

1-1 By: Darby (Senate Sponsor - Seliger) H.B. No. 1435
1-2 (In the Senate - Received from the House April 29, 2013;
1-3 April 30, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1435 By: Garcia

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain notices, reports, and descriptions provided by
1-20 or filed with court and county clerks.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 46C.003, Code of Criminal Procedure, is
1-23 amended to read as follows:

1-24 Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court
1-25 issues an order that requires the release of an acquitted person on
1-26 discharge or on a regimen of outpatient care, the clerk of the court
1-27 issuing the order, using the information provided on any victim
1-28 impact statement received by the court under Article 56.03 or other
1-29 information made available to the court, shall notify the victim or
1-30 the victim's guardian or close relative of the release.
1-31 Notwithstanding Article 56.03(f), the clerk of the court may
1-32 inspect a victim impact statement for the purpose of notification
1-33 under this article. On request, a victim assistance coordinator may
1-34 provide the clerk of the court with information or other assistance
1-35 necessary for the clerk to comply with this article.

1-36 SECTION 2. Section 58.110(c), Family Code, is amended to
1-37 read as follows:

1-38 (c) The clerk of the court exercising jurisdiction over a
1-39 juvenile offender's case shall report the disposition of the case
1-40 to the department. ~~[A clerk of the court who violates this~~
1-41 ~~subsection commits an offense. An offense under this subsection is~~
1-42 ~~a Class C misdemeanor.]~~

1-43 SECTION 3. Section 85.042(a-1), Family Code, is amended to
1-44 read as follows:

1-45 (a-1) This subsection applies only if the respondent, at the
1-46 time of issuance of an original or modified protective order under
1-47 this subtitle, is a member of the state military forces or is
1-48 serving in the armed forces of the United States in an active-duty
1-49 status and the applicant or the applicant's attorney provides to
1-50 the clerk of the court the mailing address of the staff judge
1-51 advocate or provost marshal, as applicable. In addition to
1-52 complying with Subsection (a), the clerk of the court shall also
1-53 provide a copy of the protective order and the information
1-54 described by that subsection to the staff judge advocate at Joint
1-55 Force Headquarters or the provost marshal of the military
1-56 installation to which the respondent is assigned with the intent
1-57 that the commanding officer will be notified, as applicable.

1-58 SECTION 4. Section 402.010, Government Code, is amended by
1-59 amending Subsections (a) and (c) and adding Subsection (a-1) to
1-60 read as follows:

1-61 (a) In an action in which a party to the litigation files a
1-62 petition, motion, or other pleading challenging the
1-63 constitutionality of a statute of this state, the party shall file

the form required by Subsection (a-1). The court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional challenge ~~[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 general for the purposes of this section~~[. Notice under this section must identify the statute in question, state the basis for the challenge, and specify the petition, motion, or other pleading that raises the challenge].~~

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the court in which the action is pending indicating which pleading should be served on the attorney general in accordance with this section.

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

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

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

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

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

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

(4) notice of the restrictions on the land imposed by this subchapter. ~~[The notice requirements of this subsection do not apply if the exact boundaries of a former landfill unit are not known.]~~

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

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

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

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

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