

By: Huffman, et al.

S.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of and practice in
courts in the judicial branch of state government; imposing a fee;
creating a criminal offense.

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

ARTICLE 1. DISTRICT COURTS

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

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

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

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

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

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

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

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

~~[-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,

2019.

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

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

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

~~[(1) in Medina County on the first Mondays in January and June,~~

~~[(2) in Real County on the first Mondays in April and November, and~~

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

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

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

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

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

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 38th District Court are returnable to the 454th District Court as if originally issued by 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 September 1,
7 2019.

8 SECTION 1.04. (a) Effective October 1, 2020, Subchapter C,
9 Chapter 24, Government Code, is amended by adding Section 24.599 to
10 read as follows:

11 Sec. 24.599. 455TH JUDICIAL DISTRICT (TRAVIS COUNTY).

12 (a) The 455th Judicial District is composed of Travis County.

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

15 (b) The 455th Judicial District is created on October 1,
16 2020.

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

19 Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY).

20 (a) The 456th Judicial District is composed of Guadalupe County.

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

23 (b) The 456th Judicial District is created on September 1,
24 2019.

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

27 Sec. 24.6001. 457TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

1 The 457th Judicial District is composed of Montgomery County.

2 (b) The 457th Judicial District is created on September 1,
3 2019.

4 SECTION 1.07. (a) Effective January 1, 2021, Subchapter C,
5 Chapter 24, Government Code, is amended by adding Section 24.60091
6 to read as follows:

7 Sec. 24.60091. 466TH JUDICIAL DISTRICT (COMAL COUNTY). The
8 466th Judicial District is composed of Comal County.

9 (b) The 466th Judicial District is created on January 1,
10 2021.

11 SECTION 1.08. (a) Effective January 1, 2021, Subchapter C,
12 Chapter 24, Government Code, is amended by adding Section 24.60092
13 to read as follows:

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

16 (b) The 467th Judicial District is created on January 1,
17 2021.

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

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

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

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

27 (b) The 471st District Court shall give preference to civil

1 matters.

2 (b) The 468th District Court is created on September 1,
3 2019.

4 (c) The 471st District Court is created on September 1,
5 2019.

6 ARTICLE 2. STATUTORY COUNTY COURTS

7 SECTION 2.01. (a) Section 25.0202, Government Code, is
8 amended by amending Subsection (a) and adding Subsection (g) to
9 read as follows:

10 (a) In addition to the jurisdiction provided by Section
11 25.0003 and other law, a county court at law in Bosque County has
12 concurrent jurisdiction with the district court in:

13 (1) family law cases and proceedings;

14 (2) civil cases in which the matter in controversy
15 exceeds \$500 but does not exceed \$200,000, excluding interest,
16 court costs, and attorney's fees; ~~and~~

17 (3) contested probate matters under Section 32.003,
18 Estates Code; and

19 (4) felony cases transferred from the district court
20 to conduct arraignments, pretrial hearings, and motions to
21 adjudicate or revoke and to accept guilty pleas.

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

1 (b) The changes in law made to Section 25.0202, Government
2 Code, apply only to a criminal case filed on or after the effective
3 date of this Act. A criminal case filed before that date is
4 governed by the law in effect on the date the case is filed, and that
5 law is continued in effect for that purpose.

6 SECTION 2.02. (a) Effective January 1, 2021, Subchapter C,
7 Chapter 25, Government Code, is amended by adding Sections 25.0381
8 and 25.0382 to read as follows:

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

11 Sec. 25.0382. CHAMBERS COUNTY COURT AT LAW PROVISIONS.

12 (a) In addition to the jurisdiction provided by Section 25.0003
13 and other law, a county court at law in Chambers County has
14 concurrent jurisdiction with the district court in:

15 (1) arraignments, pleas, and pretrial motions for
16 felony cases; and

17 (2) family law cases and proceedings.

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

22 (c) The judge of a county court at law shall be paid an
23 annual salary in an amount at least equal to the amount that is
24 \$1,000 less than the total annual salary, including supplements,
25 received by a district judge in the county. The salary shall be
26 paid out of the county treasury on order of the commissioners court.

27 (d) The judge of a county court at law is entitled to travel

1 expenses and necessary office expenses, including administrative
2 and clerical help, in the same manner as a district judge in the
3 county.

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

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

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

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

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

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

SECTION 2.03. (a) Section 25.0481, Government Code, is amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following statutory county courts:

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

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

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

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

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

SECTION 2.05. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0881 and 25.0882 to read as follows:

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

Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS.

