

By: Huffman, et al.  
(Leach, Holland, et al.)

S.B. No. 891

Substitute the following for S.B. No. 891:

By: White

C.S.S.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of and practice in and  
grants provided by 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[~~7~~] 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[~~7~~] 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

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

(e) The 454th Judicial District is created on September 1, 2019.

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

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

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

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

SECTION 1.05. (a) Effective January 1, 2021, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600 to read as follows:

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

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

(b) Notwithstanding Section 24.026, Government Code, the initial vacancy in the office of judge of the 456th Judicial District shall be filled by election. The office exists for purposes of the primary and general elections in 2020. A vacancy

1 after the initial vacancy is filled as provided by Section 28,  
2 Article V, Texas Constitution.

3 (c) The 456th Judicial District is created on January 1,  
4 2021.

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

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

9 (b) The 457th Judicial District is created on September 1,  
10 2019.

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

14 Sec. 24.60091. 466TH JUDICIAL DISTRICT (COMAL COUNTY). The  
15 466th Judicial District is composed of Comal County.

16 (b) The 466th Judicial District is created on January 1,  
17 2021.

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

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

23 (b) The 467th Judicial District is created on January 1,  
24 2021.

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

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

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

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

7       (b) The 471st District Court shall give preference to civil  
8       matters.

9       (b) The 468th District Court is created on September 1,  
10      2019.

11      (c) The 471st District Court is created on September 1,  
12      2019.

13                   ARTICLE 2. STATUTORY COUNTY COURTS

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

17      (a) In addition to the jurisdiction provided by Section  
18      25.0003 and other law, a county court at law in Bosque County has  
19      concurrent jurisdiction with the district court in:

20              (1) family law cases and proceedings;

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

24              (3) contested probate matters under Section 32.003,  
25      Estates Code; and

26              (4) felony cases transferred from the district court  
27      to conduct arraignments, pretrial hearings, and motions to

1 adjudicate or revoke and to accept guilty pleas.

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

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

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

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

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

22 (1) arraignments, pleas, and pretrial motions for  
23 felony cases; and

24 (2) family law cases and proceedings.

25 (b) In matters of concurrent jurisdiction, a judge of a  
26 county court at law and a judge of a district court in Chambers  
27 County may transfer cases between the courts in the same manner that

1 judges of district courts may transfer cases under Section 24.003.

2 (c) The judge of a county court at law shall be paid an  
3 annual salary in an amount at least equal to the amount that is  
4 \$1,000 less than the total annual salary, including supplements,  
5 received by a district judge in the county. The salary shall be paid  
6 out of the county treasury on order of the commissioners court.

7 (d) The judge of a county court at law is entitled to travel  
8 expenses and necessary office expenses, including administrative  
9 and clerical help, in the same manner as a district judge in the  
10 county.

11 (e) The district clerk serves as clerk of a county court at  
12 law in matters of concurrent jurisdiction with the district court  
13 other than misdemeanor cases and probate matters and proceedings.  
14 The county clerk serves as clerk for all other cases. Each clerk  
15 shall establish a separate docket for a county court at law. The  
16 commissioners court may employ as many deputy sheriffs and bailiffs  
17 as are necessary to serve the court.

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

22 (g) The judge of a county court at law may, instead of  
23 appointing an official court reporter, contract for the services of  
24 a court reporter under guidelines established by the commissioners  
25 court.

26 (h) The laws governing the drawing, selection, service, and  
27 pay of jurors for county courts apply to a county court at law.



1 Jurors regularly impaneled for a week by the district court may, on  
2 a request of a judge of the county court at law, be made available  
3 and shall serve for the week in a county court at law.

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

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

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

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

12 (1) County Court at Law No. 1 of Comal County; ~~and~~

13 (2) County Court at Law No. 2 of Comal County; and

14 (3) County Court at Law No. 3 of Comal County.

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

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

19 (a) In addition to the jurisdiction provided by Section  
20 25.0003 and other law, a county court at law in Cooke County has  
21 concurrent jurisdiction with the district court in family law cases  
22 and proceedings.

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

26 SECTION 2.05. (a) Effective January 1, 2021, Section  
27 25.0721, Government Code, is amended to read as follows:

1       Sec. 25.0721. ELLIS COUNTY. Ellis County has the following  
2   statutory county courts:

3               (1) the County Court at Law No. 1 of Ellis County;  
4   ~~[and]~~

5               (2) the County Court at Law No. 2 of Ellis County; and

6               (3) the County Court at Law No. 3 of Ellis County.

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

9       SECTION 2.06. (a) Effective October 1, 2019, Subchapter C,  
10   Chapter [25](#), Government Code, is amended by adding Sections 25.0881  
11   and 25.0882 to read as follows:

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

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

16       (a) In addition to the jurisdiction provided by Section [25.0003](#) and  
17   other law, a county court at law in Gillespie County has concurrent  
18   jurisdiction with the district court in:

19               (1) family law cases and proceedings; and

20               (2) juvenile law cases and proceedings.

