was published or an employee of the
 17-28 publisher;
 17-29 (ii) that contains or to which is attached a
 17-30 copy of the published citation or notice; and
 17-31 (iii) that states the date of publication
 17-32 printed on the newspaper in which the citation or notice was
 17-33 published.
 17-34 SECTION 9.03. Section 1051.153(b), Estates Code, is amended
 17-35 to read as follows:
 17-36 (b) Proof of service consists of:
 17-37 (1) if the service is made by a sheriff or constable,
 17-38 the return of service;
 17-39 (2) if the service is made by a private person, the
 17-40 person's affidavit;
 17-41 (3) if the service is made by mail:
 17-42 (A) the certificate of the county clerk making
 17-43 the service, or the affidavit of the guardian or other person making
 17-44 the service that states that the citation or notice was mailed and
 17-45 the date of the mailing; and
 17-46 (B) the return receipt attached to the
 17-47 certificate, if the mailing was by registered or certified mail and
 17-48 a receipt has been returned; and
 17-49 (4) if the service is made by publication:
 17-50 (A) a statement [~~an affidavit~~] that:
 17-51 (i) is made by the Office of Court
 17-52 Administration of the Texas Judicial System or an employee of the
 17-53 office;
 17-54 (ii) contains or to which is attached a copy
 17-55 of the published citation or notice; and
 17-56 (iii) states the date of publication on the
 17-57 public information Internet website maintained as required by
 17-58 Section 72.034, Government Code, as added by Chapter 606 (S.B.
 17-59 891), Acts of the 86th Legislature, Regular Session, 2019; and
 17-60 (B) an affidavit that:
 17-61 (i) is made by the publisher of the
 17-62 newspaper in which the citation or notice was published or an
 17-63 employee of the publisher;
 17-64 (ii) contains or to which is attached a copy
 17-65 of the published citation or notice; and
 17-66 (iii) states the date of publication
 17-67 printed on the newspaper in which the citation or notice was
 17-68 published.
 17-

ARTICLE 10. EVIDENCE

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

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

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

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

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

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

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

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

(a) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

(c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) and Sections 4-d(b)(1),

19-1 (b-1), and (d) to any person the commission determines to be
19-2 qualified to assume those duties.

19-3 SECTION 10.04. Section 4-a(c), Article 38.01, Code of
19-4 Criminal Procedure, is amended to read as follows:

19-5 (c) The commission by rule may establish voluntary
19-6 licensing programs for forensic examinations or tests [~~disciplines~~
19-7 ~~that are~~] not subject to accreditation [~~under this article~~].

19-8 SECTION 10.05. Section 4-d(b-1), Article 38.01, Code of
19-9 Criminal Procedure, is amended to read as follows:

19-10 (b-1) As part of the accreditation process established and
19-11 implemented under Subsection (b), the commission may:

19-12 (1) establish minimum standards that relate to the
19-13 timely production of a forensic analysis to the agency requesting
19-14 the analysis and that are consistent with this article and
19-15 applicable laws;

19-16 (2) validate or approve specific forensic methods or
19-17 methodologies; and

19-18 (3) establish procedures, policies, standards, and
19-19 practices to improve the quality of forensic analyses conducted in
19-20 this state.

19-21 SECTION 10.06. Article 38.01, Code of Criminal Procedure,
19-22 is amended by adding Section 14 to read as follows:

19-23 Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The
19-24 commission may use appropriated funds for the training and
19-25 education of forensic analysts.

19-26 SECTION 10.07. Section 2254.002(2), Government Code, is
19-27 amended to read as follows:

19-28 (2) "Professional services" means services:

19-29 (A) within the scope of the practice, as defined
19-30 by state law, of:

- 19-31 (i) accounting;
- 19-32 (ii) architecture;
- 19-33 (iii) landscape architecture;
- 19-34 (iv) land surveying;
- 19-35 (v) medicine;
- 19-36 (vi) optometry;
- 19-37 (vii) professional engineering;
- 19-38 (viii) real estate appraising; [~~or~~]
- 19-39 (ix) professional nursing; or
- 19-40 (x) forensic science;

19-41 (B) provided in connection with the professional
19-42 employment or practice of a person who is licensed or registered as:

- 19-43 (i) a certified public accountant;
- 19-44 (ii) an architect;
- 19-45 (iii) a landscape architect;
- 19-46 (iv) a land surveyor;
- 19-47 (v) a physician, including a surgeon;
- 19-48 (vi) an optometrist;
- 19-49 (vii) a professional engineer;
- 19-50 (viii) a state certified or state licensed
19-51 real estate appraiser; [~~or~~]
- 19-52 (ix) a registered nurse; or
- 19-53 (x) a forensic analyst or forensic science
19-54 expert; or

19-55 (C) provided by a person lawfully engaged in
19-56 interior design, regardless of whether the person is registered as
19-57 an interior designer under Chapter 1053, Occupations Code.

