

**House Bill 3774**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
ARTICLE 1. DISTRICT COURTS	Same as House version.	
<p>SECTION 1.01. (a) Section 24.129(b), Government Code, is amended to read as follows:</p> <p>(b) The 27th, 146th, 169th, 264th, <del>[and] 426th, and 478th</del> judicial districts have concurrent jurisdiction in Bell County.</p> <p>(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60022 to read as follows:</p> <p><u>Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a) The 478th Judicial District is composed of Bell County.</u></p> <p><u>(b) The terms of the 478th District Court begin on the first Mondays in January, April, July, and October.</u></p> <p><u>(c) Section 24.129, relating to the 27th District Court, contains provisions applicable to both that court and the 478th District Court.</u></p> <p>(c) The 478th Judicial District is created on the effective date of this Act.</p>	<p>SECTION 1.01. Same as House version.</p>	
No equivalent provision.	<p>SECTION 1.03. (a) Effective January 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60030 to read as follows:</p> <p><u>Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 485th Judicial District is composed of Tarrant County.</u></p> <p><u>(b) The 485th District Court shall give preference to criminal matters.</u></p> <p>(b) The 485th Judicial District is created on January 1, 2022.</p>	

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SECTION 1.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60025 to read as follows:

Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). The 480th Judicial District is composed of Williamson County.

(b) The 480th Judicial District is created on October 1, 2022.

SECTION 1.03. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60026 to read as follows:

Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY). The 481st Judicial District is composed of Denton County.

(b) The 481st Judicial District is created on **the effective date of this Act.**

SECTION 1.04. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60027 to read as follows:

Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 482nd Judicial District is composed of Harris County.

**(b) The 482nd District Court shall give preference to criminal cases.**

(b) The 482nd Judicial District is created on the effective date of this Act.

SECTION 1.05. (a) Subchapter C, Chapter 24, Government

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SECTION 1.04. (a) **Effective October 1, 2022,** Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60025 to read as follows:

Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). The 480th Judicial District is composed of Williamson County.

(b) The 480th Judicial District is created on October 1, 2022.

SECTION 1.05. (a) **Effective January 1, 2022,** Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60026 to read as follows:

Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY). The 481st Judicial District is composed of Denton County.

(b) The 481st Judicial District is created on **January 1, 2022.**

SECTION 1.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60027 to read as follows:

Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY). The 482nd Judicial District is composed of Harris County.

(b) The 482nd Judicial District is created on the effective date of this Act.

SECTION 1.06. (a) **Effective September 1, 2022,** Subchapter

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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 September 1, 2022.

SECTION 1.06. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60029 to read as follows:

Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY). (a) The 484th Judicial District is composed of Cameron County.

(b) The 484th District Court shall give preference to juvenile matters under Title 3, Family Code.

(b) The 484th Judicial District is created on the effective date of this Act.

SECTION 1.07. (a) Section 24.120(b), Government Code, is amended to read as follows:

(b) The 19th, 54th, 74th, 170th, [and] 414th, and 474th district courts have concurrent jurisdiction in McLennan County.

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60097 to read as follows:

Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY). The 474th Judicial District is composed of McLennan County.

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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 September 1, 2022.

SECTION 1.07. Same as House version.

SECTION 1.08. (a) Effective October 1, 2022, Section 24.120(b), Government Code, is amended to read as follows:

(b) The 19th, 54th, 74th, 170th, [and] 414th, and 474th district courts have concurrent jurisdiction in McLennan County.

(b) Effective October 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60097 to read as follows:

Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY). The 474th Judicial District is composed of McLennan County.

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(c) The 474th Judicial District is created on the effective date of this Act.

SECTION 1.08. (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.

SECTION 1.09. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60099 to read as follows:

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

(b) The 476th Judicial District is created on the effective date of this Act.

SECTION 1.10. (a) Section 24.910(b), Government Code, is amended to read as follows:

(b) This section applies to the Tarrant County Criminal

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(c) The 474th Judicial District is created on October 1, 2022.

SECTION 1.09. (a) Effective January 1, 2023, 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) The 475th Judicial District is created January 1, 2023.

SECTION 1.10. (a) Effective September 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60099 to read as follows:

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

(b) The 476th Judicial District is created on September 1, 2022.

No equivalent provision.

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<p>District Courts Nos. 1, 2, <del>and</del> 3, <u>and 5</u>.</p> <p>(b) Subchapter E, Chapter 24, Government Code, is amended by adding Section 24.915 to read as follows:</p> <p><u>Sec. 24.915. CRIMINAL JUDICIAL DISTRICT NO. 5 OF TARRANT COUNTY. (a) The Criminal Judicial District No. 5 of Tarrant County is composed of Tarrant County.</u></p> <p><u>(b) Section 24.910, relating to the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the Tarrant County Criminal District Court No. 5.</u></p> <p>(c) The Criminal Judicial District No. 5 of Tarrant County is created on the effective date of this Act.</p>		
<p>ARTICLE 2. STATUTORY COUNTY COURTS <del>AND</del> CONSTITUTIONAL COUNTY COURTS</p>	<p>ARTICLE 2. STATUTORY COUNTY COURTS</p>	
<p>SECTION 2.01. Section 25.00211(a), Government Code, is amended to read as follows:</p> <p>(a) Beginning on the first day of the state fiscal year, the state shall annually compensate each county that collects the additional fees under Section 51.704 in an amount equal to <u>60 percent of the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a)</u> <del>[\$40,000]</del> for each statutory probate court judge in the county.</p>	<p>No equivalent provision.</p>	
<p>SECTION 2.02. Section 25.0172(p), Government Code, is amended to read as follows:</p> <p>(p) The county clerk shall keep a separate docket for each</p>	<p>SECTION 2.01. Same as House version.</p>	

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county court at law. The county clerk shall appoint a deputy clerk for each county court at law. ~~[An appointment of a deputy clerk of County Court at Law No. 2 or 3 takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned and the deputy clerk serves at the pleasure of the judge of the court to which he is assigned.]~~ A deputy clerk must take the constitutional oath of office and may be required to furnish bond in an amount, conditioned and payable, as required by the county clerk. A deputy clerk must attend all sessions of the court to which the deputy clerk ~~[he]~~ is assigned. A deputy clerk acts in the name of the county clerk and may perform any official act or service required of the county clerk and shall perform any other service required by the judge of a county court at law. The deputy clerks may act for one another in performing services for the county courts at law, but a deputy is not entitled to receive additional compensation for acting for another deputy. If a vacancy occurs, the county clerk shall immediately appoint another deputy clerk as 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.]~~

SECTION 2.03. Section 25.0173(g), Government Code, is amended to read as follows:  
(g) The county clerk shall appoint a deputy clerk for each statutory probate court. ~~[An appointment takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned.]~~ A deputy clerk serves at the

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pleasure of the judge of the court to which the deputy clerk is assigned. A deputy clerk must take the constitutional oath of office, and the county clerk may require the deputy clerk to furnish a bond in an amount, conditioned and payable, as required by law. A deputy clerk acts in the name of the county clerk and may perform any official act or service required of the county clerk and shall perform any other service required by the judge of a statutory probate court. A deputy clerk must attend all sessions of the court to which the 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.]~~

SECTION 2.04. (a) Sections 25.0631(b) and (c), Government Code, are amended to read as follows:

- (b) Denton County has the following statutory probate courts:  
(1) [one statutory probate court, the] Probate Court of Denton County; and  
(2) Probate Court Number 2 of Denton County.

(c) The statutory county courts of Denton County sit in the county seat or at another location in the county as assigned by the local administrative statutory county court judge. The statutory probate courts [court] of Denton County sit [sits] in the county seat and may conduct docket matters at other locations in the county as the statutory probate court judges consider [judge considers] necessary for the protection of wards or mental health respondents or as otherwise provided

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SECTION 2.03. (a) Effective January 1, 2022, Sections 25.0631(b) and (c), Government Code, are amended to read as follows:

- (b) Denton County has the following statutory probate courts:  
(1) [one statutory probate court, the] Probate Court of Denton County; and  
(2) Probate Court Number 2 of Denton County.

(c) The statutory county courts of Denton County sit in the county seat or at another location in the county as assigned by the local administrative statutory county court judge. The statutory probate courts [court] of Denton County sit [sits] in the county seat and may conduct docket matters at other locations in the county as the statutory probate court judges consider [judge considers] necessary for the protection of wards or mental health respondents or as otherwise provided

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by law.

- (b) Section 25.0633(e), Government Code, is amended to read as follows:
- (e) The County Court at Law No. 2 of Denton County has jurisdiction:
- (1) over all civil causes and proceedings, original and appellate, prescribed by law for county courts; and
  - (2) regardless of the amount in controversy sought, over:
    - (A) eminent domain cases as provided by Section 21.001, Property Code, for statutory county courts; and
    - (B) direct and inverse condemnation cases.
- (c) The Probate Court Number 2 of Denton County is created on the effective date of this Act.

SECTION 2.05. (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

by law.