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Gillespie County has

1 concurrent jurisdiction with the district court in family law cases
2 and proceedings, including juvenile matters.

3 (b) The district clerk serves as clerk of a county court at
4 law for family cases and proceedings, including juvenile matters,
5 and the county clerk serves as clerk for all other cases. The
6 commissioners court may employ as many deputy sheriffs and bailiffs
7 as are necessary to serve the court.

8 (c) 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 (b) The County Court at Law of Gillespie County is created
13 on October 1, 2019.

14 SECTION 2.06. (a) Section 25.1481, Government Code, is
15 amended to read as follows:

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

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

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

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

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

25 SECTION 2.07. Section 25.1902, Government Code, is amended
26 by adding Subsection (b-1) to read as follows:

27 (b-1) In addition to the jurisdiction provided by

1 Subsections (a) and (b), the County Court at Law No. 1 of Potter
2 County has concurrent jurisdiction with the district court in
3 felony cases to conduct arraignments, conduct pretrial hearings,
4 and accept pleas in uncontested matters.

5 SECTION 2.08. (a) Section 25.2011, Government Code, is
6 amended to read as follows:

7 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has the
8 following statutory county courts:

9 (1) [one statutory county court, the County Court at
10 Law No. 1 of Rockwall County; and

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

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

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

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

27 (h) The judge of a ~~[the]~~ county court at law shall appoint an

1 official court reporter for the judge's court and shall set the
2 official court reporter's annual salary, subject to approval by the
3 county commissioners court. The official court reporter of a ~~the~~
4 county court at law shall take an oath or affirmation as an officer
5 of the court. The official court reporter holds office at the
6 pleasure of the judge ~~[of the court]~~ and shall be provided a private
7 office in close proximity to the court. The official court reporter
8 is entitled to all rights and benefits afforded all other county
9 employees.

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

12 ARTICLE 3. MUNICIPAL COURTS

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

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

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

23 ARTICLE 4. SENIOR DISTRICT JUDGES

24 SECTION 4.01. Section 832.101, Government Code, is amended
25 to read as follows:

26 Sec. 832.101. INELIGIBILITY FOR MEMBERSHIP. A retiree who
27 makes an election under Subchapter C of Chapter 74 ~~[or who is]~~

1 ~~appointed under Subchapter C of Chapter 75]~~ may not rejoin the
2 retirement system or receive credit in the retirement system for
3 the period of an appointment or for any service performed under
4 assignment.

5 SECTION 4.02. Section 836.006, Government Code, is amended
6 to read as follows:

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

14 SECTION 4.03. Section 837.101, Government Code, is amended
15 to read as follows:

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

21 ARTICLE 5. MASTERS AND MAGISTRATES

22 SECTION 5.01. Chapter 54, Government Code, is amended by
23 adding Subchapter B to read as follows:

24 SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

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

1 (b) The commissioners court shall establish the minimum
2 qualifications, salary, benefits, and other compensation of each
3 master position and shall determine whether the position is
4 full-time or part-time.

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

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

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

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

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

20 (d) A master may administer oaths.

21 Sec. 54.104. JUDICIAL IMMUNITY. A master has the same
22 judicial immunity as a district judge.

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

26 Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an
27 attorney, party, witness, or any other person fails to comply with a

1 summons or order, the master may certify that failure in writing to
2 the referring court for appropriate action.

3 Sec. 54.107. WITNESSES. (a) A witness appearing before a
4 master is subject to the penalties of perjury as provided by Chapter
5 37, Penal Code.

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

9 SECTION 5.02. Chapter 54, Government Code, is amended by
10 adding Subchapter MM to read as follows:

11 SUBCHAPTER MM. MAGISTRATES IN KERR COUNTY

12 Sec. 54.2101. AUTHORIZATION; APPOINTMENT; ELIMINATION.

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

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

20 (c) An order appointing a magistrate must be signed by the
21 local presiding judge of the district courts serving Kerr County,
22 and the order must state:

23 (1) the magistrate's name; and

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

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

27 Sec. 54.2102. QUALIFICATIONS; OATH OF OFFICE. (a) To be

1 eligible for appointment as a magistrate, a person must:

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

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

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

6 (b) A magistrate appointed under Section 54.2101 must take
7 the constitutional oath of office required of appointed officers of
8 this state.

9 Sec. 54.2103. COMPENSATION. (a) A magistrate is entitled
10 to the salary determined by the Commissioners Court of Kerr County.

