

By: Huffman, et al.

S.B. No. 1530

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. DISTRICT COURTS

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

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

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

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

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

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

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

SECTION 1.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60024 and 24.60099 to read as follows:

1 Sec. 24.60024. 477TH JUDICIAL DISTRICT (HIDALGO COUNTY).

2 The 477th Judicial District is composed of Hidalgo County.

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

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

5 (b) The 476th Judicial District is created on September 1,
6 2022.

7 (c) The 477th Judicial District is created on September 1,
8 2023.

9 SECTION 1.03. (a) Effective October 1, 2022, Subchapter C,
10 Chapter 24, Government Code, is amended by adding Section 24.60025
11 to read as follows:

12 Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON
13 COUNTY). The 480th Judicial District is composed of Williamson
14 County.

15 (b) The 480th Judicial District is created on October 1,
16 2022.

17 SECTION 1.04. (a) Subchapter C, Chapter 24, Government
18 Code, is amended by adding Section 24.60026 to read as follows:

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

21 (b) The 481st Judicial District is created January 1, 2022.

22 SECTION 1.05. (a) Subchapter C, Chapter 24, Government
23 Code, is amended by adding Section 24.60027 to read as follows:

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

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

1 SECTION 1.06. (a) Subchapter C, Chapter 24, Government
2 Code, is amended by adding Section 24.60028 to read as follows:

3 Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The
4 483rd Judicial District is composed of Hays County.

5 (b) The 483rd Judicial District is created on the effective
6 date of this Act.

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

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

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

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

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

15 SECTION 1.08. (a) Subchapter C, Chapter 24, Government
16 Code, is amended by adding Section 24.60030 to read as follows:

17 Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY).

18 (a) The 485th Judicial District is composed of Tarrant County.

19 (b) The 485th District Court shall give preference to
20 criminal matters.

21 (b) The 485th Judicial District is created on January 1,
22 2022.

23 SECTION 1.09. (a) Subchapter C, Chapter 24, Government
24 Code, is amended by adding Section 24.60098 to read as follows:

25 Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). The
26 475th Judicial District is composed of Smith County.

27 (b) Notwithstanding Section 24.026, Government Code, the

1 initial vacancy in the office of judge of the 475th Judicial
2 District shall be filled by election. The office exists for
3 purposes of the primary and general elections in 2022. A vacancy
4 after the initial vacancy is filled as provided by Section 28,
5 Article V, Texas Constitution.

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

7 SECTION 1.10. (a) Section 24.120(b), Government Code, is
8 amended to read as follows:

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

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

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

15 (c) The 474th Judicial District is created on October 1,
16 2022.

17 ARTICLE 2. STATUTORY COUNTY COURTS

18 SECTION 2.01. (a) Section 25.0172(p), Government Code, is
19 amended to read as follows:

20 (p) The county clerk shall keep a separate docket for each
21 county court at law. The county clerk shall appoint a deputy clerk
22 for each county court at law. ~~[An appointment of a deputy clerk of
23 County Court at Law No. 2 or 3 takes effect when it is confirmed in
24 writing by the judge of the court to which the deputy clerk is
25 assigned and the deputy clerk serves at the pleasure of the judge of
26 the court to which he is assigned.]~~ A deputy clerk must take the
27 constitutional oath of office and may be required to furnish bond in

1 an amount, conditioned and payable, as required by the county
2 clerk. A deputy clerk must attend all sessions of the court to
3 which the deputy [~~he~~] is assigned. A deputy clerk acts in the name
4 of the county clerk and may perform any official act or service
5 required of the county clerk and shall perform any other service
6 required by the judge of a county court at law. The deputy clerks
7 may act for one another in performing services for the county courts
8 at law, but a deputy is not entitled to receive additional
9 compensation for acting for another deputy. If a vacancy occurs,
10 the county clerk shall immediately appoint another deputy clerk as
11 provided by this subsection. A deputy clerk of a county court at
12 law is entitled to the same amount of compensation as received by
13 the deputy clerks of the other county courts at law in Bexar County.
14 The commissioners court shall pay the salary of a deputy clerk in
15 equal monthly installments from county funds.

