

Amend CSHB 3774 (house committee report) as follows:

(1) On page 1, line 22, strike "Effective October 1, 2022,".

(2) Add the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 1.____. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60024 and 24.60099 to read as follows:

Sec. 24.60024. 477TH JUDICIAL DISTRICT (HIDALGO COUNTY).
The 477th Judicial District is composed of Hidalgo County.

Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).
The 476th Judicial District is composed of Hidalgo County.

(b) The 476th and 477th Judicial Districts are created on the effective date of this Act.

SECTION 1.____. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60028 to read as follows:

Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The 483rd Judicial District is composed of Hays County.

(b) The 483rd Judicial District is created on the effective date of this Act.

SECTION 1.____. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60098 to read as follows:

Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). The 475th Judicial District is composed of Smith County.

(b) Notwithstanding Section 24.026, Government Code, the initial vacancy in the office of judge of the 475th Judicial District shall be filled by election. The office exists for purposes of the primary and general elections in 2022. A vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

(c) The 475th Judicial District is created January 1, 2023.

(3) On page 3, line 23, immediately following "COURTS", insert "AND CONSTITUTIONAL COUNTY COURTS".

(4) On page 4, line 18, between "deputy" and "~~he~~", insert "clerk".

(5) Strike page 4, lines 26 and 27 and page 5, lines 1 through 3, and substitute the following:

~~provided by this subsection. [A deputy clerk of a county court at law is entitled to the same amount of compensation as received by the deputy clerks of the other county courts at law in Bexar County. The commissioners court shall pay the salary of a deputy clerk in equal monthly installments from county funds.]~~

(6) On page 5, strike lines 18 through 23, and substitute the following:

deputy clerk [he] is assigned. ~~[A deputy clerk is entitled to receive an annual salary set by the judge in an amount that does not exceed the amount paid the deputies of the county courts at law of Bexar County. The salary shall be paid in equal monthly installments as provided by law for the payment of salaries of deputy clerks.]~~

(7) On page 9, line 13, strike "Effective January 1, 2023,".

(8) On page 11, line 27, strike "the effective date of this Act" and substitute "October 1, 2022".

(9) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 2.____. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1331 and 25.1332 to read as follows:

Sec. 25.1331. KENDALL COUNTY. Kendall County has one statutory county court, the County Court at Law of Kendall County.

Sec. 25.1332. KENDALL COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Kendall County has:

(1) concurrent jurisdiction with the district court in state jail, third degree, and second degree felony cases on assignment from a district judge presiding in Kendall County and acceptance of the assignment by the judge of the county court at law to:

(A) conduct arraignments;

(B) conduct pretrial hearings;

(C) accept guilty pleas and conduct sentencing;

(D) conduct jury trials and nonjury trials;

(E) conduct probation revocation hearings;

(F) conduct post-trial proceedings; and

(G) family law cases and proceedings; and

(2) jurisdiction in:

(A) Class A and Class B misdemeanor cases;

(B) probate proceedings;

(C) disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(D) eminent domain; and

(E) appeals from the justice and municipal courts.

(b) A judge of a county court at law shall be paid a total annual salary set by the commissioners court in an amount that is not less than \$1,000 less than the annual salary received by a district judge with equivalent years of service as a judge, as provided under Section 25.0005, to be paid out of the county treasury by the commissioners court.

(c) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(d) The official court reporter of a county court at law is entitled to receive the same compensation and to be paid in the same manner as the court reporters of the district court in Kendall County.

(b) The County Court at Law of Kendall County is created on October 1, 2022.

SECTION 2.____. (a) Sections 26.006(a) and (b), Government Code, are amended to read as follows:

(a) A county judge is entitled to an annual salary supplement from the state in an amount equal to 18 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) if at

least 18 [~~40~~] percent of the:

(1) functions that the judge performs are judicial functions; or

(2) total hours that the judge works are in the performance of judicial functions.

(b) To receive a supplement under Subsection (a), a county judge must file with the comptroller's judiciary section an affidavit stating that at least 18 [~~40~~] percent of the:

(1) functions that the judge performs are judicial functions; or

(2) total hours that the judge works are in the performance of judicial functions.

(b) The changes in law made by this section take effect on the effective date of this Act and apply only to a salary payment for a pay period beginning on or after that date. A salary payment for a pay period beginning before the effective date of this Act is governed by the law in effect on the date the pay period began, and that law is continued in effect for that purpose.

