

By: West

S.B. No. 1233

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. Subsection (a), Article 20.011, 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. Subsection (b), Article 20.02, Code of Criminal
9 Procedure, is 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 27.18, Code of Criminal Procedure, is
16 amended by amending Subsection (c) and adding Subsections (c-1) and
17 (c-2) to read as follows:

18 (c) A recording of the communication shall be made and
19 preserved until all appellate proceedings have been disposed of. A
20 court reporter or court recorder is not required to transcribe or
21 make a separate recording of a plea taken under this article unless
22 an appeal is taken in the case and a party requests a transcript.

23 (c-1) The defendant may obtain a copy of a [the] recording
24 made under Subsection (c) on payment of a reasonable amount to cover
25 the costs of reproduction or, if the defendant is indigent, the
26 court shall provide a copy to the defendant without charging a cost
27 for the copy.

1 (c-2) The loss or destruction of or failure to make a video
2 recording of a plea entered under this article is not alone
3 sufficient grounds for a defendant to withdraw the defendant's plea
4 or to request the court to set aside a conviction, sentence, or
5 plea.

6 SECTION 6. Article 38.073, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 38.073. TESTIMONY OF INMATE WITNESSES. In a
9 proceeding in the prosecution of a criminal offense in which an
10 inmate in the custody of the Texas Department of Criminal Justice is
11 required to testify as a witness, any deposition or testimony of the
12 inmate witness may be conducted by a video teleconferencing system
13 in the manner described by Article 27.18 [~~electronic means, in the~~
14 ~~same manner as permitted in civil cases under Section 30.012, Civil~~
15 ~~Practice and Remedies Code~~].

16 SECTION 7. Article 49.25, Code of Criminal Procedure, is
17 amended by adding Section 13A to read as follows:

18 Sec. 13A. FEES. A medical examiner may charge reasonable
19 fees for services provided by the office of medical examiner under
20 this article, including cremation approvals, court testimonies,
21 consultations, and depositions.

22 SECTION 8. Section 31.037, Election Code, is amended to
23 read as follows:

24 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The
25 employment of the county elections administrator may be suspended,
26 with or without pay, or terminated at any time for good and
27 sufficient cause on the four-fifths vote of the county election

1 commission and approval of that action by a majority vote of the
2 commissioners court.

3 SECTION 9. Subsection (b), Section 203.005, Family Code, is
4 amended to read as follows:

5 (b) The first payment of a fee under Subsection (a)(5)
6 [~~(a)(4)~~] is due on the date that the person required to pay support
7 is ordered to begin child support, alimony, or separate maintenance
8 payments. Subsequent payments of the fee are due annually and in
9 advance.

10 SECTION 10. Subsection (b) and (e), Section 51.318,
11 Government Code, are amended to read as follows:

12 (b) The fees are:

13 (1) for issuing a subpoena, including one copy . . . \$8

14 (2) for issuing a citation, commission for deposition,
15 writ of execution, order of sale, writ of execution and order of
16 sale, writ of injunction, writ of garnishment, writ of attachment,
17 or writ of sequestration not provided for in Section 51.317, or any
18 other writ or process not otherwise provided for, including one
19 copy if required by law \$8

20 (3) for searching files or records to locate a cause
21 when the docket number is not provided \$5

22 (4) for searching files or records to ascertain the
23 existence of an instrument or record in the district clerk's
24 office \$5

25 (5) for abstracting a judgment \$8

26 (6) for approving a bond \$4

27 (7) for a certified copy of a record, judgment, order,

pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page \$1

(8) for a noncertified copy, for each page or part of a page not to exceed \$1

(9) notwithstanding Section 51.3195, for an electronic certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page not to exceed \$1.

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

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

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

SECTION 12. Section 551.0415, Government Code, is amended to read as follows:

Sec. 551.0415. GOVERNING BODY OF MUNICIPALITY OR COUNTY:

1 REPORTS ABOUT ITEMS OF COMMUNITY INTEREST REGARDING WHICH NO ACTION
2 WILL BE TAKEN. (a) Notwithstanding Sections 551.041 and 551.042,
3 a quorum of the governing body of a municipality or county may
4 receive from municipal or county staff and a member of the governing
5 body may make a report about items of community interest during a
6 meeting of the governing body without having given notice of the
7 subject of the report as required by this subchapter if no action is
8 taken and, except as provided by Section 551.042, possible action
9 is not discussed regarding the information provided in the report.

10 (b) For purposes of Subsection (a), "items of community
11 interest" includes:

12 (1) expressions of thanks, congratulations, or
13 condolence;

14 (2) information regarding holiday schedules;

15 (3) an honorary or salutary recognition of a public
16 official, public employee, or other citizen, except that a
17 discussion regarding a change in the status of a person's public
18 office or public employment is not an honorary or salutary
19 recognition for purposes of this subdivision;

20 (4) a reminder about an upcoming event organized or
21 sponsored by the governing body;

22 (5) information regarding a social, ceremonial, or
23 community event organized or sponsored by an entity other than the
24 governing body that was attended or is scheduled to be attended by a
25 member of the governing body or an official or employee of the
26 municipality or county; and

27 (6) announcements involving an imminent threat to the

1 public health and safety of people in the municipality or county
2 that has arisen after the posting of the agenda.