16 (b) Section 25.0173(g), Government Code, is amended to read
17 as follows:

18 (g) The county clerk shall appoint a deputy clerk for each
19 statutory probate court. [~~An appointment takes effect when it is
20 confirmed in writing by the judge of the court to which the deputy
21 clerk is assigned.~~] A deputy clerk serves at the pleasure of the
22 judge of the court to which the deputy clerk is assigned. A deputy
23 clerk must take the constitutional oath of office, and the county
24 clerk may require the deputy clerk to furnish a bond in an amount,
25 conditioned and payable, as required by law. A deputy clerk acts in
26 the name of the county clerk and may perform any official act or
27 service required of the county clerk and shall perform any other

1 service required by the judge of a statutory probate court. A
2 deputy clerk must attend all sessions of the court to which the
3 deputy clerk [~~he~~] is assigned. A deputy clerk is entitled to
4 receive an annual salary set by the judge in an amount that does not
5 exceed the amount paid the deputies of the county courts at law of
6 Bexar County. The salary shall be paid in equal monthly
7 installments as provided by law for the payment of salaries of
8 deputy clerks.

9 SECTION 2.02. (a) Sections 25.0631(b) and (c), Government
10 Code, are amended to read as follows:

11 (b) Denton County has the following statutory probate
12 courts:

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

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

16 (c) The statutory county courts of Denton County sit in the
17 county seat or at another location in the county as assigned by the
18 local administrative statutory county court judge. The statutory
19 probate courts [~~court~~] of Denton County sit [~~sits~~] in the county
20 seat and may conduct docket matters at other locations in the county
21 as the statutory probate court judges consider [~~judge considers~~]
22 necessary for the protection of wards or mental health respondents
23 or as otherwise provided by law.

24 (b) Section 25.0632(i), Government Code, is amended to read
25 as follows:

26 (i) A judge of a statutory probate court is subject to
27 assignment as provided by Section 25.0022. Upon request by the

1 judge of a Denton County statutory county court, a judge of a
2 statutory probate court may be assigned by the regional presiding
3 judge to the requesting judge's court pursuant to Chapter 74. A
4 statutory probate court judge assigned to a statutory county court
5 by the regional presiding judge may hear any matter pending in the
6 requesting judge's court.

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

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

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

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

15 (A) eminent domain cases as provided by Section
16 21.001, Property Code, for statutory county courts; and

17 (B) direct and inverse condemnation cases.

18 (d) The Probate Court Number 2 of Denton County is created
19 on January 1, 2022.

20 SECTION 2.03. (a) Section 25.1571, Government Code, is
21 amended to read as follows:

22 Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the
23 following statutory county courts:

24 (1) County Court at Law of McLennan County; ~~and~~

25 (2) County Court at Law No. 2 of McLennan County; and

26 (3) County Court at Law No. 3 of McLennan County.

27 (b) The County Court at Law No. 3 of McLennan County is

1 created on the effective date of this Act.

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

5 (a) In addition to the jurisdiction provided by Section
6 25.0003 and other law and except as limited by Subsection (b), a
7 county court at law in McLennan County has jurisdiction in third
8 degree felony cases and jurisdiction to conduct arraignments,
9 conduct pretrial hearings, accept guilty pleas, and conduct
10 probation revocation hearings in felony cases.

11 (b) On request of a district judge presiding in McLennan
12 County, the regional presiding judge may assign a judge of a county
13 court at law in McLennan County to the requesting judge's court
14 under Chapter 74. A county court at law judge assigned to a
15 district court may hear any matter pending in the requesting
16 judge's court.

17 (c) A county court at law does not have jurisdiction in:

18 (1) suits on behalf of the state to recover penalties
19 or escheated property;

20 (2) misdemeanors involving official misconduct; or

21 (3) contested elections.

22 (d) A judge of a county court at law shall be paid an annual
23 base salary set by the commissioners court in an amount not less
24 than \$1,000 less than the annual base salary the state pays to a
25 district judge as set by the General Appropriations Act in
26 accordance with Section 659.012 with equivalent years of service as
27 the judge [~~of not more than \$20,000~~]. A county court at law judge's

1 and a district judge's annual base salaries do not include
2 contributions and supplements paid by the county [~~Each judge~~
3 ~~receives the same amount as salary. The salary shall be paid out of~~
4 ~~the county treasury by the commissioners court~~].

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

10 (i) The official court reporter of a county court at law is
11 entitled to receive a salary set by the judge of a county court at
12 law with the approval of the commissioners court [~~the same~~
13 ~~compensation and to be paid in the same manner as the court~~
14 ~~reporters of the district courts in McLennan County~~].

