

By: Darby

H.B. No. 1435

Substitute the following for H.B. No. 1435:

By: Farrar

C.S.H.B. No. 1435

A BILL TO BE ENTITLED

AN ACT

relating to certain notices, reports, and descriptions provided by  
or filed with court and county clerks.

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

SECTION 1. Article 46C.003, Code of Criminal Procedure, is  
amended to read as follows:

Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court  
issues an order that requires the release of an acquitted person on  
discharge or on a regimen of outpatient care, the clerk of the court  
issuing the order, using the information provided on any victim  
impact statement received by the court under Article 56.03 or other  
information made available to the court, shall notify the victim or  
the victim's guardian or close relative of the release.  
Notwithstanding Article 56.03(f), the clerk of the court may  
inspect a victim impact statement for the purpose of notification  
under this article. On request, a victim assistance coordinator may  
provide the clerk of the court with information or other assistance  
necessary for the clerk to comply with this article.

SECTION 2. Section 58.110(c), Family Code, is amended to  
read as follows:

(c) The clerk of the court exercising jurisdiction over a  
juvenile offender's case shall report the disposition of the case  
to the department. ~~[A clerk of the court who violates this  
subsection commits an offense. An offense under this subsection is~~

~~a Class C misdemeanor.]~~

SECTION 3. Section 85.042(a-1), Family Code, is amended to read as follows:

(a-1) This subsection applies only if the respondent, at the time of issuance of an original or modified protective order under this subtitle, is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status and the applicant or the applicant's attorney provides to the clerk of the court the mailing address of the staff judge advocate or provost marshal, as applicable. In addition to complying with Subsection (a), the clerk of the court shall also provide a copy of the protective order and the information described by that subsection to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified, as applicable.

SECTION 4. Sections 402.010(a) and (c), Government Code, are amended to read as follows:

(a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the party filing the petition, motion, or other pleading ~~[court]~~ shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional question and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney

1 general for the purposes of this section. Notice under this  
2 section must identify the statute in question, state the basis for  
3 the challenge, and specify the petition, motion, or other pleading  
4 that raises the challenge.

5 (c) A party's ~~[court's]~~ failure to file or serve notice as  
6 required by Subsection (a) does not deprive the court of  
7 jurisdiction or forfeit an otherwise timely filed claim or defense  
8 based on the challenge to the constitutionality of a statute of this  
9 state.

10 SECTION 5. Sections 363.064(b) and (c), Health and Safety  
11 Code, are amended to read as follows:

12 (b) If the boundaries of a municipal solid waste unit that  
13 is no longer operating are known to be wholly on an identifiable  
14 tract, the council of governments for the area in which the former  
15 landfill unit is located shall notify the owner of land that  
16 overlays the former landfill unit of the former use of the land and  
17 shall notify the county clerk of the county or counties in which the  
18 former landfill unit is located of the former use. The notice to the  
19 county clerk must include:

20 (1) a description of the exact boundaries of the  
21 former landfill unit or, if the exact boundaries are not known, the  
22 best approximation of each unit's boundaries;

23 (2) a legal description of the parcel or parcels of  
24 land in which the former landfill unit is located;

25 (3) notice of the former landfill unit's former use;  
26 and

27 (4) notice of the restrictions on the land imposed by

1 this subchapter. ~~[The notice requirements of this subsection do not~~  
2 ~~apply if the exact boundaries of a former landfill unit are not~~  
3 ~~known.]~~

4 (c) The county clerk shall record the descriptions and  
5 notices submitted by a council of governments under Subsection (b).  
6 The county clerk may prescribe the method of arranging and indexing  
7 the descriptions and notices ~~[on the deed records of land formerly~~  
8 ~~used as a municipal solid waste landfill a description of the exact~~  
9 ~~boundaries of the former landfill unit, or, if the exact boundaries~~  
10 ~~are not known, the best approximation of each unit's boundaries,~~  
11 ~~together with a legal description of the parcel or parcels of land~~  
12 ~~in which the former landfill unit is located, notice of its former~~  
13 ~~use, and notice of the restrictions on the development or lease of~~  
14 ~~the land imposed by this subchapter].~~ The county clerk shall make  
15 the descriptions and notices ~~[records]~~ available for public  
16 inspection.

17 SECTION 6. The changes in law made by this Act apply only to  
18 an offense committed on or after the effective date of this Act. An  
19 offense committed before the effective date of this Act is governed  
20 by the law in effect on the date the offense was committed, and the  
21 former law is continued in effect for that purpose. For purposes of  
22 this section, an offense was committed before the effective date of  
23 this Act if any element of the offense occurred before that date.

24 SECTION 7. The changes in law made by this Act apply only to  
25 a notice, report, or description provided or filed on or after the  
26 effective date of this Act.

27 SECTION 8. This Act takes effect September 1, 2013.