19-58 ARTICLE 11. JURY SERVICE

19-59 SECTION 11.01. Sections 61.003(a) and (c), Government Code,
19-60 are amended to read as follows:

19-61 (a) Each person who reports for jury service shall be
19-62 personally provided a form letter that when signed by the person
19-63 directs the county treasurer to donate all, or a specific amount
19-64 designated by the person, of the person's daily reimbursement under
19-65 this chapter to:

- 19-66 (1) the compensation to victims of crime fund
19-67 established under Subchapter J, Chapter 56B, Code of Criminal
19-68 Procedure;
- 19-69 (2) the child welfare, child protective services, or

20-1 child services board of the county appointed under Section 264.005,
 20-2 Family Code, that serves abused and neglected children;

20-3 (3) any program selected by the commissioners court
 20-4 that is operated by a public or private nonprofit organization and
 20-5 that provides shelter and services to victims of family violence;

20-6 (4) any other program approved by the commissioners
 20-7 court of the county, including a program established under Article
 20-8 56A.205, Code of Criminal Procedure, that offers psychological
 20-9 counseling in criminal cases involving graphic evidence or
 20-10 testimony; ~~or~~

20-11 (5) a veterans treatment court program established by
 20-12 the commissioners court as provided by Chapter 124; or

20-13 (6) a veterans county service office established by
 20-14 the commissioners court as provided by Subchapter B, Chapter 434.

20-15 (c) The county treasurer shall:

20-16 (1) send all donations made under Subsection (a)(1) to
 20-17 the comptroller, at the time and in the manner prescribed by the
 20-18 attorney general, for deposit to the credit of the compensation to
 20-19 victims of crime fund;

20-20 (2) deposit donations made to the county child welfare
 20-21 board under Subsection (a)(2) in a fund established by the county to
 20-22 be used by the child welfare board in a manner authorized by the
 20-23 commissioners court of the county; and

20-24 (3) send all donations made under Subsection (a)(3),
 20-25 ~~or~~ (a)(4), or (a)(6) directly to the program or office, as
 20-26 applicable, specified on the form letter signed by the person who
 20-27 reported for jury service.

20-28 SECTION 11.02. Section 62.202(b), Government Code, is
 20-29 amended to read as follows:

20-30 (b) The district judge may draw a warrant on the jury fund or
 20-31 other appropriate fund of the county in which the civil case is
 20-32 tried to cover the cost of buying and transporting the meals to the
 20-33 jury room. The judge may spend a reasonable amount ~~[Not more than~~
 20-34 ~~\$3]~~ per meal ~~[may be spent]~~ for a juror serving on a jury in a civil
 20-35 case.

20-36 SECTION 11.03. Section 434.032, Government Code, is amended
 20-37 by adding Subsection (c) to read as follows:

20-38 (c) The commissioners court of a county that maintains an
 20-39 office:

20-40 (1) may not consider a juror's donation to the office
 20-41 of the juror's daily reimbursement under Section 61.003 for
 20-42 purposes of determining the county's budget for the office; and

20-43 (2) may use donations described by Subdivision (1)
 20-44 only to supplement, rather than supplant, amounts budgeted by the
 20-45 county for the office.

20-46 ARTICLE 12. SPECIALTY COURT PROGRAMS

20-47 SECTION 12.01. Chapter 121, Government Code, is amended by
 20-48 adding Sections 121.003 and 121.004 to read as follows:

20-49 Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE
 20-50 FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a
 20-51 district court or statutory county court who is authorized by law to
 20-52 hear criminal cases may be appointed to preside over a regional
 20-53 specialty court program recognized under this subtitle only if:

20-54 (1) the local administrative district and statutory
 20-55 county court judges of each county participating in the program
 20-56 approve the appointment by majority vote or another approval method
 20-57 selected by the judges; and

20-58 (2) the presiding judges of each of the administrative
 20-59 judicial regions in which the participating counties are located
 20-60 sign an order granting the appointment.

