

By: Leach, Holland

H.B. No. 2120

Substitute the following for H.B. No. 2120:

By: Farrar

C.S.H.B. No. 2120

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operation and administration of and practice in
3 courts in the judicial branch of state government; imposing a fee;
4 creating a criminal offense.

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

6 ARTICLE 1. DISTRICT COURTS

7 SECTION 1.01. Section 24.104(b), Government Code, is
8 amended to read as follows:

9 (b) The terms of the 4th District Court begin on the first
10 Mondays in January and [~~March, May,~~] July[~~, September, and~~
11 ~~November~~].

12 SECTION 1.02. (a) The heading to Section 24.124,
13 Government Code, is amended to read as follows:

14 Sec. 24.124. 23RD JUDICIAL DISTRICT (~~[BRAZORIA,~~
15 MATAGORDA[~~7~~] AND WHARTON COUNTIES).

16 (b) Sections 24.124(a) and (b), Government Code, are
17 amended to read as follows:

18 (a) The 23rd Judicial District is composed of [~~Brazoria,~~
19 Matagorda[~~7~~] and Wharton counties.

20 (b) The terms of the 23rd District Court begin:

21 (1) [~~in Brazoria County on the first Mondays in April~~
22 ~~and October, and the terms are designated the April-September and~~
23 ~~October-March terms,~~

24 [~~(2)~~] in Matagorda County on the first Mondays in June

1 and December, and the terms are designated the June-November and
2 December-May terms; and

3 (2) [~~3~~] in Wharton County on the first Mondays in
4 July and January, and the terms are designated the July-December
5 and January-June terms.

6 (c) Subchapter C, Chapter 24, Government Code, is amended by
7 adding Section 24.6005 to read as follows:

8 Sec. 24.6005. 461ST JUDICIAL DISTRICT (BRAZORIA COUNTY).

9 (a) The 461st Judicial District is composed of Brazoria County.

10 (b) The 461st District Court shall give preference to family
11 law matters.

12 (d) The local administrative district judge shall transfer
13 to the 461st District Court all cases from Brazoria County that are
14 pending in the 23rd District Court on the effective date of this
15 Act.

16 (e) When a case is transferred as provided by Subsection (d)
17 of this section:

18 (1) all processes, writs, bonds, recognizances, or
19 other obligations issued from the 23rd District Court are
20 returnable to the 461st District Court as if originally issued by
21 that court; and

22 (2) the obligees on all bonds and recognizances taken
23 in and for the 23rd District Court and all witnesses summoned to
24 appear in the 23rd District Court are required to appear before the
25 461st District Court as if originally required to appear before
26 that court.

27 (f) The 461st Judicial District is created on September 1,

1 2019.

2 SECTION 1.03. (a) Section 24.140, Government Code, is
3 amended to read as follows:

4 Sec. 24.140. 38TH JUDICIAL DISTRICT (~~[MEDINA]~~ REAL~~[7]~~ AND
5 UVALDE COUNTIES). ~~[(a)]~~ The 38th Judicial District is composed of
6 ~~[Medina]~~ Real~~[7]~~ and Uvalde counties.

7 ~~[(b) The terms of the 38th District Court begin:~~

8 ~~[(1) in Medina County on the first Mondays in January~~
9 ~~and June;~~

10 ~~[(2) in Real County on the first Mondays in April and~~
11 ~~November; and~~

12 ~~[(3) in Uvalde County on the first Mondays in February~~
13 ~~and September.]~~

14 (b) Subchapter C, Chapter 24, Government Code, is amended by
15 adding Section 24.598 to read as follows:

16 Sec. 24.598. 454TH JUDICIAL DISTRICT (MEDINA COUNTY). The
17 454th Judicial District is composed of Medina County.

18 (c) The local administrative district judge shall transfer
19 to the 454th District Court all cases from Medina County that are
20 pending in the 38th District Court on the effective date of this
21 Act.

22 (d) When a case is transferred as provided by Subsection (c)
23 of this section:

24 (1) all processes, writs, bonds, recognizances, or
25 other obligations issued from the 38th District Court are
26 returnable to the 454th District Court as if originally issued by
27 that court; and

1 (2) the obligees on all bonds and recognizances taken
2 in and for the 38th District Court and all witnesses summoned to
3 appear in the 38th District Court are required to appear before the
4 454th District Court as if originally required to appear before
5 that court.

6 (e) The 454th Judicial District is created on the effective
7 date of this Act.

8 SECTION 1.04. (a) Subchapter C, Chapter 24, Government
9 Code, is amended by adding Section 24.599 to read as follows:

10 Sec. 24.599. 455TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)
11 The 455th Judicial District is composed of Travis County.

12 (b) The 455th District Court shall give preference to civil
13 and family law matters.

14 (b) The 455th Judicial District is created on October 1,
15 2020.

16 SECTION 1.05. (a) Subchapter C, Chapter 24, Government
17 Code, is amended by adding Section 24.600 to read as follows:

18 Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY).
19 (a) The 456th Judicial District is composed of Guadalupe County.

20 (b) The 456th District Court shall give preference to civil
21 cases.

22 (b) The 456th Judicial District is created on September 1,
23 2019.

24 SECTION 1.06. (a) Subchapter C, Chapter 24, Government
25 Code, is amended by adding Section 24.6001 to read as follows:

26 Sec. 24.6001. 457TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).
27 The 457th Judicial District is composed of Montgomery County.

1 (b) The 457th Judicial District is created on September 1,
2 2019.

3 SECTION 1.07. (a) Subchapter C, Chapter 24, Government
4 Code, is amended by adding Section 24.60091 to read as follows:

5 Sec. 24.60091. 466TH JUDICIAL DISTRICT (COMAL COUNTY). The
6 466th Judicial District is composed of Comal County.

7 (b) The 466th Judicial District is created on January 1,
8 2021.

9 SECTION 1.08. (a) Subchapter C, Chapter 24, Government
10 Code, is amended by adding Section 24.60092 to read as follows:

11 Sec. 24.60092. 467TH JUDICIAL DISTRICT (DENTON COUNTY).
12 The 467th Judicial District is composed of Denton County.

13 (b) The 467th Judicial District is created on January 1,
14 2021.

15 SECTION 1.09. (a) Subchapter C, Chapter 24, Government
16 Code, is amended by adding Sections 24.60093 and 24.60094 to read as
17 follows:

18 Sec. 24.60093. 468TH JUDICIAL DISTRICT (COLLIN COUNTY). (a)
19 The 468th Judicial District is composed of Collin County.

20 (b) The 468th District Court shall give preference to family
21 law matters.

22 Sec. 24.60094. 471ST JUDICIAL DISTRICT (COLLIN COUNTY). (a)
23 The 471st Judicial District is composed of Collin County.

24 (b) The 471st District Court shall give preference to civil
25 matters.

26 (b) The 468th District Court is created on September 1,
27 2019.

1 (c) The 471st District Court is created on September 1,
2 2019.

3 ARTICLE 2. STATUTORY COUNTY COURTS

4 SECTION 2.01. (a) Section 25.0202, Government Code, is
5 amended by amending Subsection (a) and adding Subsection (g) to
6 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 Bosque County has
9 concurrent jurisdiction with the district court in:

- 10 (1) family law cases and proceedings;
11 (2) civil cases in which the matter in controversy
12 exceeds \$500 but does not exceed \$200,000, excluding interest,
13 court costs, and attorney's fees; ~~and~~
14 (3) contested probate matters under Section 32.003,
15 Estates Code; and
16 (4) felony cases transferred from the district court
17 to conduct arraignments, pretrial hearings, and motions to
18 adjudicate or revoke and to accept guilty pleas.

19 (g) In matters of concurrent jurisdiction, including
20 transferred felony proceedings, the judge of a county court at law
21 and the district judge may exchange benches, transfer cases, assign
22 each other to hear cases in accordance with orders signed and
23 approved by the judges, and otherwise manage their respective
24 dockets under local administrative rules.

25 (b) The changes in law made to Section 25.0202, Government
26 Code, apply only to a criminal case filed on or after the effective
27 date of this Act. A criminal case filed before that date is

1 governed by the law in effect on the date the case is filed, and that
2 law is continued in effect for that purpose.

3 SECTION 2.02. (a) Subchapter C, Chapter 25, Government
4 Code, is amended by adding Sections 25.0381 and 25.0382 to read as
5 follows:

6 Sec. 25.0381. CHAMBERS COUNTY. Chambers County has one
7 statutory county court, the County Court at Law of Chambers County.

8 Sec. 25.0382. CHAMBERS COUNTY COURT AT LAW PROVISIONS. (a)
9 In addition to the jurisdiction provided by Section 25.0003 and
10 other law, a county court at law in Chambers County has concurrent
11 jurisdiction with the district court in:

12 (1) arraignments, pleas, and pretrial motions for
13 felony cases; and

14 (2) family law cases and proceedings.

15 (b) In matters of concurrent jurisdiction, a judge of a
16 county court at law and a judge of a district court in Chambers
17 County may transfer cases between the courts in the same manner that
18 judges of district courts may transfer cases under Section 24.003.

19 (c) The judge of a county court at law shall be paid an
20 annual salary in an amount at least equal to the amount that is
21 \$1,000 less than the total annual salary, including supplements,
22 received by a district judge in the county. The salary shall be paid
23 out of the county treasury on order of the commissioners court.

24 (d) The judge of a county court at law is entitled to travel
25 expenses and necessary office expenses, including administrative
26 and clerical help, in the same manner as a district judge in the
27 county.

1 (e) The district clerk serves as clerk of a county court at
2 law in matters of concurrent jurisdiction with the district court
3 other than misdemeanor cases and probate matters and proceedings.
4 The county clerk serves as clerk for all other cases. Each clerk
5 shall establish a separate docket for a county court at law. The
6 commissioners court may employ as many deputy sheriffs and bailiffs
7 as are necessary to serve the court.

8 (f) If a case or proceeding in which a county court at law
9 has concurrent jurisdiction with a district court is tried before a
10 jury, the jury shall be composed of 12 members. In all other cases,
11 the jury shall be composed of six members.

12 (g) The judge of a county court at law may, instead of
13 appointing an official court reporter, contract for the services of
14 a court reporter under guidelines established by the commissioners
15 court.

16 (h) The laws governing the drawing, selection, service, and
17 pay of jurors for county courts apply to a county court at law.
18 Jurors regularly impaneled for a week by the district court may, on
19 a request of a judge of the county court at law, be made available
20 and shall serve for the week in a county court at law.