(10) Add the following appropriately numbered SECTIONS to ARTICLE 3 of the bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 3.____. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b); and

(2) cases that arise under Section 821.022, Health and Safety Code.

SECTION 3.____. Article 103.003, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) The clerk of a municipal court may collect money payable to the municipal court under this title.

SECTION 3.____. Article 103.0081, Code of Criminal Procedure, is amended to read as follows:

Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any officer authorized by this chapter to collect a fine, fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

- (1) the defendant is deceased;
- (2) the defendant is serving a sentence for imprisonment for life or life without parole; or
- (3) the fine, fee, or item of cost has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

SECTION 3.____. Section 29.003(i), Government Code, is amended to read as follows:

(i) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

- (1) all cases in which either municipality has jurisdiction under Subsection (a) or (b); and
- (2) cases that arise under Section 821.022, Health and Safety Code, or Section 65.003(a), Family Code.

(11) Add the following appropriately numbered ARTICLE to the bill and renumber ARTICLES of the bill accordingly:

ARTICLE _____. DISTRICT AND COUNTY ATTORNEYS
SECTION _____. Section 43.137, Government Code, is

amended by adding Subsections (c) and (d) to read as follows:

(c) In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in the district and inferior courts in Ector County in all criminal cases, juvenile matters under Title 3, Family Code, and matters involving children's protective services.

(d) The district attorney has no power, duty, or privilege in any civil matter, other than civil asset forfeiture and civil bond forfeiture matters.

SECTION _____. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.168 to read as follows:

Sec. 45.168. ECTOR COUNTY. (a) It is the primary duty of the county attorney in Ector County to represent the state, Ector County, and the officials of the county in all civil matters, other than asset forfeiture and bond forfeiture matters for which the district attorney is responsible, pending before the courts of Ector County and any other court in which the state, Ector County, or the county officials have matters pending.

(b) The county attorney has no power, duty, or privilege in Ector County relating to criminal matters, juvenile matters under Title 3, Family Code, or matters involving children's protective services.

SECTION _____. Section 43.137, Government Code, as amended by this article, and Section 45.168, Government Code, as added by this article, apply only to a proceeding commenced on or after the effective date of this Act. A proceeding commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(12) On page 15, line 15, immediately following the underlined semicolon, strike "and".

(13) On page 15, line 18, between "County" and the period, insert the following:

; and

15. The magistrates appointed by the judges of the district courts of Tom Green County

(14) Add the following appropriately numbered SECTIONS to ARTICLE 5 of the bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 5.____. Articles 15.03(a), (c), and (f), Code of Criminal Procedure, are amended to read as follows:

(a) A magistrate may issue a warrant of arrest or a summons:

1. In any case in which he is by law authorized to order verbally the arrest of an offender;

2. When any person shall make oath before the magistrate or other person authorized by law to administer oaths that another has committed some offense against the laws of the State; and

3. In any case named in this Code where he is specially authorized to issue warrants of arrest.

(c) For purposes of Subdivision 2, Subsection (a), a person may appear before the magistrate or other person authorized by law to administer oaths in person or the person's image may be presented to the magistrate through an electronic broadcast system.

(f) In this article, "electronic broadcast system" means a two-way electronic communication of image and sound between a person and magistrate or other person authorized by law to administer oaths and includes secure Internet videoconferencing.

SECTION 5.____. Article 18.0215(c), Code of Criminal Procedure, is amended to read as follows:

(c) A judge may issue a warrant under this article only on the application of a peace officer. An application must be written and signed and sworn to or affirmed before the judge or other person authorized by law to administer oaths. The application must:

(1) state the name, department, agency, and address of the applicant;

(2) identify the cellular telephone or other wireless communications device to be searched;

(3) state the name of the owner or possessor of the telephone or device to be searched;

(4) state the judicial district in which:

(A) the law enforcement agency that employs the peace officer is located, if the telephone or device is in the

officer's possession; or

(B) the telephone or device is likely to be located; and

(5) state the facts and circumstances that provide the applicant with probable cause to believe that:

(A) criminal activity has been, is, or will be committed; and

(B) searching the telephone or device is likely to produce evidence in the investigation of the criminal activity described in Paragraph (A).