21       (b) The district clerk serves as clerk of a county court at  
22   law for family law cases and proceedings and the county clerk serves  
23   as clerk for all other cases. The commissioners court may employ as  
24   many deputy sheriffs and bailiffs as are necessary to serve the  
25   court.

26       (c) If a case or proceeding in which a county court at law  
27   has concurrent jurisdiction with a district court is tried before a

1 jury, the jury shall be composed of 12 members. In all other cases,  
2 the jury shall be composed of six members.

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

5 SECTION 2.07. (a) Section 25.1101(a), Government Code, is  
6 amended to read as follows:

7 (a) Hidalgo County has the following statutory county  
8 courts:

- 9 (1) County Court at Law No. 1 of Hidalgo County;
- 10 (2) County Court at Law No. 2 of Hidalgo County;
- 11 (3) County Court at Law No. 4 of Hidalgo County;
- 12 (4) County Court at Law No. 5 of Hidalgo County;
- 13 (5) County Court at Law No. 6 of Hidalgo County;
- 14 (6) County Court at Law No. 7 of Hidalgo County; ~~and~~
- 15 (7) County Court at Law No. 8 of Hidalgo County;
- 16 (8) County Court at Law No. 9 of Hidalgo County; and
- 17 (9) County Court at Law No. 10 of Hidalgo County.

18 (b) The County Court at Law No. 9 of Hidalgo County and  
19 County Court at Law No. 10 of Hidalgo County are created on  
20 September 1, 2019.

21 SECTION 2.08. (a) Section 25.1312, Government Code, is  
22 amended by amending Subsection (a) and adding Subsection (d) to  
23 read as follows:

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

district courts.

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

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

(2) family law cases and proceedings; and

(3) felony cases.

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

SECTION 2.09. (a) Section 25.1481, Government Code, is amended to read as follows:

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

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

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

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

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

SECTION 2.10. Section 25.1902, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the jurisdiction provided by Subsections (a) and (b), the County Court at Law No. 1 of Potter County has concurrent jurisdiction with the district court in

1 felony cases to conduct arraignments, conduct pretrial hearings,  
2 and accept pleas in uncontested matters.

3 SECTION 2.11. (a) Section 25.2011, Government Code, is  
4 amended to read as follows:

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

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

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

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

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

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

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

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

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

10 ARTICLE 3. MUNICIPAL COURTS

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

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

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

21 ARTICLE 4. SENIOR DISTRICT JUDGES

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

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

1 the period of an appointment or for any service performed under  
2 assignment.

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

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

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

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

19 ARTICLE 5. MASTERS AND MAGISTRATES

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

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

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



1 ~~Acts of the 82nd Legislature, Regular Session, 2011]~~, the justices  
2 of the peace, and the mayors and recorders and the judges of the  
3 municipal courts of incorporated cities or towns.

4 SECTION 5.02. Article 4.01, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The  
7 following courts have jurisdiction in criminal actions:

- 8 1. The Court of Criminal Appeals;
- 9 2. Courts of appeals;
- 10 3. The district courts;
- 11 4. The criminal district courts;
- 12 5. The magistrates appointed by the judges of the district  
13 courts of Bexar County, Dallas County, Tarrant County, or Travis  
14 County that give preference to criminal cases and the magistrates  
15 appointed by the judges of the criminal district courts of Dallas  
16 County or Tarrant County;
- 17 6. The county courts;
- 18 7. All county courts at law with criminal jurisdiction;
- 19 8. County criminal courts;
- 20 9. Justice courts;
- 21 10. Municipal courts; ~~and~~
- 22 11. The magistrates appointed by the judges of the district  
23 courts of Lubbock County; and
- 24 12. The magistrates appointed by the El Paso Council of  
25 Judges.

26 SECTION 5.03. Chapter 54, Government Code, is amended by  
27 adding Subchapter B to read as follows:

1           SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

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

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

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

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

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

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

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

24          (d) A master may administer oaths.

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

27          Sec. 54.105. TRAINING. A master appointed under this

1 subchapter must successfully complete all training a justice of the  
2 peace is required to complete under state law.

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

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

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

13 SECTION 5.04. Chapter 54, Government Code, is amended by  
14 adding Subchapter MM to read as follows:

15 SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

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

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

22 (1) the magistrate's name; and

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

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

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

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

- 3               (1) be a citizen of the United States;  
4               (2) have resided in Collin County for at least the four  
5 years preceding the person's appointment; and  
6               (3) have been licensed to practice law in this state  
7 for at least four years.