20-61 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR
 20-62 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or
 20-63 magistrate appointed to preside over a regional specialty court
 20-64 program may hear any misdemeanor or felony case properly
 20-65 transferred to the program by an originating trial court
 20-66 participating in the program, regardless of whether the originating
 20-67 trial court and specialty court program are in the same county. The
 20-68 appointed judge or magistrate may exercise only the authority
 20-69 granted under this subtitle.

21-1 (b) The judge or magistrate of a regional specialty court
 21-2 program may for a case properly transferred to the program:

21-3 (1) enter orders, judgments, and decrees for the case;
 21-4 (2) sign orders of detention, order community service,
 21-5 or impose other reasonable and necessary sanctions;

21-6 (3) send recommendations for dismissal and expunction
 21-7 to the originating trial court for a defendant who successfully
 21-8 completes the program; and

21-9 (4) return the case and documentation required by this
 21-10 subtitle to the originating trial court for final disposition on a
 21-11 defendant's successful completion of or removal from the program.

21-12 (c) A visiting judge assigned to preside over a regional
 21-13 specialty court program has the same authority as the judge or
 21-14 magistrate appointed to preside over the program.

21-15 SECTION 12.02. Section 124.003(b), Government Code, is
 21-16 amended to read as follows:

21-17 (b) A veterans treatment court program established under
 21-18 this chapter shall make, establish, and publish local procedures to
 21-19 ensure maximum participation of eligible defendants in the program
 21-20 [~~county or counties in which those defendants reside~~].

21-21 SECTION 12.03. Sections 124.006(a) and (d), Government
 21-22 Code, are amended to read as follows:

21-23 (a) A veterans treatment court program that accepts
 21-24 placement of a defendant may transfer responsibility for
 21-25 supervising the defendant's participation in the program to another
 21-26 veterans treatment court program that is located in the county
 21-27 where the defendant works or resides or in a county adjacent to the
 21-28 county where the defendant works or resides. The defendant's
 21-29 supervision may be transferred under this section only with the
 21-30 consent of both veterans treatment court programs and the
 21-31 defendant.

21-32 (d) If a defendant is charged with an offense in a county
 21-33 that does not operate a veterans treatment court program, the court
 21-34 in which the criminal case is pending may place the defendant in a
 21-35 veterans treatment court program located in the county where the
 21-36 defendant works or resides or in a county adjacent to the county
 21-37 where the defendant works or resides, provided that a program is
 21-38 operated in that county and the defendant agrees to the placement.
 21-39 A defendant placed in a veterans treatment court program in
 21-40 accordance with this subsection must agree to abide by all rules,
 21-41 requirements, and instructions of the program.

21-42 SECTION 12.04. (a) Section 121.003, Government Code, as
 21-43 added by this Act, applies only to the appointment of a judge or
 21-44 magistrate to preside over a regional specialty court program that
 21-45 occurs on or after the effective date of this Act.

21-46 (b) Section 121.004, Government Code, as added by this Act,
 21-47 applies to a case pending in a regional specialty court program on
 21-48 or after the effective date of this Act.

21-49 ARTICLE 13. PROTECTIVE ORDERS

21-50 SECTION 13.01. Section 72.151(3), Government Code, is
 21-51 amended to read as follows:

21-52 (3) "Protective order" means:

21-53 (A) an order issued by a court in this state under
 21-54 Chapter 83 or 85, Family Code, to prevent family violence, as
 21-55 defined by Section 71.004, Family Code;

21-56 (B) an order issued by a court in this state under
 21-57 Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent
 21-58 sexual assault or abuse, stalking, trafficking, or other harm to
 21-59 the applicant; or

21-60 (C) [~~The term includes~~] a magistrate's order
 21-61 for emergency protection issued under Article 17.292, Code of
 21-62 Criminal Procedure, with respect to a person who is arrested for an
 21-63 offense involving family violence.