SECTION 5.____. (a) Section 54.1501(b), Government Code, is amended to read as follows:

(b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each magistrate position and shall determine whether the position is full-time or part-time. ~~[The qualifications must require the magistrate to:~~

~~[(1) have served as a justice of the peace or municipal court judge; or~~

~~[(2) be an attorney licensed in this state.]~~

(b) Section 54.1502, Government Code, is amended to read as follows:

Sec. 54.1502. JURISDICTION. A magistrate has concurrent criminal jurisdiction with:

(1) the judges of the justice of the peace courts of Burnet County; and

(2) a municipal court in Burnet County, if approved by a memorandum of understanding between the municipality and Burnet County.

SECTION 5.____. Chapter 54, Government Code, is amended by adding Subchapter QQ to read as follows:

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

Sec. 54.2601. APPOINTMENT. (a) The judges of the district courts of Tom Green County, with the consent and approval of the commissioners court of Tom Green County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of district judges, each magistrate shall serve equally in the courts of those judges.

Sec. 54.2602. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

(1) be a resident of this state; and

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

Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the commissioners court of Tom Green County. The salary may not be less than an amount equal to the salary, supplements, and allowances paid to a justice of the peace of Tom Green County as set by the annual budget of Tom Green County.

(b) A magistrate's salary is paid from the county fund available for payment of officer's salaries.

(c) The salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. The per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. The judges of the courts trying criminal cases in Tom Green County shall approve the number of hours for which a part-time magistrate is to be paid.

Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

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

(2) a bond forfeiture, remittitur, and related

proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

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

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

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

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

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

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the judge considers necessary and proper.

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

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

(d) A magistrate may select a jury. A magistrate may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A magistrate may not hear a jury trial on the merits of a bond forfeiture.

(f) A judge of a designated juvenile court may refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any

matter ancillary to the proceeding.

Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

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

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

Sec. 54.2608. 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;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

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

(14) select a jury;

(15) accept a negotiated plea on probation revocation;

(16) conduct a contested probation revocation hearing;

(17) sign a dismissal in a misdemeanor case;

(18) in any case referred under Section 54.656(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilty and impose or suspend the sentence; or

(B) defer adjudication of guilty; and

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

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

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

Sec. 54.2609. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2610. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

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

Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

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

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

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

Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed under this subchapter is absent or unable to serve, the judge referring the case may appoint another magistrate to serve for the absent magistrate.

(b) A magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom the magistrate is serving.

Sec. 54.2614. CLERK. The clerk of a district court that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

(15) On page 23, line 5, immediately following "CASES", insert "AND ELECTRONIC FILING SYSTEM".

(16) Add the following appropriately numbered SECTION to ARTICLE 7 of the bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 7.____. (a) Section 72.031(a), Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "State court document database" means a database accessible by the public and established or authorized by the supreme court for storing documents filed with a court in this state.

(b) Section 72.031(b), Government Code, is amended to read as follows:

(b) The office as authorized by supreme court rule or order may:

(1) implement an electronic filing system for use in the courts of this state;

(2) allow public access to view information or documents in the state court document database; and

(3) charge a reasonable fee for additional optional

features in the state court document database.

(17) On page 30, line 16, strike "statement [~~affidavit~~]" and substitute "affidavit".

(18) On page 30, line 19, strike "statement [~~affidavit~~]" and substitute "affidavit".

(19) On page 31, line 9, strike "a statement [~~an affidavit~~]" and substitute "an affidavit".

(20) On page 31, line 27, strike "statement [~~affidavit~~]" and substitute "affidavit".

(21) On page 32, line 17, strike "a statement [~~an affidavit~~]" and substitute "an affidavit".

(22) On page 38, line 12, strike "treatment".

(23) Add the following appropriately numbered SECTION to ARTICLE 11 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 11.____. Section 434.032, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioners court of a county that maintains an office:

(1) may not consider a juror's donation to the office of the juror's daily reimbursement under Section 61.003 for purposes of determining the county's budget for the office; and

(2) may use donations described by Subdivision (1) only to supplement, rather than supplant, amounts budgeted by the county for the office.