15 (d) The County Court at Law No. 3 of McLennan County is
16 created on the effective date of this Act.

17 SECTION 2.04. (a) Section [25.1721](#), Government Code, is
18 amended to read as follows:

19 Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the
20 following statutory county courts:

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

1 (6) County Court at Law No. 6 of Montgomery County.

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

4 SECTION 2.05. Sections 25.1972(a) and (b), Government Code,
5 are amended to read as follows:

6 (a) In addition to the jurisdiction provided by Section
7 25.0003 and other law, and except as limited by Subsection (b), a
8 county court at law in Reeves County has:

9 (1) concurrent jurisdiction with the district court:

10 (A) in disputes ancillary to probate, eminent
11 domain, condemnation, or landlord and tenant matters relating to
12 the adjudication and determination of land titles and trusts,
13 whether testamentary, inter vivos, constructive, resulting, or any
14 other class or type of trust, regardless of the amount in
15 controversy or the remedy sought;

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

19 (C) in all actions by or against a personal
20 representative, in all actions involving an inter vivos trust, in
21 all actions involving a charitable trust, and in all actions
22 involving a testamentary trust, whether the matter is appertaining
23 to or incident to an estate;

24 (D) in proceedings under Title 3, Family Code;
25 and

26 (E) in family law cases and proceedings [~~any~~
27 ~~proceeding involving an order relating to a child in the possession~~

1 ~~or custody of the Department of Family and Protective Services or~~
2 ~~for whom the court has appointed a temporary or permanent managing~~
3 ~~conservator];~~

4 (2) jurisdiction in mental health matters, original or
5 appellate, provided by law for constitutional county courts,
6 statutory county courts, or district courts with mental health
7 jurisdiction, including proceedings under:

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

9 (B) Subtitles C and D, Title 7, Health and Safety
10 Code;

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

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

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

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

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

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

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

23 SECTION 2.06. (a) Effective January 1, 2023, Section
24 25.2071(a), Government Code, is amended to read as follows:

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

27 (1) [~~court~~] the County Court at Law of San Patricio

1 County; and

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

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

7 (a) In addition to the jurisdiction provided by Section
8 25.0003 and other law, a county court at law in San Patricio County
9 has concurrent jurisdiction with the district court except that a
10 county court at law does not have jurisdiction of:

11 (1) felony criminal matters; and

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

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

19 (g-1) The county clerk serves as clerk of a county court at
20 law except in family law cases. In family law cases, including
21 juvenile and child welfare cases, the district clerk serves as
22 clerk of a county court at law. The district clerk shall establish
23 a separate family law docket for each county court at law.

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

27 (m) The judge of the county court and the judges [~~judge~~] of

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

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

18 SECTION 2.07. Effective January 1, 2023, Section
19 [25.2223](#)(1), Government Code, is amended to read as follows:

20 (1) The County Criminal Court No. 5 of Tarrant County and
21 the County Criminal Court No. 6 of Tarrant County shall give
22 preference to cases brought under Title 5, Penal Code, involving
23 family violence as defined by Section [71.004](#), Family Code, and
24 cases brought under Sections [25.07](#), [25.072](#), and [42.072](#), Penal Code.

25 SECTION 2.08. (a) Section [25.2481](#), Government Code, is
26 amended to read as follows:

27 Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the

1 following statutory county courts:

- 2 (1) County Court at Law No. 1 of Williamson County;
- 3 (2) County Court at Law No. 2 of Williamson County;
- 4 (3) County Court at Law No. 3 of Williamson County;
- 5 ~~[and]~~
- 6 (4) County Court at Law No. 4 of Williamson County;
- 7 and
- 8 (5) County Court at Law No. 5 of Williamson County.

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

11 ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

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

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

19 SECTION 3.02. Section 292.001(d), Local Government Code, is
20 amended to read as follows:

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

1 persons].

2 ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

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

5 (3-a) "Dual status child" means a child who has been
6 referred to the juvenile justice system and is:

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

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

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

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

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

19 (h) A judge exercising jurisdiction over a child in a suit
20 instituted under Subtitle E, Title 5, may refer any aspect of a suit
21 involving a dual status [~~the~~] child that is instituted under this
22 title to the appropriate associate judge appointed under Subchapter
23 C, Chapter 201, serving in the county and exercising jurisdiction
24 over the child under Subtitle E, Title 5, if the associate judge
25 consents to the referral. The scope of an associate judge's
26 authority over a suit referred under this subsection is subject to
27 any limitations placed by the court judge in the order of referral.