21 (i) A county court at law has the same terms of court as a
22 district court in Chambers County.

23 (b) The County Court at Law of Chambers County is created on
24 January 1, 2021.

25 SECTION 2.03. (a) Section [25.0481](#), Government Code, is
26 amended to read as follows:

27 Sec. 25.0481. COMAL COUNTY. Comal County has the following

1 statutory county courts:

- 2 (1) County Court at Law No. 1 of Comal County; [~~and~~]
- 3 (2) County Court at Law No. 2 of Comal County; and
- 4 (3) County Court at Law No. 3 of Comal County.

5 (b) The County Court at Law No. 3 of Comal County is created
6 on September 1, 2019.

7 SECTION 2.04. Section 25.0512, Government Code, is amended
8 by adding Subsections (a) and (b) to read as follows:

9 (a) In addition to the jurisdiction provided by Section
10 25.0003 and other law, a county court at law in Cooke County has
11 concurrent jurisdiction with the district court in family law cases
12 and proceedings.

13 (b) The district clerk serves as clerk of a county court at
14 law in family law cases and proceedings, and the county clerk serves
15 as clerk of the court in all other cases and proceedings.

16 SECTION 2.05. (a) Section 25.0721, Government Code, is
17 amended to read as follows:

18 Sec. 25.0721. ELLIS COUNTY. Ellis County has the following
19 statutory county courts:

- 20 (1) the County Court at Law of Ellis County; [~~and~~]
- 21 (2) the County Court at Law No. 2 of Ellis County; and
- 22 (3) the County Court at Law No. 3 of Ellis County.

23 (b) The County Court at Law No. 3 of Ellis County is created
24 on January 1, 2021.

25 SECTION 2.06. (a) Subchapter C, Chapter 25, Government
26 Code, is amended by adding Sections 25.0881 and 25.0882 to read as
27 follows:

1 Sec. 25.0881. GILLESPIE COUNTY. Gillespie County has one
2 statutory county court, the County Court at Law of Gillespie
3 County.

4 Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS.

5 (a) In addition to the jurisdiction provided by Section 25.0003 and
6 other law, a county court at law in Gillespie County has concurrent
7 jurisdiction with the district court in family law cases and
8 proceedings, including juvenile matters.

9 (b) The district clerk serves as clerk of a county court at
10 law for family cases and proceedings, including juvenile matters,
11 and the county clerk serves as clerk for all other cases. The
12 commissioners court may employ as many deputy sheriffs and bailiffs
13 as are necessary to serve the court.

14 (c) If a case or proceeding in which a county court at law
15 has concurrent jurisdiction with a district court is tried before a
16 jury, the jury shall be composed of 12 members. In all other cases,
17 the jury shall be composed of six members.

18 (b) The County Court at Law of Gillespie County is created
19 on October 1, 2019.

20 SECTION 2.07. (a) Section 25.1312, Government Code, is
21 amended by amending Subsection (a) and adding Subsection (d) to
22 read as follows:

23 (a) In addition to the jurisdiction provided by Section
24 25.0003 and other law, a statutory county court in Kaufman County
25 has, except as limited by Subsection [~~Subsections~~] (b) [~~and (b-1)~~],
26 the jurisdiction provided by the constitution and general law for
27 district courts.

1 (d) A jury must be composed of 12 members in:

2 (1) civil cases in which the amount in controversy is
3 \$200,000 or more;

4 (2) family law cases and proceedings; and

5 (3) felony cases.

6 (b) Section 25.1312, Government Code, as amended by this
7 Act, applies only to a cause of action filed on or after the
8 effective date of this Act. A cause of action filed before that
9 date is governed by the law in effect immediately before that date,
10 and that law is continued in effect for that purpose.

11 SECTION 2.08. (a) Section 25.1481, Government Code, is
12 amended to read as follows:

13 Sec. 25.1481. LIBERTY COUNTY. (a) Liberty County has the
14 following statutory county courts:

15 (1) [~~one statutory county court,~~] the County Court at
16 Law of Liberty County; and

17 (2) the County Court at Law No. 2 of Liberty County.

18 (b) The county courts at law [~~County Court at Law~~] of
19 Liberty County sit [~~sits~~] in Liberty.

20 (b) The County Court at Law No. 2 of Liberty County is
21 created on September 1, 2019.

22 SECTION 2.09. Section 25.1902, Government Code, is amended
23 by adding Subsection (b-1) to read as follows:

24 (b-1) In addition to the jurisdiction provided by
25 Subsections (a) and (b), the County Court at Law No. 1 of Potter
26 County has concurrent jurisdiction with the district court in
27 felony cases to conduct arraignments, conduct pretrial hearings,

1 and accept pleas in uncontested matters.

2 SECTION 2.10. (a) Section 25.2011, Government Code, is
3 amended to read as follows:

4 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has the
5 following statutory county courts:

6 (1) [~~one statutory county court,~~] the County Court at
7 Law No. 1 of Rockwall County; and

8 (2) the County Court at Law No. 2 of Rockwall County.

9 (b) Sections 25.2012(c), (g), and (h), Government Code, are
10 amended to read as follows:

11 (c) The district clerk serves as clerk of a county court at
12 law except that the county clerk serves as clerk of a a [~~the~~] county
13 court at law in matters of mental health, the probate and criminal
14 misdemeanor docket, and all civil matters in which a a [~~the~~] county
15 court at law does not have concurrent jurisdiction with a a [~~the~~]
16 district court.

17 (g) When administering a case for a a [~~the~~] county court at
18 law, the district clerk shall charge civil fees and court costs as
19 if the case had been filed in a a [~~the~~] district court. In a case of
20 concurrent jurisdiction, the case shall be assigned to either a a
21 [~~the~~] district court or a a [~~the~~] county court at law in accordance
22 with local administrative rules established by the local
23 administrative judge.

24 (h) The judge of a a [~~the~~] county court at law shall appoint an
25 official court reporter for the judge's court and shall set the
26 official court reporter's annual salary, subject to approval by the
27 county commissioners court. The official court reporter of a a [~~the~~]

1 county court at law shall take an oath or affirmation as an officer
2 of the court. The official court reporter holds office at the
3 pleasure of the judge [~~of the court~~] and shall be provided a private
4 office in close proximity to the court. The official court reporter
5 is entitled to all rights and benefits afforded all other county
6 employees.

7 (c) The County Court at Law No. 2 of Rockwall County is
8 created on September 1, 2019.

9 ARTICLE 3. MUNICIPAL COURTS

10 SECTION 3.01. (a) Section 30.00044(1), Government Code,
11 is amended to read as follows:

12 (1) Sections [~~Section~~] 30.00007(b)(5) and 30.00009(c) and
13 (d) do [~~does~~] not apply to this subchapter.

14 (b) Section 30.00044(1), Government Code, as amended by
15 this section, applies to a clerk and other court personnel of the
16 municipal court of record of the City of Lubbock employed on or
17 after the effective date of this Act, regardless of whether the
18 clerk or other personnel began employment before, on, or after the
19 effective date of this Act.

20 ARTICLE 4. SENIOR DISTRICT JUDGES

21 SECTION 4.01. Section 832.101, Government Code, is amended
22 to read as follows:

23 Sec. 832.101. INELIGIBILITY FOR MEMBERSHIP. A retiree who
24 makes an election under Subchapter C of Chapter 74 [~~or who is~~
25 ~~appointed under Subchapter C of Chapter 75~~] may not rejoin the
26 retirement system or receive credit in the retirement system for
27 the period of an appointment or for any service performed under

1 assignment.

2 SECTION 4.02. Section 836.006, Government Code, is amended
3 to read as follows:

4 Sec. 836.006. DIVERSION OF MONEY PROHIBITED. Except as
5 provided by Section [~~Sections 840.101(b) and~~ 840.305(c), no part
6 of the money contributed to the retirement system under Section
7 840.102 [~~or 840.104~~] and no part of the contribution described by
8 Section 840.103(b)(2) may be used for or diverted to any purpose
9 other than the exclusive benefit of members, their beneficiaries,
10 and annuitants of the retirement system.

11 SECTION 4.03. Section 837.101, Government Code, is amended
12 to read as follows:

13 Sec. 837.101. JUDICIAL ASSIGNMENT. A retiree who makes an
14 election under Subchapter C of Chapter 74 [~~or who is appointed under~~
15 ~~Subchapter C of Chapter 75~~] may not rejoin or receive credit in the
16 retirement system for the period of an appointment or for any
17 service performed under assignment.

18 ARTICLE 5. MASTERS AND MAGISTRATES

19 SECTION 5.01. Article 2.09, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
22 officers is a magistrate within the meaning of this Code: The
23 justices of the Supreme Court, the judges of the Court of Criminal
24 Appeals, the justices of the Courts of Appeals, the judges of the
25 District Court, the magistrates appointed by the judges of the
26 district courts of Bexar County, Dallas County, or Tarrant County
27 that give preference to criminal cases, the criminal law hearing

1 officers for Harris County appointed under Subchapter L, Chapter
2 54, Government Code, the criminal law hearing officers for Cameron
3 County appointed under Subchapter BB, Chapter 54, Government Code,
4 the magistrates or associate judges appointed by the judges of the
5 district courts of Lubbock County, Nolan County, or Webb County,
6 the magistrates appointed by the judges of the criminal district
7 courts of Dallas County or Tarrant County, the associate judges
8 appointed by the judges of the district courts and the county courts
9 at law that give preference to criminal cases in Jefferson County,
10 the associate judges appointed by the judges of the district courts
11 and the statutory county courts of Brazos County, Nueces County, or
12 Williamson County, the magistrates appointed by the judges of the
13 district courts and statutory county courts that give preference to
14 criminal cases in Travis County, the criminal magistrates appointed
15 by the Brazoria County Commissioners Court, the criminal
16 magistrates appointed by the Burnet County Commissioners Court, the
17 county judges, the judges of the county courts at law, judges of the
18 county criminal courts, the judges of statutory probate courts, the
19 associate judges appointed by the judges of the statutory probate
20 courts under Chapter 54A, Government Code, the associate judges
21 appointed by the judge of a district court under Chapter 54A,
22 Government Code, the magistrates appointed under Subchapter JJ,
23 Chapter 54, Government Code, the magistrates appointed by the
24 Collin County Commissioners Court [~~as added by H.B. No. 2132, Acts~~
25 ~~of the 82nd Legislature, Regular Session, 2011~~], the justices of
26 the peace, and the mayors and recorders and the judges of the
27 municipal courts of incorporated cities or towns.