(24) Add the following appropriately numbered ARTICLES to the bill and renumber subsequent ARTICLES accordingly:

ARTICLE _____. APPELLATE COURTS

SECTION _____. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0042 to read as follows:

Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF PROPERTY; FORM. (a) The supreme court shall adopt rules that:

(1) establish a simple and expedited procedure for a judgment debtor to assert an exemption to the seizure of personal property by a judgment creditor or a receiver appointed under Section 31.002, Civil Practice and Remedies Code;

(2) require a court to stay a proceeding, for a

reasonable period, to allow for the assertion of an exemption under Subdivision (1); and

(3) require a court to promptly set a hearing and stay proceedings until a hearing is held, if a judgment debtor timely asserts an exemption under Subdivision (1).

(b) Rules adopted under this section shall require the provision of a notice in plain language to a judgment debtor regarding the right of the judgment debtor to assert one or more exemptions under Subsection (a)(1). The notice must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court;

(2) include the form promulgated under Subsection (c);

(3) list all exemptions under state and federal law to the seizure of personal property; and

(4) provide information for accessing free or low-cost legal assistance.

(c) Rules adopted under this section shall include the promulgation of a form in plain language for asserting an exemption under Subsection (a)(1). A form promulgated under this subsection must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court; and

(2) include instructions for the use of the form.

(d) A court shall accept a form promulgated under Subsection (c) unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

SECTION _____. Not later than May 1, 2022, the Supreme Court of Texas shall adopt rules and promulgate forms under Section 22.0042, Government Code, as added by this article.

ARTICLE _____. PROCEDURES FOR CERTAIN DEFENDANTS

SECTION _____. Article 16.22(a)(1), Code of Criminal Procedure, is amended to read as follows:

(a)(1) Not later than 12 hours after the sheriff or municipal jailer having custody of a defendant [~~for an offense punishable as a Class B misdemeanor or any higher category of~~

~~offense]~~ receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the sheriff or municipal jailer shall provide written or electronic notice to the magistrate. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the magistrate, except as provided by Subdivision (2), shall order the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert to:

(A) interview the defendant if the defendant has not previously been interviewed by a qualified mental health or intellectual and developmental disability expert on or after the date the defendant was arrested for the offense for which the defendant is in custody and otherwise collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment or service; and

(B) provide to the magistrate a written report of an interview described by Paragraph (A) and the other information collected under that paragraph on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(c), Health and Safety Code.

SECTION _____._____. Articles 16.22(b-1) and (d), Code of Criminal Procedure, are amended to read as follows:

(b-1) The magistrate shall provide copies of the written report to the defense counsel, the attorney representing the state,

and the trial court. The written report must include a description of the procedures used in the interview and collection of other information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability;

(2) subject to Article 46B.002, whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) any appropriate or recommended treatment or service.

(d) This article does not prevent the applicable court from, before, during, or after the interview and collection of other information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness or is a person with an intellectual disability from custody on personal or surety bond, including imposing as a condition of release that the defendant submit to an examination or other assessment; or

(2) subject to Article 46B.002, ordering an examination regarding the defendant's competency to stand trial.

SECTION _____. The change in law made by this article applies only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

ARTICLE _____. MISDEMEANOR CASES

SECTION _____. Article 15.17(b), Code of Criminal Procedure, is amended to read as follows:

(b) After an accused charged with a misdemeanor punishable by fine only is taken before a magistrate under Subsection (a) and the magistrate has identified the accused with certainty, the magistrate may release the accused without bond and order the accused to appear at a later date for arraignment in the applicable justice court or municipal court. The order must state in writing

the time, date, and place of the arraignment, and the magistrate must sign the order. The accused shall receive a copy of the order on release. If an accused fails to appear as required by the order, the judge of the court in which the accused is required to appear shall issue a warrant for the arrest of the accused. If the accused is arrested and brought before the judge, the judge may admit the accused to bail, and in admitting the accused to bail, the judge should set as the amount of bail an amount double that generally set for the offense for which the accused was arrested. [~~This subsection does not apply to an accused who has previously been convicted of a felony or a misdemeanor other than a misdemeanor punishable by fine only.~~]

SECTION _____. Article 45.016(c), Code of Criminal Procedure, as added by Chapter 1127 (SB 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(c) If before the expiration of a 48-hour period following the issuance of the applicable order a defendant described by Subsection (b) remains in custody for a misdemeanor punishable by fine only and [~~Subsections (b)(1) and (2)~~] does not give a required bail bond, the justice or judge:

(1) shall reconsider the requirement for the defendant to give the bail bond and presume that the defendant does not have sufficient resources or income to give the bond; and

(2) may require the defendant to give a personal bond.

