

By: Coleman

H.B. No. 2945

A BILL TO BE ENTITLED

AN ACT

relating to the promotion of efficiencies in and the administration of certain county services and functions.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.31 to read as follows:

Art. 2.31. COUNTY JAILERS. A jailer licensed under Chapter 1701, Occupations Code, may execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2.13(b)(2), including:

- (1) a warrant under Chapter 15, 17, or 18;
- (2) a capias under Chapter 17 or 23;
- (3) a subpoena under Chapter 20 or 24; or
- (4) an attachment under Chapter 20 or 24.

SECTION 2. Article 20.011(a), Code of Criminal Procedure, is amended to read as follows:

(a) Only the following persons may be present in a grand jury room while the grand jury is conducting proceedings:

- (1) grand jurors;
- (2) bailiffs;
- (3) the attorney representing the state;
- (4) witnesses while being examined or when necessary

1 to assist the attorney representing the state in examining other  
2 witnesses or presenting evidence to the grand jury;

3 (5) interpreters, if necessary; ~~and~~

4 (6) a stenographer or person operating an electronic  
5 recording device, as provided by Article 20.012; and

6 (7) a person operating a video teleconferencing system  
7 for use under Article 20.151.

8 SECTION 3. Article 20.02(b), Code of Criminal Procedure, is  
9 amended to read as follows:

10 (b) A grand juror, bailiff, interpreter, stenographer or  
11 person operating an electronic recording device, ~~or~~ person  
12 preparing a typewritten transcription of a stenographic or  
13 electronic recording, or person operating a video teleconferencing  
14 system for use under Article 20.151 who discloses anything  
15 transpiring before the grand jury, regardless of whether the thing  
16 transpiring is recorded, in the course of the official duties of the  
17 grand jury, is ~~shall be~~ liable to a fine as for contempt of the  
18 court, not exceeding \$500 ~~five hundred dollars~~, imprisonment not  
19 exceeding 30 ~~thirty~~ days, or both the ~~such~~ fine and  
20 imprisonment.

21 SECTION 4. Chapter 20, Code of Criminal Procedure, is  
22 amended by adding Article 20.151 to read as follows:

23 Art. 20.151. CERTAIN TESTIMONY BY VIDEO TELECONFERENCING.

24 (a) With the consent of the foreman of the grand jury and the  
25 attorney representing the state, a peace officer summoned to  
26 testify before the grand jury may testify through the use of a  
27 closed circuit video teleconferencing system that provides an

1 encrypted, simultaneous, compressed full motion video and  
2 interactive communication of image and sound between the peace  
3 officer, the attorney representing the state, and the grand jury.

4 (b) In addition to being administered the oath described by  
5 Article 20.16(a), before being interrogated, a peace officer  
6 testifying through the use of a closed circuit video  
7 teleconferencing system under this article shall affirm that:

8 (1) no person other than a person in the grand jury  
9 room is capable of hearing the peace officer's testimony; and

10 (2) the peace officer's testimony is not being  
11 recorded or otherwise preserved by any person at the location from  
12 which the peace officer is testifying.

13 (c) Testimony received from a peace officer under this  
14 article shall be recorded and preserved.

15 SECTION 5. Article 26.13, Code of Criminal Procedure, is  
16 amended by adding Subsection (j) to read as follows:

17 (j) Notwithstanding any provision of this code, a person who  
18 is incarcerated in a facility operated by or under contract with the  
19 Texas Department of Criminal Justice may submit in writing a plea of  
20 guilty or plea of nolo contendere regarding any misdemeanor charge.  
21 The plea may be transmitted to the court by mail, facsimile, or  
22 other means. On receipt of a plea under this subsection, the court  
23 shall make the admonitions required by this article to the  
24 defendant in writing as provided by Subsection (d).

25 SECTION 6. Article 27.18, Code of Criminal Procedure, is  
26 amended by amending Subsection (c) and adding Subsections (c-1) and  
27 (c-2) to read as follows:

1 (c) A recording of the communication shall be made and  
2 preserved until all appellate proceedings have been disposed of. A  
3 court reporter or court recorder is not required to transcribe or  
4 make a separate recording of a plea taken under this article.

5 (c-1) The defendant may obtain a copy of a ~~the~~ recording  
6 made under Subsection (c) on payment of a reasonable amount to cover  
7 the costs of reproduction or, if the defendant is indigent, the  
8 court shall provide a copy to the defendant without charging a cost  
9 for the copy.

10 (c-2) The loss or destruction of or failure to make a video  
11 recording of a plea entered under this article is not alone  
12 sufficient grounds for a defendant to withdraw the defendant's plea  
13 or to request the court to set aside a conviction or sentence based  
14 on the plea.