- (b) Section 25.0632(i), Government Code, is amended to read as follows:
- (i) A judge of a statutory probate court is subject to assignment as provided by Section 25.0022. On request by the judge of a Denton County statutory county court, a judge of a statutory probate court may be assigned by the regional presiding judge to the requesting judge's court pursuant to Chapter 74. A statutory probate court judge assigned to a statutory county court by the regional presiding judge may hear any matter pending in the requesting judge's court.
- (c) Section 25.0633(e), Government Code, is amended to read as follows:
- (e) The County Court at Law No. 2 of Denton County has jurisdiction:
- (1) over all civil causes and proceedings, original and appellate, prescribed by law for county courts; and
  - (2) regardless of the amount in controversy sought, over:
    - (A) eminent domain cases as provided by Section 21.001, Property Code, for statutory county courts; and
    - (B) direct and inverse condemnation cases.
- (d) The Probate Court Number 2 of Denton County is created on January 1, 2022.

SECTION 2.04. (a) Effective October 1, 2022, 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



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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) conduct 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.

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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) conduct 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.

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(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 2.06. (a) Section 25.1571, Government Code, is amended to read as follows:

Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the following statutory county courts:

(1) County Court at Law of McLennan County; ~~and~~

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

(3) County Court at Law No. 3 of McLennan County.

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(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 2.05. (a) Section 25.1571, Government Code, is amended to read as follows:

Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the following statutory county courts:

(1) County Court at Law of McLennan County; ~~and~~

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

(3) County Court at Law No. 3 of McLennan County.

(b) Section 25.1572, Government Code, is amended by amending Subsections (a), (d), and (i) and adding Subsections (b), (c), and (e) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law and except as limited by Subsection (b), a county court at law in McLennan County has jurisdiction in third degree felony cases and jurisdiction to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct probation revocation hearings in felony cases.

(b) On request of a district judge presiding in McLennan County, the regional presiding judge may assign a judge of a county court at law in McLennan County to the requesting

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judge's court under Chapter 74. A county court at law judge assigned to a district court may hear any matter pending in the requesting judge's court.

(c) A county court at law does not have jurisdiction in:

(1) suits on behalf of the state to recover penalties or escheated property;

(2) misdemeanors involving official misconduct; or

(3) contested elections.

(d) A judge of a county court at law shall be paid an annual base salary set by the commissioners court in an amount not less than \$1,000 less than the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012 with equivalent years of service as the judge [of not more than \$20,000]. A county court at law judge's and a district judge's annual base salaries do not include contributions and supplements paid by the county [Each judge receives the same amount as salary. The salary shall be paid out of the county treasury by the commissioners court].

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

(i) The official court reporter of a county court at law is entitled to receive a salary set by the judge of a county court at law with the approval of the commissioners court [the same compensation and to be paid in the same manner as the court reporters of the district courts in McLennan County].

(c) The County Court at Law No. 3 of McLennan County is created on the effective date of this Act.

(b) The County Court at Law No. 3 of McLennan County is created on the effective date of this Act.

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<p>SECTION 2.07. (a) Section 25.1721, Government Code, is amended to read as follows:</p> <p>Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the following statutory county courts:</p> <p>(1) County Court at Law No. 1 of Montgomery County;</p> <p>(2) County Court at Law No. 2 of Montgomery County;</p> <p>(3) County Court at Law No. 3 of Montgomery County;</p> <p>(4) County Court at Law No. 4 of Montgomery County; <del>[and]</del></p> <p>(5) County Court at Law No. 5 of Montgomery County; <u>and</u></p> <p><u>(6) County Court at Law No. 6 of Montgomery County.</u></p> <p>(b) The County Court at Law No. 6 of Montgomery County is created on the effective date of this Act.</p>	<p>SECTION 2.06. Same as House version.</p>	
<p>SECTION 2.08. Sections 25.1972(a) and (b), Government Code, are amended to read as follows:</p> <p>(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Reeves County has:</p> <p>(1) concurrent jurisdiction with the district court:</p> <p>(A) in 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;</p> <p>(B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;</p> <p>(C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary</p>	<p>SECTION 2.07. Same as House version.</p>	

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trust, whether the matter is appertaining to or incident to an estate;

(D) in proceedings under Title 3, Family Code; and

(E) in family law cases and proceedings ~~[any proceeding involving an order relating to a child in the possession or eustody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator];~~

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections~~;~~ ~~or~~

~~[(4) except as provided by Subsections (a)(1)(D) and (E), family law cases].~~

SECTION 2.09. (a) Section 25.2071(a), Government Code, is amended to read as follows:

(a) San Patricio County has the following ~~[one]~~ statutory county courts:

SECTION 2.08. (a) Effective January 1, 2023, Section 25.2071(a), Government Code, is amended to read as follows:

(a) San Patricio County has the following ~~[one]~~ statutory county courts:

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(1) ~~[court,]~~ the County Court at Law of San Patricio County;  
and  
(2) the County Court at Law No. 2 of San Patricio County.

(b) Section 25.2072, Government Code, is amended by amending Subsections (a), (d), and (m) and adding Subsections (g-1) and (g-2) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in San Patricio County has concurrent jurisdiction with the district court except that a county court at law does not have jurisdiction of:

(1) felony criminal matters; and

(2) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003 [in matters involving the juvenile and child welfare law of this state].

(d) ~~[The judge of a county court at law shall be paid an annual salary in an amount of not less than \$43,000.]~~ The judge of a county court at law is entitled to receive travel and necessary office expenses, including administrative and clerical assistance.

(g-1) The county clerk serves as clerk of a county court at law except in family law cases. In family law cases, including juvenile and child welfare cases, the district clerk serves as clerk of a county court at law. The district clerk shall establish a separate family law docket for each county court at law.

(g-2) The commissioners court shall provide the deputy clerks, bailiffs, and other personnel necessary to operate the county courts at law.

(m) The judge of the county court and the judges ~~[judge]~~ of the ~~[a]~~ county courts ~~[court]~~ at law may agree on a plan governing the filing, numbering, and docketing of cases within the concurrent jurisdiction of their courts and the

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(1) ~~[court,]~~ the County Court at Law of San Patricio County;  
and  
(2) the County Court at Law No. 2 of San Patricio County.

(b) Effective January 1, 2023, Section 25.2072, Government Code, is amended by amending Subsections (a), (d), and (m) and adding Subsections (g-1) and (g-2) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in San Patricio County has concurrent jurisdiction with the district court except that a county court at law does not have jurisdiction of:

(1) felony criminal matters; and

(2) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003 [in matters involving the juvenile and child welfare law of this state].

(d) ~~[The judge of a county court at law shall be paid an annual salary in an amount of not less than \$43,000.]~~ The judge of a county court at law is entitled to receive travel and necessary office expenses, including administrative and clerical assistance.

(g-1) The county clerk serves as clerk of a county court at law except in family law cases. In family law cases, including juvenile and child welfare cases, the district clerk serves as clerk of a county court at law. The district clerk shall establish a separate family law docket for each county court at law.

(g-2) The commissioners court shall provide the deputy clerks, bailiffs, and other personnel necessary to operate the county courts at law.

(m) The judge of the county court and the judges ~~[judge]~~ of the ~~[a]~~ county courts ~~[court]~~ at law may agree on a plan governing the filing, numbering, and docketing of cases within the concurrent jurisdiction of their courts and the

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assignment of those cases for trial. The plan may provide for the centralized institution and filing of all such cases with one court, clerk, or coordinator designated by the plan and for the systemized assignment of those cases to the courts participating in the plan, and the provisions of the plan for the centralized filing and assignment of cases shall control notwithstanding any other provisions of this section. If the judges of the county court and the county courts ~~[court]~~ at law are unable to agree on a filing, docketing, and assignment of cases plan, a board of judges composed of the district judges and the county court at law judges for San Patricio County ~~[the presiding judge of the 36th Judicial District]~~ shall design a plan for the ~~[both]~~ courts.

(c) The County Court at Law No. 2 of San Patricio County is created January 1, 2023.

SECTION 2.10. Section 25.2223(l), Government Code, is amended to read as follows:

(l) The County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

SECTION 2.11. (a) Section 25.2481, Government Code, is amended to read as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the following statutory county courts:

(1) County Court at Law No. 1 of Williamson County;

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assignment of those cases for trial. The plan may provide for the centralized institution and filing of all such cases with one court, clerk, or coordinator designated by the plan and for the systemized assignment of those cases to the courts participating in the plan, and the provisions of the plan for the centralized filing and assignment of cases shall control notwithstanding any other provisions of this section. If the judges of the county court and the county courts ~~[court]~~ at law are unable to agree on a filing, docketing, and assignment of cases plan, a board of judges composed of the district judges and the county court at law judges for San Patricio County ~~[the presiding judge of the 36th Judicial District]~~ shall design a plan for the ~~[both]~~ courts.

(c) The County Court at Law No. 2 of San Patricio County is created January 1, 2023.