SECTION _____. Article 45.031, Code of Criminal Procedure, is amended to read as follows:

Art. 45.031. COUNSEL FOR STATE NOT PRESENT. (a) If the state is not represented by counsel when the case is called for trial, the justice or judge may:

(1) postpone the trial to a date certain;

(2) appoint any competent attorney as an attorney pro tem [~~as provided by this code~~] to represent the state, notwithstanding Article 2.07; or

(3) proceed to trial.

(b) An attorney appointed under Subsection (a) is qualified to perform the duties of the office of the attorney representing the state and may be paid a reasonable fee for performing those duties.

SECTION _____. The heading to Article 45.0445, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR COSTS.

SECTION _____. Article 66.252, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) At any time before final disposition of the case, the justice or judge of a court having jurisdiction of the case of a misdemeanor described by Subsection (b)(3) may order a law enforcement officer to use the uniform incident fingerprint card to take the fingerprints of an offender who is charged with the misdemeanor, but was not placed under custodial arrest at the time of the offense.

SECTION _____. Article 45.016(c), Code of Criminal Procedure, as added by Chapter 977 (HB 351), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

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

SECTION _____. The changes in law made by this article apply only to a misdemeanor case that is initially filed in a justice or municipal court on or after the effective date of this Act, regardless of whether the offense for which the case is filed occurred before, on, or after the effective date of this Act.

ARTICLE _____. COURT REPORTERS

SECTION _____. Article 39.03, Code of Criminal Procedure, is amended to read as follows:

Art. 39.03. OFFICERS WHO MAY TAKE ~~[THE]~~ DEPOSITION. (a) On [Upon the] filing of the [such an] affidavit and application under Article 39.02, the court shall appoint, order, or designate one of the following persons before whom the [such] deposition must

~~[shall]~~ be taken:

- (1) a [1.A] district judge;~~[]~~
- (2) a [2.A] county judge;~~[]~~
- (3) a [3.A] notary public;~~[]~~
- (4) a [4.A] district clerk;~~[]~~
- (5) a [5.A] county clerk; or
- (6) a court reporter.

(b) The [Such] order shall specifically name the [such] person before whom, [and] the time when, and the place where the [such] deposition must [shall] be taken. Failure of a witness to respond to the order is [thereto, shall be] punishable by contempt by the court. The [Such] deposition must [shall] be oral or written, as the court directs [shall direct].

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.25 to read as follows:

Art. 42.25. FILING OF REPORTER NOTES. A court reporter may comply with Rule 13.6, Texas Rules of Appellate Procedure, by electronically filing with the trial court clerk not later than the 20th day after the expiration of the time the defendant is allotted to perfect the appeal the untranscribed notes created by the court reporter using computer-aided software.

SECTION _____. Section 52.001(a)(4), Government Code, is amended to read as follows:

(4) "Shorthand reporter" and "court reporter" mean a person who is certified as a court reporter, apprentice court reporter, or provisional court reporter under Chapter 154 to engage [engages] in shorthand reporting.

SECTION _____. Section 52.011, Government Code, is amended to read as follows:

Sec. 52.011. PROVISION OF SIGNED DEPOSITION CERTIFICATE; CERTIFICATE REQUIREMENTS [CERTIFICATION]. (a) A court reporting firm representative or a court reporter who reported a deposition for a case shall complete and sign a deposition certificate, known as the further certification.

(b) On request of a court reporter who reported a deposition for a case, a court reporting firm shall provide the reporter with a copy of the deposition certificate [document related to the

~~deposition, known as the further certification,]~~ that the reporter has signed or to which the reporter's signature has been applied.

(c) The deposition certificate must include:

(1) a statement that the deposition transcript was submitted to the deponent or the deponent's attorney for examination and signature;

(2) the date the transcript was submitted to the deponent or the deponent's attorney;

(3) the date the deponent returned the transcript, if returned, or a statement that the deponent did not return the transcript;

(4) a statement that any changes the deponent made to the transcript are reflected in a separate document attached to the transcript;

(5) a statement that the transcript was delivered in accordance with Rule 203.3, Texas Rules of Civil Procedure;

(6) the amount charged for preparing the original deposition transcript;

(7) a statement that a copy of the certificate was served on all parties to the case; and

(8) the date the copy of the certificate was served on the parties to the case.