1 SECTION 5.02. Chapter 54, Government Code, is amended by
2 adding Subchapter B to read as follows:

3 SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

4 Sec. 54.101. APPOINTMENT. (a) The Commissioners Court of
5 Bell County may select masters to serve the justice courts of Bell
6 County having jurisdiction in truancy matters.

7 (b) The commissioners court shall establish the minimum
8 qualifications, salary, benefits, and other compensation of each
9 master position and shall determine whether the position is
10 full-time or part-time.

11 (c) A master appointed under this section serves at the
12 pleasure of the commissioners court.

13 Sec. 54.102. JURISDICTION. A master appointed under this
14 subchapter has concurrent jurisdiction with the judges of the
15 justice of the peace courts of Bell County over cases involving
16 truant conduct in accordance with Section 65.004, Family Code.

17 Sec. 54.103. POWERS AND DUTIES. (a) The Commissioners
18 Court of Bell County shall establish the powers and duties of a
19 master appointed under this subchapter.

20 (b) An order of referral may limit the use or power of a
21 master.

22 (c) Unless limited by published local rule, by written
23 order, or by an order of referral, a master may perform all acts and
24 take all measures necessary and proper to perform the tasks
25 assigned in a referral.

26 (d) A master may administer oaths.

27 Sec. 54.104. JUDICIAL IMMUNITY. A master has the same

1 judicial immunity as a district judge.

2 Sec. 54.105. TRAINING. A master appointed under this
3 subchapter must successfully complete all training a justice of the
4 peace is required to complete under state law.

5 Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an
6 attorney, party, witness, or any other person fails to comply with a
7 summons or order, the master may certify that failure in writing to
8 the referring court for appropriate action.

9 Sec. 54.107. WITNESSES. (a) A witness appearing before a
10 master is subject to the penalties of perjury as provided by Chapter
11 37, Penal Code.

12 (b) A witness referred to the court under Section 54.106 is
13 subject to the same penalties and orders that may be imposed on a
14 witness appearing in a hearing before the court.

15 SECTION 5.03. Chapter 54, Government Code, is amended by
16 adding Subchapter MM to read as follows:

17 SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

18 Sec. 54.2201. AUTHORIZATION; APPOINTMENT; TERMINATION;
19 ELIMINATION. (a) The Commissioners Court of Collin County by
20 majority vote may appoint one or more part-time or full-time
21 magistrates to perform the duties authorized by this subchapter.

22 (b) An order appointing a magistrate must be signed by the
23 county judge of Collin County, and the order must state:

24 (1) the magistrate's name; and

25 (2) the date the magistrate's employment begins.

26 (c) A magistrate may be terminated by a majority vote of the
27 Commissioners Court of Collin County.

1 (d) An authorized magistrate's position may be eliminated
2 on a majority vote of the Commissioners Court of Collin County.

3 Sec. 54.2202. QUALIFICATIONS; OATH OF OFFICE. (a) To be
4 eligible for appointment as a magistrate, a person must:

5 (1) be a citizen of the United States;

6 (2) have resided in Collin County for at least the four
7 years preceding the person's appointment; and

8 (3) have been licensed to practice law in this state
9 for at least four years.

10 (b) A magistrate appointed under Section 54.2201 must take
11 the constitutional oath of office required of appointed officers of
12 this state.

13 Sec. 54.2203. COMPENSATION. A magistrate is entitled to
14 the compensation set by the Commissioners Court of Collin County.
15 The compensation shall be paid from the general fund of the county.

16 Sec. 54.2204. JUDICIAL IMMUNITY. A magistrate has the same
17 judicial immunity as a district judge.

18 Sec. 54.2205. PROCEEDING THAT MAY BE REFERRED. (a) The
19 judge of a district court or county court at law or a justice of the
20 peace may refer to a magistrate any case or matter relating to a
21 case for proceedings involving:

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

24 (2) a bond forfeiture, remittitur, and related
25 proceedings;

26 (3) a pretrial motion;

27 (4) a writ of habeas corpus;

- 1 (5) an examining trial;
2 (6) an occupational driver's license;
3 (7) a petition for an order of expunction under
4 Chapter 55, Code of Criminal Procedure;
5 (8) an asset forfeiture hearing as provided by Chapter
6 59, Code of Criminal Procedure;
7 (9) a petition for an order of nondisclosure of
8 criminal history record information or an order of nondisclosure of
9 criminal history record information that does not require a
10 petition provided by Subchapter E-1, Chapter 411;
11 (10) a motion to modify or revoke community
12 supervision or to proceed with an adjudication of guilt;
13 (11) setting conditions, modifying, revoking, and
14 surrendering of bonds, including surety bonds;
15 (12) specialty court proceedings;
16 (13) a waiver of extradition;
17 (14) selection of a jury; and
18 (15) any other matter the judge or justice of the peace
19 considers necessary and proper.
20 (b) A judge may refer to a magistrate a civil case arising
21 out of Chapter 59, Code of Criminal Procedure, for any purpose
22 authorized by that chapter, including issuing orders, accepting
23 agreed judgments, enforcing judgments, and presiding over a case on
24 the merits if a party has not requested a jury trial.
25 (c) A magistrate may accept a plea of guilty from a
26 defendant charged with misdemeanor, felony, or both misdemeanor and
27 felony offenses.

1 (d) If the magistrate is acting as an associate judge under
2 Section 54.2216, the magistrate may hear any case referred under
3 Section 54A.106.

4 (e) A magistrate may not preside over a criminal trial on
5 the merits, regardless of whether the trial is before a jury.

6 (f) A magistrate may not hear any jury trial on the merits.

7 Sec. 54.2206. ORDER OF REFERRAL. (a) To refer one or more
8 cases to a magistrate, a judge or justice of the peace must issue an
9 order of referral specifying the magistrate's duties.

10 (b) An order of referral may:

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

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

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

16 (4) provide a date for filing the magistrate's
17 findings;

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

20 (6) direct the magistrate to call the court's docket;
21 and

22 (7) set forth general powers and limitations of
23 authority of the magistrate applicable to any case referred.

24 Sec. 54.2207. POWERS. (a) Except as limited by an order of
25 referral, a magistrate to whom a case is referred may:

26 (1) conduct hearings;

27 (2) hear evidence;

- 1 (3) compel production of relevant evidence in civil or
2 criminal matters;
- 3 (4) rule on disputes regarding civil discovery;
- 4 (5) rule on admissibility of evidence;
- 5 (6) issue summons for the appearance of witnesses;
- 6 (7) examine witnesses;
- 7 (8) swear witnesses for hearings;
- 8 (9) make findings of fact on evidence;
- 9 (10) formulate conclusions of law;
- 10 (11) rule on a pretrial motion;
- 11 (12) recommend the rulings, orders, or judgment to be
12 made in a case;
- 13 (13) regulate proceedings in a hearing;
- 14 (14) accept a plea of guilty from a defendant charged
15 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 16 (15) select a jury;
- 17 (16) accept a negotiated plea on a probation
18 revocation;
- 19 (17) conduct a contested probation revocation
20 hearing;
- 21 (18) sign a dismissal in a misdemeanor case;
- 22 (19) enter an order of dismissal or non-suit on
23 agreement of the parties in a civil case;
- 24 (20) in any case referred under Section 54.2205(a)(1),
25 accept a negotiated plea of guilty or no contest and:
- 26 (A) enter a finding of guilt and impose or
27 suspend the sentence; or

1 (B) defer adjudication of guilt;

2 (21) conduct initial juvenile detention hearings if
3 approved by the juvenile board of Collin County; and

4 (22) perform any act and take any measure necessary
5 and proper for the efficient performance of the duties required by
6 the order of referral.

7 (b) A magistrate may sign a motion to dismiss submitted by
8 an attorney representing the state on cases referred to the
9 magistrate, or on dockets called by the magistrate, and may
10 consider unadjudicated cases at sentencing under Section 12.45,
11 Penal Code.

12 (c) Except as provided by Sections 54.2205(e) and (f), a
13 magistrate has all of the powers of a magistrate under the laws of
14 this state and may administer an oath for any purpose.

15 Sec. 54.2208. FORFEITURES. Bail bonds and personal bonds
16 may be forfeited by the magistrate court in the manner provided by
17 Chapter 22, Code of Criminal Procedure, and those forfeitures shall
18 be filed with:

19 (1) the district clerk if associated with a felony
20 case;

21 (2) the county clerk if associated with a Class A or
22 Class B misdemeanor case; or

23 (3) the same justice court clerk associated with the
24 Class C misdemeanor case in which the bond was originally filed.

25 Sec. 54.2209. COSTS. (a) When the district clerk is the
26 clerk under this subchapter, the district clerk shall charge the
27 same court costs for cases filed in, transferred to, or assigned to

1 the magistrate court that are charged in the district courts.

2 (b) When the county clerk is the clerk under this
3 subchapter, the county clerk shall charge the same court costs for
4 cases filed in, transferred to, or assigned to the magistrate court
5 that are charged in the county courts.

6 (c) When a justice clerk is the clerk under this subchapter,
7 the justice clerk shall charge the same court costs for cases filed
8 in, transferred to, or assigned to the magistrate court that are
9 charged in the justice courts.

10 Sec. 54.2210. CLERK. (a) The district clerk serves as
11 clerk of the magistrate court, except that:

12 (1) after a Class A or Class B misdemeanor is filed in
13 the county court at law and assigned to the magistrate court, the
14 county clerk serves as clerk for that misdemeanor case; and

15 (2) after a Class C misdemeanor is filed in a justice
16 court and assigned to the magistrate court, the originating justice
17 court clerk serves as clerk for that misdemeanor case.

18 (b) The district clerk shall establish a docket and keep the
19 minutes for the cases filed in or transferred to the magistrate
20 court. The district clerk shall perform any other duties that local
21 administrative rules require in connection with the implementation
22 of this subchapter. The local administrative judge shall ensure
23 that the duties required under this subsection are performed. To
24 facilitate the duties associated with serving as the clerk of the
25 magistrate court, the district clerk and the deputies of the
26 district clerk may serve as deputy justice clerks and deputy county
27 clerks at the discretion of the district clerk.

1 (c) The clerk of the case shall include as part of the record
2 on appeal a copy of the order and local administrative rule under
3 which a magistrate court acted.

4 Sec. 54.2211. COURT REPORTER. At the request of a party,
5 the court shall provide a court reporter to record the proceedings
6 before the magistrate.