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

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

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

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

- 20               (1) a negotiated plea of guilty or no contest and  
21 sentencing before the court;  
22               (2) a bond forfeiture, remittitur, and related  
23 proceedings;  
24               (3) a pretrial motion;  
25               (4) a writ of habeas corpus;  
26               (5) an examining trial;  
27               (6) an occupational driver's license;

1           (7) a petition for an order of expunction under  
2 Chapter 55, Code of Criminal Procedure;

3           (8) an asset forfeiture hearing as provided by Chapter  
4 59, Code of Criminal Procedure;

5           (9) a petition for an order of nondisclosure of  
6 criminal history record information or an order of nondisclosure of  
7 criminal history record information that does not require a  
8 petition provided by Subchapter E-1, Chapter 411;

9           (10) a motion to modify or revoke community  
10 supervision or to proceed with an adjudication of guilt;

11           (11) setting conditions, modifying, revoking, and  
12 surrendering of bonds, including surety bonds;

13           (12) specialty court proceedings;

14           (13) a waiver of extradition;

15           (14) selection of a jury; and

16           (15) any other matter the judge or justice of the peace  
17 considers necessary and proper.

18           (b) A judge may refer to a magistrate a civil case arising  
19 out of Chapter 59, Code of Criminal Procedure, for any purpose  
20 authorized by that chapter, including issuing orders, accepting  
21 agreed judgments, enforcing judgments, and presiding over a case on  
22 the merits if a party has not requested a jury trial.

23           (c) A magistrate may accept a plea of guilty from a  
24 defendant charged with misdemeanor, felony, or both misdemeanor and  
25 felony offenses.

26           (d) If the magistrate is acting as an associate judge under  
27 Section 54.2216, the magistrate may hear any case referred under

1 Section 54A.106.

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

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

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

8 (b) An order of referral may:

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

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

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

14 (4) provide a date for filing the magistrate's  
15 findings;

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

18 (6) direct the magistrate to call the court's docket;  
19 and

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

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

24 (1) conduct hearings;

25 (2) hear evidence;

26 (3) compel production of relevant evidence in civil or  
27 criminal matters;

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

1 approved by the juvenile board of Collin County; and

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

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

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

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

17 (1) the district clerk if associated with a felony  
18 case;

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

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

23 Sec. 54.2209. COSTS. (a) When the district clerk is the  
24 clerk under this subchapter, the district clerk shall charge the  
25 same court costs for cases filed in, transferred to, or assigned to  
26 the magistrate court that are charged in the district courts.

27 (b) When the county clerk is the clerk under this



1 subchapter, the county clerk shall charge the same court costs for  
2 cases filed in, transferred to, or assigned to the magistrate court  
3 that are charged in the county courts.

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

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

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

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

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

26 (c) The clerk of the case shall include as part of the record  
27 on appeal a copy of the order and local administrative rule under

1 which a magistrate court acted.

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

5 Sec. 54.2212. WITNESS. (a) A witness who appears before a  
6 magistrate and is sworn is subject to the penalties for perjury  
7 provided by law.

8 (b) A referring court may issue attachment against and may  
9 fine or imprison a witness whose failure to appear after being  
10 summoned or whose refusal to answer questions has been certified to  
11 the court.

12 Sec. 54.2213. PAPERS TRANSMITTED TO JUDGE. At the  
13 conclusion of the proceedings, a magistrate shall transmit to the  
14 referring court any papers relating to the case, including the  
15 magistrate's findings, conclusions, orders, recommendations, or  
16 other action taken.

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

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

25 (b) If the court does not modify, correct, reject, reverse,  
26 or recommit an action of the magistrate, the action becomes the  
27 decree of the court.

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

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

12        SECTION 5.05. Chapter 54, Government Code, is amended by  
13 adding Subchapter NN to read as follows:

14                SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

15        Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION.  
16 (a) The Commissioners Court of Kerr County may authorize the judges  
17 of the district and statutory county courts in Kerr County to  
18 appoint one or more part-time or full-time magistrates to perform  
19 the duties authorized by this subchapter.

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

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

26                (1) the magistrate's name; and

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

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

3       Sec. 54.2302. 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 Kerr County for at least the two  
7 years preceding the person's appointment; and

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

9       (b) A magistrate appointed under Section 54.2301 must take  
10 the constitutional oath of office required of appointed officers of  
11 this state.

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

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

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

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

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

27       Sec. 54.2305. TERMINATION OF EMPLOYMENT. (a) A magistrate

1 may be terminated by a majority vote of all the judges of the  
2 district and statutory county courts of Kerr County.

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

6 (1) the magistrate's name; and

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

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

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

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

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

21 (e) A magistrate is authorized to:

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

24 (2) conduct examining trials;

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

27 (4) issue search and arrest warrants;

1           (5) issue emergency protective orders;  
2           (6) order emergency mental commitments; and  
3           (7) conduct initial juvenile detention hearings if  
4 approved by the Kerr County Juvenile Board.

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

10          (g) A magistrate may:

11           (1) issue notices of the setting of a case for a  
12 hearing;

13           (2) conduct hearings;

14           (3) compel production of evidence;

15           (4) hear evidence;

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

17           (6) swear witnesses for hearings;

18           (7) regulate proceedings in a hearing; and

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

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

24           (1) personnel for the legal or clerical functions  
25 necessary to perform the magistrate's duties authorized by this  
26 chapter; and

27           (2) sufficient equipment and office space for the

1 magistrate and personnel to perform the magistrate's essential  
2 functions.