SECTION 2.09. Effective January 1, 2023, Section 25.2223(l), Government Code, is amended to read as follows:

(l) The County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

SECTION 2.10. (a) Effective October 1, 2022, Section 25.2481, Government Code, is amended to read as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the following statutory county courts:

(1) County Court at Law No. 1 of Williamson County;

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<p>(2) County Court at Law No. 2 of Williamson County; (3) County Court at Law No. 3 of Williamson County; <del>and</del> (4) County Court at Law No. 4 of Williamson County; <u>and</u> (5) <u>County Court at Law No. 5 of Williamson County.</u> (b) The County Court at Law No. 5 of Williamson County is created on October 1, 2022.</p>	<p>(2) County Court at Law No. 2 of Williamson County; (3) County Court at Law No. 3 of Williamson County; <del>and</del> (4) County Court at Law No. 4 of Williamson County; <u>and</u> (5) <u>County Court at Law No. 5 of Williamson County.</u> (b) The County Court at Law No. 5 of Williamson County is created on October 1, 2022.</p>	
<p>SECTION 2.12. (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 <u>18</u> [40] percent of the: (1) <u>functions that the judge performs are judicial functions; or</u> (2) <u>total hours that the judge works are in the performance of judicial functions.</u> (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 <u>18</u> [40] percent of the: (1) <u>functions that the judge performs are judicial functions; or</u> (2) <u>total hours that the judge works are in the performance of judicial functions.</u> (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.</p>	<p>No equivalent provision.</p>	



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ARTICLE 3. JUSTICE AND MUNICIPAL COURTS	Same as House version.	
<p>SECTION 3.01. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:</p> <p>(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:</p> <p>(1) all cases in which either municipality has jurisdiction under Subsection (a) <u>or (b)</u>; and</p> <p>(2) cases that arise under Section 821.022, Health and Safety Code.</p>	<p>No equivalent provision.</p>	
<p>SECTION 3.02. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0241 to read as follows:</p> <p><u>Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or judge may not accept a plea of guilty or plea of nolo contendere unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.</u></p>	<p>SECTION 3.01. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0241 to read as follows:</p> <p><u>Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or judge may not accept a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.</u></p>	
<p>SECTION 3.03. Article 103.003, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:</p>	<p>No equivalent provision.</p>	

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

SECTION 3.04. 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.

No equivalent provision.

SECTION 3.05. 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

No equivalent provision.

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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.

No equivalent provision.

SECTION 3.02. Section 292.001(d), Local Government Code, is amended to read as follows:

(d) A justice of the peace court may not be housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) or 27.0515, Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 305,000 ~~[275,000]~~ persons and the county seat of which is located in the Llano Estacado region of this state ~~[but no more than 285,000 persons]~~.

ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

Same as House version.

SECTION 4.01. Section 51.02, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Dual status child" means a child who has been referred to the juvenile justice system and is:

(A) in the temporary or permanent managing conservatorship of the Department of Family and Protective Services;

(B) the subject of a case for which family-based safety services have been offered or provided by the department;

(C) an alleged victim of abuse or neglect in an open child

SECTION 4.01. Same as House version.

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<p><u>protective investigation; or</u> <u>(D) a victim in a case in which, after an investigation, the department concluded there was reason to believe the child was abused or neglected.</u></p>		
<p>SECTION 4.02. Section 51.04(h), Family Code, is amended to read as follows: (h) A judge exercising jurisdiction over a child in a suit instituted under Subtitle E, Title 5, may refer any aspect of a suit involving a <u>dual status</u> <del>[the]</del> child that is instituted under this title to the appropriate associate judge appointed under Subchapter C, Chapter 201, serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, if the associate judge consents to the referral. The scope of an associate judge's authority over a suit referred under this subsection is subject to any limitations placed by the court judge in the order of referral.</p>	<p>SECTION 4.02. Same as House version.</p>	
<p>SECTION 4.03. Section 51.0414(a), Family Code, is amended to read as follows: (a) The juvenile court may transfer a <u>dual status</u> child's case, including transcripts of records and documents for the case, to a district or statutory county court located in another county that is exercising jurisdiction over the child in a suit instituted under Subtitle E, Title 5. A case may only be transferred under this section with the consent of the judge of the court to which the case is being transferred.</p>	<p>SECTION 4.03. Same as House version.</p>	
<p>SECTION 4.04. Sections 107.004(d) and (e), Family Code,</p>	<p>SECTION 4.04. Same as House version.</p>	

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<p>are amended to read as follows:</p> <p>(d) Except as provided by Subsection (e), an attorney ad litem appointed for a child in a proceeding under Chapter 262, <del>[or]</del> 263, or 264 shall:</p> <p>(1) meet before each court hearing with:</p> <p>(A) the child, if the child is at least four years of age; or</p> <p>(B) the individual with whom the child ordinarily resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age; and</p> <p>(2) <u>report to the court whether [if the child or individual is not present at the court hearing, file a written statement with the court indicating that]</u> the attorney ad litem:</p> <p><del>(A) complied with Subdivision (1); or</del></p> <p><del>(B) requests that the court find good cause for noncompliance because compliance was not feasible or in the best interest of the child under Subsection (e).</del></p> <p>(e) An attorney ad litem appointed for a child in a proceeding under Chapter 262, <del>[or]</del> 263, or 264 is not required to comply with Subsection (d) before a hearing if the court finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance with that subsection is not feasible or in the best interest of the child. Additionally, a court may, on a showing of good cause, authorize an attorney ad litem to comply with Subsection (d) by conferring with the child or other individual, as appropriate, by telephone or video conference.</p>		
ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS	Same as House version.	

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<p>SECTION 5.01. Article 4.01, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:</p> <ol style="list-style-type: none"><li>1. The Court of Criminal Appeals;</li><li>2. Courts of appeals;</li><li>3. The district courts;</li><li>4. The criminal district courts;</li><li>5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;</li><li>6. The county courts;</li><li>7. All county courts at law with criminal jurisdiction;</li><li>8. County criminal courts;</li><li>9. Justice courts;</li><li>10. Municipal courts;</li><li>11. The magistrates appointed by the judges of the district courts of Lubbock County; <del>and</del></li><li>12. The magistrates appointed by the El Paso Council of Judges;</li><li>13. <u>The magistrates appointed by the Collin County Commissioners Court;</u></li><li>14. <u>The magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County; and</u></li><li>15. <u>The magistrates appointed by the judges of the district courts of Tom Green County.</u></li></ol>	<p>SECTION 5.01. Same as House version.</p>	

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<p>SECTION 5.02. Articles 15.03(a), (c), and (f), Code of Criminal Procedure, are amended to read as follows:</p> <p>(a) A magistrate may issue a warrant of arrest or a summons:</p> <p>1. In any case in which he is by law authorized to order verbally the arrest of an offender;</p> <p>2. When any person shall make oath before the magistrate <u>or other person authorized by law to administer oaths</u> that another has committed some offense against the laws of the State; and</p> <p>3. In any case named in this Code where he is specially authorized to issue warrants of arrest.</p> <p>(c) For purposes of Subdivision 2, Subsection (a), a person may appear before the magistrate <u>or other person authorized by law to administer oaths</u> in person or the person's image may be presented to the magistrate through an electronic broadcast system.</p> <p>(f) In this article, "electronic broadcast system" means a two-way electronic communication of image and sound between a person and magistrate <u>or other person authorized by law to administer oaths</u> and includes secure Internet videoconferencing.</p>	<p>No equivalent provision.</p>	
<p>SECTION 5.03. Article 18.0215(c), Code of Criminal Procedure, is amended to read as follows:</p> <p>(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 <u>or other person authorized by law to administer oaths</u>. The application must:</p> <p>(1) state the name, department, agency, and address of the applicant;</p>	<p>No equivalent provision.</p>	

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- (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 5.04. (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

SECTION 5.02.

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



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

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

SECTION 5.05. Chapter 54, Government Code, is amended by adding Subchapter PP to read as follows:  
SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT  
Sec. 54.2501. CREATION. The Brazoria County Criminal Law Magistrate Court is a court with the jurisdiction provided by this subchapter.  
Sec. 54.2502. APPOINTMENT. (a) On recommendation from the local administrative judge, the commissioners court of Brazoria County may appoint one or more full- or part-time judges to preside over the criminal law magistrate court for the term determined by the commissioners court. The local administrative judge shall appoint one or more full- or part-time judges to preside over the criminal law magistrate court if the commissioners court is prohibited by law from appointing a judge.  
(b) To be eligible for appointment as a judge of the criminal law magistrate court, a person must meet all the requirements and qualifications to serve as a district court judge.  
(c) A judge of the criminal law magistrate court is entitled to the salary set by the commissioners court. The salary may not be less than the annual base salary paid to a district judge under Chapter 659.  
(d) A judge appointed under this section serves at the pleasure of the commissioners court or the local administrative judge, as applicable.

SECTION 5.03. Same as House version.