7 Sec. 54.2212. 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. 54.2213. 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. 54.2214. COSTS OF MAGISTRATE. The court shall
20 determine if the nonprevailing party is able to defray the costs of
21 the magistrate. If the court determines the nonprevailing party is
22 able to pay those costs, the court shall assess the magistrate's
23 costs against the nonprevailing party.

24 Sec. 54.2215. JUDICIAL ACTION. (a) A referring court may
25 modify, correct, reject, reverse, or recommit for further
26 information any action taken by the magistrate.

27 (b) If the court does not modify, correct, reject, reverse,

1 or recommit an action of the magistrate, the action becomes the
2 decree of the court.

3 (c) At the conclusion of each term during which the services
4 of a magistrate are used, the referring court shall enter a decree
5 on the minutes adopting the actions of the magistrate of which the
6 court approves.

7 Sec. 54.2216. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate
8 appointed under this subchapter may act as a civil associate judge
9 under Subchapter B, Chapter 54A, Government Code. To the extent of
10 any conflict with this subchapter, a magistrate acting as an
11 associate judge shall comply with provisions regarding the
12 appointment, termination, referral of cases, powers, duties, and
13 immunities of associate judges under Subchapter B, Chapter 54A,
14 Government Code.

15 SECTION 5.04. Chapter 54, Government Code, is amended by
16 adding Subchapter NN to read as follows:

17 SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

18 Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION.

19 (a) The Commissioners Court of Kerr County may authorize the judges
20 of the district and statutory county courts in Kerr County to
21 appoint one or more part-time or full-time magistrates to perform
22 the duties authorized by this subchapter.

23 (b) The judges of the district and statutory county courts
24 in Kerr County by a unanimous vote may appoint magistrates as
25 authorized by the Commissioners Court of Kerr County.

26 (c) An order appointing a magistrate must be signed by the
27 local presiding judge of the district courts serving Kerr County,

1 and the order must state:

2 (1) the magistrate's name; and

3 (2) the date the magistrate's employment is to begin.

4 (d) An authorized magistrate's position may be eliminated
5 on a majority vote of the Commissioners Court of Kerr County.

6 Sec. 54.2302. QUALIFICATIONS; OATH OF OFFICE. (a) To be
7 eligible for appointment as a magistrate, a person must:

8 (1) be a citizen of the United States;

9 (2) have resided in Kerr County for at least the two
10 years preceding the person's appointment; and

11 (3) be at least 30 years of age.

12 (b) A magistrate appointed under Section 54.2301 must take
13 the constitutional oath of office required of appointed officers of
14 this state.

15 Sec. 54.2303. COMPENSATION. (a) A magistrate is entitled
16 to the salary determined by the Commissioners Court of Kerr County.

17 (b) A full-time magistrate's salary may not be less than
18 that of a justice of the peace of Kerr County as established by the
19 annual budget of Kerr County.

20 (c) A part-time magistrate's salary is equal to the per-hour
21 salary of a justice of the peace. The per-hour salary is determined
22 by dividing the annual salary by a 2,000 work-hour year. The local
23 administrative judge of the district courts serving Kerr County
24 shall approve the number of hours for which a part-time magistrate
25 is to be paid.

26 (d) The magistrate's salary is paid from the county fund
27 available for payment of officers' salaries.

1 Sec. 54.2304. JUDICIAL IMMUNITY. A magistrate has the same
2 judicial immunity as a district judge.

3 Sec. 54.2305. TERMINATION OF EMPLOYMENT. (a) A magistrate
4 may be terminated by a majority vote of all the judges of the
5 district and statutory county courts of Kerr County.

6 (b) To terminate a magistrate's employment, the local
7 administrative judge of the district courts serving Kerr County
8 must sign a written order of termination. The order must state:

9 (1) the magistrate's name; and

10 (2) the final date of the magistrate's employment.

11 Sec. 54.2306. JURISDICTION; RESPONSIBILITY; POWERS. (a)
12 The judges of the district or statutory county courts shall
13 establish standing orders to be followed by a magistrate or parties
14 appearing before a magistrate, as applicable.

15 (b) To the extent authorized by this subchapter and the
16 standing orders, a magistrate has jurisdiction to exercise the
17 authority granted by the judges of the district or statutory county
18 courts.

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

21 (d) A magistrate shall give preference to performing the
22 duties of a magistrate under Article 15.17, Code of Criminal
23 Procedure.

24 (e) A magistrate is authorized to:

25 (1) set, adjust, and revoke bonds before the filing of
26 an information or the return of an indictment;

27 (2) conduct examining trials;

1 (3) determine whether a defendant is indigent and
2 appoint counsel for an indigent defendant;
3 (4) issue search and arrest warrants;
4 (5) issue emergency protective orders;
5 (6) order emergency mental commitments; and
6 (7) conduct initial juvenile detention hearings if
7 approved by the Kerr County Juvenile Board.

8 (f) With the express authorization of a justice of the
9 peace, a magistrate may exercise concurrent criminal jurisdiction
10 with the justice of the peace to dispose as provided by law of cases
11 filed in the precinct of the authorizing justice of the peace,
12 except for a trial on the merits following a plea of not guilty.

13 (g) A magistrate may:

14 (1) issue notices of the setting of a case for a
15 hearing;
16 (2) conduct hearings;
17 (3) compel production of evidence;
18 (4) hear evidence;
19 (5) issue summons for the appearance of witnesses;
20 (6) swear witnesses for hearings;
21 (7) regulate proceedings in a hearing; and
22 (8) perform any act and take any measure necessary and
23 proper for the efficient performance of the duties required by the
24 magistrate's jurisdiction and authority.

25 Sec. 54.2307. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The
26 Commissioners Court of Kerr County shall provide:

27 (1) personnel for the legal or clerical functions

1 necessary to perform the magistrate's duties authorized by this
2 chapter; and

3 (2) sufficient equipment and office space for the
4 magistrate and personnel to perform the magistrate's essential
5 functions.

6 ARTICLE 6. DISTRICT AND COUNTY ATTORNEYS

7 SECTION 6.01. Section 43.105(a), Government Code, is
8 amended to read as follows:

9 (a) The voters of Montgomery County elect a district
10 attorney for the 9th Judicial District who represents the state in
11 that district court only in that county. The district attorney also
12 acts as district attorney for the 410th and 457th Judicial
13 Districts [~~District in Montgomery County~~].

14 SECTION 6.02. Section 43.108, Government Code, is amended
15 to read as follows:

16 Sec. 43.108. 21ST JUDICIAL DISTRICT. (a) The voters of
17 Washington County [~~and Burleson counties~~] elect a district attorney
18 for the 21st Judicial District who represents the state in that
19 district court only in that county [~~those counties~~].

20 (b) The district attorney also represents the state and
21 performs the duties of district attorney before the 335th District
22 Court in Washington County [~~and Burleson counties~~].

23 SECTION 6.03. (a) Section 43.123, Government Code, is
24 amended to read as follows:

25 Sec. 43.123. 38TH JUDICIAL DISTRICT. (a) The voters of the
26 38th Judicial District elect a district attorney.

27 (b) The district attorney of the 38th Judicial District also

1 represents the state and performs the duties of the district
2 attorney before the 454th Judicial District. This subsection
3 expires January 1, 2021.

4 (b) Effective January 1, 2021, Section 44.001, Government
5 Code, is amended to read as follows:

6 Sec. 44.001. ELECTION. The voters of each of the following
7 counties elect a criminal district attorney: Anderson, Austin,
8 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
9 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
10 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
11 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Medina,
12 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
13 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
14 Waller, Wichita, Wood, and Yoakum.

15 (c) Effective January 1, 2021, Subchapter B, Chapter 44,
16 Government Code, is amended by adding Section 44.263 to read as
17 follows:

18 Sec. 44.263. MEDINA COUNTY. (a) The criminal district
19 attorney of Medina County must meet the following qualifications:

20 (1) be at least 30 years old;

21 (2) have been a practicing attorney in this state for
22 at least five years; and

23 (3) have been a resident of Medina County for at least
24 one year before election or appointment.

25 (b) The criminal district attorney has all the powers,
26 duties, and privileges in Medina County that are conferred by law on
27 county and district attorneys in the various counties and

1 districts.

2 (c) The criminal district attorney shall attend each term
3 and session of the district and inferior courts of Medina County,
4 except municipal courts, held for the transaction of criminal
5 business and shall exclusively represent the state in all criminal
6 matters before those courts.

7 (d) The criminal district attorney shall represent Medina
8 County in any court in which the county has pending business. This
9 subsection does not require the criminal district attorney to
10 represent the county in a delinquent tax suit or condemnation
11 proceeding and does not prevent the county from retaining other
12 legal counsel in a civil matter at any time it considers
13 appropriate.

14 (e) The criminal district attorney shall collect the fees,
15 commissions, and perquisites that are provided by law for similar
16 services rendered by a district or county attorney.

17 (f) The criminal district attorney is entitled to receive in
18 equal monthly installments compensation from the state equal to the
19 amount paid by the state to district attorneys. The state
20 compensation shall be paid by the comptroller as appropriated by
21 the legislature. The Commissioners Court of Medina County shall
22 pay the criminal district attorney an additional amount so that the
23 total compensation of the criminal district attorney equals at
24 least 90 percent of the total salary paid to the judge of the 454th
25 District Court in Medina County. The compensation paid by the
26 county shall be paid in semiweekly or bimonthly installments, as
27 determined by the commissioners court.

1 (g) The criminal district attorney or the Commissioners
2 Court of Medina County may accept gifts and grants from any
3 individual, partnership, corporation, trust, foundation,
4 association, or governmental entity for the purpose of financing or
5 assisting effective prosecution, crime prevention or suppression,
6 rehabilitation of offenders, substance abuse education, treatment
7 and prevention, or crime victim assistance programs in Medina
8 County. The criminal district attorney shall account for and
9 report to the commissioners court all gifts or grants accepted
10 under this subsection.

11 (h) The criminal district attorney, for the purpose of
12 conducting affairs of the office, may appoint a staff composed of
13 assistant criminal district attorneys, investigators,
14 stenographers, clerks, and other personnel that the commissioners
15 court may authorize. The salary of a staff member is an amount
16 recommended by the criminal district attorney and approved by the
17 commissioners court. The commissioners court shall pay the
18 salaries of the staff in equal semiweekly or bimonthly installments
19 from county funds.

