**BILL ANALYSIS**

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| Senate Research Center | H.B. 3474 |
|  | By: Leach (Hughes) |
|  | Jurisprudence |
|  | 5/9/2023 |
|  | Engrossed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been the tradition and practice for the chairs of the committees with jurisdiction over the judiciary to file a single omnibus bill that encompasses new courts, changes to judicial administration, and changes to jurisdiction. Ensuring that there are adequate judicial resources available to address the workload is critical to securing the proper administration of the judiciary. Instead of going about this process based upon subjective desires, each new court in this bill is justified based on need and supported by workload data provided by the Office of Court Administration of the Texas Judicial System. Some of the factors that were considered include caseloads, case backlogs, substantial population growth, objective workload measures, and county support.

H.B. 3474 provides revisions relating to appellate and district courts, statutory county courts, justice courts, criminal law magistrates, associate judges and visiting judges, prosecuting attorneys, grand juries, jurors and jury service, court reporters and interpreters, deposition, transcription and interpretations services, the transfer of cases and proceedings, criminal procedure, and probate proceedings.

H.B. 3474 amends current law relating to the operation and administration of and practices and procedures regarding proceedings in the judicial branch of state government, including the service of process and delivery of documents related to the proceedings, the administration of oaths, and the management of the Texas Indigent Defense Commission, and the composition of certain juvenile boards, establishes a civil penalty, increases certain court costs, and authorizes fees.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in SECTION 11.012 of this bill.

Rulemaking authority previously granted to the Forensic Science Commission is modified in SECTION 12.004 (Article 38.01, Code of Criminal Procedure) of this bill

Rulemaking authority previously granted to Judicial Branch Certification Commission is modified in SECTION 12.004 (Article 38.01, Code of Criminal Procedure) of this bill.

**SECTION BY SECTION ANALYSIS**

ARTICLE 1. APPELLATE AND DISTRICT COURTS

SECTION 1.001. Amends Subchapter D, Chapter 22, Government Code, by adding Section 22.3015, as follows:

Sec. 22.3015. EXPENSES OF APPELLATE COURT JUDGE OR JUSTICE. (a) Provides that a justice of the Supreme Court of Texas (supreme court), a judge of the Texas Court of Criminal Appeals (court of criminal appeals), or a justice of a court of appeals engaged in the discharge of official duties in a county other than the justice's or judge's county of residence is entitled to traveling and other necessary expenses, as provided by Chapter 660 (Travel Expenses).

(b) Provides that a justice of the supreme court, a judge of the court of criminal appeals, or a justice of a court of appeals is entitled to receive from the state the actual and necessary postage, telegraph, and telephone expenses incurred in the discharge of official duties.

(c) Requires that the expenses be paid by the state on a sworn itemized account showing the expenses.

SECTION 1.002. (a) Amends Section 24.275, Government Code, effective January 1, 2025, as follows:

Sec. 24.275. New heading: 216TH JUDICIAL DISTRICT (KERR COUNTY). Provides that the 216th Judicial District is composed of Kerr County, rather than Gillespie and Kerr counties.

(b) Requires the local administrative district judge to transfer all cases from Gillespie County that are pending in the 216th District Court on January 1, 2025, to the 499th District Court.

(c) Provides that when a case is transferred from a district court to another district court as provided by Subsection (b) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 1.003. Amends Section 24.392, Government Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Requires the 213th District Court to give preference to criminal cases.

(c) Redesignates exiting Subsection (b) as Subsection (c).

(d) Redesignates exiting Subsection (c) as Subsection (d).

SECTION 1.004. Amends Section 24.516, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that the terms of the 371st District Court begin on the first Mondays in January, April, July, and October.

(d) Redesignates exiting Subsection (c) as Subsection (d).

SECTION 1.005. Amends Section 24.517, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that the terms of the 372nd District Court begin on the first Mondays in January, April, July, and October.

(d) Redesignates exiting Subsection (c) as Subsection (d).

SECTION 1.006. Amends Section 24.541, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that the terms of the 396th District Court begin on the first Mondays in January, April, July, and October.

(d) Redesignates exiting Subsection (c) as Subsection (d).

SECTION 1.007. Amends Section 24.576, Government Code, by adding Subsections (c) and (d), as follows:

(c) Provides that the terms of the 432nd District Court begin on the first Mondays in January, April, July, and October.

(d) Provides that in addition to other jurisdiction provided by law, the 432nd District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.008. Amends Section 24.591, Government Code, by adding Subsections (d) and (e), as follows:

(d) Authorizes a district court in Kendall County, notwithstanding Section 24.030 (Location of Court), to sit outside the county seat in a suitable facility designated by the Kendall County Commissioners Court as an auxiliary court facility, as provided by Section 292.031 (Facilities Outside County Seat in Certain Counties), Local Government Code.

(e) Authorizes a district court in Kendall County sitting in an auxiliary court facility designated by the Kendall County Commissioners Court to hear motions, arguments, nonjury trials, and jury trials for all actions and any other matter before the court and within the court's jurisdiction.

SECTION 1.009. (a) Amends the heading to Section 24.596, Government Code, effective January 1, 2025, to read as follows:

Sec. 24.596. 452ND JUDICIAL DISTRICT (MCCULLOCH, MASON, AND MENARD COUNTIES).

(b) Amends Section 24.596(a), Government Code, effective January 1, 2025, to provide that the 452nd Judicial District is composed of McCulloch, Mason, and Menard Counties, rather than Edwards, Kimble, McCulloch, Mason, and Menard Counties.

(c) Requires the local administrative district judge to transfer all cases from Edwards and Kimble Counties that are pending in the 452nd District Court on January 1, 2025, to the 499th District Court.

(d) Provides that when a case is transferred from a district court to another district court as provided by Subsection (c) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the case is transferred.

SECTION 1.010. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2025, by adding Section 24.600201, as follows:

Sec. 24.600201. 477TH JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 477th Judicial District is composed of Denton County.

(b) Provides that the 477th Judicial District is created on January 1, 2025.

SECTION 1.011. Amends Section 24.60030, Government Code, by adding Subsections (c) and (d), as follows:

(c) Provides that the terms of the 485th District Court begin on the first Mondays in January, April, July, and October.

(d) Provides that in addition to other jurisdiction provided by law, the 485th District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.012. (a) Amends Subchapter C, Chapter 24, Government Code, effective October 1, 2023, by adding Sections 24.60031, 24.60032, and 24.60033, as follows:

Sec. 24.60031. 486TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 486th Judicial District is composed of Harris County.

(b) Requires the 486th District Court to give preference to criminal cases.

Sec. 24.60032. 487TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 487th Judicial District is composed of Harris County.

(b) Requires the 487th District Court to give preference to criminal cases.

Sec. 24.60033. 488TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 488th Judicial District is composed of Harris County.

(b) Requires the 488th District Court to give preference to criminal cases.

(b) Provides that the 486th, 487th, and 488th Judicial Districts are created on October 1, 2023.

SECTION 1.013. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2024, by adding Section 24.60034, as follows:

Sec. 24.60034. 489TH JUDICIAL DISTRICT (KAUFMAN COUNTY). Provides that the 489th Judicial District is composed of Kaufman County.

(b) Provides that the 489th Judicial District is created on January 1, 2024.

SECTION 1.014. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60038, as follows:

Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY). Provides that the 493rd Judicial District is composed of Collin County.

(b) Provides that the 493rd Judicial District is created on September 1, 2023.

SECTION 1.015. (a) Amends Subchapter C, Chapter 24, Government Code, effective September 1, 2024, by adding Section 24.60039, as follows:

Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY). Provides that the 494th Judicial District is composed of Collin County.

(b) Provides that the 494th Judicial District is created on September 1, 2024.