21-64 SECTION 13.02. Section 72.152, Government Code, is amended
 21-65 to read as follows:

21-66 Sec. 72.152. APPLICABILITY. This subchapter applies only
 21-67 to:

21-68 (1) an application for a protective order filed under:

21-69 (A) Chapter 82, Family Code;

22-1 (B) Subchapter A, Chapter 7B, Code of Criminal
22-2 Procedure; or
22-3 (C) [~~B~~] Article 17.292, Code of Criminal
22-4 Procedure, with respect to a person who is arrested for an offense
22-5 involving family violence; and
22-6 (2) a protective order issued under:
22-7 (A) Chapter 83 or 85, Family Code;
22-8 (B) Subchapter A, Chapter 7B, Code of Criminal
22-9 Procedure; or
22-10 (C) [~~B~~] Article 17.292, Code of Criminal
22-11 Procedure, with respect to a person who is arrested for an offense
22-12 involving family violence.
22-13 SECTION 13.03. Sections 72.154(b) and (d), Government Code,
22-14 are amended to read as follows:
22-15 (b) Publicly accessible information regarding each
22-16 protective order must consist of the following:
22-17 (1) the court that issued the protective order;
22-18 (2) the case number;
22-19 (3) the full name, county of residence, birth year,
22-20 and race or ethnicity of the person who is the subject of the
22-21 protective order;
22-22 (4) the dates the protective order was issued and
22-23 served; and
22-24 (5) [~~the date the protective order was vacated, if~~
22-25 ~~applicable; and~~
22-26 [~~6~~] the date the protective order expired or will
22-27 expire, as applicable.
22-28 (d) The office may not allow a member of the public to access
22-29 through the registry any information related to:
22-30 (1) a protective order issued under Article 7B.002 or
22-31 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or
22-32 (2) a protective order that was vacated.
22-33 SECTION 13.04. Section 72.155(a), Government Code, is
22-34 amended to read as follows:
22-35 (a) The registry must include a copy of each application for
22-36 a protective order filed in this state and a copy of each protective
22-37 order issued in this state, including an [a vacated or] expired
22-38 order, or a vacated order other than an order that was vacated as
22-39 the result of an appeal or bill of review from a district or county
22-40 court. Only an authorized user, the attorney general, a district
22-41 attorney, a criminal district attorney, a county attorney, a
22-42 municipal attorney, or a peace officer may access that information
22-43 under the registry.
22-44 SECTION 13.05. Section 72.157, Government Code, is amended
22-45 by amending Subsection (b) and adding Subsection (b-1) to read as
22-46 follows:
22-47 (b) Except as provided by Subsection (b-1), for [~~For~~] a
22-48 protective order that is vacated or that has expired, the clerk of
22-49 the applicable court shall modify the record of the order in the
22-50 registry to reflect the order's status as vacated or expired. The
22-51 clerk shall ensure that a record of a vacated order is not
22-52 accessible by the public.
22-53 (b-1) For a protective order that is vacated as the result
22-54 of an appeal or bill of review from a district or county court, the
22-55 clerk of the applicable court shall notify the office not later than
22-56 the end of the next business day after the date the protective order
22-57 was vacated. The office shall remove the record of the order from
22-58 the registry not later than the third business day after the date
22-59 the notice from the clerk was received.
22-60 SECTION 13.06. Section 72.158(a), Government Code, is
22-61 amended to read as follows:
22-62 (a) The office shall ensure that the public may access
22-63 information about protective orders, other than information about
22-64 vacated orders or orders under Article 7B.002 or 17.292, Code of
22-65 Criminal Procedure, or Chapter 83, Family Code, through the
22-66 registry, only if:
22-67 (1) a protected person requests that the office grant
22-68 the public the ability to access the information described by
22-69 Section 72.154(b) for the order protecting the person; and

(2) the office approves the request.

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

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

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

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

ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS

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

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

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

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

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

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

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

ARTICLE 15. MISDEMEANOR CASES

SECTION 15.01. The heading to Article 45.0445, Code of Criminal Procedure, is amended to read as follows:

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

ARTICLE 16. COURT REPORTERS

SECTION 16.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.25 to read as follows:

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

SECTION 16.02. Section 52.001(a)(4), Government Code, is amended to read as follows:

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

SECTION 16.03. Section 52.011, Government Code, is amended

24-1 to read as follows:

24-2 Sec. 52.011. PROVISION OF SIGNED DEPOSITION CERTIFICATE;
 24-3 CERTIFICATE REQUIREMENTS [CERTIFICATION]. (a) A court reporting
 24-4 firm representative or a court reporter who reported a deposition
 24-5 for a case shall complete and sign a deposition certificate, known
 24-6 as the further certification.

24-7 (b) On request of a court reporter who reported a deposition
 24-8 for a case, a court reporting firm shall provide the reporter with a
 24-9 copy of the deposition certificate [document related to the
 24-10 deposition, known as the further certification,] that the reporter
 24-11 has signed or to which the reporter's signature has been applied.