20 (i) The criminal district attorney shall, with the advice
21 and consent of the commissioners court, designate one or more
22 individuals to act as an assistant criminal district attorney with
23 exclusive responsibility for assisting the commissioners court. An
24 individual designated as an assistant criminal district attorney
25 under this subsection must have extensive experience in
26 representing public entities and knowledge of the laws affecting
27 counties, including the open meetings and open records laws under

1 Chapters 551 and 552.

2 (j) Medina County is entitled to receive from the state an
3 amount equal to the amount provided in the General Appropriations
4 Act to district attorneys for the payment of staff salaries and
5 office expenses.

6 (k) The legislature may provide for additional staff
7 members to be paid from state funds if it considers supplementation
8 of the criminal district attorney's staff to be necessary.

9 (l) The criminal district attorney and assistant criminal
10 district attorney may not engage in the private practice of law or
11 receive a fee for the referral of a case.

12 (d) Effective January 1, 2021, the office of county attorney
13 of Medina County is abolished.

14 (e) Notwithstanding Section 41.010, Government Code, the
15 initial vacancy in the office of the criminal district attorney of
16 Medina County shall be filled by election. The office of the
17 criminal district attorney of Medina County exists for purposes of
18 the primary and general elections in 2020. The qualified voters of
19 Medina County shall elect the initial criminal district attorney of
20 Medina County at the general election in 2020 for a four-year term
21 of office.

22 (f) The criminal district attorney of Medina County retains
23 all powers, duties, and privileges in Medina County that were
24 previously held by the office of the district attorney of the 38th
25 Judicial District and the office of the county attorney of Medina
26 County, including all powers, duties, and privileges in all pending
27 matters of the county and district attorney and all pending matters

1 before any court.

2 SECTION 6.04. Subchapter B, Chapter 45, Government Code, is
3 amended by adding Section 45.126 to read as follows:

4 Sec. 45.126. BURLESON COUNTY. In Burleson County, the
5 county attorney of Burleson County shall perform the duties imposed
6 on and have the powers conferred on district attorneys by general
7 law and is entitled to be compensated by the state in the manner and
8 amount set by general law relating to the salary paid to district
9 attorneys by the state.

10 SECTION 6.05. Effective September 1, 2019, Section 46.002,
11 Government Code, is amended to read as follows:

12 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
13 applies to the state prosecuting attorney, all county prosecutors,
14 and the following state prosecutors:

15 (1) the district attorneys for Kenedy and Kleberg
16 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th,
17 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
18 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
19 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
20 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
21 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
22 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
23 268th, 271st, 286th, 287th, 293rd, 329th, 344th, 349th, 355th,
24 369th, 452nd, and 506th judicial districts;

25 (2) the criminal district attorneys for the counties
26 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
27 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,

1 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
2 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
3 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
4 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
5 Waller, Wichita, Wood, and Yoakum; and

6 (3) the county attorneys performing the duties of
7 district attorneys in the counties of Andrews, Aransas, Burleson,
8 Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls,
9 Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca,
10 Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange,
11 Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and
12 Willacy.

13 SECTION 6.06. Effective January 1, 2021, Section 46.002,
14 Government Code, is amended to read as follows:

15 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
16 applies to the state prosecuting attorney, all county prosecutors,
17 and the following state prosecutors:

18 (1) the district attorneys for Kenedy and Kleberg
19 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th,
20 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
21 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
22 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
23 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
24 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
25 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
26 268th, 271st, 286th, 287th, 293rd, 329th, 344th, 349th, 355th,
27 369th, 452nd, and 506th judicial districts;

1 (2) the criminal district attorneys for the counties
2 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Burleson,
3 Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton,
4 Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays,
5 Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan,
6 Madison, Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall,
7 San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt,
8 Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

9 (3) the county attorneys performing the duties of
10 district attorneys in the counties of Andrews, Aransas, Callahan,
11 Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone,
12 Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee,
13 Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange,
14 Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and
15 Willacy.

16 ARTICLE 7. COURT REPORTERS AND BAILIFFS

17 SECTION 7.01. Section [322.003](#), Business & Commerce Code, is
18 amended by amending Subsection (a) and adding Subsection (e) to
19 read as follows:

20 (a) Except as otherwise provided in Subsections
21 [~~Subsection~~] (b) and (e), this chapter applies to electronic
22 records and electronic signatures relating to a transaction.

23 (e) This chapter does not apply to the transmission,
24 preparation, completion, enforceability, or admissibility of a
25 document in any form that is:

26 (1) produced by a court reporter appointed under
27 Chapter [52](#), Government Code, or a court reporter certified under or

1 a shorthand reporting firm registered under Chapter 154, Government
2 Code, for use in the state or federal judicial system; or

3 (2) governed by rules adopted by the supreme court,
4 including rules governing the electronic filing system established
5 by the supreme court.

6 SECTION 7.02. Subchapter B, Chapter 51, Civil Practice and
7 Remedies Code, is amended by adding Section 51.017 to read as
8 follows:

9 Sec. 51.017. SERVICE OF NOTICE ON COURT REPORTER. (a) In
10 addition to requirements for service of notice of appeal imposed by
11 Rule 25.1(e), Texas Rules of Appellate Procedure, notice of appeal,
12 including an interlocutory appeal, must be served on each court
13 reporter responsible for preparing the reporter's record.

14 (b) Notwithstanding Section 22.004, Government Code, the
15 supreme court may not amend or adopt rules in conflict with this
16 section.

17 SECTION 7.03. Chapter 52, Government Code, is amended by
18 adding Subchapter B to read as follows:

19 SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS

20 Sec. 52.011. PROVISION OF SIGNED CERTIFICATION. On request
21 of a court reporter who reported a deposition, a court reporting
22 firm shall provide the reporter with a copy of the document related
23 to the deposition, known as the further certification, that the
24 reporter has signed or to which the reporter's signature has been
25 applied.

26 SECTION 7.04. Section 53.002(d), Government Code, is
27 amended to read as follows:

1 (d) The judges of the 15th, ~~and~~ 59th, and 397th district
2 courts and the judges of the statutory county courts in Grayson
3 County may each appoint a bailiff.

4 SECTION 7.05. Section 53.004(c), Government Code, is
5 amended to read as follows:

6 (c) A bailiff in the 15th, ~~or~~ 59th, or 397th district
7 court or a statutory county court in Grayson County must be a
8 citizen of the United States ~~[and a resident of Grayson County]~~.

9 SECTION 7.06. Section 53.009(g), Government Code, is
10 amended to read as follows:

11 (g) Each bailiff appointed by a judge of the 15th, ~~or~~
12 59th, or 397th district court or appointed by a statutory county
13 court judge in Grayson County is entitled to receive from the county
14 a salary set by the judge ~~[equal to the salary of a jailer employed~~
15 ~~by the Grayson County sheriff]~~.

16 SECTION 7.07. Section 154.001(a), Government Code, is
17 amended by adding Subdivisions (1-a) and (3-a) to read as follows:

18 (1-a) "Apprentice court reporter" means a person to
19 whom an apprentice court reporter certification is issued as
20 authorized by Section 154.1011.

21 (3-a) "Provisional court reporter" means a court
22 reporter to whom a provisional certification is issued as
23 authorized by Section 154.1011.

24 SECTION 7.08. Sections 154.101(b), (c), and (e), Government
25 Code, are amended to read as follows:

26 (b) A person may not engage in shorthand reporting in this
27 state unless the person is certified as:

1 (1) a shorthand reporter by the supreme court under
2 this section; or

3 (2) an apprentice court reporter or provisional court
4 reporter certified as authorized by Section 154.1011, subject to
5 the terms of the person's certification.

6 (c) A certification issued under this section [~~chapter~~]
7 must be for one or more of the following methods of shorthand
8 reporting:

9 (1) written shorthand;

10 (2) machine shorthand;

11 (3) oral stenography; or

12 (4) any other method of shorthand reporting authorized
13 by the supreme court.

14 (e) A person may not assume or use the title or designation
15 "court recorder," "court reporter," or "shorthand reporter," or any
16 abbreviation, title, designation, words, letters, sign, card, or
17 device tending to indicate that the person is a court reporter or
18 shorthand reporter, unless the person is certified as a shorthand
19 reporter or provisional court reporter by the supreme court.
20 Nothing in this subsection shall be construed to either sanction or
21 prohibit the use of electronic court recording equipment operated
22 by a noncertified court reporter pursuant and according to rules
23 adopted or approved by the supreme court.

24 SECTION 7.09. (a) Subchapter C, Chapter 154, Government
25 Code, is amended by adding Sections 154.1011 and 154.1012 to read as
26 follows:

27 Sec. 154.1011. APPRENTICE COURT REPORTER AND PROVISIONAL

1 COURT REPORTER CERTIFICATIONS. (a) Subject to Section 152.101,
2 the commission by rule may provide for:

3 (1) the certification of an apprentice court reporter
4 who may engage in court reporting only:

5 (A) under the direct supervision of a certified
6 court reporter; and

7 (B) for the types of legal proceedings authorized
8 by commission rule; and

9 (2) the provisional certification of a court reporter,
10 including a court reporter described by Section 154.1012(f), that
11 allows a person to engage in court reporting only in accordance with
12 the terms and for the period expressly authorized by commission
13 rule.

14 (b) Rules adopted under Subsection (a) may allow for the
15 issuance of a certification under Section 154.101 to:

16 (1) a certified apprentice court reporter who
17 satisfactorily completes the apprenticeship and passes Part A of
18 the examination required by Section 154.103; or

19 (2) a court reporter who holds a provisional
20 certification on the reporter's completion of the terms of the
21 commission's conditional approval.

22 Sec. 154.1012. RECIPROCITY. (a) The commission may waive
23 any prerequisite to obtaining a court reporter certification for an
24 applicant after reviewing the applicant's credentials and
25 determining the applicant holds a certification or license issued
26 by another jurisdiction that has certification or licensing
27 requirements substantially equivalent to those of this state.

1 (b) The commission shall develop and periodically update on
2 a schedule established by the commission a list of states that have
3 certification or licensing requirements for court reporters
4 substantially equivalent to those of this state.

5 (c) The commission shall certify to the supreme court the
6 name of each qualified applicant who:

7 (1) holds a certification or license to engage in
8 court reporting issued by another state that, as determined by the
9 commission:

10 (A) has certification or licensing requirements
11 to engage in court reporting that are substantially equivalent to
12 the requirements of this state for a court reporter governed by this
13 chapter and Chapter 52; or

14 (B) is included on the list developed by the
15 commission under Subsection (b); and

16 (2) before certification in this state:

17 (A) passes Part B of the examination required by
18 Section 154.103; and

19 (B) provides proof acceptable to the commission
20 that the applicant has been actively performing court reporting in
21 another jurisdiction for at least three of the preceding five
22 years.