15 SECTION 7. Article 38.073, Code of Criminal Procedure, is  
16 amended to read as follows:

17 Art. 38.073. TESTIMONY OF INMATE WITNESSES. In a  
18 proceeding in the prosecution of a criminal offense in which an  
19 inmate in the custody of the Texas Department of Criminal Justice is  
20 required to testify as a witness, any deposition or testimony of the  
21 inmate witness may be conducted by a video teleconferencing system  
22 in the manner described by Article 27.18 ~~[electronic means, in the~~  
23 ~~same manner as permitted in civil cases under Section 30.012, Civil~~  
24 ~~Practice and Remedies Code]~~.

25 SECTION 8. Article 49.25, Code of Criminal Procedure, is  
26 amended by adding Section 13A to read as follows:

27 Sec. 13A. FEES. A medical examiner may charge reasonable

1 fees for services provided by the office of medical examiner under  
2 this article, including cremation approvals, court testimonies,  
3 consultations, and depositions.

4 SECTION 9. Section 31.037, Election Code, is amended to  
5 read as follows:

6 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The  
7 employment of the county elections administrator may be suspended,  
8 with or without pay, or terminated at any time for good and  
9 sufficient cause on the four-fifths vote of the county election  
10 commission and approval of that action by a majority vote of the  
11 commissioners court.

12 SECTION 10. Sections 51.318(b) and (e), Government Code,  
13 are amended to read as follows:

- 14 (b) The fees are:
  - 15 (1) for issuing a subpoena, including one copy . . . \$8
  - 16 (2) for issuing a citation, commission for deposition,  
17 writ of execution, order of sale, writ of execution and order of  
18 sale, writ of injunction, writ of garnishment, writ of attachment,  
19 or writ of sequestration not provided for in Section 51.317, or any  
20 other writ or process not otherwise provided for, including one  
21 copy if required by law . . . . . \$8
  - 22 (3) for searching files or records to locate a cause  
23 when the docket number is not provided . . . . . \$5
  - 24 (4) for searching files or records to ascertain the  
25 existence of an instrument or record in the district clerk's  
26 office . . . . . \$5
  - 27 (5) for abstracting a judgment . . . . . \$8

- 1           (6) for approving a bond . . . . . \$4
- 2           (7) for a certified copy of a record, judgment, order,
- 3 pleading, or paper on file or of record in the district clerk's
- 4 office, including certificate and seal, for each page or part of a
- 5 page . . . . . \$1
- 6           (8) for a noncertified copy, for each page or part of a
- 7 page . . . . . not to exceed \$1
- 8           (9) notwithstanding Section 51.3195, for an
- 9 electronic certified copy of a record, judgment, order, pleading,
- 10 or paper on file or of record in the district clerk's office,
- 11 including certificate and seal, for each page or part of a
- 12 page . . . . . not to exceed \$1.

13           (e) The district clerk may not charge the United States  
 14 Immigration and Customs Enforcement or the United States  
 15 Citizenship and Immigration Services [~~Naturalization Service~~] a  
 16 fee for a copy of any document on file or of record in the clerk's  
 17 office relating to an individual's criminal history, regardless of  
 18 whether the document is certified.

19           SECTION 11. Subchapter D, Chapter 101, Government Code, is  
 20 amended by adding Section 101.06118 to read as follows:

21           Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT  
 22 CODE. The clerk of a district court shall collect for an electronic  
 23 certified copy of a record, judgment, order, pleading, or paper on  
 24 file or of record in the district clerk's office, including  
 25 certificate and seal, a fee not to exceed \$1 for each page or part of  
 26 a page under Section 51.318, Government Code.

27           SECTION 12. (a) Articles 20.011(a) and 20.02(b), Code of

1 Criminal Procedure, as amended by this Act, and Article 20.151,  
2 Code of Criminal Procedure, as added by this Act, apply only to  
3 testimony before a grand jury that is impaneled on or after the  
4 effective date of this Act.

5 (b) Article 27.18, Code of Criminal Procedure, as amended by  
6 this Act, and Article 26.13(j), Code of Criminal Procedure, as  
7 added by this Act, apply to a plea of guilty or nolo contendere  
8 entered on or after the effective date of this Act, regardless of  
9 whether the offense with reference to which the plea is entered is  
10 committed before, on, or after that date.

11 (c) Article 38.073, Code of Criminal Procedure, as amended  
12 by this Act, applies only to the testimony of an inmate witness that  
13 is taken on or after the effective date of this Act.

14 (d) Section 13A, Article 49.25, Code of Criminal Procedure,  
15 as added by this Act, applies only to a service provided by a  
16 medical examiner's office on or after the effective date of this  
17 Act. A service provided before the effective date of this Act is  
18 covered by the law in effect on the date the service was provided,  
19 and the former law is continued in effect for that purpose.

20 (e) Section 51.318(b), Government Code, as amended by this  
21 Act, applies only to a request for an electronic certified copy of a  
22 record, judgment, order, pleading, or paper on file or of record in  
23 the district clerk's office, including certificate and seal, made  
24 on or after the effective date of this Act. A request made before  
25 the effective date of this Act is covered by the law in effect when  
26 the request was made, and the former law is continued in effect for  
27 that purpose.

1           SECTION 13. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect September 1, 2011.