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Sec. 54.2503. JURISDICTION. (a) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for county courts at law. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a misdemeanor offense, other than a Class C misdemeanor, on the merits if a jury trial is demanded; or

(2) hear a trial of a misdemeanor, other than a Class C misdemeanor, on the merits if a defendant pleads not guilty.

(b) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as that term is defined by Article 2.09, Code of Criminal Procedure.

(c) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for a district court. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a felony offense on the merits if a jury trial is demanded;

(2) hear a trial of a felony offense on the merits if a defendant pleads not guilty;

(3) sentence in a felony case unless the judge in whose court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence; or

(4) hear any part of a capital murder case after indictment.

(d) A criminal law magistrate court may not issue writs of habeas corpus in felony cases but may hear and grant relief on a writ of habeas corpus issued by a district court and assigned by the district court to the criminal law magistrate court.

(e) A felony or misdemeanor indictment or information may not be filed in or transferred to the criminal law magistrate

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court.

(f) A judge of the criminal law magistrate court shall exercise jurisdiction granted by this subchapter over felony and misdemeanor indictments and informations only as judge presiding for the court in which the indictment or information is pending and under the limitations set out in the assignment order by the assigning court or as provided by local administrative rules.

(g) The criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in Brazoria County. Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law magistrate court or a judge of the criminal law magistrate court may issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and may issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county. The court and the judge may punish for contempt as provided by law for district courts. A judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

(1) justices of the peace when acting in a Class C misdemeanor case;

(2) county court at law judges when acting in a Class A or Class B misdemeanor case; and

(3) district court judges when acting in a felony case.

(b) A judge of the criminal law magistrate court may hold an indigency hearing and a capias pro fine hearing. When acting as the judge who issued the capias pro fine, a judge of the criminal law magistrate court may make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. In conducting a hearing under this subsection,

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the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

(c) A judge of the magistrate court may accept a plea of guilty or nolo contendere from a defendant charged with a misdemeanor or felony offense.

Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except as provided by Subsection (b) or local administrative rules, the local administrative judge or a judge of the criminal law magistrate court may transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an unindicted felony case;

(2) a Class A or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor case.

(b) A case may not be transferred from or to the magistrate docket of a district court judge, county court at law judge, or justice of the peace without the consent of the judge of the court to which it is transferred.

(c) Except as provided by Subsection (d) or local administrative rules, the local administrative judge may assign a judge of the criminal law magistrate court to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an unindicted felony case;

(2) a Class A or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor case.

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<p><u>(d) A case may not be assigned to a district court judge, county court at law judge, or justice of the peace without the assigned judge's consent.</u></p> <p><u>(e) This section applies only to the district courts, county courts at law, and justice courts in the county.</u></p> <p><u>Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district judge, county court at law judge, or justice of the peace may refer to a judge of the criminal law magistrate court any criminal case or matter relating to a criminal case for any proceeding other than presiding over a criminal trial on the merits, whether or not the trial is before a jury.</u></p> <p><u>Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law magistrate court must take the constitutional oath of office prescribed for appointed officers.</u></p> <p><u>Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal law magistrate court has the same judicial immunity as a district judge.</u></p> <p><u>Sec. 54.2509. CLERK. The clerk of a district court or county court at law 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.</u></p> <p><u>Sec. 54.2510. SHERIFF. The county sheriff, either in person or by deputy, shall attend the criminal law magistrate court as required by the judge of that court.</u></p> <p><u>Sec. 54.2511. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.</u></p> <p><u>(b) A referring court may fine or imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.</u></p>		

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SECTION 5.06. 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-

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SECTION 5.04. 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 officers' 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-

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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

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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.

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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;

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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.

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(3) prescribe a closing date for the hearing;

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

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(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

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(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

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<p><u>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.</u></p> <p><u>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.</u></p> <p><u>(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.</u></p> <p><u>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.</u></p>	<p><u>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.</u></p> <p><u>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.</u></p> <p><u>(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.</u></p> <p><u>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.</u></p>	
<p>SECTION 5.07. Section 54.653(b), Government Code, is repealed.</p>	<p>SECTION 5.05. Same as House version.</p>	
<p>ARTICLE 6. CAPITAL AND FORENSIC WRITS COMMITTEE</p>	<p>No equivalent provision.</p>	
<p>SECTION 6.01. Section 78.002, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:</p> <p>(b) The committee shall <u>provide oversight and strategic guidance to the office of capital and forensic writs, including:</u></p> <p><u>(1) recommending [recommen</u>d] to the court of criminal appeals as provided by Section 78.004 a director for the office of capital and forensic writs when a vacancy exists for the</p>	<p>No equivalent provision.</p>	

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position of director;  
(2) setting policy for the office of capital and forensic writs;  
and  
(3) developing a budget proposal for the office of capital and forensic writs.  
(c) The committee may not access privileged or confidential information.

SECTION 6.02. Section 78.003, Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:  
(a) The committee is composed of the following seven ~~[five]~~ members who are appointed as follows ~~[by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas]~~:  
(1) three attorneys who are appointed by the executive director of the Texas Indigent Defense Commission ~~[members of the State Bar of Texas and who are not employed as prosecutors or law enforcement officials, all of whom must have criminal defense experience with death penalty proceedings in this state]; [and]~~  
(2) two attorneys who are appointed by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas; and  
(3) two attorneys, each of whom are appointed by a majority of the deans of the public law schools in this state ~~[two state district judges, one of whom serves as presiding judge of an administrative judicial region].~~  
(a-1) Each member of the committee must be a licensed attorney and must have significant experience in capital defense or indigent criminal defense policy or practice. A

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member of the committee may not be a prosecutor, a law enforcement official, a judge of a court that presides over criminal offenses, or an employee of the office of capital and forensic writs.

(a-2) Members of the committee serve four-year terms and may be reappointed.

(a-3) If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(c) The committee shall meet ~~[members serve at the pleasure of the president of the State Bar of Texas, and the committee meets]~~ at the call of the presiding officer of the committee.

**ARTICLE 7. TRANSFER OF CASES AND ELECTRONIC FILING SYSTEM**

SECTION 7.01. Section 155.207, Family Code, is amended to read as follows:

Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than the 10th working day after the date an order of transfer is signed, the clerk of the court transferring a proceeding shall send, using the electronic filing system established under Section 72.031, Government Code, to the proper court in the county to which transfer is being made:

- (1) a transfer certificate and index of transferred documents [the pleadings in the pending proceeding and any other document specifically requested by a party];
- (2) [certified copies of all entries in the minutes;
- ~~[(3) a certified copy of each final order; and~~

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- (1) a transfer certificate and index of transferred documents [the pleadings in the pending proceeding and any other document specifically requested by a party];
- (2) [certified copies of all entries in the minutes;
- ~~[(3) a [certified] copy of each final order;~~
- (3) [and

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~~[(4)] a [certified] copy of the order of transfer signed by the transferring court; and~~

~~(3) a copy of all documents required to be transferred under rules adopted by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code.~~

~~(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code, when transferring a proceeding under this section.~~

~~(b) The clerk of the transferring court shall keep a copy of [the] transferred pleadings [and other requested documents. If the transferring court retains jurisdiction of another child who was the subject of the suit, the clerk shall send a copy of the pleadings and other requested documents to the court to which the transfer is made and shall keep the original pleadings and other requested documents].~~

~~(c) The [On receipt of the pleadings, documents, and orders from the transferring court, the] clerk of the transferee court shall:~~

~~(1) accept documents transferred under Subsection (a);~~

~~(2) docket the suit; and~~

~~(3) [shall] notify, using the electronic filing system established under Section 72.031, Government Code [the judge of the transferee court], all parties, the clerk of the transferring court, and, if appropriate, the transferring court's local registry that the suit has been docketed.~~

~~(c-1) The clerk of the transferee court shall physically or~~

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~~[(4)] a [certified] copy of the order of transfer signed by the transferring court;~~

~~(4) a copy of the original papers filed in the transferring court;~~

~~(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and~~

~~(6) a bill of any costs that have accrued in the transferring court.~~

~~(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code, when transferring a proceeding under this section.~~

~~(b) The clerk of the transferring court shall keep a copy of [the] transferred pleadings [and other requested documents. If the transferring court retains jurisdiction of another child who was the subject of the suit, the clerk shall send a copy of the pleadings and other requested documents to the court to which the transfer is made and shall keep the original pleadings and other requested documents].~~

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~~(1) accept documents transferred under Subsection (a);~~

~~(2) docket the suit; and~~

~~(3) [shall] notify, using the electronic filing system established under Section 72.031, Government Code [the judge of the transferee court], all parties, the clerk of the transferring court, and, if appropriate, the transferring court's local registry that the suit has been docketed.~~

~~(c-1) The clerk of the transferee court shall physically or~~

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electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(d) The clerk of the transferring court shall send a certified copy of the order directing payments to the transferee court:

(1) [;] to any party ~~[or employer]~~ affected by the [that] order, and, if appropriate, to the local registry of the transferee court using the electronic filing system established under Section 72.031, Government Code; and

(2) to an employer affected by the order electronically or by first class mail.