SECTION 1.016. (a) Amends Subchapter C, Chapter 24, Government Code, effective October 1, 2024, by adding Sections 24.60040, 24.60041, and 24.60042, as follows:

Sec. 24.60040. 495TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 495th Judicial District is composed of Harris County.

(b) Requires the 495th District Court to give preference to criminal cases.

Sec. 24.60041. 496TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 496th Judicial District is composed of Harris County.

(b) Requires the 496th District Court to give preference to criminal cases.

Sec. 24.60042. 497TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 497th Judicial District is composed of Harris County.

(b) Requires the 497th District Court to give preference to criminal cases.

(b) Provides that the 495th, 496th, and 497th Judicial Districts are created on October 1, 2024.

SECTION 1.017. (a) Amends Subchapter C, Chapter 24, Government Code, effective October 1, 2025, by adding Section 24.60043, as follows:

Sec. 24.60043. 498TH JUDICIAL DISTRICT (KENDALL COUNTY). (a) Provides that the 498th Judicial District is composed of Kendall County.

(b) Provides that this section applies to all district courts in Kendall County.

(c) Provides that in addition to the other jurisdiction provided by law, the 498th District Court has concurrent jurisdiction with the other district courts in Kendall County and with the County Court of Kendall County in all civil and criminal matters over which the county court has original or appellate jurisdiction, including probate matters and proceedings under Subtitle C (Texas Mental Health Code), Title 7, Health and Safety Code.

(d) Requires that all civil and criminal matters within the concurrent jurisdiction of the county and district courts be filed with the county clerk in the county court. Provides that the county clerk serves as the clerk of the district court for those matters.

(e) Authorizes a district court in Kendall County, notwithstanding Section 24.030, to sit outside the county seat in a suitable facility designated by the Kendall County Commissioners Court as an auxiliary court facility, as provided by Section 292.031, Local Government Code.

(f) Authorizes a district court in Kendall County sitting in an auxiliary court facility designated by the Kendall County Commissioners Court to hear motions, arguments, nonjury trials, and jury trials for all actions and any other matter before the court and within the court's jurisdiction.

(b) Provides that the 498th Judicial District is created on October 1, 2025.

SECTION 1.018. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2025, by adding Section 24.60044, as follows:

Sec. 24.60044. 499TH JUDICIAL DISTRICT (EDWARDS, GILLESPIE, AND KIMBLE COUNTIES). Provides that the 499th Judicial District is composed of Edwards, Gillespie, and Kimble Counties.

(b) Provides that the 499th Judicial District is created on January 1, 2025.

SECTION 1.019. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6009, as follows:

Sec. 24.6009. 465TH JUDICIAL DISTRICT (BASTROP COUNTY). Provides that the 465th Judicial District is composed of Bastrop County.

(b) Provides that the 465th Judicial District is created on September 1, 2023.

SECTION 1.020. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60095, as follows:

Sec. 24.60095. 472ND JUDICIAL DISTRICT (BRAZOS COUNTY). (a) Provides that the 472nd Judicial District is composed of Brazos County.

(b) Provides that the 472nd District Court has primary responsibility for cases involving civil matters, family law matters, and juvenile matters.

(b) Provides that the 472nd Judicial District is created on September 1, 2023.

SECTION 1.021. (a) Amends Section 24.910, Government Code, by adding Subsection (a-1) and amending Subsections (b), (c), and (e), as follows:

(a-1) Provides that Subchapter C (Judicial Districts Act of 1969) applies to the Tarrant County Criminal District Court No. 1.

(b) Provides that Section 24.910 (Tarrant County Criminal Judicial District No. 1) applies to the Tarrant County Criminal District Courts Nos. 1, 2, 3, and 4. Makes a nonsubstantive change.

(c) Provides that the criminal district courts also have concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

(e) Authorizes the judge of each criminal district court or county criminal court to transfer, on motion of the judge or the criminal district attorney, misdemeanor cases between the courts by an order entered in the minutes of the transferor court, rather than the transferring court. Makes conforming and nonsubstantive changes.

(b) Repealer: Section 24.910(f) (relating to requiring the Tarrant County Criminal Judicial District No. 1 and 2 to have a seal similar to the seal of a district court), Government Code.

SECTION 1.022. Amends Section 24.911, Government Code, by adding Subsection (a-1) to provide that Subchapter C applies to the Tarrant County Criminal District Court No. 2.

SECTION 1.023. Amends Section 24.912, Government Code, by adding Subsection (a-1) to provide that Subchapter C applies to the Tarrant County Criminal District Court No. 3.

SECTION 1.024. (a) Amends the heading to Section 24.913, Government Code, to read as follows:

Sec. 24.913. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 4.

(b) Amends Section 24.913, Government Code, by amending Subsections (a) and (d) and adding Subsection (d-1), as follows:

(a) and (d) Makes conforming changes to these subsections.

(d-1) Provides that 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. 4.

(c) Repealers: Section 24.913(b) (relating to requiring the Criminal Judicial District No. 4 of Tarrant County to give preference to criminal cases) and (c) (relating to providing that the terms of court begin on the first Mondays in January, April, July, and October of each year), Government Code.

Repealer: Section 24.913(e) (relating to providing that the Tarrant County Criminal District Court No. 4 has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases), Government Code.

SECTION 1.025. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.039, as follows:

Sec. 72.039. DISTRICT COURT CASELOAD ANALYSIS. (a) Defines "clearance rate" and "judicial officer."

(b) Requires the Office of Court Administration of the Texas Judicial System (OCA) at least once every two years to conduct a district court caseload analysis. Requires that the analysis concentrate on the weighted caseload of the district courts in the 30 most populous counties in this state, considering the nature and complexity of cases heard by each court, and include the following information, disaggregated by county:

(1) the number of cases filed in each district court with jurisdiction in the county in each of the preceding five state fiscal years;

(2) the clearance rate for each district court with jurisdiction in the county in each of the preceding five state fiscal years;

(3) the number of estimated full-time equivalent judicial officers serving district courts in the county in the preceding state fiscal year;

(4) the number of full-time equivalent judicial officers needed to serve the district courts in the county based on the most recent weighted caseload analysis;

(5) the calendar year for creation of the most recently created district court in the county; and

(6) any other relevant information identified by the director.

(c) Requires OCA, not later than October 1 of each even-numbered year, to report the results of the analysis conducted under Subsection (b) to the governor, the lieutenant governor, and each member of the legislature.

SECTION 1.026. Amends Section 659.012(b), Government Code, as follows:

(b) Provides that a judge or justice for whom the amount of a state base salary is prescribed by Subsection (a) is entitled to an annual salary from the state in the amount equal to:

(1) 110 percent of the state base salary paid in accordance with Subsection (a) for the judge's or justice's position, beginning with the pay period that begins after the judge or justice accrues four years of:

(A) makes no changes to this paragraph;

(B) service as a judge or a full-time associate judge of a district court, statutory county court, multicounty statutory county court, or statutory probate court or as a district attorney, criminal district attorney, or county attorney; or

(C) makes no changes to this paragraph; and

(2) 120 percent of the state base salary paid in accordance with Subsection (a) for the judge's or justice's position, beginning with the pay period that begins after the judge or justice accrues eight years of:

(A) makes no changes to this paragraph;

(B) service as a judge or a full-time associate judge of a district court, statutory county court, multicounty statutory county court, or statutory probate court or as a district attorney, criminal district attorney, or county attorney; or

(C) makes no changes to this paragraph.

ARTICLE 2. STATUTORY COUNTY COURTS

SECTION 2.001. Amends Section 25.0005(a), Government Code, as follows:

(a) Provides that for purposes of this subsection, the years of service of a statutory county court judge include any years of service as:

(1) creates this subdivision from existing text; or

(2) a district attorney, criminal district attorney, or county attorney.