24-12 (c) The deposition certificate must include:

24-13 (1) a statement that the deposition transcript was
 24-14 submitted to the deponent or the deponent's attorney for
 24-15 examination and signature;

24-16 (2) the date the transcript was submitted to the
 24-17 deponent or the deponent's attorney;

24-18 (3) the date the deponent returned the transcript, if
 24-19 returned, or a statement that the deponent did not return the
 24-20 transcript;

24-21 (4) a statement that any changes the deponent made to
 24-22 the transcript are reflected in a separate document attached to the
 24-23 transcript;

24-24 (5) a statement that the transcript was delivered in
 24-25 accordance with Rule 203.3, Texas Rules of Civil Procedure;

24-26 (6) the amount charged for preparing the original
 24-27 deposition transcript;

24-28 (7) a statement that a copy of the certificate was
 24-29 served on all parties to the case; and

24-30 (8) the date the copy of the certificate was served on
 24-31 the parties to the case.

24-32 SECTION 16.04. Section 52.041, Government Code, is amended
 24-33 to read as follows:

24-34 Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a)
 24-35 Each judge of a court of record shall appoint an official court
 24-36 reporter. An official court reporter is a sworn officer of the
 24-37 court and holds office at the pleasure of the court.

24-38 (b) Notwithstanding any other law, a certified shorthand
 24-39 reporter may be appointed by more than one judge of a court of
 24-40 record to serve more than one court. A certified shorthand reporter
 24-41 appointed to serve as an official court reporter by more than one
 24-42 judge of a court of record may be an employee of more than one county
 24-43 or may serve more than one county as an official court reporter
 24-44 under contract with a county.

24-45 SECTION 16.05. Section 52.042, Government Code, is amended
 24-46 by adding Subsection (e) to read as follows:

24-47 (e) A certified shorthand reporter may be appointed by more
 24-48 than one judge of a court of record to serve as a deputy court
 24-49 reporter serving more than one court. A certified shorthand
 24-50 reporter appointed to serve as a deputy court reporter by more than
 24-51 one judge of a court of record may be an employee of more than one
 24-52 county or may serve more than one county as a deputy court reporter
 24-53 under contract with a county and the agreement of the court
 24-54 reporter.

24-55 SECTION 16.06. Section 52.046(d), Government Code, is
 24-56 amended to read as follows:

24-57 (d) A judge of a county court or county court at law shall
 24-58 appoint a [certified] shorthand reporter to report the oral
 24-59 testimony given in any contested probate matter in that judge's
 24-60 court.

24-61 SECTION 16.07. Subchapter E, Chapter 52, Government Code,
 24-62 is amended by adding Section 52.060 to read as follows:

24-63 Sec. 52.060. MODEL INTERLOCAL AGREEMENT REGARDING
 24-64 COMPENSATION AND EXPENSES OF MULTI-COURT OFFICIAL COURT REPORTERS.

24-65 (a) In this section, "office" means the Office of Court
 24-66 Administration of the Texas Judicial System.

24-67 (b) The office shall coordinate the development of a model
 24-68 interlocal agreement that may be used by counties or courts to share
 24-69 the compensation and expenses of an official court reporter or

25-1 deputy court reporter who serves more than one court of record under
25-2 Section 52.041 or 52.042, whether the deputy court reporter serves
25-3 as an employee of one or more counties or courts or under contract
25-4 to one or more counties or courts.

25-5 (c) The office shall develop the model interlocal agreement
25-6 with the participation of the counties and courts of this state.

25-7 (d) A county or court is not required to use the model
25-8 interlocal agreement developed under Subsection (b) and may enter
25-9 into agreements as the counties or courts determine appropriate.

25-10 (e) In the event of a conflict between this subchapter and a
25-11 model interlocal agreement or any other agreement between counties
25-12 or courts for the compensation and expenses of official court
25-13 reporters or deputy court reporters serving more than one court,
25-14 this subchapter prevails.

25-15 SECTION 16.08. Section 154.001(a)(4), Government Code, is
25-16 amended to read as follows:

25-17 (4) "Shorthand reporter" and "court reporter" mean a
25-18 person who is certified as a court reporter, apprentice court
25-19 reporter, or provisional court reporter under this chapter to
25-20 engage [engages] in shorthand reporting.