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

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

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

12 (d) Except as provided by Subsection (e), an attorney ad
13 litem appointed for a child in a proceeding under Chapter 262, ~~[or]~~
14 263, or 264 shall:

15 (1) meet before each court hearing with:

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

18 (B) the individual with whom the child ordinarily
19 resides, including the child's parent, conservator, guardian,
20 caretaker, or custodian, if the child is younger than four years of
21 age; and

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

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

26 (B) requests that the court find good cause for
27 noncompliance because compliance was not feasible or in the best

1 interest of the child under Subsection (e).

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

11 ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

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

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

- 16 1. The Court of Criminal Appeals;
- 17 2. Courts of appeals;
- 18 3. The district courts;
- 19 4. The criminal district courts;
- 20 5. The magistrates appointed by the judges of the
21 district courts of Bexar County, Dallas County, Tarrant County, or
22 Travis County that give preference to criminal cases and the
23 magistrates appointed by the judges of the criminal district courts
24 of Dallas County or Tarrant County;
- 25 6. The county courts;
- 26 7. All county courts at law with criminal
27 jurisdiction;

- 1 8. County criminal courts;
- 2 9. Justice courts;
- 3 10. Municipal courts;
- 4 11. The magistrates appointed by the judges of the
- 5 district courts of Lubbock County; ~~and~~
- 6 12. The magistrates appointed by the El Paso Council
- 7 of Judges;
- 8 13. The magistrates appointed by the Brazoria County
- 9 Commissioners Court or the local administrative judge for Brazoria
- 10 County; and
- 11 14. The magistrates appointed by the judges of the
- 12 district courts of Tom Green County.

13 SECTION 5.02. Chapter 54, Government Code, is amended by

14 adding Subchapter PP to read as follows:

15 SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

16 Sec. 54.2501. CREATION. The Brazoria County Criminal Law

17 Magistrate Court is a court with the jurisdiction provided by this

18 subchapter.

19 Sec. 54.2502. APPOINTMENT. (a) On recommendation from the

20 local administrative judge, the commissioners court of Brazoria

21 County may appoint one or more full- or part-time judges to preside

22 over the criminal law magistrate court for the term determined by

23 the commissioners court. The local administrative judge shall

24 appoint one or more full- or part-time judges to preside over the

25 criminal law magistrate court if the commissioners court is

26 prohibited by law from appointing a judge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 misdemeanor or felony offense.

2 Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES.

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

8 (1) an unindicted felony case;

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

11 (3) a Class C misdemeanor case.

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

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

21 (1) an unindicted felony case;

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

24 (3) a Class C misdemeanor case.

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

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

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

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

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

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

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

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

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

1 before a magistrate.

2 SECTION 5.03. Chapter 54, Government Code, is amended by
3 adding Subchapter QQ to read as follows:

4 SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (3) a pretrial motion;

22 (4) a writ of habeas corpus;

23 (5) an examining trial;

24 (6) an occupational driver's license;

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

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

1 59, Code of Criminal Procedure;

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

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

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

10 (12) specialty court proceedings;

11 (13) a waiver of extradition; and

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

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

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

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

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

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

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

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

7 (b) An order of referral may:

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

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

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

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

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

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

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

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

23 (1) conduct hearings;

24 (2) hear evidence;

25 (3) compel production of relevant evidence;

26 (4) rule on admissibility of evidence;

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

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

1 Code.

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

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

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

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

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

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

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

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

1 court approves.

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

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

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

13 ARTICLE 6. ELECTRONIC FILING SYSTEM

14 SECTION 6.01. Section 72.031(a), Government Code, is
15 amended by adding Subdivision (5) to read as follows:

16 (5) "State court document database" has the meaning
17 assigned by Section 51.609(a) as added by Chapter 1040 (H.B. 685),
18 Acts of the 86th Legislature, Regular Session, 2019.

19 SECTION 6.02. Section 72.031(b), Government Code, is
20 amended to read as follows:

21 (b) The office as authorized by supreme court rule or order
22 may:

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

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

27 (3) charge a reasonable fee for optional features in

1 the state court document database.