SECTION 2.002. Amends Section 25.0023(a), Government Code, as follows:

(a) Provides that for purposes of this subsection, the years of service of a statutory probate court judge include any years of service as:

(1) creates this subdivision from existing text; or

(2) a district attorney, criminal district attorney, or county attorney.

SECTION 2.003. (a) Amends Sections 25.0062(a) and (b), Government Code, as follows:

(a) Provides that in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law of Aransas County has concurrent jurisdiction with the district court in:

(1)-(2) makes nonsubstantive changes to these subdivisions; and

(3) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003.

(b) Provides that the district clerk serves as clerk of a county court at law in felony cases, in family law cases and proceedings, and in civil cases in which the matter in controversy exceeds $250,000. Makes nonsubstantive changes.

(b) Makes application of Sections 25.0062(a) and (b), Government Code, as amended by this section, prospective to September 1, 2023.

SECTION 2.004. (a) Amends Section 25.0171(c), Government Code, to provide that Bexar County also has certain statutory probate courts, including Probate Court No. 3 of Bexar County, Texas.

(b) Provides that the Probate Court No. 3 of Bexar County, Texas, is created on September 1, 2023.

SECTION 2.005. (a) Amends Section 25.0173, Government Code, by amending Subsections (a) and (o) and adding Subsection (p), as follows:

(a) Makes conforming and nonsubstantive changes to this subsection.

(o) Requires the county clerk, notwithstanding the local rules adopted under Section 74.093 (Rules of Administration), to:

(1) creates this subdivision from existing text; and

(2) assign equally among the statutory probate courts in Bexar County and docket at random all other matters and proceedings filed in the statutory probate courts in Bexar County.

Deletes existing text requiring the county clerk, notwithstanding the local rules adopted under Section 74.093, to docket all even-numbered probate cases in Probate Court No. 2 and all odd-numbered probate cases in Probate Court No. 1.

(p) Provides that notwithstanding Section 25.0022(h) (relating to authorizing a judge or a former or retired judge of a statutory probate court to be assigned by the presiding judge of the statutory probate courts to hold court in a statutory probate court, a county court, or any statutory court exercising probate jurisdiction in certain circumstances), in the absence, disqualification, or incapacity of a statutory probate judge in Bexar County or on the judge's request, the statutory probate judges in Bexar County are authorized to sit and act for each other in any probate matter or proceeding. Authorizes a statutory probate judge in Bexar County to:

(1) hear and determine any matter or proceeding pending in another statutory probate court in Bexar County; or

(2) enter any order in the matter or proceeding that the judge of the other statutory probate court in Bexar County is authorized to enter.

(b) Repealer: Section 25.0173(j) (relating to authorizing appeals to be taken from interlocutory orders appointing a receiver and overruling a motion to vacate an order appointing a receiver in Probate Court No. 2), Government Code.

(c) Requires the county clerk for Bexar County, notwithstanding Section 25.0173 (Bexar County Probate Courts), Government Code, as amended by this section, to assign to Probate Court No. 3 of Bexar County, Texas, one-third of all cases pending on September 1, 2023, in Probate Court No. 1 of Bexar County, Texas, and Probate Court No. 2 of Bexar County, Texas, that were filed before January 1, 2020.

SECTION 2.006. (a) Amends Section 25.0331, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Deletes existing text providing that the statutory county courts of Cameron County include County Court at Law No. 4 of Cameron County. Makes nonsubstantive changes.

(a-1) Provides that Cameron County has one statutory probate court, the Probate Court No. 1 of Cameron County.

(b) Provides that the County Court at Law No. 4 of Cameron County is redesignated as the Probate Court No. 1 of Cameron County effective September 1, 2023.

SECTION 2.007. (a) Amends Section 25.0332(a), Government Code, to delete existing text providing that a county court at law in Cameron County, in addition to the jurisdiction provided by Section 25.0003 and other law, has concurrent with the county court, the probate jurisdiction provided by general law for county courts.

(b) Amends Subchapter C, Chapter 25, Government Code, by adding Section 25.0333, as follows:

Sec. 25.0333. CAMERON COUNTY PROBATE COURT PROVISIONS. (a) Provides that a statutory probate court in Cameron County has the jurisdiction of a probate court as provided by Section 25.0021 (Jurisdiction).

(b) Provides that a statutory probate court in Cameron County has jurisdiction over mental health cases diverted from the criminal justice system in the county.

(c) Repealer: Section 25.0332(b) (relating to requiring the County Court at Law No. 4 of Cameron County to give preference to probate, guardianship, and mental health matters), Government Code.

(d) Requires the judge of the County Court at Law No. 4 of Cameron County to transfer all active cases over which the court loses jurisdiction under this section and that are pending in the court on September 1, 2023, to a district court, county court at law, or county court in the county with jurisdiction over the case.

(e) Requires the local administrative statutory county court judge to transfer any active probate matter that is pending in a statutory county court in Cameron County on September 1, 2023, to Probate Court No. 1 of Cameron County.

(f) Provides that when a case is transferred as provided by Subsection (d) or (e) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before that court.

SECTION 2.008. (a) Amends Section 25.0592(l), Government Code, as follows:

(l) Provides that Sections 25.0006 (Bond; Removal) and 25.0007(b) (relating to providing that practice in a statutory county court is that prescribed by law for county courts), rather than Section 25.0007 (Juries; Practice and Procedure), do not apply to a county court at law in Dallas County.

(b) Makes application of Section 25.0592(l), Government Code, as amended by this section, prospective to September 1, 2023.

SECTION 2.009. Amends Section 25.0732, Government Code, by adding Subsection (c), as follows:

(c) Provides that the County Criminal Court at Law No. 2 of El Paso County, Texas, is designated to conduct the DWI Drug Court Intervention and Treatment Program of El Paso County as a drug court program under Chapter 123 (Drug Court Programs) for persons arrested for, charged with, or convicted of an offense involving the operation of a motor vehicle while intoxicated.

SECTION 2.010. Amends Section 25.0932, Government Code, by amending Subsection (a) and adding Subsection (b), as follows:

(a) Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Grayson County has:

(1) creates this subdivision from existing text; and

(2) concurrent jurisdiction with the district court in family law cases and proceedings.

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

SECTION 2.011. (a) Amends Section 25.1031(c), Government Code, to provide that Harris County has certain statutory probate courts, including Probate Court No. 5 of Harris County, Texas.

(b) Repealer: Section 25.1034(j) (relating to requiring the county clerk to keep a separate docket for each court), Government Code.

(c) Provides that the Probate Court No. 5 of Harris County, Texas, is created on September 1, 2023.

SECTION 2.012. Repealers: Sections 25.1331 (Kendall County) and 25.1332 (Kendall County Court at Law Provisions), Government Code.

SECTION 2.013. Amends Sections 25.1572(a), (d), and (e), Government Code, as follows:

(a) Provides that 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:

(1) concurrent jurisdiction with the district courts in state jail, third degree, and second degree felony cases and family law cases on assignment from a district judge presiding in McLennan 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) eminent domain;

(D) appeals from the justice and municipal courts; and

(E) 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.

Deletes existing text providing that 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.

(d) Requires a judge of a county court at law to be paid a total annual salary set by the commissioners court in an amount 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 (Judge's Salary), to be paid out of the county treasury by the commissioners court.

Deletes existing text requiring a judge of a county court at law to 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 (Judicial Salaries) with equivalent years of service as the judge. Deletes existing text providing that 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.

(e) Provides that the district clerk serves as clerk of a county court at law in cases instituted in the district courts in which the county courts at law have concurrent jurisdiction with the district court, rather than in matters of concurrent jurisdiction with the district court.