25-21 SECTION 16.09. Section 154.101(e), Government Code, is
25-22 amended to read as follows:

25-23 (e) A person may not assume or use the title or designation
25-24 "court recorder," "court reporter," or "shorthand reporter," or any
25-25 abbreviation, title, designation, words, letters, sign, card, or
25-26 device tending to indicate that the person is a court reporter or
25-27 shorthand reporter, unless the person is certified as a shorthand
25-28 reporter or provisional court reporter by the supreme court.
25-29 Nothing in this subsection shall be construed to either sanction or
25-30 prohibit the use of electronic court recording equipment operated
25-31 ~~[by a noncertified court reporter pursuant and]~~ according to rules
25-32 adopted or approved by the supreme court.

25-33 SECTION 16.10. Section 154.105, Government Code, is amended
25-34 by amending Subsection (b) and adding Subsections (c), (d), and (e)
25-35 to read as follows:

25-36 (b) A ~~[certified]~~ shorthand reporter may administer oaths
25-37 to witnesses:

- 25-38 (1) anywhere in this state;
- 25-39 (2) in a jurisdiction outside this state if:

25-40 (A) the reporter is at the same location as the
25-41 witness; and

25-42 (B) the witness is or may be a witness in a case
25-43 filed in this state; and

25-44 (3) at any location authorized in a reciprocity
25-45 agreement between this state and another jurisdiction under Section
25-46 152.202(b).

25-47 (c) Notwithstanding Subsection (b), a shorthand reporter
25-48 may administer an oath as provided under this subsection to a person
25-49 who is or may be a witness in a case filed in this state without
25-50 being at the same location as the witness:

25-51 (1) if the reporter is physically located in this
25-52 state at the time the oath is administered; or

25-53 (2) as authorized in a reciprocity agreement between
25-54 this state and another jurisdiction under Section 152.202(b) if:

25-55 (A) the witness is at a location in the other
25-56 jurisdiction; and

25-57 (B) the reporter is at a location in the same
25-58 jurisdiction as the witness.

25-59 (d) The identity of a witness who is not in the physical
25-60 presence of a shorthand reporter may be proven by:

25-61 (1) a statement under oath on the record by a party to
25-62 the case stating that the party has actual knowledge of the
25-63 witness's identity;

25-64 (2) a statement on the record by an attorney for a
25-65 party to the case, or an attorney for the witness, verifying the
25-66 witness's identity;

25-67 (3) a statement on the record by a notary who is in the
25-68 presence of the witness verifying the witness's identity; or

25-69 (4) the witness's presentation for inspection by the

26-1 court reporter of an official document issued by this state,
26-2 another state, a federal agency, or another jurisdiction that
26-3 verifies the witness's identity.

26-4 (e) A shorthand reporter to which this section applies shall
26-5 state on the record and certify in each transcript of the deposition
26-6 the physical location of:

26-7 (1) the witness; and

26-8 (2) the reporter.

26-9 SECTION 16.11. Section 154.112, Government Code, is amended
26-10 to read as follows:

26-11 Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR
26-12 SHORTHAND REPORTING [~~REPORTERS~~]. (a) A person who is not certified
26-13 as a court [~~noncertified shorthand~~] reporter may be employed to
26-14 engage in shorthand reporting until a certified shorthand reporter
26-15 is available.

26-16 (b) A person who is not certified as a court [~~noncertified~~
26-17 shorthand] reporter may engage in shorthand reporting to report an
26-18 oral deposition only if:

26-19 (1) the person [~~noncertified shorthand reporter~~]
26-20 delivers an affidavit to the parties or to their counsel present at
26-21 the deposition stating that a certified shorthand reporter is not
26-22 available; or

26-23 (2) the parties or their counsel stipulate on the
26-24 record at the beginning of the deposition that a certified
26-25 shorthand reporter is not available.

26-26 (c) This section does not apply to a deposition taken
26-27 outside this state for use in this state.

26-28 SECTION 16.12. The changes in law made by this article apply
26-29 only to a deposition taken on or after the effective date of this
26-30 Act. A deposition taken before that date is governed by the law in
26-31 effect on the date the deposition was taken, and the former law is
26-32 continued in effect for that purpose.

26-33 ARTICLE 17. TRANSITION

26-34 SECTION 17.01. A state agency subject to this Act is
26-35 required to implement a provision of this Act only if the
26-36 legislature appropriates money specifically for that purpose. If
26-37 the legislature does not appropriate money specifically for that
26-38 purpose, the state agency may, but is not required to, implement a
26-39 provision of this Act using other appropriations available for that
26-40 purpose.

26-41 ARTICLE 18. EFFECTIVE DATE

26-42 SECTION 18.01. Except as otherwise provided by this Act,
26-43 this Act takes effect September 1, 2021.

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