2 ARTICLE 7. TRANSFER OF CASES

3 SECTION 7.01. Section 155.207, Family Code, is amended to
4 read as follows:

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

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

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

15 [~~(3)~~] a [~~certified~~] copy of each final order;

16 (3) [~~and~~

17 [~~(4)~~] a [~~certified~~] copy of the order of transfer
18 signed by the transferring court;

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

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

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

25 (a-1) The clerk of the transferring court shall use the
26 standardized transfer certificate and index of transferred
27 documents form created by the Office of Court Administration of the

1 Texas Judicial System under Section 72.037, Government Code, when
2 transferring a proceeding under this section.

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

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

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

15 (2) docket the suit; and

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

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

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

1 court:

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

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

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

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

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

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

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

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

1 (3) a copy of the order of transfer signed by the
2 transferring court;

3 (4) a copy of each final order;

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

6 (6) a bill of any [the] costs that have accrued in the
7 transferring [district] court.

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

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

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

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

22 SECTION 7.03. Section 51.403, Government Code, is amended
23 to read as follows:

24 Sec. 51.403. TRANSFER OF CASES. (a) If a case is
25 transferred from a county court to a district court, the clerk of
26 the county court shall send to the district clerk using the
27 electronic filing system established under Section 72.031 [~~in~~

1 ~~electronic or paper form~~]:

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

5 (2) a copy of the original papers filed in the
6 transferring [~~county~~] court; [~~and~~]

7 (3) a copy of the order of transfer signed by the
8 transferring court;

9 (4) a copy of each final order;

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

12 (6) a bill of any [~~the~~] costs that have accrued in the
13 transferring [~~county~~] court.

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

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

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

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

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

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

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

9 Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED
10 DOCUMENTS FORM. (a) The office shall develop and make available a
11 standardized transfer certificate and an index of transferred
12 documents form to be used for the transfer of cases and proceedings
13 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
14 of this code.

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

17 SECTION 7.05. As soon as practicable after the effective
18 date of this Act, the Office of Court Administration of the Texas
19 Judicial System shall adopt rules and develop and make available
20 all forms and materials required by Section 72.037, Government
21 Code, as added by this Act.

22 ARTICLE 8. HABEAS CORPUS

23 SECTION 8.01. Section 3(b), Article 11.07, Code of Criminal
24 Procedure, is amended to read as follows:

25 (b) An application for writ of habeas corpus filed after
26 final conviction in a felony case, other than a case in which the
27 death penalty is imposed, must be filed with the clerk of the court

1 in which the conviction being challenged was obtained, and the
2 clerk shall assign the application to that court. When the
3 application is received by that court, a writ of habeas corpus,
4 returnable to the Court of Criminal Appeals, shall issue by
5 operation of law. The clerk of that court shall make appropriate
6 notation thereof, assign to the case a file number (ancillary to
7 that of the conviction being challenged), and forward a copy of the
8 application by certified mail, return receipt requested, by secure
9 electronic mail, or by personal service to the attorney
10 representing the state in that court, who shall answer the
11 application not later than the 30th [~~15th~~] day after the date the
12 copy of the application is received. Matters alleged in the
13 application not admitted by the state are deemed denied.

14 SECTION 8.02. Section 5(a), Article 11.072, Code of
15 Criminal Procedure, is amended to read as follows:

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

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

21 (2) [~~or~~] personal service;

22 (3) electronic service through the electronic filing
23 manager authorized by Rule 21, Texas Rules of Civil Procedure; or

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

27 SECTION 8.03. Section 3(b), Article 11.07, Code of Criminal

1 Procedure, as amended by this Act, applies only to an application
2 for a writ of habeas corpus filed on or after the effective date of
3 this Act. An application filed before the effective date of this
4 Act is governed by the law in effect on the date the application was
5 filed, and the former law is continued in effect for that purpose.

6 SECTION 8.04. Section 5(a), Article 11.072, Code of
7 Criminal Procedure, as amended by this Act, applies only to an
8 application for a writ of habeas corpus filed on or after the
9 effective date of this Act. An application filed before the
10 effective date of this Act is governed by the law in effect when the
11 application was filed, and the former law is continued in effect for
12 that purpose.