SECTION 2.014. (a) Amends Section 25.1721, Government Code, effective October 1, 2023, as follows:

Sec. 25.1721. MONTGOMERY COUNTY. (a) Creates this subsection from existing text. Deletes existing text providing that the statutory county courts of Montgomery County include the County Court at Law No. 2 of Montgomery County. Makes nonsubstantive changes.

(b) Provides that Montgomery County has one statutory probate court, the Probate Court No. 1 of Montgomery County.

(b) Provides that the County Court at Law No. 2 of Montgomery County is redesignated as the Probate Court No. 1 of Montgomery County effective October 1, 2023.

(c) Provides that effective October 1, 2023, the judge of the County Court at Law No. 2 of Montgomery County is the judge of the Probate Court No. 1 of Montgomery County. Provides that unless otherwise removed, the judge serves until December 31, 2026, and until the judge's successor is elected and has qualified. Requires the qualified voters of the county, in the 2026 general election and every four years following that election, to elect a judge of the Probate Court No. 1 of Montgomery County for a regular term of four years.

SECTION 2.015. (a) Amends Subchapter C, Chapter 25, Government Code, effective October 1, 2023, by adding Section 25.1723, as follows:

Sec. 25.1723. MONTGOMERY COUNTY PROBATE COURT PROVISIONS. (a) Defines "remote proceeding."

(b) Provides that a statutory probate court of Montgomery County has concurrent jurisdiction with the district court, regardless of the amount in controversy or the relief sought, in:

(1) disputes relating to the creation of a constructive trust;

(2) declaratory judgment actions;

(3) actions in which the only relief sought is a writ of injunction; and

(4) actions to appoint a receiver under any law, including Section 11.402 (Jurisdiction to Appoint Receiver), Business Organizations Code.

(c) Provides that a statutory probate court of Montgomery County has eminent domain jurisdiction, including the jurisdiction provided to a district court under Sections 21.002 (Transfer of Cases) and 21.003 (District Court Authority), Property Code, regardless of the amount in controversy or the remedy sought. Requires that all eminent domain actions, cases, matters, or proceedings arising under Chapter 21 (Eminent Domain), Property Code, or under Section 251.101 (Condemnation for County Road in Municipality), Transportation Code, be filed and docketed in a statutory probate court.

(d) Authorizes a statutory probate court of Montgomery County to conduct docket matters at any location in the county as the statutory probate court judge considers necessary for the protection of wards or mental health respondents or as otherwise provided by law.

(e) Authorizes a judge of a statutory probate court in Montgomery County and a judge of a district court or statutory county court in Montgomery County to exchange benches and to sit and act for each other in any matter pending before the court.

(f) Provides that the county clerk of Montgomery County serves as clerk of a statutory probate court.

(g) Authorizes a statutory probate court of Montgomery County to appoint as a court investigator an employee of the court or another department in the county to comply with Section 25.0025 (Court Investigators).

(h) Authorizes Montgomery County, in addition to the uses authorized by Section 135.159 (Judicial Education and Support Fund), Local Government Code, to use the fees collected under Section 135.102 (Local Civil Fee for Probate, Guardianship, and Mental Health Cases in Statutory Court, Statutory Probate Court, or County Court), Local Government Code, and deposited into the judicial education and support fund to provide staff for the statutory probate courts and for court-related purposes for the support of the statutory probate courts.

(b) Requires the judge of the County Court at Law No. 2 of Montgomery County to transfer all active cases over which the court loses jurisdiction under this section and that are pending in the court on October 1, 2023, to a district court, county court at law, or county court in the county with jurisdiction over the case.

(c) Requires the local administrative statutory county court judge to transfer any active probate matter that is pending in a statutory county court in Montgomery County on October 1, 2023, to Probate Court No. 1 of Montgomery County.

(d) Provides that when a case is transferred as provided by Subsection (b) or (c) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before that court.

SECTION 2.016. (a) Amends Sections 25.2223(a), (i), (j), (j-2), and (l), Government Code, as follows:

(a) Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, a county criminal court in Tarrant County has concurrent original jurisdiction of criminal cases with a district court other than felony cases involving capital murder. Provides that the County Criminal Courts Nos. 9 and 10, rather than the County Criminal Courts Nos. 5 and 10, of Tarrant County also have concurrent jurisdiction within the county of all appeals from criminal convictions under the laws of this state and the municipal ordinances of the municipalities located in Tarrant County that are appealed from the justice courts and municipal courts in the county. Deletes existing text providing that the County Criminal Courts Nos. 5, 7, 8, 9, and 10 of Tarrant County also have concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas.

(i) Deletes existing text providing that the official court reporter for the County Criminal Court No. 1 or 3 of Tarrant County is not required to take testimony in cases in which neither a party nor the judge demands it.

(j) Requires at least two bailiffs to be assigned regularly to each county criminal court in Tarrant County, rather than to the County Criminal Court No. 1 of Tarrant County and the County Criminal Court No. 2 of Tarrant County. Requires each judge of a county criminal court, rather than the judges of the County Criminal Courts Nos. 1 and 2 of Tarrant County, to, except as provided by Subsection (j-2), appoint one officer to act as bailiff of the judge's court, and the sheriff of Tarrant County to appoint a bailiff for each court as prescribed by law.

(j-2) Authorizes the judge of a county criminal court, rather than the judge of a county criminal court listed in Subsection (j) or (j-1), to authorize the sheriff to appoint all bailiffs in the judge's court.

(l) Requires the County Criminal Courts Nos. 5 and 6 of Tarrant County, rather than the County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County, to give preference to cases brought under Title 5 (Offenses Against the Person), Penal Code, involving family violence as defined by Section 71.004 (Family Violence), Family Code, and cases brought under Sections 25.07 (Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case), 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case), and 42.07(a)(2) (relating to providing that a person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person commits certain actions), Penal Code, rather than Section 42.072 (Stalking), Penal Code.

(b) Repealers: Sections 25.2223(b) (relating to authorizing a county criminal court or its judge to issue writs of injunction and all writs necessary for the enforcement of the jurisdiction of the court) and (j-1) (relating to requiring at least two bailiffs to be assigned regularly to the County Criminal Courts Nos. 3, 4, 5, 6, 7, 8, 9, and 10 of Tarrant County), Government Code.

SECTION 2.017. (a) Amends Section 25.2291(c), Government Code, effective October 1, 2023, as follows:

(c) Provides that Travis County has the following statutory probate courts: Probate Court No. 1 of Travis County and Probate Court No. 2 of Travis County. Makes nonsubstantive changes.

(b) Provides that the Probate Court No. 2 of Travis County is created on October 1, 2023.

SECTION 2.018. (a) Amends Section 25.2293, Government Code, effective October 1, 2023, by adding Subsections (d), (e), (h), and (k), as follows:

(d) Provides that Probate Court No. 2 of Travis County has primary responsibility for mental health matters.

(e) Requires the county clerk to docket:

(1) all mental health matters in Probate Court No. 2, notwithstanding the local rules adopted under Section 74.093 (Rules of Administration);

(2) all odd-numbered probate, guardianship, and trust cases, and related cases, as defined by the local rules, in Probate Court No. 1; and

(3) all even-numbered probate, guardianship, and trust cases, and related cases, as defined by the local rules, in Probate Court No. 2.

(h) Requires the county clerk to appoint a deputy clerk for each statutory probate court. Provides that a deputy clerk serves at the pleasure of the judge of the court to which the deputy clerk is assigned. Requires a deputy clerk to take the constitutional oath of office, and the county clerk is authorized to require the deputy clerk to furnish a bond in an amount, conditioned and payable, as required by law. Provides that a deputy clerk acts in the name of the county clerk and is authorized to perform any other service required by the judge of a statutory probate court. Requires a deputy clerk to attend all sessions of the court to which the deputy clerk is assigned.