3 SECTION 5.06. Chapter 54, Government Code, is amended by  
4 adding Subchapter OO to read as follows:

5 SUBCHAPTER OO. MAGISTRATES IN FORT BEND COUNTY

6 Sec. 54.2401. AUTHORIZATION; APPOINTMENT; TERMINATION;  
7 ELIMINATION. (a) The Commissioners Court of Fort Bend County by  
8 majority vote may appoint one or more part-time or full-time  
9 magistrates to perform the duties authorized by this subchapter.

10 (b) An order appointing a magistrate must be signed by the  
11 county judge of Fort Bend County, and the order must state:

12 (1) the magistrate's name; and

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

14 (c) A magistrate may be terminated by a majority vote of the  
15 Commissioners Court of Fort Bend County.

16 (d) An authorized magistrate's position may be eliminated  
17 on a majority vote of the Commissioners Court of Fort Bend County.

18 Sec. 54.2402. QUALIFICATIONS; OATH OF OFFICE. (a) To be  
19 eligible for appointment as a magistrate, a person must:

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

21 (2) have resided in Fort Bend County for at least the  
22 four years preceding the person's appointment; and

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

25 (b) A magistrate appointed under Section 54.2401 must take  
26 the constitutional oath of office required of appointed officers of  
27 this state.

1       Sec. 54.2403. COMPENSATION. A magistrate is entitled to  
2 the compensation set by the Commissioners Court of Fort Bend  
3 County. The compensation shall be paid from the general fund of the  
4 county.

5       Sec. 54.2404. JUDICIAL IMMUNITY. A magistrate has the same  
6 judicial immunity as a district judge.

7       Sec. 54.2405. PROCEEDING THAT MAY BE REFERRED. (a) The  
8 judge of a district court or county court at law or a justice of the  
9 peace may refer to a magistrate any case or matter relating to a  
10 case for proceedings involving:

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

13               (2) a bond forfeiture, remittitur, and related  
14 proceedings;

15               (3) a pretrial motion;

16               (4) a writ of habeas corpus;

17               (5) an examining trial;

18               (6) an occupational driver's license;

19               (7) a petition for an order of expunction under  
20 Chapter 55, Code of Criminal Procedure;

21               (8) an asset forfeiture hearing as provided by Chapter  
22 59, Code of Criminal Procedure;

23               (9) a petition for an order of nondisclosure of  
24 criminal history record information or an order of nondisclosure of  
25 criminal history record information that does not require a  
26 petition provided by Subchapter E-1, Chapter 411;

27               (10) a motion to modify or revoke community



1 supervision or to proceed with an adjudication of guilt;

2 (11) setting conditions, modifying, revoking, and  
3 surrendering of bonds, including surety bonds;

4 (12) specialty court proceedings;

5 (13) a waiver of extradition;

6 (14) selection of a jury; and

7 (15) any other matter the judge or justice of the peace  
8 considers necessary and proper.

9 (b) A judge may refer to a magistrate a civil case arising  
10 out of Chapter 59, Code of Criminal Procedure, for any purpose  
11 authorized by that chapter, including issuing orders, accepting  
12 agreed judgments, enforcing judgments, and presiding over a case on  
13 the merits if a party has not requested a jury trial.

14 (c) A magistrate may accept a plea of guilty from a  
15 defendant charged with misdemeanor, felony, or both misdemeanor and  
16 felony offenses.

17 (d) If the magistrate is acting as an associate judge under  
18 Section 54.2416, the magistrate may hear any case referred under  
19 Section 54A.106.

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

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

23 Sec. 54.2406. ORDER OF REFERRAL. (a) To refer one or more  
24 cases to a magistrate, a judge or justice of the peace must issue an  
25 order of referral specifying the magistrate's duties.

26 (b) An order of referral may:

27 (1) limit the powers of the magistrate and direct the

magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

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

(3) prescribe a closing date for the hearing;

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

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

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

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

Sec. 54.2407. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

(8) swear witnesses for hearings;

(9) make findings of fact on evidence;

(10) formulate conclusions of law;

(11) rule on a pretrial motion;

(12) recommend the rulings, orders, or judgment to be

1 made in a case;

2 (13) regulate proceedings in a hearing;

3 (14) accept a plea of guilty from a defendant charged  
4 with misdemeanor, felony, or both misdemeanor and felony offenses;

5 (15) select a jury;

6 (16) accept a negotiated plea on a probation  
7 revocation;

8 (17) conduct a contested probation revocation  
9 hearing;

10 (18) sign a dismissal in a misdemeanor case;

11 (19) enter an order of dismissal or nonsuit on  
12 agreement of the parties in a civil case;

13 (20) in any case referred under Section 54.2405(a)(1),  
14 accept a negotiated plea of guilty or no contest and:

15 (A) enter a finding of guilt and impose or  
16 suspend the sentence; or

17 (B) defer adjudication of guilt;

18 (21) conduct initial juvenile detention hearings if  
19 approved by the juvenile board of Fort Bend County; and

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

23 (b) A magistrate may sign a motion to dismiss submitted by  
24 an attorney representing the state on cases referred to the  
25 magistrate, or on dockets called by the magistrate, and may  
26 consider unadjudicated cases at sentencing under Section 12.45,  
27 Penal Code.