13 ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

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

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

21 (1) once in the county in which the missing person
22 resides; and

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

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

27 (b) Proof of service consists of:

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

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

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

6 (A) the certificate of the county clerk making
7 the service, or the affidavit of the personal representative or
8 other person making the service, stating that the citation or
9 notice was mailed and the date of the mailing; and

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

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

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

15 (i) made by the Office of Court
16 Administration of the Texas Judicial System or an employee of the
17 office;

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

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

24 (B) an affidavit:

25 (i) made by the publisher of the newspaper
26 in which the citation or notice was published or an employee of the
27 publisher;

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

3 (iii) that states the date of publication
4 printed on the newspaper in which the citation or notice was
5 published.

6 SECTION 9.03. Section 1051.153(b), Estates Code, is amended
7 to read as follows:

8 (b) Proof of service consists of:

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

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

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

14 (A) the certificate of the county clerk making
15 the service, or the affidavit of the guardian or other person making
16 the service that states that the citation or notice was mailed and
17 the date of the mailing; and

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

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

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

23 (i) is made by the Office of Court
24 Administration of the Texas Judicial System or an employee of the
25 office;

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

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

5 (B) an affidavit that:

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

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

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

14 ARTICLE 10. EVIDENCE

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

18 (4-a) "Forensic examination or test not subject to
19 accreditation" means an examination or test described by Article
20 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

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

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

27 (b) The commission shall publish the code of professional

1 responsibility adopted under Subsection (a).

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

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

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

11 (a) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

27 (c) The commission by contract may delegate the duties

1 described by Subsections (a)(1) and (3) and Sections 4-d(b)(1),
2 (b-1), and (d) to any person the commission determines to be
3 qualified to assume those duties.

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

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

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

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

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

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

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

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

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

27 SECTION 10.07. Section 2254.002(2), Government Code, is

1 amended to read as follows:

2 (2) "Professional services" means services:

3 (A) within the scope of the practice, as defined
4 by state law, of:

- 5 (i) accounting;
- 6 (ii) architecture;
- 7 (iii) landscape architecture;
- 8 (iv) land surveying;
- 9 (v) medicine;
- 10 (vi) optometry;
- 11 (vii) professional engineering;
- 12 (viii) real estate appraising; [~~or~~]
- 13 (ix) professional nursing; or
- 14 (x) forensic science;

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

- 17 (i) a certified public accountant;
- 18 (ii) an architect;
- 19 (iii) a landscape architect;
- 20 (iv) a land surveyor;
- 21 (v) a physician, including a surgeon;
- 22 (vi) an optometrist;
- 23 (vii) a professional engineer;
- 24 (viii) a state certified or state licensed
25 real estate appraiser; [~~or~~]
- 26 (ix) a registered nurse; or
- 27 (x) a forensic analyst or forensic science

1 expert; or

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

5 ARTICLE 11. JURY SERVICE

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

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

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

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

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

22 (4) any other program approved by the commissioners
23 court of the county, including a program established under Article
24 56A.205, Code of Criminal Procedure, that offers psychological
25 counseling in criminal cases involving graphic evidence or
26 testimony; [~~or~~]

27 (5) a veterans treatment court program established by

1 the commissioners court as provided by Chapter 124; or
2 (6) a veterans county service office established by
3 the commissioners court as provided by Subchapter B, Chapter 434.

4 (c) The county treasurer shall:

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

9 (2) deposit donations made to the county child welfare
10 board under Subsection (a)(2) in a fund established by the county to
11 be used by the child welfare board in a manner authorized by the
12 commissioners court of the county; and

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

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

19 (b) The district judge may draw a warrant on the jury fund or
20 other appropriate fund of the county in which the civil case is
21 tried to cover the cost of buying and transporting the meals to the
22 jury room. The judge may spend a reasonable amount ~~[Not more than~~
23 ~~\$3]~~ per meal ~~[may be spent]~~ for a juror serving on a jury in a civil
24 case.

25 ARTICLE 12. SPECIALTY COURT PROGRAMS

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

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

6 (1) the local administrative district and statutory
7 county court judges of each county participating in the program
8 approve the appointment by majority vote or another approval method
9 selected by the judges; and

10 (2) the presiding judges of each of the administrative
11 judicial regions in which the participating counties are located
12 sign an order granting the appointment.