(k) Authorizes the judges of the statutory probate courts of Travis County, in case of the absence, disqualification, or incapacity of a judge of a statutory probate court of Travis County, or for any other reason, to sit and act for each other in any matter or proceeding pending in either court.

(b) Repealer, Effective October 1, 2023: Section 25.2293(m) (relating to providing that the total annual salary received by a district judge in the county does not include compensation paid to the presiding criminal judge of Travis County for purposes of determining the annual salary of a judge of a statutory probate court), Government Code.

SECTION 2.019. (a) Amends Section 25.2391, Government Code, as follows:

Sec. 25.2391. WALLER COUNTY. (a) Provides that Waller County has the following statutory county courts: County Court at Law No. 1 of Waller County and County Court at Law No. 2 of Waller County. Makes nonsubstantive changes.

(b) Makes conforming and nonsubstantive changes to this subsection.

(b) Provides that on September 1, 2023, the County Court at Law of Waller County is redesignated County Court at Law No. 1 of Waller County.

(c) Provides that the judge of the County Court at Law of Waller County is the judge of County Court at Law No. 1 of Waller County.

(d) Provides that this section does not affect the term of office of a judge of a court redesignated by this section. Provides that the judge, unless otherwise removed as provided by law, continues to serve for the term for which the judge was elected.

(e) Provides that the County Court at Law No. 2 of Waller County is created on September 1, 2023.

SECTION 2.020. Amends Section 25.2392, Government Code, by adding Subsection (b) and amending Subsection (g), as follows:

(b) Provides that County Court at Law No. 2 has the jurisdiction provided by the constitution and by general law for district courts, including jurisdiction in felony criminal cases.

(g) Provides that the district clerk serves as clerk of a county court at law in family law cases and proceedings and as clerk of County Court at Law No. 2 in cases and proceedings in which the court has concurrent jurisdiction with the district courts as provided by the constitution and general law, including jurisdiction in felony criminal cases. Provides that the county clerk serves as clerk of a county court at law, rather than as the clerk of the court, in all other cases and proceedings.

SECTION 2.021. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Section 25.2491, as follows:

Sec. 25.2491. WILSON COUNTY. Provides that Wilson County has one statutory county court, the County Court at Law of Wilson County.

(b) Provides that the County Court at Law of Wilson County is created on September 1, 2023.

SECTION 2.022. Amends Section 25.2607(d), Government Code, as follows:

(d) Requires the state, notwithstanding Section 25.0015 (State Contribution), to compensate annually the administrative county of a multicounty statutory county court for the salary of the judge of the multicounty statutory county court in an amount equal to 100 percent of the state salary, rather than the state base salary, paid to a district judge with comparable years of service as the multicounty statutory county court judge, as set by the General Appropriations Act in accordance with Section 659.012, rather than Section 659.012(a) (relating to the salary of certain judges and justices). Provides that for purposes of this subsection, the years of service of a multicounty statutory county court judge include any years of service as:

(1) an appellate court, district court, statutory county court, or statutory probate court justice or judge; or

(2) a district attorney, criminal district attorney, or county attorney.

SECTION 2.023. (a) Amends Subchapter F, Chapter 25, Government Code, by adding Sections 25.2703 and 25.2704, as follows:

Sec. 25.2703. 2ND MULTICOUNTY COURT AT LAW (BEE, LIVE OAK, AND MCMULLEN COUNTIES). Provides that Bee, Live Oak, and McMullen Counties have a multicounty statutory county court composed of those counties, the 2nd Multicounty Court at Law.

Sec. 25.2704. 2ND MULTICOUNTY COURT AT LAW PROVISIONS.
(a) Provides that in addition to the jurisdiction provided by Section 25.0003 and other law, the 2nd Multicounty Court at Law has concurrent jurisdiction with the district courts, except in civil cases in which the matter in controversy exceeds the amount provided by Section 25.0003(c)(1) (relating to civil cases in which the matter in controversy exceeds $500 but does not exceed $250,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition).

(b) Provides that Bee County is the administrative county for the 2nd Multicounty Court at Law.

(c) Requires Bee, Live Oak, and McMullen Counties to enter into an interlocal agreement allocating the financial obligations of each county in relation to the county court at law and the budget, powers, and duties of the court and salaries of court personnel.

(d) Requires each county, if the counties served by the county court at law are unable to reach an agreement under Subsection (c) before the first day of the fiscal year for a county served by the court, to pay to the court's administrative county a share of the court's administrative and operational costs for the fiscal year based on the proportion of the court's caseload originating in the county during the preceding year. Provides that a county is entitled to compensation from the state under Section 25.0015 in proportion to the amount paid under this subsection.

(e) Provides that the district clerk serves as clerk of the county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of the county court at law in all other cases.

(f) Provides that Sections 25.0006, 25.0008 (Fees), and 74.054(b) (relating to prohibiting an active statutory county court judge from being assigned to hear a matter pending in a district court outside the county of the judge's residence) do not apply to the county court at law.

(g) Authorizes the judge of the 2nd Multicounty Court at Law and the judges of the district courts in Bee, Live Oak, and McMullen Counties, notwithstanding Section 74.121(b)(1) (relating to authorizing the judge of a statutory county court to transfer a case to the docket of the district court), in matters of concurrent jurisdiction, to exchange benches and courtrooms and to transfer cases between their dockets in the same manner that judges of district courts exchange benches and courtrooms and transfer cases under Section 24.003 (Transfer of Cases; Exchange of Benches).

(b) Provides that the 2nd Multicounty Court at Law is created on September 1, 2023.

ARTICLE 3. JUSTICE COURTS AND CONSTITUTIONAL COUNTY COURTS

SECTION 3.001. Amends Article 49.05(b), Code of Criminal Procedure, as follows:

(b) Authorizes a justice of the peace to conduct an inquest:

(1)-(2) makes no changes to these subdivisions;

(3) by videoconference with an individual who is:

(A) designated by the justice of the peace; and

(B) present with the body for a death described by Article 49.04(a)(6) (relating to a person who dies without having been attended by a physician) or (7) (relating to a person who dies while attended by a physician who is unable to certify the cause of death and who requests the justice of the peace to conduct an inquest); or

(4) creates this subdivision from existing text.

SECTION 3.002. Amends Section 26.315, Government Code, as follows:

Sec. 26.315. STEPHENS COUNTY. (a) Provides that the County Court of Stephens County, in addition to other jurisdiction provided by law, has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law. Deletes existing text providing that the County Court of Stephens County has the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) (relating to providing that a county court has juvenile jurisdiction) but has no other criminal or civil jurisdiction.

(b) Requires the district clerk to maintain the records of the County Court of Stephens County.

SECTION 3.003. (a) Amends Section 92.0563(e), Property Code, as follows:

(e) Prohibits a justice court from awarding a judgment under Section 92.0563 (Tenant's Judicial Remedies), including an order of repair, that exceeds $20,000, rather than $10,000, excluding interest and costs of court.

(b) Makes application of Section 92.0563(e), Property Code, as amended by this section, prospective to September 1, 2023.

ARTICLE 4. CRIMINAL LAW MAGISTRATES

SECTION 4.001. Amends Article 2.09, Code of Criminal Procedure, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that each of certain officers is a magistrate within the meaning of this Code, including the magistrates appointed by the judges of the district courts and statutory county courts in Denton County, and the magistrates appointed by the judges of the district courts and statutory county courts in Grayson County.