23 (d) A reciprocity agreement approved by the supreme court
24 under Section 152.202(b) must require an applicant who holds a
25 certification or license to engage in court reporting issued by
26 another state and who applies for certification as a court reporter
27 in this state to:

1 (1) pass Part B of the examination required by Section
2 154.103;

3 (2) provide proof acceptable to the commission that
4 the applicant has been actively performing court reporting in
5 another jurisdiction for at least three of the preceding five
6 years; and

7 (3) hold a certification or license that the
8 commission determines is at least equivalent to the registered
9 professional reporter designation or similar designation.

10 (e) A person who applies for certification as a court
11 reporter in this state and meets the requirements under Subsection
12 (c) is not required to meet the requirement under Subsection
13 (d)(3).

14 (f) Subject to Section 152.101, the commission may adopt
15 rules requiring the issuance of a provisional certification under
16 Section 154.1011 to an applicant described by Subsection (c) or (d)
17 that authorizes the applicant to serve as a court reporter in this
18 state for a limited time and under conditions the commission
19 considers reasonably necessary to protect the public interest.

20 (b) In developing rules under Section 154.1011, Government
21 Code, as added by this section, the Judicial Branch Certification
22 Commission shall:

23 (1) establish a stakeholder work group to receive
24 input; and

25 (2) solicit comments from the Texas Court Reporters
26 Association, the Texas Deposition Reporters Association, court
27 reporting schools, and other interested parties.

1 (c) Not later than June 1, 2020, the Judicial Branch
2 Certification Commission shall develop the list required by Section
3 154.1012(b), Government Code, as added by this section.

4 (d) Not later than January 1, 2020, the Judicial Branch
5 Certification Commission shall communicate with the appropriate
6 regulatory officials in each state to inquire whether the state
7 desires to enter into a reciprocity agreement with this state as
8 authorized by Section 152.202(b), Government Code. Not later than
9 April 1, 2020, the commission shall submit a report on the results
10 of the inquiry to the Supreme Court of Texas or the court's
11 designee.

12 SECTION 7.10. Section 154.102, Government Code, is amended
13 to read as follows:

14 Sec. 154.102. APPLICATION FOR EXAMINATION. If applicable,
15 a [A] person seeking certification must file an application for
16 examination with the commission not later than the 30th day before
17 the date fixed for the examination. The application must be
18 accompanied by the required fee.

19 SECTION 7.11. Section 154.104, Government Code, is amended
20 to read as follows:

21 Sec. 154.104. CERTIFICATION TO SUPREME COURT. (a) The
22 commission shall certify to the supreme court the name of each
23 qualified applicant for certification under Section 154.101 who has
24 passed the examination.

25 (b) The commission shall certify to the supreme court the
26 name of each applicant who meets the qualifications for
27 certification as:

1 (1) an apprentice court reporter; or

2 (2) a provisional court reporter.

3 SECTION 7.12. Section [154.105](#)(a), Government Code, is
4 amended to read as follows:

5 (a) On certification under Section [154.101](#) or as a
6 provisional court reporter, a shorthand reporter may use the title
7 "Certified Shorthand Reporter" or the abbreviation "CSR."

8 SECTION 7.13. Section [154.107](#), Government Code, is amended
9 by adding Subsection (d) to read as follows:

10 (d) Notwithstanding Section [152.2015](#) and Subsection (c) of
11 this section, a shorthand reporting firm shall pay a registration
12 or renewal fee in an amount equal to the fee for court reporter
13 certification under Section [154.101](#) in lieu of the fee required for
14 a shorthand reporting firm registration if a certified court
15 reporter of the firm:

16 (1) has an ownership interest in the firm of more than
17 50 percent; and

18 (2) maintains actual control of the firm.

19 SECTION 7.14. Subchapter C, Chapter [154](#), Government Code,
20 is amended by adding Section [154.108](#) to read as follows:

21 Sec. [154.108](#). CONTINUING EDUCATION. Subject to Section
22 [152.101](#), the commission by rule shall require each court reporter
23 who holds a certification issued by the commission and at least one
24 person who has management responsibility for a shorthand reporting
25 firm registered in this state to complete continuing professional
26 education.

27 SECTION 7.15. Section [154.110](#)(a), Government Code, is

1 amended to read as follows:

2 (a) After receiving a complaint and giving the certified
3 shorthand reporter notice and an opportunity for a hearing as
4 prescribed by Subchapter B, Chapter 153, the commission shall
5 revoke, suspend, or refuse to renew the shorthand reporter's
6 certification or issue a reprimand to the reporter for:

7 (1) fraud or corruption;

8 (2) dishonesty;

9 (3) wilful or negligent violation or failure of duty;

10 (4) incompetence;

11 (5) fraud or misrepresentation in obtaining
12 certification;

13 (6) a final conviction of a felony or misdemeanor that
14 directly relates to the duties and responsibilities of a certified
15 shorthand reporter, as determined by supreme court rules;

16 (7) engaging in the practice of shorthand reporting
17 using a method for which the reporter is not certified;

18 (8) engaging in the practice of shorthand reporting
19 while certification is suspended;

20 (9) unprofessional conduct, including giving directly
21 or indirectly, benefiting from, or being employed as a result of any
22 gift, incentive, reward, or anything of value to attorneys,
23 clients, or their representatives or agents, except for nominal
24 items that do not exceed \$100 in the aggregate for each recipient
25 each year;

26 (10) entering into or providing services under a
27 prohibited contract described by Section 154.115; or

1 (11) committing any other act that violates this
2 chapter or a rule or provision of the code of ethics adopted under
3 this subtitle[~~or~~
4 ~~[(12) other sufficient cause]~~.

5 SECTION 7.16. (a) Section 154.111, Government Code, is
6 amended by amending Subsections (a) and (b) and adding Subsection
7 (g) to read as follows:

8 (a) After receiving a complaint and giving the shorthand
9 reporting firm or affiliate office notice and an opportunity for a
10 hearing as prescribed by Subchapter B, Chapter 153, the commission
11 shall reprimand, assess a reasonable fine against, or suspend,
12 revoke, or refuse to renew the registration of a shorthand
13 reporting firm or affiliate office for:

14 (1) fraud or corruption;
15 (2) dishonesty;
16 (3) conduct on the part of an officer, director, or
17 managerial employee of the shorthand reporting firm or affiliate
18 office if the officer, director, or managerial employee orders,
19 encourages, or permits conduct that the officer, director, or
20 managerial employee knows or should have known violates this
21 subtitle;

22 (4) conduct on the part of an officer, director, or
23 managerial employee or agent of the shorthand reporting firm or
24 affiliate office who has direct supervisory authority over a person
25 for whom the officer, director, employee, or agent knows or should
26 have known violated this subtitle and knowingly fails to take
27 reasonable remedial action to avoid or mitigate the consequences of

1 the person's actions;

2 (5) fraud or misrepresentation in obtaining
3 registration;

4 (6) a final conviction of an officer, director, or
5 managerial employee of a shorthand reporting firm or affiliate
6 office for a felony or misdemeanor that is directly related to the
7 provision of court reporting services, as determined by supreme
8 court rules;

9 (7) engaging the services of a reporter that the
10 shorthand reporting firm or affiliate office knew or should have
11 known was using a method for which the reporter is not certified;

12 (8) knowingly providing court reporting services
13 while the shorthand reporting firm's or affiliate office's
14 registration is suspended or engaging the services of a shorthand
15 reporter whose certification the shorthand reporting firm or
16 affiliate office knew or should have known was suspended;

17 (9) unprofessional conduct, including:

18 (A) [a pattern of] giving directly or indirectly
19 or benefiting from or being employed as a result of giving any gift,
20 incentive, reward, or anything of value to attorneys, clients, or
21 their representatives or agents, except for nominal items that do
22 not exceed \$100 in the aggregate for each recipient each year; or

23 (B) repeatedly committing to provide at a
24 specific time and location court reporting services for an attorney
25 in connection with a legal proceeding and unreasonably failing to
26 fulfill the commitment under the terms of that commitment;

27 (10) entering into or providing services under a

1 prohibited contract described by Section 154.115; or

2 (11) committing any other act that violates this
3 chapter or a rule or provision of the code of ethics adopted under
4 this subtitle[~~, or~~

5 [~~(12) other sufficient cause~~].

6 (b) Nothing in Subsection (a)(9)(A) [~~(a)(9)~~] shall be
7 construed to define providing value-added business services,
8 including long-term volume discounts, such as the pricing of
9 products and services, as prohibited gifts, incentives, or rewards.

10 (g) The commission by rule shall define the conditions under
11 which a shorthand reporting firm's or affiliate office's repeated
12 failure to fulfill a commitment to provide court reporting services
13 as described by Subsection (a)(9)(B) is considered unprofessional
14 conduct and grounds for disciplinary action.

15 (b) In developing rules under Section 154.111(g),
16 Government Code, as added by this section, the Judicial Branch
17 Certification Commission shall:

18 (1) establish a stakeholder work group to receive
19 input; and

20 (2) solicit comments from the Texas Court Reporters
21 Association, the Texas Deposition Reporters Association, court
22 reporting schools, and other interested parties.

23 SECTION 7.17. Section 154.113, Government Code, is amended
24 by adding Subsection (a-1) to read as follows:

25 (a-1) A person commits an offense if the person provides
26 shorthand reporting firm services in this state in violation of
27 Section 154.106. Each day of violation constitutes a separate

1 offense.

2 SECTION 7.18. Section 154.115(b), Government Code, is
3 amended to read as follows:

4 (b) Subsections (a)(2) and (3) do [~~This section does~~] not
5 apply to a contract for court reporting services for a court,
6 agency, or instrumentality of the United States or this state.

7 ARTICLE 8. JUVENILE BOARDS

8 SECTION 8.01. Section 152.0941, Human Resources Code, is
9 amended by amending Subsection (c) and adding Subsection (d) to
10 read as follows:

11 (c) Sections 152.0002, 152.0004, and 152.0005 [~~152.0006,~~
12 ~~152.0007, and 152.0008~~] do not apply to the juvenile board of Goliad
13 County.

14 (d) The juvenile board of Goliad County and the juvenile
15 boards of one or more counties that are adjacent to or in close
16 proximity to Goliad County may agree to operate together with
17 respect to all matters, or with respect to certain matters
18 specified by the juvenile boards. Juvenile boards operating
19 together may appoint one fiscal officer to receive and disburse
20 funds for the boards.