SECTION _____. Section 52.041, Government Code, is amended to read as follows:

Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a) Each judge of a court of record shall appoint an official court reporter. An official court reporter is a sworn officer of the court and holds office at the pleasure of the court.

(b) Notwithstanding any other law, a certified shorthand reporter may be appointed by more than one judge of a court of record to serve more than one court. A certified shorthand reporter appointed to serve as an official court reporter by more than one judge of a court of record may be an employee of more than one county or may serve more than one county as an official court reporter under contract with a county.

(c) An official court reporter may remotely serve any court to which the official court reporter is appointed and may remotely

serve any other court of record with the approval of an appointing court and the agreement of the court reporter.

(d) An official court reporter may elect to serve the requesting court in person or, with the permission of the requesting court, remotely.

SECTION _____. Section 52.042, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A certified shorthand reporter may be appointed by more than one judge of a court of record to serve as a deputy court reporter serving more than one court. A certified shorthand reporter appointed to serve as a deputy court reporter by more than one judge of a court of record may be an employee of more than one county or may serve more than one county as a deputy court reporter under contract with a county and the agreement of the court reporter.

(f) A deputy court reporter may remotely serve any court to which the official court reporter is appointed and may remotely serve any other court of record with the approval of an appointing court.

SECTION _____. Sections 52.046(b) and (d), Government Code, are amended to read as follows:

(b) An official court reporter [~~of a district court~~] may conduct the deposition of witnesses, receive, execute, and return commissions, and make a certificate of the proceedings in any county [~~that is included in the judicial district of that court~~].

(d) A judge of a county court or county court at law shall appoint a [~~certified~~] shorthand reporter to report the oral testimony given in any contested probate matter in that judge's court.

SECTION _____. Subchapter E, Chapter 52, Government Code, is amended by adding Section 52.060 to read as follows:

Sec. 52.060. MODEL INTERLOCAL AGREEMENT REGARDING COMPENSATION AND EXPENSES OF MULTI-COURT OFFICIAL COURT REPORTERS.

(a) In this section, "office" means the Office of Court Administration of the Texas Judicial System.

(b) The office shall coordinate the development of a model interlocal agreement that may be used by counties or courts to share

the compensation and expenses of an official court reporter or deputy court reporter who serves more than one court of record under Section 52.041 or 52.042, whether the deputy court reporter serves as an employee of one or more counties or courts or under contract to one or more counties or courts.

(c) The office shall develop the model interlocal agreement with the participation of the counties and courts of this state. The model interlocal agreement may include provisions for the compensation and expenses of an official court reporter or deputy court reporter serving remotely.

(d) A county or court is not required to use the model interlocal agreement developed under Subsection (b) and may enter into agreements as the counties or courts determine appropriate.

(e) In the event of a conflict between this subchapter and a model interlocal agreement or any other agreement between counties or courts for the compensation and expenses of official court reporters or deputy court reporters serving more than one court, this subchapter prevails.

SECTION _____. Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FACILITATION OF APPOINTMENT OF COURT REPORTERS TO
ADDITIONAL COURTS

Sec. 72.161. DEFINITIONS. In this section:

(1) "Official court reporter" means a shorthand reporter appointed by a judge as an official court reporter.

(2) "Shorthand reporter" and "court reporter" mean a person who engages in shorthand reporting.

Sec. 72.162. OFFICIAL COURT REPORTER DATABASES. (a) The office shall develop one or more databases of official court reporters and deputy court reporters willing and authorized by an appointing court or courts to serve as a reporter in a court of this state other than the court to which the reporter is appointed when the reporter's duties to the appointing court or courts do not conflict with duties provided to the requesting court.

(b) An official reporter database must include:

(1) the court or courts served by each official court reporter and deputy court reporter;

(2) the contact information for each court identified under Subdivision (1);

(3) the name and contact information for each court reporter; and

(4) whether a reporter in the database is willing to serve as a temporary court reporter:

(A) only in person;

(B) only remotely; or

(C) both in person and remotely.

Sec. 72.163. The office shall facilitate communication between the courts of this state and official court reporters for purposes of matching court reporters with courts requesting the services of court reporters.

Sec. 72.164. The office, the courts of record of this state, and official court reporters and deputy court reporters may use an online service for matching court reporters with courts requesting the services of court reporters in a database established under Section 72.162(b). The service may be provided by a statewide trade association of court reporters with the permission of the trade association.