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

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

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

22 Sec. 54.2104. JUDICIAL IMMUNITY. A magistrate has the same
23 judicial immunity as a district judge.

24 Sec. 54.2105. TERMINATION OF EMPLOYMENT. (a) A magistrate
25 may be terminated by a majority vote of all the judges of the
26 district and statutory county courts of Kerr County.

27 (b) To terminate a magistrate's employment, the local

administrative judge of the district courts serving Kerr County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

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

Sec. 54.2106. JURISDICTION; RESPONSIBILITY; POWERS.

(a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

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

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

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

(e) A magistrate is authorized to:

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

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if

1 approved by the Kerr County Juvenile Board.

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

7 (g) A magistrate may:

8 (1) issue notices of the setting of a case for a
9 hearing;

10 (2) conduct hearings;

11 (3) compel production of evidence;

12 (4) hear evidence;

13 (5) issue summons for the appearance of witnesses;

14 (6) swear witnesses for hearings;

15 (7) regulate proceedings in a hearing; and

16 (8) perform any act and take any measure necessary and
17 proper for the efficient performance of the duties required by the
18 magistrate's jurisdiction and authority.

19 Sec. 54.2107. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The
20 Commissioners Court of Kerr County shall provide:

21 (1) personnel for the legal or clerical functions
22 necessary to perform the magistrate's duties authorized by this
23 chapter; and

24 (2) sufficient equipment and office space for the
25 magistrate and personnel to perform the magistrate's essential
26 functions.

ARTICLE 6. DISTRICT AND COUNTY ATTORNEYS

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

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

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

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

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

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

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

(b) The district attorney of the 38th Judicial District also represents the state and performs the duties of the district attorney before the 454th Judicial District. This subsection expires January 1, 2021.

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

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

10 (c) Effective January 1, 2021, Subchapter B, Chapter [44](#),
11 Government Code, is amended by adding Section 44.263 to read as
12 follows:

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

15 (1) be at least 30 years old;

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

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

20 (b) The criminal district attorney has all the powers,
21 duties, and privileges in Medina County that are conferred by law on
22 county and district attorneys in the various counties and
23 districts.

24 (c) The criminal district attorney shall attend each term
25 and session of the district and inferior courts of Medina County,
26 except municipal courts, held for the transaction of criminal
27 business and shall exclusively represent the state in all criminal

1 matters before those courts.

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

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

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

23 (g) The criminal district attorney or the Commissioners
24 Court of Medina County may accept gifts and grants from any
25 individual, partnership, corporation, trust, foundation,
26 association, or governmental entity for the purpose of financing or
27 assisting effective prosecution, crime prevention or suppression,

rehabilitation of offenders, substance abuse education, treatment and prevention, or crime victim assistance programs in Medina County. The criminal district attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

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

(i) The criminal district attorney shall, with the advice and consent of the commissioners court, designate one or more individuals to act as an assistant criminal district attorney with exclusive responsibility for assisting the commissioners court. An individual designated as an assistant criminal district attorney under this subsection must have extensive experience in representing public entities and knowledge of the laws affecting counties, including the open meetings and open records laws under Chapters [551](#) and [552](#).

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

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

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

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

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

17 (f) The criminal district attorney of Medina County retains
18 all powers, duties, and privileges in Medina County that were
19 previously held by the office of the district attorney of the 38th
20 Judicial District and the office of the county attorney of Medina
21 County, including all powers, duties, and privileges in all pending
22 matters of the county and district attorney and all pending matters
23 before any court.

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

26 Sec. 45.126. BURLESON COUNTY. In Burleson County, the
27 county attorney of Burleson County shall perform the duties imposed

1 on and have the powers conferred on district attorneys by general
2 law and is entitled to be compensated by the state in the manner and
3 amount set by general law relating to the salary paid to district
4 attorneys by the state.

5 SECTION 6.05. Section 46.002, Government Code, is amended
6 to read as follows:

7 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
8 applies to the state prosecuting attorney, all county prosecutors,
9 and the following state prosecutors:

10 (1) the district attorneys for Kenedy and Kleberg
11 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th,
12 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
13 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
14 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
15 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
16 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
17 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
18 268th, 271st, 286th, 287th, 293rd, 329th, 344th, 349th, 355th,
19 369th, 452nd, and 506th judicial districts;

20 (2) the criminal district attorneys for the counties
21 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
22 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
23 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
24 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
25 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
26 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
27 Waller, Wichita, Wood, and Yoakum; and

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

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

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

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

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,

1 Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San
2 Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt,
3 Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

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

11 ARTICLE 7. COURT REPORTERS AND BAILIFFS

12 SECTION 7.01. Section 322.003, Business & Commerce Code, is
13 amended by amending Subsection (a) and adding Subsection (e) to
14 read as follows:

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

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

21 (1) produced by a court reporter appointed under
22 Chapter 52, Government Code, or a court reporter certified under or
23 a shorthand reporting firm registered under Chapter 154, Government
24 Code, for use in the state or federal judicial system; or

25 (2) governed by rules adopted by the supreme court,
26 including rules governing the electronic filing system established
27 by the supreme court.