(e) The clerks of both the transferee and transferring courts may each produce under Chapter 51, Government Code, certified or uncertified copies of documents filed in a case transferred under this section, but shall also include a copy of the transfer certificate and index of transferred documents with each document produced.

(f) Sections 80.001 and 80.002, Government Code, do not apply to the transfer of documents under this section.

SECTION 7.02. Section 51.3071, Government Code, is amended to read as follows:

Sec. 51.3071. TRANSFER OF CASES. (a) If a case is transferred from a district court to a county court, the clerk of the district court shall [may] send to the county clerk using the electronic filing system established under Section 72.031 [in electronic or paper form]:

(1) a transfer certificate and index of transferred documents [certified transcript of the proceedings held in the district

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electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(d) The clerk of the transferring court shall send a certified copy of the order directing payments to the transferee court:

(1) [;] to any party ~~[or employer]~~ affected by the [that] order, and, if appropriate, to the local registry of the transferee court using the electronic filing system established under Section 72.031, Government Code; and

(2) to an employer affected by the order electronically or by first class mail.

(e) The clerks of both the transferee and transferring courts may each produce under Chapter 51, Government Code, certified or uncertified copies of documents filed in a case transferred under this section, but shall also include a copy of the transfer certificate and index of transferred documents with each document produced.

(f) Sections 80.001 and 80.002, Government Code, do not apply to the transfer of documents under this section.

SECTION 7.02. Section 51.3071, Government Code, is amended to read as follows:

Sec. 51.3071. TRANSFER OF CASES. (a) If a case is transferred from a district court to a county court, the clerk of the district court shall [may] send to the county clerk using the electronic filing system established under Section 72.031 [in electronic or paper form]:

(1) a transfer certificate and index of transferred documents [certified transcript of the proceedings held in the district

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court];  
(2) a copy of the order of transfer signed by the transferring court ~~[the original papers filed in the district court]~~; and  
(3) a copy of all documents required to be transferred under rules adopted by the Office of Court Administration of the Texas Judicial System under Section 72.037

~~[a bill of the costs that have accrued in the district court].~~

(b) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(c) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(d) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(e) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.03. Section 51.403, Government Code, is amended to read as follows:  
Sec. 51.403. TRANSFER OF CASES. (a) If a case is transferred from a county court to a district court, the clerk of the county court shall send to the district clerk using the

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court];  
(2) a copy of the original papers filed in the transferring ~~[district]~~ court; ~~[and]~~  
(3) a copy of the order of transfer signed by the transferring court;  
(4) a copy of each final order;  
(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and  
(6) a bill of any ~~[the]~~ costs that have accrued in the transferring ~~[district]~~ court.

(b) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(c) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(d) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(e) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.03. Section 51.403, Government Code, is amended to read as follows:  
Sec. 51.403. TRANSFER OF CASES. (a) If a case is transferred from a county court to a district court, the clerk of the county court shall send to the district clerk using the

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electronic filing system established under Section 72.031 ~~in an electronic or paper form~~];

(1) a transfer certificate and index of transferred documents ~~[certified transcript of the proceedings held in the county court]~~;

(2) a copy of the order of transfer signed by the transferring court ~~[the original papers filed in the county court]~~; and

(3) a copy of all documents required to be transferred under rules adopted by the Office of Court Administration of the Texas Judicial System under Section 72.037

~~[a bill of the costs that have accrued in the county court].~~

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(a-2) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(a-3) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (a-2), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(b) If civil or criminal jurisdiction of a county court is transferred to a district court, the clerk of the county court shall send using the electronic filing system established under Section 72.031 a certified copy of the judgments rendered in the county court that remain unsatisfied ~~[in electronic or~~

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electronic filing system established under Section 72.031 ~~in an electronic or paper form~~];

(1) a transfer certificate and index of transferred documents ~~[certified transcript of the proceedings held in the county court]~~;

(2) a copy of the original papers filed in the transferring ~~[county]~~ court; ~~and~~

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any ~~[the]~~ costs that have accrued in the transferring ~~[county]~~ court.

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(a-2) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(a-3) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (a-2), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(b) If civil or criminal jurisdiction of a county court is transferred to a district court, the clerk of the county court shall send using the electronic filing system established under Section 72.031 a certified copy of the judgments rendered in the county court that remain unsatisfied~~[in electronic or~~

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<p><del>paper form,</del>] to the district clerks of the appropriate counties.</p> <p><u>(c) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.</u></p>	<p><del>paper form,</del>] to the district clerks of the appropriate counties.</p> <p><u>(c) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.</u></p>	
<p>No equivalent provision.</p>	<p>ARTICLE 6. ELECTRONIC FILING SYSTEM</p>	
<p>SECTION 7.04. (a) Section 72.031(a), Government Code, is amended by adding Subdivision (5) to read as follows:</p> <p><u>(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.</u></p>	<p>SECTION 6.01. Same as House version.</p>	
<p>(b) Section 72.031(b), Government Code, is amended to read as follows:</p> <p>(b) The office as authorized by supreme court rule or order may:</p> <p><u>(1) implement an electronic filing system for use in the courts of this state;</u></p> <p><u>(2) allow public access to view information or documents in the state court document database; and</u></p> <p><u>(3) charge a reasonable fee for additional optional features in the state court document database.</u></p>	<p>SECTION 6.02. Same as House version.</p>	
<p>SECTION 7.05. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.037 to read as follows:</p> <p><u>Sec. 72.037. PROCEDURE FOR TRANSFER OF CASES AND PROCEEDINGS. (a) The office shall adopt rules prescribing the documents to be transferred between courts</u></p>	<p>SECTION 7.04. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.037 to read as follows:</p> <p><u>Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED DOCUMENTS FORM.</u></p>	

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<p><u>when a transfer of a case or proceeding is ordered under Section 155.207, Family Code, or Section 51.3071 or 51.403 of this code.</u></p> <p><u>(b) Rules adopted under this section must require the transfer of the following documents relating to a transferred case or proceeding:</u></p> <p><u>(1) a copy of the original papers filed in the transferring court;</u></p> <p><u>(2) a copy of each final order;</u></p> <p><u>(3) a copy of the transfer certificate and index of transferred documents from each previous transfer; and</u></p> <p><u>(4) a bill of any costs that have accrued in the transferring court.</u></p> <p><u>(c) The office shall develop and make available a standardized transfer certificate and index of transferred documents form to be used for the transfer of cases and proceedings under Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.</u></p> <p><u>(d) In adopting rules and developing forms under this section, the office shall consult with representatives of county and district clerks.</u></p>	<p><u>(a) The office shall develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of cases and proceedings under Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.</u></p> <p><u>(b) In developing a form under this section, the office shall consult with representatives of county and district clerks.</u></p>	
<p>SECTION 7.06. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall adopt rules and develop and make available all forms and materials required by Section 72.037, Government Code, as added by this Act.</p>	<p>SECTION 7.05. Same as House version.</p>	
<p>ARTICLE 8. HABEAS CORPUS</p>	<p>Same as House version.</p>	

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No equivalent provision.

SECTION 8.01. Section 3(b), Article 11.07, Code of Criminal Procedure, is amended to read as follows:  
(b) An application for writ of habeas corpus filed after final conviction in a felony case, other than a case in which the death penalty is imposed, must be filed with the clerk of the court in which the conviction being challenged was obtained, and the clerk shall assign the application to that court. When the application is received by that court, a writ of habeas corpus, returnable to the Court of Criminal Appeals, shall issue by operation of law. The clerk of that court shall make appropriate notation thereof, assign to the case a file number (ancillary to that of the conviction being challenged), and forward a copy of the application by certified mail, return receipt requested, by secure electronic mail, or by personal service to the attorney representing the state in that court, who shall answer the application not later than the 30th ~~[15th]~~ day after the date the copy of the application is received. Matters alleged in the application not admitted by the state are deemed denied.

SECTION 8.01. Section 5(a), Article 11.072, Code of Criminal Procedure, is amended to read as follows:  
(a) Immediately on filing an application, the applicant shall serve a copy of the application on the attorney representing the state~~[,]~~ by:  
(1) ~~[either]~~ certified mail, return receipt requested;  
(2) ~~[, or]~~ personal service; or

SECTION 8.02. Section 5(a), Article 11.072, Code of Criminal Procedure, is amended to read as follows:  
(a) Immediately on filing an application, the applicant shall serve a copy of the application on the attorney representing the state~~[,]~~ by:  
(1) ~~[either]~~ certified mail, return receipt requested;  
(2) ~~[, or]~~ personal service;  
(3) electronic service through the electronic filing manager authorized by Rule 21, Texas Rules of Civil Procedure; or

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<p>(3) <u>the secure electronic mail the attorney has on file with the electronic filing system as required under Section 80.003, Government Code, or another form of secure electronic transmission.</u></p>	<p>(4) <u>a secure electronic transmission to the attorney's e-mail address filed with the electronic filing system as required under Section 80.003, Government Code.</u></p>	
<p>No equivalent provision.</p>	<p>SECTION 8.03. Section 3(b), Article 11.07, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.</p>	
<p>SECTION 8.02. Section 5(a), Article 11.072, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.</p>	<p>SECTION 8.04. Same as House version.</p>	
<p>ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP</p>	<p>Same as House version.</p>	
<p>SECTION 9.01. Section 64.101(c), Civil Practice and Remedies Code, is amended to read as follows: (c) <u>Except as provided by Section 17.032, the [The] citation shall be published on the public information Internet website</u></p>	<p>SECTION 9.01. Same as House version.</p>	

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maintained as required by Section 72.034, Government Code, as added by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular Session, 2019, and in a newspaper of general circulation:

- (1) once in the county in which the missing person resides; and
- (2) once in each county in which property of the missing person's estate is located.