SECTION 4.002. Amends Article 4.01, Code of Criminal Procedure, as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. Provides that certain courts have jurisdiction in criminal actions, including the magistrates appointed by the judges of the district and statutory county courts of Denton County and the magistrates appointed by the judges of the district and statutory county courts of Grayson County.

SECTION 4.003. Amends Section 54.2001(b), Government Code, to authorize the judges of the district and statutory county courts in Guadalupe County by majority vote, rather than by a unanimous vote, to appoint magistrates as authorized by the Commissioners Court of Guadalupe County.

SECTION 4.004. Amends Section 54.2502(c), Government Code, to prohibit the salary a judge of the criminal law magistrate court is entitled to from being less than the annual base salary paid to a district judge under Section 659.012(a)(1), rather than under Chapter 659 (Compensation), and require the salary include compensation for services performed on behalf of Brazoria County.

SECTION 4.005. Amends Chapter 54, Government Code, by adding Subchapter RR, as follows:

SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Grayson County to authorize the judges of the district and statutory county courts in Grayson County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Authorizes the judges of the district and statutory county courts in Grayson County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Grayson County.

(c) Requires that an order appointing a magistrate be signed by the local presiding judge of the district courts serving Grayson County, and the order is required to state:

(1) the magistrate's name; and

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

(d) Authorizes an authorized magistrate's position to be eliminated on a majority vote of the Commissioners Court of Grayson County.

Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to be a resident of this state and:

(1) have served as a justice of the peace or municipal court judge for at least four years before the date of appointment; or

(2) have been licensed to practice law in this state for at least four years before the date of appointment.

(b) Requires a magistrate appointed under Section 54.2701 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2703. COMPENSATION. Provides that a magistrate is entitled to the salary determined by the Commissioners Court of Grayson County.

Sec. 54.2704. JURISDICTION. Provides that a magistrate has concurrent criminal jurisdiction with the judges of the justice of the peace courts of Grayson County.

Sec. 54.2705. POWERS AND DUTIES. (a) Requires the Commissioners Court of Grayson County to establish the powers and duties of a magistrate appointed under this subchapter. Provides that a magistrate, except as otherwise provided by the commissioners court, has the powers of a magistrate under the Code of Criminal Procedure and other laws of this state and is authorized to administer an oath for any purpose.

(b) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

(c) Authorizes the commissioners court to designate one or more magistrates to hold regular hearings to:

(1) give admonishments;

(2) set and review bail and conditions of release;

(3) appoint legal counsel; and

(4) determine other routine matters relating to preindictment or pending cases within those courts' jurisdiction.

(d) Requires a magistrate, in the hearings described by Subsection (c), to give preference to the case of an individual held in county jail.

(e) Authorizes a magistrate to inquire into a defendant's intended plea to the charge and set the case for an appropriate hearing before a judge or master.

Sec. 54.2706. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.2707. WITNESSES. (a) Provides that a witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

(b) Authorizes a referring court to 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.

SECTION 4.006. Amends Chapter 54, Government Code, by adding Subchapter SS, as follows:

SUBCHAPTER SS. DENTON COUNTY CRIMINAL LAW MAGISTRATE COURT

Sec. 54.2801. CREATION. Provides that the Denton County Criminal Law Magistrate Court is a court with the jurisdiction provided by this subchapter.

Sec. 54.2802. APPOINTMENT; OVERSIGHT. (a) Requires the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County to appoint one or more judges to preside over the criminal law magistrate court. Requires an appointed judge to:

(1) serve Denton County as a district court judge, a criminal statutory county court judge, an associate judge of a court with criminal jurisdiction, a magistrate, including a jail magistrate, a judge of a municipal court of record, or a justice of the peace;

(2) be a licensed attorney in good standing with the State Bar of Texas;

(3) be authorized to access criminal history records under state and federal law;

(4) have completed training necessary to serve as a magistrate in Denton County, as determined by the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County; and

(5) meet the qualifications under Section 54.2807.

(b) Requires the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County to:

(1) designate to oversee the criminal law magistrate court either:

(A) one district court judge and one criminal statutory county court judge; or

(B) a criminal law magistrate court associate judge appointed under Section 54.2805; and

(2) supervise the magistrate court to ensure the magistrates appointed give preference to duties under certain chapters of the Code of Criminal Procedure.

(c) Requires the magistrates of the criminal law magistrate court to comply with the standing orders and directives regarding criminal cases of the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County, including a presiding criminal judge of Denton County.

Sec. 54.2803. JURISDICTION. (a) Provides that the criminal law magistrate court, except as provided by Subsection (b), has the criminal jurisdiction provided for magistrates by the constitution and laws of this state in all criminal cases:

(1) alleging an offense other than an offense punishable only as a Class C misdemeanor;

(2) for which a magistrate or judge has determined there is probable cause to believe the defendant committed the crime alleged;

(3) in which the defendant has been released or is confined in the Denton County jail; and

(4) in which either:

(A) the defendant has not yet been charged by information or indictment; or

(B) the judge presiding over the case has specifically authorized the criminal law magistrate to take certain actions.

(b) Provides that the criminal law magistrate court and the criminal law magistrate court associate judge do not have jurisdiction to:

(1) hear a trial on the merits of an offense, except as provided by Section 54.2811(c); or

(2) take any action not specifically authorized by an order of referral from the judge presiding in a criminal case in which the defendant has been charged by information or indictment.

(c) Requires that the magisterial duties in a criminal case be transferred to the criminal law magistrate court:

(1) on request of a presiding judge in a criminal case for which the defendant has been charged by information or indictment; or

(2) after a defendant has been transferred to the custody of the Denton County jail or released from custody on bond in Denton County.

Sec. 54.2804. POWERS AND DUTIES. Authorizes the criminal law magistrate court to:

(1) determine probable cause for purposes of an arrest or search;

(2) issue an order of commitment, a warrant of arrest, or an order of protection;

(3) perform the duty of a magistrate under certain chapters of the Code of Criminal Procedure;

(4) reduce or modify a bond, find a bond ordered by another judge or magistrate to be insufficient, or require conditions of a bond;

(5) hear any motion filed in a case over which the court has jurisdiction;

(6) administer oaths; and

(7) perform an action on a proceeding referred to the magistrate under Section 54.2811.

Sec. 54.2805. CRIMINAL LAW MAGISTRATE COURT ASSOCIATE JUDGE. Authorizes the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County, with the approval of the Commissioners Court of Denton County and two-thirds of the district court and criminal statutory county court judges, to appoint a district or criminal statutory county court judge qualified under Section 54.2807 as the criminal law magistrate court associate judge to:

(1) serve the district and criminal county courts of Denton County;

(2) oversee the criminal law magistrate court; and

(3) recommend for appointment full-time and part-time jail magistrates.

Sec. 54.2806. JAIL MAGISTRATE. (a) Authorizes the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County, with the approval of the Commissioners Court of Denton County, to appoint by joint standing order one or more full-time jail magistrates qualified to serve under Section 54.2807.

(b) Provides that a jail magistrate has the jurisdiction provided by the constitution and laws of this state for magistrates for criminal cases in which the defendant is in the custody of Denton County jail and has not yet been charged with a criminal offense by complaint, information, or indictment.

(c) Requires a jail magistrate to ensure timely compliance with Article 15.17, Code of Criminal Procedure, in all cases within the magistrate's jurisdiction, give preference to performing the duties of a magistrate under that article, and perform the following duties:

(1) consider sworn complaints or affidavits establishing probable cause and entering orders of release or commitment;

(2) conduct hearings under Article 15.17, Code of Criminal Procedure, provide warnings, and advise a defendant of the defendant's right to counsel;

(3) determine if a defendant is indigent and in need of appointed counsel;

(4) set, adjust, or revoke a bond;

(5) set the conditions of bond;

(6) conduct an examining trial;

(7) issue search and arrest warrants;

(8) issue magistrate's orders of emergency protection; and

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

(d) Authorizes a jail magistrate to be assigned additional duties by the criminal law magistrate court associate judge appointed under Section 54.2805.