13 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR
14 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or
15 magistrate appointed to preside over a regional specialty court
16 program may hear any misdemeanor or felony case properly
17 transferred to the program by an originating trial court
18 participating in the program, regardless of whether the originating
19 trial court and specialty court program are in the same county. The
20 appointed judge or magistrate may exercise only the authority
21 granted under this subtitle.

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

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

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

27 (3) send recommendations for dismissal and expunction

1 to the originating trial court for a defendant who successfully
2 completes the program; and

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

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

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

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

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

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

26 (d) If a defendant is charged with an offense in a county
27 that does not operate a veterans treatment court program, the court

1 in which the criminal case is pending may place the defendant in a
2 veterans treatment court program located in the county where the
3 defendant works or resides or in a county adjacent to the county
4 where the defendant works or resides, provided that a program is
5 operated in that county and the defendant agrees to the placement.
6 A defendant placed in a veterans treatment court program in
7 accordance with this subsection must agree to abide by all rules,
8 requirements, and instructions of the program.

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

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

16 ARTICLE 13. PROTECTIVE ORDERS

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

19 (3) "Protective order" means:

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

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

27 (C) [~~The term includes~~] a magistrate's order

1 for emergency protection issued under Article 17.292, Code of
2 Criminal Procedure, with respect to a person who is arrested for an
3 offense involving family violence.

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

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

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

9 (A) Chapter 82, Family Code;

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

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

15 (2) a protective order issued under:

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

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

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

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

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

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

27 (2) the case number;

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

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

6 (5) [~~the date the protective order was vacated, if~~
7 ~~applicable, and~~

8 [~~6~~] the date the protective order expired or will
9 expire, as applicable.

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

12 (1) a protective order issued under Article 7B.002 or
13 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or

14 (2) a protective order that was vacated.

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

17 (a) The registry must include a copy of each application for
18 a protective order filed in this state and a copy of each protective
19 order issued in this state, including an [~~a vacated or~~] expired
20 order, or a vacated order other than an order that was vacated as
21 the result of an appeal or bill of review from a district or county
22 court. Only an authorized user, the attorney general, a district
23 attorney, a criminal district attorney, a county attorney, a
24 municipal attorney, or a peace officer may access that information
25 under the registry.

26 SECTION 13.05. Section 72.157, Government Code, is amended
27 by amending Subsection (b) and adding Subsection (b-1) to read as

1 follows:

2 (b) Except as provided by Subsection (b-1), for [~~For~~] a
3 protective order that is vacated or that has expired, the clerk of
4 the applicable court shall modify the record of the order in the
5 registry to reflect the order's status as vacated or expired. The
6 clerk shall ensure that a record of a vacated order is not
7 accessible by the public.

8 (b-1) For a protective order that is vacated as the result
9 of an appeal or bill of review from a district or county court, the
10 clerk of the applicable court shall notify the office not later than
11 the end of the next business day after the date the protective order
12 was vacated. The office shall remove the record of the order from
13 the registry not later than the third business day after the date
14 the notice from the clerk was received.

15 SECTION 13.06. Section [72.158](#)(a), Government Code, is
16 amended to read as follows:

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

22 (1) a protected person requests that the office grant
23 the public the ability to access the information described by
24 Section [72.154](#)(b) for the order protecting the person; and

25 (2) the office approves the request.

26 SECTION 13.07. Section [72.152](#), Government Code, as amended
27 by this Act, applies only to an application for a protective order

1 filed or a protective order issued on or after the effective date of
2 this Act.

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

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

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

14 ARTICLE 14. TRANSITION

15 SECTION 14.01. A state agency subject to this Act is
16 required to implement a provision of this Act only if the
17 legislature appropriates money specifically for that purpose. If
18 the legislature does not appropriate money specifically for that
19 purpose, the state agency may, but is not required to, implement a
20 provision of this Act using other appropriations available for that
21 purpose.

22 SECTION 14.02. The Office of Court Administration of the
23 Texas Judicial System is required to implement a provision of this
24 Act only if the legislature appropriates money specifically for
25 that purpose. If the legislature does not appropriate money
26 specifically for that purpose, the office may, but is not required
27 to, implement a provision of this Act using other appropriations

1 available for that purpose.

2 ARTICLE 15. EFFECTIVE DATE

3 SECTION 15.01. Except as otherwise provided by this Act,

4 this Act takes effect September 1, 2021.