21 SECTION 8.02. Section 152.0991(a), Human Resources Code, is
22 amended to read as follows:

23 (a) The juvenile board of Grimes County is composed of the
24 county judge, ~~and~~ the district judges in Grimes County, and the
25 judge of each county court at law in the county.

26 SECTION 8.03. Section 152.2411, Human Resources Code, is
27 amended by amending Subsections (b) and (f) and adding Subsection

1 (g) to read as follows:

2 (b) The juvenile board shall elect one of its members as
3 ~~[court judge is the]~~ chairman of the board ~~[and its chief~~
4 ~~administrative officer]~~.

5 (f) Sections 152.0002, 152.0004, and 152.0005 ~~[, 152.0006,~~
6 ~~152.0007, and 152.0008]~~ do not apply to the juvenile board of
7 Victoria County.

8 (g) The juvenile board of Victoria County and the juvenile
9 boards of one or more counties that are adjacent to or in close
10 proximity to Victoria County may agree to operate together with
11 respect to all matters, or with respect to certain matters
12 specified by the juvenile boards. Juvenile boards operating
13 together may appoint one fiscal officer to receive and disburse
14 funds for the boards.

15 ARTICLE 9. THE OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL
16 SYSTEM

17 SECTION 9.01. (a) Section 22A.002(d), Government Code, is
18 amended to read as follows:

19 (d) The comptroller ~~[Office of Court Administration of the~~
20 ~~Texas Judicial System]~~ shall pay from funds appropriated to the
21 comptroller's judiciary section the travel expenses and other
22 incidental costs related to convening a special three-judge
23 district court under this chapter.

24 (b) The change in law made by this section applies only to a
25 travel expense or other incidental cost incurred on or after the
26 effective date of this Act. A travel expense or other incidental
27 cost incurred before the effective date of this Act is governed by

1 the law in effect on the date the travel expense or other incidental
2 cost was incurred, and the former law is continued in effect for
3 that purpose.

4 SECTION 9.02. (a) Sections 51.607(a) and (b), Government
5 Code, are amended to read as follows:

6 (a) Following each regular session of the legislature, the
7 Office of Court Administration of the Texas Judicial System
8 [~~comptroller~~] shall identify each law enacted by that legislature,
9 other than a law disapproved by the governor, that imposes or
10 changes the amount of a court cost or fee collected by the clerk of a
11 district, county, statutory county, municipal, or justice court
12 from a party to a civil case or a defendant in a criminal case,
13 including a filing or docketing fee, jury fee, cost on conviction,
14 or fee or charge for services or to cover the expenses of a public
15 official or agency. This subsection does not apply to attorney's
16 fees, civil or criminal fines or penalties, or amounts charged,
17 paid, or collected on behalf of another party to a proceeding other
18 than the state in a criminal case, including restitution or
19 damages.

20 (b) The Office of Court Administration of the Texas Judicial
21 System [~~comptroller~~] shall prepare a list of each court cost or fee
22 covered by Subsection (a) to be imposed or changed and shall publish
23 the list in the Texas Register not later than August 1 after the end
24 of the regular session of the legislature at which the law imposing
25 or changing the amount of the cost or fee was enacted. The office
26 [~~comptroller~~] shall include with the list a statement describing
27 the operation of this section and stating the date the imposition or

1 change in the amount of the court cost or fee will take effect under
2 Subsection (c).

3 (b) The change in law made by this section applies only to a
4 law imposing or changing the amount of a court cost or fee that
5 takes effect on or after the effective date of this Act.

6 SECTION 9.03. Subchapter C, Chapter 72, Government Code, is
7 amended by adding Sections 72.033 and 72.034 to read as follows:

8 Sec. 72.033. LIST OF NEW OR AMENDED COURT COSTS AND FEES.
9 The office biennially shall prepare and publish a list of new or
10 amended court costs and fees as required by Section 51.607.

11 Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE. (a) In
12 this section:

13 (1) "Public information" means citation, other
14 related public or legal notice that a person, including a party to a
15 cause of action, is required to publish under a statute or rule, and
16 any other information that the person submits for publication on
17 the public information Internet website to effectuate service of
18 citation by publication.

19 (2) "Public information Internet website" means the
20 official statewide Internet website developed and maintained by the
21 office under this section for the purpose of providing citation by
22 publication.

23 (b) The office shall develop and maintain a public
24 information Internet website that allows a person to easily publish
25 public information on the Internet website or the office to post
26 public information on the Internet website on receipt from the
27 person.

1 (c) The public information Internet website shall allow the
2 public to easily access, search, and sort the public information.

3 (d) The supreme court by rule shall establish procedures for
4 the submission of public information to the public information
5 Internet website by a person who is required to publish the
6 information.

7 SECTION 9.04. (a) The Texas Supreme Court shall adopt the
8 rules necessary to implement Section 72.034, Government Code, as
9 added by this article, not later than June 1, 2020.

10 (b) The Office of Court Administration of the Texas Judicial
11 System shall develop the public information Internet website for
12 the purposes of providing citation by publication as required by
13 Section 72.034, Government Code, as added by this article, not
14 later than June 1, 2020.

15 SECTION 9.05. Section 121.002, Government Code, is amended
16 by amending Subsections (c) and (d) and adding Subsections (f) and
17 (g) to read as follows:

18 (c) Notwithstanding any other law, a specialty court
19 program may not operate until the judge, magistrate, or
20 coordinator:

21 (1) provides to the Office of Court Administration of
22 the Texas Judicial System [~~criminal justice division of the~~
23 ~~governor's office~~]:

24 (A) written notice of the program;
25 (B) any resolution or other official declaration
26 under which the program was established; and

27 (C) a copy of the applicable strategic plan that

1 incorporates duties related to supervision that will be required
2 under the program; and

3 (2) receives from the office [~~division~~] written
4 verification of the program's compliance with Subdivision (1).

5 (d) A specialty court program shall:

6 (1) comply with all programmatic best practices
7 recommended by the Specialty Courts Advisory Council under Section
8 [772.0061](#)(b)(2) and approved by the Texas Judicial Council; and

9 (2) report to the criminal justice division of the
10 governor's office and the Texas Judicial Council any information
11 required by the division or council regarding the performance of
12 the program.

13 (f) The Office of Court Administration of the Texas Judicial
14 System shall:

15 (1) on request provide technical assistance to the
16 specialty court programs;

17 (2) coordinate with an entity funded by the criminal
18 justice division of the governor's office that provides services to
19 specialty courts;

20 (3) monitor the specialty court programs for
21 compliance with programmatic best practices as required by
22 Subsection (d); and

23 (4) notify the criminal justice division of the
24 governor's office if a specialty court program fails to comply with
25 programmatic best practices as required by Subsection (d).

26 (g) The Office of Court Administration of the Texas Judicial
27 System shall coordinate with and provide information to the

1 criminal justice division of the governor's office on request of
2 the division.

3 SECTION 9.06. (a) The Office of Court Administration of the
4 Texas Judicial System shall contract with the National Center for
5 State Courts to conduct a study of the caseloads of the district and
6 statutory county courts in this state. The study must concentrate
7 on the weighted caseload of each court, considering the nature and
8 complexity of the cases heard.

9 (b) Not later than December 1, 2020, the National Center for
10 State Courts shall report the results of the study required by
11 Subsection (a) of this section to the Office of Court
12 Administration of the Texas Judicial System. Not later than
13 January 1, 2021, the office shall file a report on those results
14 with the governor, the lieutenant governor, the speaker of the
15 house of representatives, and the chairs of the standing committees
16 of the senate and house of representatives with jurisdiction over
17 the judicial system.

18 ARTICLE 10. ELECTRONIC PUBLICATION, SERVICE, AND DISPLAY OF LEGAL
19 DOCUMENTS

20 SECTION 10.01. Sections 9.160(a), (b), and (c), Business
21 Organizations Code, are amended to read as follows:

22 (a) Except as provided by Section 17.032, Civil Practice and
23 Remedies Code, if [~~If~~] process in an action under this subchapter is
24 returned not found, the attorney general shall publish notice on
25 the public information Internet website maintained as required by
26 Section 72.034, Government Code, and in a newspaper in the county in
27 which the registered office of the foreign filing entity in this

1 state is located. The notice must contain:

- 2 (1) a statement of the pendency of the action;
- 3 (2) the title of the court;
- 4 (3) the title of the action; and
- 5 (4) the earliest date on which default judgment may be
- 6 entered by the court.

7 (b) Notice under this section must be published on the
8 public information Internet website for at least two consecutive
9 weeks and in a newspaper at least once a week for two consecutive
10 weeks. Notice may be published [~~beginning~~] at any time after the
11 citation has been returned.

12 (c) The attorney general may include in a [~~one~~] published
13 notice the name of each foreign filing entity against which an
14 action for involuntary revocation is pending in the same court.

15 SECTION 10.02. Sections 11.310(a) and (b), Business
16 Organizations Code, are amended to read as follows:

17 (a) Except as provided by Section 17.032, Civil Practice and
18 Remedies Code, if [~~If~~] process in an action under this subchapter is
19 returned not found, the attorney general shall publish notice on
20 the public information Internet website maintained as required by
21 Section 72.034, Government Code, and in a newspaper in the county in
22 which the registered office of the filing entity in this state is
23 located. The notice must contain:

- 24 (1) a statement of the pendency of the action;
- 25 (2) the title of the court;
- 26 (3) the title of the action; and
- 27 (4) the earliest date on which default judgment may be

1 entered by the court.

2 (b) Notice under this section must be published on the
3 public information Internet website for at least two consecutive
4 weeks and in a newspaper at least once a week for two consecutive
5 weeks. Notice may be published [~~beginning~~] at any time after the
6 citation has been returned.

7 SECTION 10.03. Subchapter B, Chapter 17, Civil Practice and
8 Remedies Code, is amended by adding Section 17.032 to read as
9 follows:

10 Sec. 17.032. CITATION BY PUBLICATION. (a) Notwithstanding
11 any statute or rule requiring a person to publish citation or notice
12 on the public information Internet website maintained as required
13 by Section 72.034, Government Code, and in a newspaper of general
14 circulation, the person may publish the citation or notice only on
15 the public information Internet website if:

16 (1) the person files a statement of inability to
17 afford payment of court costs under the Texas Rules of Civil
18 Procedure;

19 (2) the total cost of the required publication exceeds
20 the greater of \$200 each week or the amount set by the supreme court
21 under Subsection (b); or

22 (3) the county in which the publication of the
23 citation or notice is required does not have any newspaper
24 published, printed, or generally circulated in the county.