(e) Provides that a jail magistrate has the express authority and duty to:

(1) order the release of defendant due to an extraordinary medical condition;

(2) consider information and make inquiries regarding a defendant's mental health;

(3) issue orders or writs as necessary for the evaluation, treatment, and accommodation of a defendant's mental health issue; and

(4) communicate with the Denton County local mental health authority or another qualified mental health professional to provide continuing care to a defendant.

(f) Authorizes the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County, in addition to the full-time jail magistrates appointed under Subsection (a), to appoint or engage by joint standing order one or more part-time jail magistrates to serve as a jail magistrate as assigned. Requires a part-time jail magistrate to be qualified to serve as a magistrate in the county under Section 54.2807 and be a sitting district, statutory county, or municipal court judge or a justice of the peace in Denton County.

Sec. 54.2807. QUALIFICATIONS. Requires a person, to be eligible for appointment as the criminal law magistrate court associate judge, a jail magistrate, or another magistrate in the criminal law magistrate court, to:

(1) have been a resident of Denton County for at least two years preceding the person's appointment; and

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

Sec. 54.2808. COMPENSATION. Requires a criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court to be paid a total annual salary set by the Commissioners Court of Denton County. Requires that the salary be paid in a manner and from a fund determined by the commissioners court.

Sec. 54.2809. JUDICIAL IMMUNITY. Provides that a criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court has the same judicial immunity as a district judge.

Sec. 54.2810. TERMINATION OF SERVICES. (a) Authorizes a criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court, except as provided by Subsection (b), to be terminated by a two-thirds vote of the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County.

(b) Provides that a part-time jail magistrate serves solely at the discretion of a criminal law magistrate court associate judge appointed under Section 54.2805 or of the district court judge and criminal statutory county court judge designated to oversee the criminal law magistrate court under Section 54.2802(b).

Sec. 54.2811. PROCEEDING THAT MAY BE REFERRED. (a) Authorizes a district court judge with jurisdiction in Denton County, the judge of a criminal statutory county court of Denton County, or the judge of the juvenile court of Denton County to refer to the criminal law magistrate court the following matters in a criminal case:

(1) a negotiated plea of guilty or no contest 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) jury selection;

(7) an occupational driver's license;

(8) a waiver of extradition or a related matter under Chapter 51 (Fugitives From Justice), Code of Criminal Procedure;

(9) the issuance of search warrants, including a search warrant under Article 18.02(a)(10) (relating to authorizing a search warrant for property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense), Code of Criminal Procedure, notwithstanding Article 18.01(c) (relating to prohibiting a search warrant from being issued unless a sworn affidavit sets forth sufficient facts to establish probable cause that certain criteria are met), Code of Criminal Procedure;

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

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

(12) a civil commitment matter under Subtitle C (Texas Mental Health Code), Title 7, Health and Safety Code;

(13) setting, adjusting, or revoking bond;

(14) the conduct of initial juvenile detention hearings or any other matter in a juvenile case if referred by the judge of the juvenile court of the county and approved by the Denton County Juvenile Board; and

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

(b) Authorizes the criminal law magistrate court associate judge, except as limited by an order of referral, to:

(1) conduct a hearing;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

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

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on pretrial motions;

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

(12) regulate proceedings in a hearing before the associate judge;

(13) accept a negotiated plea of guilty or no contest made before the court and:

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

(B) defer adjudication of guilt;

(14) select a jury;

(15) accept a negotiated plea in a probation revocation;

(16) conduct a contested probation revocation hearing;

(17) sign a dismissal in a misdemeanor case; and

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

(c) Authorizes the judge of the juvenile court of Denton County, notwithstanding Section 54.2803(b), to refer to the criminal law magistrate court associate judge any proceeding over which the juvenile court has exclusive original jurisdiction under Title 3 (Juvenile Justice Code), Family Code, including any matter ancillary to that proceeding. Authorizes the criminal law magistrate court associate judge to accept a plea of guilty for a misdemeanor or felony or a plea of true from a defendant or juvenile, regardless of the classification of the offense charged or the conduct alleged.

(d) Authorizes the criminal law magistrate court associate judge to sign a motion to dismiss submitted by an attorney representing the state on cases referred to the judge, or on dockets called by the judge, and to consider unadjudicated cases at sentencing under Section 12.45 (Admission of Unadjudicated Offense), Penal Code.

(e) Provides that a criminal law magistrate, including the criminal law magistrate court associate judge, has all of the powers of a magistrate under the laws of this state and is authorized to administer an oath for any purpose.

Sec. 54.2812. ORDER OF REFERRAL. (a) Requires a judge, to refer one or more cases to the criminal law magistrate court or the criminal law magistrate court associate judge, to issue a written order of referral that specifies the magistrate court's duties.

(b) Authorizes an order of referral to:

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

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

(3) prescribe a closing date for the hearing;

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

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

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

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

Sec. 54.2813. FORFEITURES. Authorizes bail bonds and personal bonds to be forfeited by the criminal law magistrate court or the criminal law magistrate court associate judge in the manner provided by Chapter 22 (Forfeiture of Bail), Code of Criminal Procedure, and those forfeitures are required to be filed with:

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

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

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

Sec. 54.2814. PAPERS TRANSMITTED TO JUDGE. Requires a magistrate or the criminal law magistrate court associate judge, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2815. JUDICIAL ACTION. (a) Authorizes a referring court to modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate or the criminal law magistrate court associate judge.

(b) Provides that an action of the magistrate or the criminal law magistrate court associate judge, if the referring court does not modify, correct, reject, reverse, or recommit the action, becomes the decree of the referring court.

Sec. 54.2816. EXCHANGE OF BENCHES. (a) Authorizes the judges of the criminal law magistrate court to exchange benches and to sit and act for each other in any proceeding pending in the criminal law magistrate court.

(b) Provides that the criminal law magistrate court, when conducting a capias pro fine hearing for any court, acts in the same capacity and with the same authority as the judge who issued the capias pro fine.

Sec. 54.2817. COURT REPORTER. Requires the criminal law magistrate court, at the request of a party in a criminal case, to provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2818. WITNESS. (a) Provides that a witness who appears before the criminal law magistrate court and is sworn is subject to the penalties for perjury provided by law.

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

Sec. 54.2819. CLERK. (a) Provides that the district clerk serves as clerk of the criminal law magistrate court, except that after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case.

(b) Requires the district clerk to establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. Requires the district clerk to perform any other duties that local administrative rules require in connection with the implementation of this subchapter. Requires the local administrative judge to ensure that the duties required under this subsection are performed. Authorizes the district clerk and the deputies of the district clerk, to facilitate the duties associated with serving as the clerk of the magistrate court, to serve as deputy county clerks at the discretion of the district clerk.

(c) Requires the clerk of the case to include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2820. COSTS. (a) Requires the district clerk, when the district clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the criminal law magistrate court that are charged in the district courts.

(b) Requires the county clerk, when the county clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

SECTION 4.007. Amends Section 54.651, Government Code, by adding Subsection (d), as follows:

(d) Prohibits a magistrate appointed under Subchapter H (Criminal Law Magistrate in Tarrant County) from engaging in the private practice of law, as defined by Section 81.101 (Definition), in Tarrant County.

SECTION 4.008. Amends Section 54.656(a), Government Code, as follows:

(a) Authorizes a judge to refer to a magistrate any criminal case or matter relating to a criminal case for certain proceedings, including proceedings involving a negotiated plea of guilty or nolo contendere, rather than no contest, and sentencing before the court, and any other matter the referring judge considers necessary and proper.