SECTION 9.02. Section 51.103(b), Estates Code, is amended to read as follows:

- (b) Proof of service consists of:
  - (1) if the service is made by a sheriff or constable, the return of service;
  - (2) if the service is made by a private person, the person's affidavit;
  - (3) if the service is made by mail:
    - (A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or notice was mailed and the date of the mailing; and
    - (B) the return receipt attached to the certificate or affidavit, as applicable, 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) a statement [~~an affidavit~~]:
      - (i) made by the Office of Court Administration of the Texas Judicial System or an employee of the office;
      - (ii) that contains or to which is attached a copy of the published citation or notice; and
      - (iii) that states the date of publication on the public

SECTION 9.02. Same as House version.

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information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular Session, 2019; and

(B) an affidavit:

- (i) made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;
- (ii) that contains or to which is attached a copy of the published citation or notice; and
- (iii) that states the date of publication printed on the newspaper in which the citation or notice was published.

SECTION 9.03. 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) a statement ~~[an affidavit]~~ that:
    - (i) is made by the Office of Court Administration of the

SECTION 9.03. Same as House version.

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<p>Texas Judicial System or an employee of the office;</p> <p>(ii) contains or to which is attached a copy of the published citation or notice; and</p> <p>(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (S.B. 891), <u>Acts of the 86th Legislature, Regular Session, 2019</u>; and</p> <p>(B) an affidavit that:</p> <p>(i) is made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;</p> <p>(ii) contains or to which is attached a copy of the published citation or notice; and</p> <p>(iii) states the date of publication printed on the newspaper in which the citation or notice was published.</p>		
<p>ARTICLE 10. EVIDENCE</p>	<p>Same as House version.</p>	
<p>SECTION 10.01. Section 2, Article 38.01, Code of Criminal Procedure, is amended by adding Subdivision (4-a) to read as follows:</p> <p><u>(4-a) "Forensic examination or test not subject to accreditation" means an examination or test described by Article 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.</u></p>	<p>SECTION 10.01. Same as House version.</p>	
<p>SECTION 10.02. Article 38.01, Code of Criminal Procedure, is amended by adding Section 3-b to read as follows:</p> <p><u>Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY.</u></p>	<p>SECTION 10.02. Same as House version.</p>	



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- (a) The commission shall adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article.
- (b) The commission shall publish the code of professional responsibility adopted under Subsection (a).
- (c) The commission shall adopt rules establishing sanctions for code violations.
- (d) The commission shall update the code of professional responsibility as necessary to reflect changes in science, technology, or other factors affecting the persons, laboratories, facilities, and other entities regulated under this article.

SECTION 10.03. Sections 4(a), (a-1), (b-1), and (c), Article 38.01, Code of Criminal Procedure, are amended to read as follows:

- (a) The commission shall:
- (1) develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;
- (2) require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and
- (3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of:
- (A) the results of a forensic analysis conducted by a crime laboratory;
- (B) an examination or test that is conducted by a crime laboratory and that is a forensic examination or test not subject to accreditation; or
- (C) testimony related to an analysis, examination, or test

SECTION 10.03. Same as House version.

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described by Paragraph (A) or (B).

(a-1) The commission may initiate ~~[for educational purposes]~~ an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint<sup>[5]</sup> submitted through the reporting system implemented under Subsection (a)(1), ~~[that contains an allegation of professional negligence or professional misconduct involving the forensic analysis conducted]~~ if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the ~~[forensic]~~ analysis, examination, or test would advance the integrity and reliability of forensic science in this state.

(b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation involves a forensic examination or test not subject to accreditation ~~[is conducted pursuant to an allegation involving a forensic method or methodology that is not an accredited field of forensic science]~~, the investigation may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the applicable ~~[forensic]~~ analysis, examination, or test conducted;

(2) best practices identified by the commission during the course of the investigation; or

(3) other recommendations that are relevant, as determined by the commission.

(c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) and Sections 4-d(b)(1), (b-1), and (d) to any person the commission determines to be qualified to assume those duties.

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SECTION 10.04. Section 4-a(c), Article 38.01, Code of Criminal Procedure, is amended to read as follows: (c) The commission by rule may establish voluntary licensing programs for forensic <u>examinations or tests</u> <del>[disciplines that are]</del> not subject to accreditation <del>[under this article]</del> .	SECTION 10.04. Same as House version.	
SECTION 10.05. Section 4-d(b-1), Article 38.01, Code of Criminal Procedure, is amended to read as follows: (b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may: (1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws; (2) validate or approve specific forensic methods or methodologies; and (3) establish procedures, policies, <u>standards</u> , and practices to improve the quality of forensic analyses conducted in this state.	SECTION 10.05. Same as House version.	
SECTION 10.06. Article 38.01, Code of Criminal Procedure, is amended by adding Section 14 to read as follows: <u>Sec. 14. FUNDING FOR TRAINING AND EDUCATION.</u> <u>The commission may use appropriated funds for the training and education of forensic analysts.</u>	SECTION 10.06. Same as House version.	
SECTION 10.07. Section 2254.002(2), Government Code, is amended to read as follows: (2) "Professional services" means services:	SECTION 10.07. Same as House version.	

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<p>(A) within the scope of the practice, as defined by state law, of:</p> <ul style="list-style-type: none"><li>(i) accounting;</li><li>(ii) architecture;</li><li>(iii) landscape architecture;</li><li>(iv) land surveying;</li><li>(v) medicine;</li><li>(vi) optometry;</li><li>(vii) professional engineering;</li><li>(viii) real estate appraising; <del>[or]</del></li><li>(ix) professional nursing; <u>or</u></li><li><u>(x) forensic science;</u></li></ul> <p>(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:</p> <ul style="list-style-type: none"><li>(i) a certified public accountant;</li><li>(ii) an architect;</li><li>(iii) a landscape architect;</li><li>(iv) a land surveyor;</li><li>(v) a physician, including a surgeon;</li><li>(vi) an optometrist;</li><li>(vii) a professional engineer;</li><li>(viii) a state certified or state licensed real estate appraiser; <del>[or]</del></li><li>(ix) a registered nurse; <u>or</u></li><li><u>(x) a forensic analyst or forensic science expert; or</u></li></ul> <p>(C) provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053, Occupations Code.</p>		

ARTICLE 11. JURY SERVICE	Same as House version.
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SECTION 11.01. Sections 61.003(a) and (c), Government Code, are amended to read as follows:

(a) Each person who reports for jury service shall be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement under this chapter to:

(1) the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure;

(2) the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

(3) any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence;

(4) any other program approved by the commissioners court of the county, including a program established under Article 56A.205, Code of Criminal Procedure, that offers psychological counseling in criminal cases involving graphic evidence or testimony; ~~[or]~~

(5) a veterans court program established by the commissioners court as provided by Chapter 124; or

(6) a veterans county service office established by the commissioners court as provided by Subchapter B, Chapter 434.

(c) The county treasurer shall:

(1) send all donations made under Subsection (a)(1) to the comptroller, at the time and in the manner prescribed by the attorney general, for deposit to the credit of the compensation

SENATE VERSION (IE)

SECTION 11.01. Sections 61.003(a) and (c), Government Code, are amended to read as follows:

(a) Each person who reports for jury service shall be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement under this chapter to:

(1) the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure;

(2) the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

(3) any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence;

(4) any other program approved by the commissioners court of the county, including a program established under Article 56A.205, Code of Criminal Procedure, that offers psychological counseling in criminal cases involving graphic evidence or testimony; ~~[or]~~

(5) a veterans treatment court program established by the commissioners court as provided by Chapter 124; or

(6) a veterans county service office established by the commissioners court as provided by Subchapter B, Chapter 434.