SECTION _____. Section 154.001(a)(4), Government Code, is amended to read as follows:

(4) "Shorthand reporter" and "court reporter" mean a person who is certified as a court reporter, apprentice court reporter, or provisional court reporter under this chapter to engage ~~engages~~ in shorthand reporting.

SECTION _____. Section 154.101(e), Government Code, is amended to read as follows:

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a person who engages in shorthand reporting but is not certified

as a [~~noncertified~~] court reporter pursuant and according to rules adopted or approved by the supreme court.

SECTION _____. Section 154.105, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) A [~~certified~~] shorthand reporter may administer oaths to witnesses:

(1) anywhere in this state;

(2) in a jurisdiction outside this state if:

(A) the reporter is at the same location as the witness; and

(B) the witness is or may be a witness in a case filed in this state; and

(3) at any location authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b).

(c) Notwithstanding Subsection (b), a shorthand reporter may administer an oath as provided under this subsection to a person who is or may be a witness in a case filed in this state without being at the same location as the witness:

(1) if the reporter is physically located in this state at the time the oath is administered; or

(2) as authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b) if:

(A) the witness is at a location in the other jurisdiction; and

(B) the reporter is at a location in the same jurisdiction as the witness.

(d) The identity of a witness who is not in the physical presence of a shorthand reporter may be proven by:

(1) a statement under oath on the record by a party to the case stating that the party has actual knowledge of the witness's identity;

(2) a statement on the record by an attorney for a party to the case, or an attorney for the witness, verifying the witness's identity;

(3) a statement on the record by a notary who is in the

presence of the witness verifying the witness's identity; or

(4) the witness's presentation for inspection by the court reporter of an official document issued by this state, another state, a federal agency, or another jurisdiction that verifies the witness's identity.

(e) A shorthand reporter to which this section applies shall state on the record and certify in each transcript of the deposition the physical location of:

(1) the witness; and

(2) the reporter.

SECTION _____. Section 154.112, Government Code, is amended to read as follows:

Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR SHORTHAND REPORTING [~~REPORTERS~~]. (a) A person who is not certified as a court [~~noncertified shorthand~~] reporter may be employed to engage in shorthand reporting until a certified shorthand reporter is available.

(b) A person who is not certified as a court [~~noncertified shorthand~~] reporter may engage in shorthand reporting to report an oral deposition only if:

(1) the person [~~noncertified shorthand reporter~~] delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or

(2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.

(c) This section does not apply to a deposition taken outside this state for use in this state.

SECTION _____. (a) Except as provided by Subsection (b) of this section, the changes in law made by this article apply only to a deposition taken on or after the effective date of this Act. A deposition taken before that date is governed by the law in effect on the date the deposition was taken, and the former law is continued in effect for that purpose.

(b) Article 39.03, Code of Criminal Procedure, as amended by this article, applies only to a deposition taken in a criminal case

in which an information is filed or an indictment is returned on or after the effective date of this Act. A deposition taken in a criminal case in which an information is filed or an indictment is returned before the effective date of this Act is governed by the law in effect when the information is filed or the indictment is returned, and the former law is continued in effect for that purpose.

ARTICLE _____. JUDICIAL ELECTIONS

SECTION _____. Section 141.035, Election Code, is amended to read as follows:

Sec. 141.035. APPLICATION AS PUBLIC INFORMATION. (a) An application for a place on the ballot, including an accompanying petition, is public information immediately on its filing.

(b) Notwithstanding Subsection (a), the home address of a state judge, as defined by Section 572.002(11-a), Government Code, listed on an application may only be made available to the public for in-person review at the office of the authority with whom the application for a place on the ballot is filed. Before a person reviews a state judge's home address, the authority with whom the application is filed must record the person's name, whom the person represents, and the date the person reviewed the state judge's home address. The authority with whom the application is filed must provide the recorded information to the state judge not later than the second day of the review. The authority with whom the application is filed shall retain the information for the time the authority maintains the ballot application.

SECTION _____. Section 572.032(b), Government Code, is amended to read as follows:

(b) Subject to Section 141.035(b), during ~~During~~ the one-year period following the filing of a financial statement, each time a person requests to see the financial statement, excluding the commission or a commission employee acting on official business, the commission shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The commission shall retain that statement in the file for one year after the date the requested financial statement is filed.