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

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

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

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

SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS

Sec. 52.011. ITEMIZED STATEMENT OF TAXABLE COSTS. A court reporting firm on request shall provide to a court reporter who prepares a deposition transcript an itemized statement of the charges that constitute the amount stated on the court reporter's certificate filed with the court as part of the deposition as required by Rule 203, Texas Rules of Civil Procedure, that the court clerk must tax as costs.

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

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

SECTION 7.05. Section 53.004(c), Government Code, is

amended to read as follows:

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

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

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

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

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

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

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

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

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

(2) an apprentice court reporter or provisional court reporter certified as authorized by Section 154.1011, subject to

1 the terms of the person's certification.

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

- 5 (1) written shorthand;
6 (2) machine shorthand;
7 (3) oral stenography; or
8 (4) any other method of shorthand reporting authorized
9 by the supreme court.

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

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

23 Sec. 154.1011. APPRENTICE COURT REPORTER AND PROVISIONAL
24 COURT REPORTER CERTIFICATIONS. (a) Subject to Section 152.101,
25 the commission by rule may provide for:

- 26 (1) the certification of an apprentice court reporter
27 who may engage in court reporting only:

1 (A) under the direct supervision of a certified
2 court reporter; and

3 (B) for the types of legal proceedings authorized
4 by commission rule; and

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

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

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

15 (2) a court reporter who holds a provisional
16 certification on the reporter's completion of the terms of the
17 commission's conditional approval.

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

26 (b) The commission shall develop and periodically update on
27 a schedule established by the commission a list of states that have

certification, registration, or licensing requirements for court reporters and shorthand reporting firms substantially equivalent to those of this state.

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

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

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

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

(2) before certification in this state:

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

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

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

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

1 [154.103](#);

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

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

(g) to read as follows:

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

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

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

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

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

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

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

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

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

(d) A specialty court program shall:

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

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

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

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

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

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

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

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

state is located. The notice must contain:

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

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

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

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

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

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

entered by the court.

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

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

Sec. 17.032. CITATION BY PUBLICATION.

(a) Notwithstanding any statute or rule requiring a person to publish citation or notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation, the person may publish the citation or notice only on the public information Internet website if:

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

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

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

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

SECTION 10.04. Sections 51.054(a) and (b), Estates Code, are amended to read as follows:

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

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

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

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

SECTION 10.05. Section 51.103(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

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

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

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or

1 notice was mailed and the date of the mailing; and

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

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

6 (A) an affidavit:

7 (i) made by the Office of Court
8 Administration of the Texas Judicial System or an employee of the
9 office;

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

12 (iii) that states the date of publication
13 on the public information Internet website maintained as required
14 by Section 72.034, Government Code; and

15 (B) ~~(A)~~ an affidavit:

16 (i) ~~(A)~~ made by the publisher of the
17 newspaper in which the citation or notice was published or an
18 employee of the publisher;

19 (ii) ~~(B)~~ that contains or to which is
20 attached a copy of the published citation or notice; and

21 (iii) ~~(C)~~ that states the date of
22 publication printed on the newspaper in which the citation or
23 notice was published.

24 SECTION 10.06. Sections 1051.054(a) and (b), Estates Code,
25 are amended to read as follows:

26 (a) Except as provided by Section 17.032, Civil Practice and
27 Remedies Code, citation ~~[Citation]~~ or notice to a person to be

1 served by publication shall be published one time on the public
2 information Internet website maintained as required by Section
3 72.034, Government Code, and in a newspaper of general circulation
4 in the county in which the proceeding is pending. The publication
5 must be made at least 10 days before the return day of the citation
6 or notice, excluding the date of publication.