3 SECTION 13. Subsection (a), Section 551.0725, Government
4 Code, is amended to read as follows:

5 (a) The commissioners court of a county [~~with a population~~
6 ~~of 400,000 or more~~] may conduct a closed meeting to deliberate
7 business and financial issues relating to a contract being
8 negotiated if, before conducting the closed meeting:

9 (1) the commissioners court votes unanimously that
10 deliberation in an open meeting would have a detrimental effect on
11 the position of the commissioners court in negotiations with a
12 third person; and

13 (2) the attorney advising the commissioners court
14 issues a written determination that deliberation in an open meeting
15 would have a detrimental effect on the position of the
16 commissioners court in negotiations with a third person.

17 SECTION 14. Subchapter Z, Chapter 157, Local Government
18 Code, is amended by adding Section 157.9031 to read as follows:

19 Sec. 157.9031. AUTHORITY TO REQUIRE REIMBURSEMENT FOR
20 CERTAIN COVERAGE. A self-insuring county or the intergovernmental
21 pool operating under Chapter 119, under policies concerning the
22 provision of coverages adopted by the county's commissioners court
23 or the pool's governing body, may require reimbursement for the
24 provision of punitive damage coverage from a person to whom the
25 county or intergovernmental pool provides coverage.

26 SECTION 15. Subsections (b) and (f), Section 270.007, Local
27 Government Code, are amended to read as follows:

(b) A ~~[Notwithstanding the provisions of Subsections (f) and (g), a]~~ county may exclusively contract with a person to market the application or system. If the original contract for development of the application or system under Subsection (a) does not include a provision for marketing the application or system, a [A] contract under this subsection shall be awarded ~~[only]~~ in compliance with Section 262.030, ~~[Local Government Code,]~~ concerning the alternative competitive procedure for insurance or high technology items.

(f) Except as provided by Subsection (b), ~~[upon request of any person,]~~ a county may ~~[shall]~~ sell or license software under this section for a price negotiated between the county and the purchaser or licensee, including another governmental entity ~~[person, not to exceed the developmental cost to the county. Developmental cost shall only include costs incurred under a contract to procure the software or direct employee costs incurred to develop the software. This subsection does not apply to any county software that protects county computer systems from unauthorized use or access].~~

SECTION 16. Chapter 51, Property Code, is amended by adding Section 51.0022 to read as follows:

Sec. 51.0022. FORECLOSURE DATA COLLECTION. (a) In this section, "department" means the Texas Department of Housing and Community Affairs.

(b) A person filing a notice of sale of residential property under Section 51.002(b) must submit to the county clerk a completed form that provides the zip code for the property.

1 (c) On completion of a sale of real property, the trustee or
2 sheriff shall submit to the county clerk a completed form that
3 contains information on whether the property is residential and the
4 zip code of the property.

5 (d) Not later than the 30th day after the date of receipt of
6 a form under this section, the county clerk shall transmit the form
7 to the department.

8 (e) The board of the department shall prescribe the forms
9 required under this section. The forms may only request
10 information on whether the property is residential and the zip code
11 of the property.

12 (f) The department shall report the information received
13 under this section quarterly to the legislature in a format
14 established by the board of the department by rule.

15 SECTION 17. Sections 86.022 and 112.008, Local Government
16 Code, are repealed.

17 SECTION 18. (a) Subsection (a), Article 20.011, and
18 Subsection (b), Article 20.02, Code of Criminal Procedure, as
19 amended by this Act, and Article 20.151, Code of Criminal
20 Procedure, as added by this Act, apply only to testimony before a
21 grand jury that is impaneled on or after the effective date of this
22 Act.

23 (b) Article 27.18, Code of Criminal Procedure, as amended by
24 this Act, applies to a plea of guilty or nolo contendere entered on
25 or after the effective date of this Act, regardless of whether the
26 offense with reference to which the plea is entered is committed
27 before, on, or after that date.

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

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

10 (e) Subsection (b), Section 51.318, Government Code, as
11 amended by this Act, applies only to a request for an electronic
12 certified copy of a record, judgment, order, pleading, or paper on
13 file or of record in the district clerk's office, including
14 certificate and seal, made on or after the effective date of this
15 Act. A request made before the effective date of this Act is
16 covered by the law in effect when the request was made, and the
17 former law is continued in effect for that purpose.

18 (f) Subsection (a), Section 551.0725, Government Code, as
19 amended by this Act, applies only to a meeting held on or after the
20 effective date of this Act. A meeting held before the effective
21 date of this Act is governed by the law in effect on the date the
22 meeting is held, and the former law is continued in effect for that
23 purpose.

24 (g) Subsections (b) and (f), Section 270.007, Local
25 Government Code, as amended by this Act, apply only to a contract
26 entered into on or after the effective date of this Act. A contract
27 entered into before the effective date of this Act is governed by

1 the law in effect when the contract was entered into, and the former
2 law is continued in effect for that purpose.

3 SECTION 19. (a) The board of the Texas Department of
4 Housing and Community Affairs shall adopt the forms and rules
5 required by Section 51.0022, Property Code, as added by this Act,
6 not later than January 1, 2012.

7 (b) The change in law made by Section 51.0022, Property
8 Code, as added by this Act, applies only to a notice of sale filed on
9 or after January 1, 2012. A notice of sale filed before January 1,
10 2012, is governed by the law in effect on the date the notice is
11 filed, and the former law is continued in effect for that purpose.

12 SECTION 20. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2011.