1        (c) Except as provided by Sections 54.2405(e) and (f), a  
2 magistrate has all of the powers of a magistrate under the laws of  
3 this state and may administer an oath for any purpose.

4        Sec. 54.2408. FORFEITURES. Bail bonds and personal bonds  
5 may be forfeited by the magistrate court in the manner provided by  
6 Chapter 22, Code of Criminal Procedure, and those forfeitures shall  
7 be filed with:

8                (1) the district clerk if associated with a felony  
9 case;

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

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

14        Sec. 54.2409. COSTS. (a) When the district clerk is the  
15 clerk under this subchapter, the district clerk shall charge the  
16 same court costs for cases filed in, transferred to, or assigned to  
17 the magistrate court that are charged in the district courts.

18               (b) When the county clerk is the clerk under this  
19 subchapter, the county clerk shall charge the same court costs for  
20 cases filed in, transferred to, or assigned to the magistrate court  
21 that are charged in the county courts.

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

26        Sec. 54.2410. CLERK. (a) The district clerk serves as  
27 clerk of the magistrate court, except that:

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

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

7           (b) The district clerk shall establish a docket and keep the  
8 minutes for the cases filed in or transferred to the magistrate  
9 court. The district clerk shall perform any other duties that local  
10 administrative rules require in connection with the implementation  
11 of this subchapter. The local administrative judge shall ensure  
12 that the duties required under this subsection are performed. To  
13 facilitate the duties associated with serving as the clerk of the  
14 magistrate court, the district clerk and the deputies of the  
15 district clerk may serve as deputy justice clerks and deputy county  
16 clerks at the discretion of the district clerk.

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

20           Sec. 54.2411. COURT REPORTER. At the request of a party,  
21 the court shall provide a court reporter to record the proceedings  
22 before the magistrate.

23           Sec. 54.2412. WITNESS. (a) A witness who appears before a  
24 magistrate and is sworn is subject to the penalties for perjury  
25 provided by law.

26           (b) A referring court may issue attachment against and may  
27 fine or imprison a witness whose failure to appear after being

1 summoned or whose refusal to answer questions has been certified to  
2 the court.

3 Sec. 54.2413. PAPERS TRANSMITTED TO JUDGE. At the  
4 conclusion of the proceedings, a magistrate shall transmit to the  
5 referring court any papers relating to the case, including the  
6 magistrate's findings, conclusions, orders, recommendations, or  
7 other action taken.

8 Sec. 54.2414. COSTS OF MAGISTRATE. The court shall  
9 determine if the nonprevailing party is able to defray the costs of  
10 the magistrate. If the court determines the nonprevailing party is  
11 able to pay those costs, the court shall assess the magistrate's  
12 costs against the nonprevailing party.

13 Sec. 54.2415. JUDICIAL ACTION. (a) A referring court may  
14 modify, correct, reject, reverse, or recommit for further  
15 information any action taken by the magistrate.

16 (b) If the court does not modify, correct, reject, reverse,  
17 or recommit an action of the magistrate, the action becomes the  
18 decree of the court.

19 (c) At the conclusion of each term during which the services  
20 of a magistrate are used, the referring court shall enter a decree  
21 on the minutes adopting the actions of the magistrate of which the  
22 court approves.

23 Sec. 54.2416. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate  
24 appointed under this subchapter may act as a civil associate judge  
25 under Subchapter B, Chapter 54A. To the extent of any conflict with  
26 this subchapter, a magistrate acting as an associate judge shall  
27 comply with provisions regarding the appointment, termination,

referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

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:

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

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

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

- (1) be at least 30 years old;
- (2) have been a practicing attorney in this state for at least five years; and
- (3) have been a resident of Medina County for at least one year before election or appointment.

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

(c) The criminal district attorney shall attend each term and session of the district and inferior courts of Medina County,



1 except municipal courts, held for the transaction of criminal  
2 business and shall exclusively represent the state in all criminal  
3 matters before those courts.

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

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

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

25 (g) The criminal district attorney or the Commissioners  
26 Court of Medina County may accept gifts and grants from any  
27 individual, partnership, corporation, trust, foundation,

1 association, or governmental entity for the purpose of financing or  
2 assisting effective prosecution, crime prevention or suppression,  
3 rehabilitation of offenders, substance abuse education, treatment  
4 and prevention, or crime victim assistance programs in Medina  
5 County. The criminal district attorney shall account for and  
6 report to the commissioners court all gifts or grants accepted  
7 under this subsection.