(c) The county treasurer shall:

(1) send all donations made under Subsection (a)(1) to the comptroller, at the time and in the manner prescribed by the attorney general, for deposit to the credit of the compensation

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<p>to victims of crime fund;</p> <p>(2) deposit donations made to the county child welfare board under Subsection (a)(2) in a fund established by the county to be used by the child welfare board in a manner authorized by the commissioners court of the county; and</p> <p>(3) send all donations made under Subsection (a)(3), [or] (a)(4), <u>or (a)(6)</u> directly to the program <u>or office, as applicable</u>, specified on the form letter signed by the person who reported for jury service.</p> <p>SECTION 11.02. Section 62.202(b), Government Code, is amended to read as follows:</p> <p>(b) The district judge may draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. <u>The judge may spend a reasonable amount</u> <del>[Not more than \$3]</del> per meal <del>[may be spent]</del> for a juror serving on a jury in a civil case.</p> <p>SECTION 11.03. Section 434.032, Government Code, is amended by adding Subsection (c) to read as follows:</p> <p><u>(c) The commissioners court of a county that maintains an office:</u></p> <p><u>(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</u></p> <p><u>(2) may use donations described by Subdivision (1) only to supplement, rather than supplant, amounts budgeted by the county for the office.</u></p>	<p>to victims of crime fund;</p> <p>(2) deposit donations made to the county child welfare board under Subsection (a)(2) in a fund established by the county to be used by the child welfare board in a manner authorized by the commissioners court of the county; and</p> <p>(3) send all donations made under Subsection (a)(3), [or] (a)(4), <u>or (a)(6)</u> directly to the program <u>or office, as applicable</u>, specified on the form letter signed by the person who reported for jury service.</p> <p>SECTION 11.02. Same as House version.</p> <p>SECTION 11.03. Same as House version.</p>	

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ARTICLE 12. SPECIALTY COURT PROGRAMS	Same as House version.	
<p>SECTION 12.01. Chapter 121, Government Code, is amended by adding Sections 121.003 and 121.004 to read as follows:</p> <p><u>Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a district court or statutory county court who is authorized by law to hear criminal cases may be appointed to preside over a regional specialty court program recognized under this subtitle only if:</u></p> <p><u>(1) the local administrative district and statutory county court judges of each county participating in the program approve the appointment by majority vote or another approval method selected by the judges; and</u></p> <p><u>(2) the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.</u></p> <p><u>Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or magistrate appointed to preside over a regional specialty court program may hear any misdemeanor or felony case properly transferred to the program by an originating trial court participating in the program, regardless of whether the originating trial court and specialty court program are in the same county. The appointed judge or magistrate may exercise only the authority granted under this subtitle.</u></p> <p><u>(b) The judge or magistrate of a regional specialty court program may for a case properly transferred to the program:</u></p> <p><u>(1) enter orders, judgments, and decrees for the case;</u></p>	<p>SECTION 12.01. Same as House version.</p>	

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(2) sign orders of detention, order community service, or impose other reasonable and necessary sanctions;  
(3) send recommendations for dismissal and expunction to the originating trial court for a defendant who successfully completes the program; and  
(4) return the case and documentation required by this subtitle to the originating trial court for final disposition on a defendant's successful completion of or removal from the program.  
(c) A visiting judge assigned to preside over a regional specialty court program has the same authority as the judge or magistrate appointed to preside over the program.

SECTION 12.02. Section 124.003(b), Government Code, is amended to read as follows:  
(b) A veterans treatment court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program ~~[county or counties in which those defendants reside]~~.

SECTION 12.03. Sections 124.006(a) and (d), Government Code, are amended to read as follows:  
(a) A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides or in a county adjacent to the county where the defendant works or resides.  
The defendant's supervision may be transferred under this

SECTION 12.02. Same as House version.

SECTION 12.03. Same as House version.



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<p>section only with the consent of both veterans treatment court programs and the defendant.</p> <p>(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a veterans treatment court program located in the county where the defendant works or resides <u>or in a county adjacent to the county where the defendant works or resides</u>, provided that a program is operated in that county and the defendant agrees to the placement. A defendant placed in a veterans treatment court program in accordance with this subsection must agree to abide by all rules, requirements, and instructions of the program.</p>		
<p>SECTION 12.04. (a) Section 121.003, Government Code, as added by this Act, applies only to the appointment of a judge or magistrate to preside over a regional specialty court program that occurs on or after the effective date of this Act.</p> <p>(b) Section 121.004, Government Code, as added by this Act, applies to a case pending in a regional specialty court program on or after the effective date of this Act.</p>	<p>SECTION 12.04. Same as House version.</p>	
<p>ARTICLE 13. PROTECTIVE ORDERS</p>	<p>Same as House version.</p>	
<p>SECTION 13.01. Section 72.151(3), Government Code, is amended to read as follows:</p> <p>(3) "Protective order" means:</p> <p><u>(A) an order issued by a court in this state under Chapter 83 or 85, Family Code</u>, to prevent family violence, as defined by</p>	<p>SECTION 13.01. Same as House version.</p>	

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<p>Section 71.004, Family Code; (B) <u>an order issued by a court in this state under Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent sexual assault or abuse, stalking, trafficking, or other harm to the applicant; or</u> (C) <del>[-. The term includes]</del> a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.</p>		
<p>SECTION 13.02. Section 72.152, Government Code, is amended to read as follows: Sec. 72.152. APPLICABILITY. This subchapter applies only to: (1) an application for a protective order filed under: (A) Chapter 82, Family Code; (B) <u>Subchapter A, Chapter 7B, Code of Criminal Procedure;</u> or (C) <del>[(B)]</del> Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and (2) a protective order issued under: (A) Chapter 83 or 85, Family Code; (B) <u>Subchapter A, Chapter 7B, Code of Criminal Procedure;</u> or (C) <del>[(B)]</del> Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.</p>	<p>SECTION 13.02. Same as House version.</p>	
<p>SECTION 13.03. Sections 72.154(b) and (d), Government</p>	<p>SECTION 13.03. Same as House version.</p>	

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<p>Code, are amended to read as follows:</p> <p>(b) Publicly accessible information regarding each protective order must consist of the following:</p> <p>(1) the court that issued the protective order;</p> <p>(2) the case number;</p> <p>(3) the full name, county of residence, birth year, and race or ethnicity of the person who is the subject of the protective order;</p> <p>(4) the dates the protective order was issued and served; <u>and</u></p> <p>(5) <del>[the date the protective order was vacated, if applicable;</del> <del>and</del> <del>[(6)]</del> the date the protective order expired or will expire, as applicable.</p> <p>(d) The office may not allow a member of the public to access through the registry any information related to:</p> <p><u>(1) a protective order issued under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or</u></p> <p><u>(2) a protective order that was vacated.</u></p> <p>SECTION 13.04. Section 72.155(a), Government Code, is amended to read as follows:</p> <p>(a) The registry must include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including <u>an [a vacated or] expired order, or a vacated order other than an order that was vacated as the result of an appeal or bill of review from a district or county court.</u> Only an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer may access that information under the registry.</p>	<p>SECTION 13.04. Same as House version.</p>	

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<p>SECTION 13.05. Section 72.157, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:</p> <p>(b) <u>Except as provided by Subsection (b-1), for [Føø] a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired. The clerk shall ensure that a record of a vacated order is not accessible by the public.</u></p> <p><u>(b-1) For a protective order that is vacated as the result of an appeal or bill of review from a district or county court, the clerk of the applicable court shall notify the office not later than the end of the next business day after the date the protective order was vacated. The office shall remove the record of the order from the registry not later than the third business day after the date the notice from the clerk was received.</u></p>	<p>SECTION 13.05. Same as House version.</p>	
<p>SECTION 13.06. Section 72.158(a), Government Code, is amended to read as follows:</p> <p>(a) The office shall ensure that the public may access information about protective orders, other than information about <u>vacated orders</u> or orders under Article <u>7B.002</u> or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code, through the registry, only if:</p> <p>(1) a protected person requests that the office grant the public the ability to access the information described by Section 72.154(b) for the order protecting the person; and</p> <p>(2) the office approves the request.</p>	<p>SECTION 13.06. Same as House version.</p>	

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SECTION 13.07. Section 72.152, Government Code, as amended by this Act, applies only to an application for a protective order filed or a protective order issued on or after the effective date of this Act.	SECTION 13.07. Same as House version.	
SECTION 13.08. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall: (1) remove the record of any protective orders that have been vacated as the result of an appeal or bill of review from a district or county court from the protective order registry established under Subchapter F, Chapter 72, Government Code, as amended by this Act; and (2) ensure that the records of vacated orders, other than orders described by Subdivision (1) of this section that are removed from the registry, are not accessible by the public.	SECTION 13.08. Same as House version.	
ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS	Same as House version.	
SECTION 14.01. Section 43.137, Government Code, is amended by adding Subsections (c) and (d) to read as follows: <u>(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.</u> <u>(d) The district attorney has no power, duty, or privilege in</u>	SECTION 14.01. Same as House version.	

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<u>any civil matter, other than civil asset forfeiture and civil bond forfeiture matters.</u>		
SECTION 14.02. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.168 to read as follows: <u>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.</u> <u>(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.</u>	SECTION 14.02. Same as House version.	
SECTION 14.03. Section 43.137, Government Code, as amended by this <b>article</b> , and Section 45.168, Government Code, as added by this <b>article</b> , 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.	SECTION 14.03. Section 43.137, Government Code, as amended by this <b>Act</b> , and Section 45.168, Government Code, as added by this <b>Act</b> , 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.	
ARTICLE 15. APPELLATE COURTS	<b>No equivalent provision.</b>	

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SECTION 15.01. 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

No equivalent provision.