25 (b) The supreme court shall adjust for inflation the maximum
26 amount of publication costs established in Subsection (a)(2).

27 SECTION 10.04. (a) Subchapter B, Chapter 17, Civil

1 Practice and Remedies Code, is amended by adding Section 17.033 to
2 read as follows:

3 Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA
4 PRESENCE. (a) If substituted service of citation is authorized
5 under the Texas Rules of Civil Procedure, the court, in accordance
6 with the rules adopted by the supreme court under Subsection (b),
7 may prescribe as a method of service an electronic communication
8 sent to the defendant through a social media presence.

9 (b) The supreme court shall adopt rules to provide for the
10 substituted service of citation by an electronic communication sent
11 to a defendant through a social media presence.

12 (b) The Supreme Court of Texas shall adopt rules under
13 Section 17.033, Civil Practice and Remedies Code, as added by this
14 section, not later than December 31, 2020.

15 (c) Section 17.033, Civil Practice and Remedies Code, as
16 added by this section, applies only to an action commenced on or
17 after the effective date of the rules adopted by the Supreme Court
18 of Texas under that section.

19 SECTION 10.05. Sections 51.054(a) and (b), Estates Code,
20 are amended to read as follows:

21 (a) Except as provided by Section 17.032, Civil Practice and
22 Remedies Code, citation [~~Citation~~] or notice to a person to be
23 served by publication shall be published one time on the public
24 information Internet website maintained as required by Section
25 72.034, Government Code, and in a newspaper of general circulation
26 in the county in which the proceeding is pending. The publication
27 must be made at least 10 days before the return day of the service,

1 excluding the date of publication.

2 (b) The date of service of citation or notice by publication
3 is the earlier of:

4 (1) the date the citation or notice is published on the
5 public information Internet website under Subsection (a); or

6 (2) the date of publication printed on the newspaper
7 in which the citation or notice is published.

8 SECTION 10.06. Section 51.103(b), Estates Code, is amended
9 to read as follows:

10 (b) Proof of service consists of:

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

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

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

16 (A) the certificate of the county clerk making
17 the service, or the affidavit of the personal representative or
18 other person making the service, stating that the citation or
19 notice was mailed and the date of the mailing; and

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

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

24 (A) an affidavit:

25 (i) made by the Office of Court
26 Administration of the Texas Judicial System or an employee of the
27 office;

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 on the public information Internet website maintained as required
5 by Section 72.034, Government Code; and

6 (B)~~[A]~~ an affidavit:

7 (i) ~~[(A)]~~ made by the publisher of the
8 newspaper in which the citation or notice was published or an
9 employee of the publisher;

10 (ii) ~~[(B)]~~ that contains or to which is
11 attached a copy of the published citation or notice; and

12 (iii) ~~[(C)]~~ that states the date of
13 publication printed on the newspaper in which the citation or
14 notice was published.

15 SECTION 10.07. Sections [1051.054](#)(a) and (b), Estates Code,
16 are amended to read as follows:

17 (a) Except as provided by Section 17.032, Civil Practice and
18 Remedies Code, citation [Citation] or notice to a person to be
19 served by publication shall be published one time on the public
20 information Internet website maintained as required by Section
21 72.034, Government Code, and in a newspaper of general circulation
22 in the county in which the proceeding is pending. The publication
23 must be made at least 10 days before the return day of the citation
24 or notice, excluding the date of publication.

25 (b) The date of service of citation or notice by publication
26 is the earlier of:

27 (1) the date the citation or notice is published on the

1 public information Internet website under Subsection (a); or
2 (2) the date of publication printed on the newspaper
3 in which the citation or notice is published.

4 SECTION 10.08. Section 1051.153(b), Estates Code, is
5 amended to read as follows:

6 (b) Proof of service consists of:

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

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

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

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

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

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

20 (A) an affidavit that:

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

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

26 (iii) states the date of publication on the
27 public information Internet website maintained as required by

1 Section 72.034, Government Code; and

2 (B)~~[7]~~ an affidavit that:

3 (i) ~~[(A)]~~ is made by the publisher of the
4 newspaper in which the citation or notice was published or an
5 employee of the publisher;

6 (ii) ~~[(B)]~~ contains or to which is attached
7 a copy of the published citation or notice; and

8 (iii) ~~[(C)]~~ states the date of publication
9 printed on the newspaper in which the citation or notice was
10 published.

11 SECTION 10.09. Section 3.305, Family Code, is amended to
12 read as follows:

13 Sec. 3.305. CITATION BY PUBLICATION. (a) Except as
14 provided by Section 17.032, Civil Practice and Remedies Code, if
15 ~~[If]~~ the residence of the respondent, other than a respondent
16 reported to be a prisoner of war or missing on public service, is
17 unknown, citation shall be published on the public information
18 Internet website maintained as required by Section 72.034,
19 Government Code, and in a newspaper of general circulation
20 published in the county in which the petition was filed. ~~[If that~~
21 ~~county has no newspaper of general circulation, citation shall be~~
22 ~~published in a newspaper of general circulation in an adjacent~~
23 ~~county or in the nearest county in which a newspaper of general~~
24 ~~circulation is published.]~~

25 (b) The notice shall be published on the public information
26 Internet website for at least two consecutive weeks before the
27 hearing and in a newspaper once a week for two consecutive weeks

1 before the hearing. Neither [~~, but the first~~] notice may [~~not~~] be
2 initially published after the 20th day before the date set for the
3 hearing.

4 SECTION 10.10. Sections 102.010(a), (b), and (e), Family
5 Code, are amended to read as follows:

6 (a) Except as provided by Section 17.032, Civil Practice and
7 Remedies Code, citation [Citation] may be served [~~by publication as~~
8 ~~in other civil cases~~] to persons entitled to service of citation who
9 cannot be notified by personal service or registered or certified
10 mail and to persons whose names are unknown by publication on the
11 public information Internet website maintained as required by
12 Section 72.034, Government Code, and in a newspaper of general
13 circulation published in the county in which the petition was
14 filed.

15 (b) Citation by publication shall be published not later
16 than the 20th day before the date set for the hearing [~~one time~~].
17 [~~If the name of a person entitled to service of citation is unknown,~~
18 ~~the notice to be published shall be addressed to "All Whom It May~~
19 ~~Concern."~~] One or more causes to be heard on a certain day may be
20 included in one notice and hearings may be continued from time to
21 time without further notice.

22 (e) In a suit filed under Chapter 161 or 262 in which the
23 last name of the respondent is unknown, the court may order
24 substituted service of citation by publication, including
25 publication by posting the citation at the courthouse door for a
26 specified time, if the court finds and states in its order that the
27 method of substituted service is as likely as citation by

1 publication on the public information Internet website maintained
2 as required by Section 72.034, Government Code, or in a newspaper in
3 the manner described by Subsection (b) to give the respondent
4 actual notice of the suit. If the court orders that citation by
5 publication shall be completed by posting the citation at the
6 courthouse door for a specified time, service must be completed on,
7 and the answer date is computed from, the expiration date of the
8 posting period. If the court orders another method of substituted
9 service of citation by publication, service shall be completed as
10 directed by the court.

11 SECTION 10.11. Effective September 1, 2019, Subchapter D,
12 Chapter 51, Government Code, is amended by adding Section 51.3032
13 to read as follows:

14 Sec. 51.3032. ELECTRONIC DISPLAY OF OFFICIAL AND LEGAL
15 NOTICES BY DISTRICT CLERK. A district clerk may post an official
16 and legal notice by electronic display, instead of posting a
17 physical document, in the manner provided for a county clerk by
18 Section 82.051, Local Government Code.

19 SECTION 10.12. Section 715.006(c), Health and Safety Code,
20 is amended to read as follows:

21 (c) Except as provided by Section 17.032, Civil Practice and
22 Remedies Code, if [~~if~~] the address or identity of a plot owner is
23 not known and cannot be ascertained with reasonable diligence,
24 service by publication shall be made on the plot owner by publishing
25 notice on the public information Internet website maintained as
26 required by Section 72.034, Government Code, and at least three
27 times in a newspaper of general circulation in the county in which

1 the cemetery is located. [~~If there is not a newspaper of general~~
2 ~~circulation in the county in which the cemetery is located, the~~
3 ~~notice may be published in a newspaper of general circulation in an~~
4 ~~adjoining county.~~]

5 SECTION 10.13. Except as otherwise provided by this
6 article, this article takes effect June 1, 2020.

7 ARTICLE 11. NOTARIZATION REQUIREMENTS

8 SECTION 11.01. Section 31.008(d), Family Code, is amended
9 to read as follows:

10 (d) The [~~Notwithstanding Section 132.001, Civil Practice~~
11 ~~and Remedies Code, the~~] waiver must be sworn before a notary public
12 who is not an attorney in the suit or conform to the requirements
13 for an unsworn declaration under Section 132.001, Civil Practice
14 and Remedies Code. This subsection does not apply if the party
15 executing the waiver is incarcerated.

16 SECTION 11.02. Section 45.107(d), Family Code, is amended
17 to read as follows:

18 (d) The [~~Notwithstanding Section 132.001, Civil Practice~~
19 ~~and Remedies Code, the~~] waiver must be sworn before a notary public
20 who is not an attorney in the suit or conform to the requirements
21 for an unsworn declaration under Section 132.001, Civil Practice
22 and Remedies Code. This subsection does not apply if the party
23 executing the waiver is incarcerated.

24 ARTICLE 12. REPEALERS AND TRANSITIONS

25 SECTION 12.01. The following provisions of the Estates Code
26 are repealed:

27 (1) Section 51.054(c); and

1 (2) Section 1051.054(c).

2 SECTION 12.02. The following provisions of the Government
3 Code are repealed:

4 (1) Section 25.1312(b-1);

5 (2) Section 43.111(c);

6 (3) Subchapter C, Chapter 75;

7 (4) Section 832.001(b);

8 (5) Section 835.103;

9 (6) Section 837.001(b); and

10 (7) Section 840.104.

11 SECTION 12.03. The Office of Court Administration of the
12 Texas Judicial System is required to implement a provision of this
13 Act only if the legislature appropriates money specifically for
14 that purpose. If the legislature does not appropriate money
15 specifically for that purpose, the office may, but is not required
16 to, implement a provision of this Act using other appropriations
17 available for that purpose.

18 ARTICLE 13. EFFECTIVE DATE

19 SECTION 13.01. Except as otherwise provided by this Act,
20 this Act takes effect September 1, 2019.