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

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

26 (j) Medina County is entitled to receive from the state an  
27 amount equal to the amount provided in the General Appropriations

1 Act to district attorneys for the payment of staff salaries and  
2 office expenses.

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

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

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

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

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

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

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

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

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

12           (1) the district attorneys for Kenedy and Kleberg  
13 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th,  
14 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,  
15 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,  
16 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,  
17 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,  
18 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,  
19 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,  
20 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,  
21 452nd, and 506th judicial districts;

22           (2) the criminal district attorneys for the counties  
23 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
24 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,  
25 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,  
26 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,  
27 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,

Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, 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, 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, Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, 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 6.07. Effective January 1, 2025, 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, Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, 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.

#### ARTICLE 7. COURT REPORTERS AND BAILIFFS

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

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

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

(1) produced by a court reporter appointed under 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 or a  
24 shorthand reporting firm registration for an applicant after  
25 reviewing the applicant's credentials and determining the  
26 applicant holds a certification, registration, or license issued by  
27 another jurisdiction that has certification, registration, or

1 licensing requirements substantially equivalent to those of this  
2 state.

3 (b) The commission shall develop and periodically update on  
4 a schedule established by the commission a list of states that have  
5 certification, registration, or licensing requirements for court  
6 reporters and shorthand reporting firms substantially equivalent  
7 to those of this state.

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

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

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

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

19 (2) before certification in this state:

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

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

26 (d) A reciprocity agreement approved by the supreme court  
27 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 154.103;

(2) provide 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; and

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

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

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

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

(1) establish a stakeholder work group to receive

1 input; and

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

5 (c) Not later than June 1, 2020, the Judicial Branch  
6 Certification Commission shall develop the list required by Section  
7 154.1012(b), Government Code, as added by this section.

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

15 SECTION 7.10. Section 154.102, Government Code, is amended  
16 to read as follows:

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

22 SECTION 7.11. Section 154.104, Government Code, is amended  
23 to read as follows:

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

1        (b) The commission shall certify to the supreme court the  
2 name of each applicant who meets the qualifications for  
3 certification as:

4                (1) an apprentice court reporter; or

5                (2) a provisional court reporter.

6        SECTION 7.12. Section 154.105(a), Government Code, is  
7 amended to read as follows:

8        (a) On certification under Section 154.101 or as a  
9 provisional court reporter, a shorthand reporter may use the title  
10 "Certified Shorthand Reporter" or the abbreviation "CSR."

11        SECTION 7.13. Section 154.107, Government Code, is amended  
12 by adding Subsection (d) to read as follows:

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

19                (1) has an ownership interest in the firm of more than  
20 50 percent; and

21                (2) maintains actual control of the firm.

22        SECTION 7.14. Subchapter C, Chapter 154, Government Code,  
23 is amended by adding Section 154.108 to read as follows:

24        Sec. 154.108. CONTINUING EDUCATION. Subject to Section  
25 152.101, the commission by rule shall require each court reporter  
26 who holds a certification issued by the commission and at least one  
27 person who has management responsibility for a shorthand reporting

1 firm registered in this state to complete continuing professional  
2 education.

3 SECTION 7.15. Section 154.110(a), Government Code, is  
4 amended to read as follows:

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

10 (1) fraud or corruption;  
11 (2) dishonesty;  
12 (3) wilful or negligent violation or failure of duty;  
13 (4) incompetence;  
14 (5) fraud or misrepresentation in obtaining  
15 certification;

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

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

21 (8) engaging in the practice of shorthand reporting  
22 while certification is suspended;

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



1 each year;

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

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

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

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

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

17 (1) fraud or corruption;

18 (2) dishonesty;

19 (3) conduct on the part of an officer, director, or  
20 managerial employee of the shorthand reporting firm or affiliate  
21 office if the officer, director, or managerial employee orders,  
22 encourages, or permits conduct that the officer, director, or  
23 managerial employee knows or should have known violates this  
24 subtitle;

25 (4) conduct on the part of an officer, director, or  
26 managerial employee or agent of the shorthand reporting firm or  
27 affiliate office who has direct supervisory authority over a person

1 for whom the officer, director, employee, or agent knows or should  
2 have known violated this subtitle and knowingly fails to take  
3 reasonable remedial action to avoid or mitigate the consequences of  
4 the person's actions;

5 (5) fraud or misrepresentation in obtaining  
6 registration;

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

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

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

20 (9) unprofessional conduct, including:

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

26 (B) repeatedly committing to provide at a  
27 specific time and location court reporting services for an attorney

1 in connection with a legal proceeding and unreasonably failing to  
2 fulfill the commitment under the terms of that commitment;

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

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

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

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

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

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

21 (1) establish a stakeholder work group to receive  
22 input; and

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

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

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

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

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

10                    ARTICLE 8. JUVENILE BOARDS

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

14        (c) Sections 152.0002, 152.0004, and 152.0005 ~~[, 152.0006,~~  
15 ~~152.0007, and 152.0008]~~ do not apply to the juvenile board of Goliad  
16 County.

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

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

26        (a) The juvenile board of Grimes County is composed of the  
27 county judge, ~~[and]~~ the district judges in Grimes County, and the

1 judge of each county court at law in the county.