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

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

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

13 SECTION 10.07. Section 1051.153(b), Estates Code, is
14 amended to read as follows:

15 (b) Proof of service consists of:

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

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

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

21 (A) the certificate of the county clerk making
22 the service, or the affidavit of the guardian or other person making
23 the service that states that the citation or notice was mailed and
24 the date of the mailing; and

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

(4) if the service is made by publication:

(A) an affidavit that:

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

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

(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code; and

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

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

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

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

SECTION 10.08. Section 3.305, Family Code, is amended to read as follows:

Sec. 3.305. CITATION BY PUBLICATION. (a) Except as provided by Section 17.032, Civil Practice and Remedies Code, if
~~[(1)]~~ the residence of the respondent, other than a respondent reported to be a prisoner of war or missing on public service, is unknown, citation shall be published on the public information Internet website maintained as required by Section 72.034,

Government Code, and in a newspaper of general circulation published in the county in which the petition was filed. [~~If that county has no newspaper of general circulation, citation shall be published in a newspaper of general circulation in an adjacent county or in the nearest county in which a newspaper of general circulation is published.~~]

(b) The notice shall be published on the public information Internet website for at least two consecutive weeks before the hearing and in a newspaper once a week for two consecutive weeks before the hearing. Neither ~~[, but the first]~~ notice may ~~[not]~~ be initially published after the 20th day before the date set for the hearing.

SECTION 10.09. Sections 102.010(a), (b), and (e), Family Code, are amended to read as follows:

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

(b) Citation by publication shall be published not later than the 20th day before the date set for the hearing [one time]. ~~[If the name of a person entitled to service of citation is unknown, the notice to be published shall be addressed to "All Whom It May~~

~~Concern."~~] One or more causes to be heard on a certain day may be included in one notice and hearings may be continued from time to time without further notice.

(e) In a suit filed under Chapter 161 or 262 in which the last name of the respondent is unknown, the court may order substituted service of citation by publication, including publication by posting the citation at the courthouse door for a specified time, if the court finds and states in its order that the method of substituted service is as likely as citation by publication on the public information Internet website maintained as required by Section 72.034, Government Code, or in a newspaper in the manner described by Subsection (b) to give the respondent actual notice of the suit. If the court orders that citation by publication shall be completed by posting the citation at the courthouse door for a specified time, service must be completed on, and the answer date is computed from, the expiration date of the posting period. If the court orders another method of substituted service of citation by publication, service shall be completed as directed by the court.

SECTION 10.10. Effective September 1, 2019, Subchapter D, Chapter 51, Government Code, is amended by adding Section 51.3032 to read as follows:

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

SECTION 10.11. Section 715.006(c), Health and Safety Code, is amended to read as follows:

(c) Except as provided by Section 17.032, Civil Practice and Remedies Code, if ~~[If]~~ the address or identity of a plot owner is not known and cannot be ascertained with reasonable diligence, service by publication shall be made on the plot owner by publishing notice on the public information Internet website maintained as required by Section 72.034, Government Code, and at least three times in a newspaper of general circulation in the county in which the cemetery is located. ~~[If there is not a newspaper of general circulation in the county in which the cemetery is located, the notice may be published in a newspaper of general circulation in an adjoining county.]~~

SECTION 10.12. Except as otherwise provided by this article, this article takes effect June 1, 2020.

ARTICLE 11. NOTARIZATION REQUIREMENTS

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

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

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

(d) The ~~[Notwithstanding Section 132.001, Civil Practice~~

1 ~~and Remedies Code, the]~~ waiver must be sworn before a notary public
2 who is not an attorney in the suit or conform to the requirements
3 for an unsworn declaration under Section 132.001, Civil Practice
4 and Remedies Code. This subsection does not apply if the party
5 executing the waiver is incarcerated.

6 ARTICLE 12. REPEALERS AND TRANSITIONS

7 SECTION 12.01. The following provisions of the Estates Code
8 are repealed:

9 (1) Section 51.054(c); and

10 (2) Section 1051.054(c).

11 SECTION 12.02. The following provisions of the Government
12 Code are repealed:

13 (1) Section 43.111(c);

14 (2) Subchapter C, Chapter 75;

15 (3) Section 832.001(b);

16 (4) Section 835.103;

17 (5) Section 837.001(b); and

18 (6) Section 840.104.

19 SECTION 12.03. The Office of Court Administration of the
20 Texas Judicial System is required to implement a provision of this
21 Act only if the legislature appropriates money specifically for
22 that purpose. If the legislature does not appropriate money
23 specifically for that purpose, the office may, but is not required
24 to, implement a provision of this Act using other appropriations
25 available for that purpose.

26 ARTICLE 13. EFFECTIVE DATE

27 SECTION 13.01. Except as otherwise provided by this Act,

S.B. No. 891

1 this Act takes effect September 1, 2019.