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<p><u>under this subsection must:</u></p> <p><u>(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court; and</u></p> <p><u>(2) include instructions for the use of the form.</u></p> <p><u>(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.</u></p>		
<p>SECTION 15.02. 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.</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 16. PROCEDURES FOR CERTAIN DEFENDANTS</p>	<p>No equivalent provision.</p>	
<p>SECTION 16.01. Article 16.22(a)(1), Code of Criminal Procedure, is amended to read as follows:</p> <p>(a)(1) Not later than 12 hours after the sheriff or municipal jailer having custody of a defendant <del>[for an offense punishable as a Class B misdemeanor or any higher category of offense]</del> 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</p>	<p>No equivalent provision.</p>	



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<p>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:</p> <p>(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</p> <p>(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.</p> <p>SECTION 16.02. Articles 16.22(b-1) and (d), Code of Criminal Procedure, are amended to read as follows:</p> <p>(b-1) The magistrate shall provide copies of the written report</p>	<p>No equivalent provision.</p>	

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<p>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:</p> <p>(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability;</p> <p>(2) <u>subject to Article 46B.002</u>, 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</p> <p>(3) any appropriate or recommended treatment or service.</p> <p>(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:</p> <p>(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</p> <p>(2) <u>subject to Article 46B.002</u>, ordering an examination regarding the defendant's competency to stand trial.</p> <p>SECTION 16.03. 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.</p>		
	No equivalent provision.	

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ARTICLE 17. MISDEMEANOR CASES

SECTION 17.01. 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 17.02. Article 45.016(c), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

ARTICLE 15. Same as House version.

No equivalent provision.

No equivalent provision.

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<p>(c) If before the expiration of a 48-hour period following the issuance of the applicable order a defendant described by <u>Subsection (b) remains in custody for a misdemeanor punishable by fine only and [Subsections (b)(1) and (2)]</u> does not give a required bail bond, the justice or judge:</p> <p>(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</p> <p>(2) may require the defendant to give a personal bond.</p> <p>SECTION 17.03. Article 45.031, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 45.031. COUNSEL FOR STATE NOT PRESENT. <u>(a)</u> If the state is not represented by counsel when the case is called for trial, the justice or judge may:</p> <p>(1) postpone the trial to a date certain;</p> <p>(2) appoint <u>any competent attorney as</u> an attorney pro tem <u>[as provided by this code]</u> to represent the state, <u>notwithstanding Article 2.07</u>; or</p> <p>(3) proceed to trial.</p> <p><u>(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.</u></p> <p>SECTION 17.04. The heading to Article 45.0445, Code of Criminal Procedure, is amended to read as follows:</p> <p>Art. 45.0445. RECONSIDERATION <u>OF SATISFACTION OF FINE OR COSTS.</u></p>	<p>No equivalent provision.</p> <p>SECTION 15.01. Same as House version.</p>	

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<p>SECTION 17.05. Article 66.252, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:</p> <p><u>(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.</u></p>	No equivalent provision.	
<p>SECTION 17.06. Article 45.016(c), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017, is repealed.</p>	No equivalent provision.	
<p>SECTION 17.07. 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.</p>	No equivalent provision.	
<p>SECTION 17.08. 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</p>	No equivalent provision.	

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Act.

ARTICLE 18. COURT REPORTERS

SECTION 18.01. 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 [~~sueh-an~~] affidavit and application under Article 39.02, the court shall appoint, order, or designate one of the following persons before whom the [~~sueh~~] 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 [~~sueh~~] person before whom, [~~and~~] the time when, and the place where the [~~sueh~~] 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 18.02. 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

ARTICLE 16. Same as House version.

No equivalent provision.

SECTION 16.01. Same as House version.

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<u>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.</u>		
SECTION 18.03. Section 52.001(a)(4), Government Code, is amended to read as follows: (4) "Shorthand reporter" and "court reporter" mean a person who <u>is certified as a court reporter, apprentice court reporter, or provisional court reporter under Chapter 154 to engage</u> <del>[engages]</del> in shorthand reporting.	SECTION 16.02. Same as House version.	
SECTION 18.04. Section 52.011, Government Code, is amended to read as follows: Sec. 52.011. PROVISION OF SIGNED <u>DEPOSITION CERTIFICATE; CERTIFICATE REQUIREMENTS</u> <del>[CERTIFICATION]</del> . (a) <u>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.</u> (b) <u>On request of a court reporter who reported a deposition for a case,</u> a court reporting firm shall provide the reporter with a copy of the <u>deposition certificate</u> <del>[document related to the deposition, known as the further certification,]</del> that the reporter has signed or to which the reporter's signature has been applied. (c) <u>The deposition certificate must include:</u> (1) <u>a statement that the deposition transcript was submitted to the deponent or the deponent's attorney for examination and signature;</u>	SECTION 16.03. Same as House version.	

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- (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 18.05. 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

No equivalent provision. SECTION 16.04 [Deleted by FA2(1)]



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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 18.06. 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 18.07. 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

~~No equivalent provision.~~ SECTION 16.05. Section 52.042  
[Deleted by FA2(2)]

SECTION 16.06. Section 52.046(d), Government Code, is amended to read as follows:  
  
(d) A judge of a county court or county court at law shall appoint a ~~[certified]~~ shorthand reporter to report the oral

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testimony given in any contested probate matter in that judge's court.	testimony given in any contested probate matter in that judge's court.	
<p>SECTION 18.08. Subchapter E, Chapter 52, Government Code, is amended by adding Section 52.060 to read as follows:</p> <p><u>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.</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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</u></p>	<p>No equivalent provision. SECTION 16.07 [Deleted by FA2(3)]</p>	

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official court reporters or deputy court reporters serving more than one court, this subchapter prevails.

SECTION 18.09. 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 subchapter:

(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

No equivalent provision.

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(C) both in person and remotely.  
Sec. 72.163. COMMUNICATION FACILITATION. 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. ONLINE MATCHING SERVICE. 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 18.10. 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 18.11. 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

SECTION 16.08. Same as House version.

SECTION 16.09. 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

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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 18.12. 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.

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supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated [by a noncertified court reporter pursuant and] according to rules adopted or approved by the supreme court.

SECTION 16.10. Same as House version.

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(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 18.13. 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 [nonecertified 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 [nonecertified shorthand] reporter may engage in shorthand reporting to report an oral deposition only if:

SECTION 16.11. Same as House version.

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- (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 18.14. (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.

SECTION 16.12.

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.

ARTICLE 19. JUDICIAL ELECTIONS

No equivalent provision.

SECTION 19.01. Section 141.035, Election Code, is

No equivalent provision.

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<p>amended to read as follows:</p> <p>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.</p> <p>(b) <u>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.</u></p>		
<p>SECTION 19.02. Section 572.032(b), Government Code, is amended to read as follows:</p> <p>(b) <u>Subject to Section 141.035(b), during [During]</u> 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.</p>	<p>No equivalent provision.</p>	



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SECTION 19.03. 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.

No equivalent provision.

ARTICLE 20. REMOTE PROCEEDINGS

No equivalent provision.

SECTION 20.01. 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.

No equivalent provision.

SECTION 20.02. 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

No equivalent provision.

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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.

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- (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

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<u>accessing the proceeding through that remote means constitutes notice of the place for the proceeding.</u>		
SECTION 20.03. The following provisions are repealed: (1) Section 30.012(b), Civil Practice and Remedies Code; and (2) Section 54.012(b), Family Code.	No equivalent provision.	
SECTION 20.04. 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.	No equivalent provision.	
SECTION 20.05. 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.	No equivalent provision.	
ARTICLE 21. TRANSITION	ARTICLE 17. Same as House version.	
SECTION 21.01. A state agency subject to this Act is	SECTION 17.01. Same as House version.	

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required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the state agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.		
No equivalent provision.	ARTICLE __. MISCELLANEOUS PROVISIONS [FA1]	
No equivalent provision.	SECTION __. Subchapter H, Chapter 6, Family Code, is amended by adding Section 6.712 to read as follows: <u>Sec. 6.712. DATE OF MARRIAGE REQUIREMENT IN FINAL DECREE. (a) In a suit for dissolution of a marriage in which the court grants a divorce, the court shall state the date of the marriage in the decree of divorce.</u> <u>(b) This section does not apply to a suit for dissolution of a marriage described by Section 2.401(a)(2).</u> [FA1]	
No equivalent provision.	SECTION __. The change in law made by Section 6.712, Family Code, as added by this Act, applies only to a suit for dissolution of a marriage filed on or after the effective date of this Act. A suit for dissolution of a marriage filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose. [FA1]	
ARTICLE 22. EFFECTIVE DATE	ARTICLE 18. Same as House version.	

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SECTION 22.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2021.

SECTION 18.01. Same as House version.