2 SECTION 8.03. Section 152.2411, Human Resources Code, is  
3 amended by amending Subsections (b) and (f) and adding Subsection  
4 (g) to read as follows:

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

8 (f) Sections 152.0002, 152.0004, and 152.0005~~[, 152.0006,~~  
9 ~~152.0007, and 152.0008]~~ do not apply to the juvenile board of  
10 Victoria County.

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

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

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

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

27 (b) The change in law made by this section applies only to a

1 travel expense or other incidental cost incurred on or after the  
2 effective date of this Act. A travel expense or other incidental  
3 cost incurred before the effective date of this Act is governed by  
4 the law in effect on the date the travel expense or other incidental  
5 cost was incurred, and the former law is continued in effect for  
6 that purpose.

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

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

23 (b) The Office of Court Administration of the Texas Judicial  
24 System ~~[comptroller]~~ shall prepare a list of each court cost or fee  
25 covered by Subsection (a) to be imposed or changed and shall publish  
26 the list in the Texas Register not later than August 1 after the end  
27 of the regular session of the legislature at which the law imposing

1 or changing the amount of the cost or fee was enacted. The office  
2 ~~[comptroller]~~ shall include with the list a statement describing  
3 the operation of this section and stating the date the imposition or  
4 change in the amount of the court cost or fee will take effect under  
5 Subsection (c).

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

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

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

14 Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE. (a) In  
15 this section:

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

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

26 (b) The office shall develop and maintain a public  
27 information Internet website that allows a person to easily publish

1 public information on the Internet website or the office to post  
2 public information on the Internet website on receipt from the  
3 person.

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

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

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

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

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

21 (c) Notwithstanding any other law, a specialty court  
22 program may not operate until the judge, magistrate, or  
23 coordinator:

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

27 (A) written notice of the program;



1 (B) any resolution or other official declaration  
2 under which the program was established; and

3 (C) a copy of the applicable strategic plan that  
4 incorporates duties related to supervision that will be required  
5 under the program; and

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

8 (d) A specialty court program shall:

9 (1) comply with all programmatic best practices  
10 recommended by the Specialty Courts Advisory Council under Section  
11 [772.0061](#)(b)(2) and approved by the Texas Judicial Council; and

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

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

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

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

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

26 (4) notify the criminal justice division of the  
27 governor's office if a specialty court program fails to comply with

1 programmatic best practices as required by Subsection (d).

2 (g) The Office of Court Administration of the Texas Judicial  
3 System shall coordinate with and provide information to the  
4 criminal justice division of the governor's office on request of  
5 the division.

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

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

21 ARTICLE 10. ELECTRONIC PUBLICATION, SERVICE, AND DISPLAY OF LEGAL  
22 DOCUMENTS

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

25 (a) Except as provided by Section 17.032, Civil Practice and  
26 Remedies Code, if ~~if~~ process in an action under this subchapter is  
27 returned not found, the attorney general shall publish notice on

1 the public information Internet website maintained as required by  
2 Section 72.034, Government Code, and in a newspaper in the county in  
3 which the registered office of the foreign filing entity in this  
4 state is located. The notice must contain:

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

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

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

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

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

- 27 (1) a statement of the pendency of the action;

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

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

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

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

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

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

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

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

3        SECTION 10.04. (a) Subchapter B, Chapter 17, Civil  
4 Practice and Remedies Code, is amended by adding Section 17.033 to  
5 read as follows:

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

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

15        (b) The Texas Supreme Court shall adopt rules under Section  
16 17.033, Civil Practice and Remedies Code, as added by this section,  
17 not later than December 31, 2020.

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

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

24        (a) Except as provided by Section 17.032, Civil Practice and  
25 Remedies Code, citation [~~Citation~~] or notice to a person to be  
26 served by publication shall be published one time on the public  
27 information Internet website maintained as required by Section

1 72.034, Government Code, and in a newspaper of general circulation  
2 in the county in which the proceeding is pending. The publication  
3 must be made at least 10 days before the return day of the service,  
4 excluding the date of publication.

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

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

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

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

13 (b) Proof of service consists of:

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

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

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

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

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

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

27 (A) an affidavit:

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

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

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

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

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

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

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

18                   SECTION 10.07. Sections 1051.054(a) and (b), Estates Code,  
19 are amended to read as follows:

20                   (a) Except as provided by Section 17.032, Civil Practice and  
21 Remedies Code, citation ~~[Citation]~~ or notice to a person to be  
22 served by publication shall be published one time on the public  
23 information Internet website maintained as required by Section  
24 72.034, Government Code, and in a newspaper of general circulation  
25 in the county in which the proceeding is pending. The publication  
26 must be made at least 10 days before the return day of the citation  
27 or notice, 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 10.08. Section 1051.153(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 guardian or other person making the service that states that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate, if the mailing was by registered or certified mail and 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



1 of the published citation or notice; and

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

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

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

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

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

14 SECTION 10.09. Section 3.305, Family Code, is amended to  
15 read as follows:

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

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

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

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

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

25 (e) In a suit filed under Chapter 161 or 262 in which the  
26 last name of the respondent is unknown, the court may order  
27 substituted service of citation by publication, including