SECTION _____. Section 145.007(b), Local Government Code, is amended to read as follows:

(b) Subject to Section 141.035(b), until ~~[Until]~~ the first anniversary of the date a financial statement is filed, each time a person, other than the clerk or secretary of the municipality or an employee of the clerk or secretary who is acting on official business, requests to see the financial statement, the clerk or secretary shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The clerk or secretary shall retain that statement in the file until the first anniversary of the date the requested financial statement is filed.

ARTICLE _____. REMOTE PROCEEDINGS

SECTION _____. Section 21.009, Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "Remote proceeding" means a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, court reporter, juror, or other individual, attends the proceeding remotely through the use of technology and the Internet.

SECTION _____. Chapter 21, Government Code, is amended by adding Section 21.013 to read as follows:

Sec. 21.013. OPTION FOR REMOTE PROCEEDING. (a) Notwithstanding any other law and except as limited by the United States Constitution, the Texas Constitution, rules adopted by the Texas Supreme Court, or this section, a court in this state as the court determines appropriate, on the court's own motion or on the motion of any party, may:

(1) conduct a hearing or other proceeding as a remote proceeding; and

(2) allow or require a judge, party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition, hearing, trial, or other proceeding.

(b) A court that elects to conduct a remote proceeding must:

(1) provide adequate notice of the remote proceeding to the parties to the proceeding;

(2) allow a party to file with the court a motion objecting to the remote proceeding and requesting an in-person proceeding not later than the 10th day after the date the party receives the notice; and

(3) provide a method for a person described by Subsection (a)(2) to notify the court that the person is unable to participate in the remote proceeding because the person is a person with a disability, lacks the required technology, or shows other good cause and:

(A) provide an alternate method for the person to participate that accommodates the disability, lack of technology, or other situation;

(B) allow the person to appear in person; or

(C) conduct the proceeding as an in-person proceeding.

(c) On the court's receipt from any party to a proceeding of a motion objecting to the conduct of the proceeding as a remote proceeding and requesting an in-person proceeding, the court shall consider the motion and grant the motion for good cause shown.

(d) In any contested adversarial or contested evidentiary criminal proceeding for an offense punishable by confinement, the prosecutor and defendant must each agree for the proceeding to be conducted as a remote proceeding. If the prosecutor or defendant does not agree, the proceeding may not be held as a remote proceeding.

(e) A district court, statutory county court, statutory probate court, or county court may not conduct a jury trial as a remote proceeding unless each party to the proceeding agrees to conduct the proceeding as a remote proceeding.

(f) For a jury trial that is to be conducted as a remote proceeding in a justice or municipal court, the court shall consider on the record any motion or objection related to proceeding with the trial not later than the seventh day before the trial date, except that if the motion or objection is made later than the seventh day before the trial date, the court must consider the motion or objection on the record as soon as practicable.

(g) A court that conducts a jury trial as a remote

proceeding shall ensure all prospective jurors have access to the technology necessary to participate in the remote proceeding.

(h) A court that conducts a remote proceeding at a location other than the location the court regularly conducts proceedings must provide to the public reasonable notice of the location of the remote proceeding and an opportunity to observe the remote proceeding.

(i) The Office of Court Administration of the Texas Judicial System shall provide guidance and assistance to the extent possible to a court conducting a remote proceeding.

(j) For purposes of any law requiring notice or citation of the time and place for a proceeding, notice of the remote means by which the proceeding will be conducted and the method for accessing the proceeding through that remote means constitutes notice of the place for the proceeding.

SECTION _____. The following provisions are repealed:

(1) Section 30.012(b), Civil Practice and Remedies Code; and

(2) Section 54.012(b), Family Code.

SECTION _____. As soon as practicable after the effective date of this Act, the Texas Supreme Court shall adopt the rules necessary to implement the changes in law made by this article. Before adopting the rules, the supreme court must consult with interested parties, including prosecutors, criminal defense attorneys, judges, and representatives from the State Bar of Texas and Disability Rights Texas.

SECTION _____. The Texas Legislative Council, with the assistance of the Office of Court Administration of the Texas Judicial System, shall prepare for consideration by the 88th Legislature a nonsubstantive revision of the statutes of this state as necessary to reflect the changes in law made by this article.