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

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

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

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

24 (c) Except as provided by Section 17.032, Civil Practice and  
25 Remedies Code, if ~~if~~ the address or identity of a plot owner is  
26 not known and cannot be ascertained with reasonable diligence,  
27 service by publication shall be made on the plot owner by publishing

1 notice on the public information Internet website maintained as  
2 required by Section 72.034, Government Code, and at least three  
3 times in a newspaper of general circulation in the county in which  
4 the cemetery is located. [~~If there is not a newspaper of general~~  
5 ~~circulation in the county in which the cemetery is located, the~~  
6 ~~notice may be published in a newspaper of general circulation in an~~  
7 ~~adjoining county.~~]

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

10 ARTICLE 11. NOTARIZATION REQUIREMENTS

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

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

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

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

27 ARTICLE 12. COURT GRANT PROGRAMS

SECTION 12.01. (a) Section 22.017, Government Code, is amended to read as follows:

Sec. 22.017. GRANTS BY COMMISSIONS ESTABLISHED BY SUPREME COURT [~~FOR CHILD PROTECTION~~]. (a) In this section:

(1) [~~7~~] "Children's commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(2) "Mental health commission" means the Texas Judicial Commission on Mental Health established by the supreme court.

(b) The children's commission shall develop and administer a program to provide grants from available funds for initiatives that will:

(1) improve well-being, safety, and permanency outcomes in child protection cases; or

(2) [~~7~~] enhance due process for the parties[~~7~~] or [~~increase~~] the timeliness of resolution in [~~child protection~~] cases involving the welfare of a child.

(c) The children's commission may develop and administer a program to provide grants from available funds for:

(1) initiatives designed to prevent or minimize the involvement of children in the juvenile justice system or promote the rehabilitation of children involved in the juvenile justice system; and

(2) any other initiatives identified by the children's commission or the supreme court to improve the administration of justice for children.

1        (d) To be eligible for a grant administered by the  
2 children's commission under this section, a prospective recipient  
3 must:

4            (1) use the grant money to:

5                    (A) improve well-being, safety, or permanency  
6 outcomes in child protection cases;

7                    (B) [~~7~~] enhance due process for the parties or  
8 the [~~7~~, or increase] timeliness of resolution in [~~child protection~~]  
9 cases involving the welfare of a child;

10                   (C) prevent or minimize the involvement of  
11 children in the juvenile justice system or promote the  
12 rehabilitation of children involved in the juvenile justice system;  
13 or

14                   (D) accomplish any other initiatives identified  
15 by the children's commission or the supreme court to improve the  
16 administration of justice for children; and

17            (2) apply for the grant in accordance with procedures  
18 developed by the children's commission and comply with any other  
19 requirements of the supreme court.

20        (e) The mental health commission may develop and administer  
21 a program to provide grants from available funds for initiatives  
22 that will improve the administration of justice for individuals  
23 with mental health needs or an intellectual or developmental  
24 disability.

25        (f) To be eligible for a grant administered by the mental  
26 health commission under this section, a prospective recipient must:

27            (1) use the grant money to improve the administration

1 of justice for individuals with mental health needs or an  
2 intellectual or developmental disability; and

3 (2) apply for the grant in accordance with procedures  
4 developed by the mental health commission and comply with any other  
5 requirements of the supreme court.

6 (g) [(d)] If the children's commission or the mental health  
7 commission awards a grant under this section, the commission  
8 administering the grant shall:

9 (1) direct the comptroller to distribute the grant  
10 money; and

11 (2) monitor the use of the grant money.

12 (h) [(e)] The children's commission and the mental health  
13 commission may accept gifts, grants, and donations for purposes of  
14 this section. [The commission may not use state funds to provide a  
15 grant under this section or to administer the grant program.]

16 (b) As soon as practicable after September 1, 2019, the  
17 Texas Supreme Court shall establish the Texas Judicial Commission  
18 on Mental Health.

#### 19 ARTICLE 13. REPEALERS AND TRANSITIONS

20 SECTION 13.01. The following provisions of the Estates Code  
21 are repealed:

22 (1) Section 51.054(c); and

23 (2) Section 1051.054(c).

24 SECTION 13.02. The following provisions of the Government  
25 Code are repealed:

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

27 (2) Section 43.111(c);

- 1           (3) Subchapter C, Chapter 75;
- 2           (4) Section 832.001(b);
- 3           (5) Section 835.103;
- 4           (6) Section 837.001(b); and
- 5           (7) Section 840.104.

6           SECTION 13.03. The Office of Court Administration of the  
7 Texas Judicial System is required to implement a provision of this  
8 Act only if the legislature appropriates money specifically for  
9 that purpose. If the legislature does not appropriate money  
10 specifically for that purpose, the office may, but is not required  
11 to, implement a provision of this Act using other appropriations  
12 available for that purpose.

13                       ARTICLE 14. EFFECTIVE DATE

14           SECTION 14.01. Except as otherwise provided by this Act,  
15 this Act takes effect September 1, 2019.