SECTION 4.009. Amends Subchapter H, Chapter 54, Government Code, by adding Section 54.6585, as follows:

Sec. 54.6585. CLERK. (a) Provides that the district clerk serves as clerk of the cases referred to a magistrate under this subchapter, except:

(1) the county clerk serves as clerk for a Class A or Class B misdemeanor case filed in a county criminal court and referred to a magistrate; and

(2) the originating justice court clerk serves as clerk for a Class C misdemeanor case filed in a justice court and referred to a magistrate.

(b) Requires the district clerk to establish a docket and keep the minutes for the cases referred to a magistrate under this subchapter. Requires the local administrative judge to ensure the duties required under this subsection are performed. Authorizes the district clerk and deputy district clerks, to facilitate the duties associated with serving as the clerk for the cases referred to a magistrate, to serve as deputy county clerks and deputy justice clerks at the discretion of the district clerk.

ARTICLE 5. ASSOCIATE JUDGES AND VISITING JUDGES

SECTION 5.001. (a) Amends Sections 201.005(a) and (d), Family Code, as follows:

(a) Authorizes a judge of a court, except as provided by Section 201.005 (Cases That May Be Referred), to refer to an associate judge any aspect of a suit or action, including any matter ancillary to the suit or action, over which the court has jurisdiction under:

(1)-(2) creates these subdivisions from existing text;

(3) Chapter 35 (Temporary Authorization for Care of Minor Child), 35A (Temporary Authorization for Inpatient Mental Health Services for Minor Child), or 45 (Change of Name);

(4) creates this subdivision from existing text;

(5) Subchapter A (Protective Order for Victims of Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking), Chapter 7B, Code of Criminal Procedure; or

(6) Chapter 24A (Access to Residence or Former Residence to Retrieve Personal Property), Property Code.

Makes nonsubstantive changes.

(d) Requires that the requirements of Subsections (b) (relating to authorizing the judge to refer the trial to the associate judge unless a party files a written objection to the associate judge hearing a trial on the merits) and (c) (relating to requiring a party to file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial) apply whenever a judge has authority to refer the trial of a suit or action described by Subsection (a), rather than a suit under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Title 1 (The Marriage Relationship), Chapter 45, or Title 4 (Protective Orders and Family Violence), to an associate judge, master, or other assistant judge regardless of whether the assistant judge is appointed under Subchapter A (Associate Judge).

(b) Makes application of Sections 201.005(a) and (d), Family Code, as amended by this section, prospective to September 1, 2023.

SECTION 5.002. Amends Section 201.113, Family Code, as follows:

Sec. 201.113. VISITING ASSOCIATE JUDGE. (a) Authorizes the presiding judge of an administrative judicial region to assign a visiting associate judge for Title IV-D cases to perform the duties of an associate judge appointed under Subchapter B (Associate Judge for Title IV-D Cases) only if:

(1) the associate judge is temporarily unable to perform the associate judge's official duties because of absence resulting from:

(A) illness;

(B) injury;

(C) disability;

(D) personal emergency;

(E) military service;

(F) vacation; or

(G) attendance at a continuing legal education program;

(2) the associate judge requests assistance due to a heavy workload or a pandemic-related emergency; or

(3) a vacancy occurs in the position of associate judge.

Deletes existing text authorizing the presiding judge of the administrative judicial region in which an associate judge serves or a vacancy occurs, if the associate judge appointed under this subchapter is temporarily unable to perform the associate judge's official duties because of absence resulting from family circumstances, illness, injury, disability, or military service, or if there is a vacancy in the position of associate judge, to appoint a visiting associate judge for Title IV-D cases to perform the duties of the associate judge during the period the associate judge is unable to perform the associate judge's duties or until another associate judge is appointed to fill the vacancy.

(b) Creates this subsection from existing text. Authorizes the presiding judge of an administrative judicial region to assign a visiting associate judge under Subsection (a) during the period the associate judge is unable to perform the associate judge's duties, during the period assistance is needed to manage the associate judge's workload, or until another associate judge is appointed to fill the vacancy.

(c) Redesignates existing Subsection (b) as Subsection (c). Provides that a person is not eligible for assignment, rather than appointment, under this section unless the person has served as a master or associate judge under Chapter 201 (Associate Judge), a district judge, or a statutory county court judge for at least two years before the date of assignment. Makes a conforming change.

(d)-(e) Redesignates existing Subsections (c) and (d) as Subsections (d) and (e). Makes conforming changes.

SECTION 5.003. Amends Section 201.208, Family Code, as follows:

Sec. 201.208. New heading: ASSIGNMENT OF JUDGES AND VISITING ASSOCIATE JUDGES. (a) Makes no changes to this subsection.

(b) Authorizes the presiding judge of an administrative judicial region to assign a visiting associate judge to perform the duties of an associate judge appointed under Subchapter C (Associate Judge for Child Protection Cases) only if:

(1) the associate judge is temporarily unable to perform the associate judge's official duties because of absence resulting from:

(A) illness;

(B) injury;

(C) disability;

(D) personal emergency;

(E) military service;

(F) vacation; or

(G) attendance at a continuing legal education program;

(2) the associate judge requests assistance due to a heavy workload or a pandemic-related emergency; or

(3) a vacancy occurs in the position of associate judge.

Deletes existing text authorizing the presiding judge of the administrative judicial region in which an associate judge serves or a vacancy occurs, if the associate judge appointed under this subchapter is temporarily unable to perform the associate judge's official duties because of absence resulting from family circumstances, illness, injury, disability, or military service, or if there is a vacancy in the position of associate judge, to appoint a visiting associate judge to perform the duties of the associate judge during the period the associate judge is unable to perform the associate judge's duties or until another associate judge is appointed to fill the vacancy.

(c) Creates this subsection from existing text. Authorizes the presiding judge of an administrative judicial region to assign a visiting associate judge under Subsection (b) during the period the associate judge is unable to perform the associate judge's duties, during the period assistance is needed to manage the associate judge's workload, or until another associate judge is appointed to fill the vacancy.

(d)-(f) Redesignates existing Subsections (c)-(e) as Subsections (d)-(f). Makes conforming changes.

SECTION 5.004. Amends Subchapter C, Chapter 54A, Government Code, by adding Section 54A.219, as follows:

Sec. 54A.219. VISITING ASSOCIATE JUDGES. (a) Provides that this section does not limit the authority of the presiding judge of the statutory probate courts to assign a judge under Section 25.0022 (Administration of Statutory Probate Courts) to assist with processing cases in a reasonable time.

(b) Authorizes the local administrative probate judge or, for a county without a local administrative probate judge, a statutory probate court judge of the county in which an associate judge appointed under Subchapter C (Statutory Probate Court Associate Justices) serves to assign a visiting associate judge to perform the duties of an associate judge appointed under this subchapter only if:

(1) the associate judge is temporarily unable to perform the associate judge's official duties because of absence resulting from:

(A) illness;

(B) injury;

(C) disability;

(D) personal emergency;

(E) military service;

(F) vacation; or

(G) attendance at a continuing legal education program;

(2) the associate judge requests assistance due to a heavy workload or a pandemic-related emergency; or

(3) a vacancy occurs in the position of associate judge.

(c) Authorizes a visiting associate judge assigned under this section to be assigned to serve during the period an associate judge is unable to perform the associate judge's duties, during the period the associate judge needs assistance in managing the judge's workload, or until another associate judge is appointed to fill a vacancy in the position of associate judge.

(d) Provides that a person is not eligible for assignment under this section unless the person has served as an associate judge under this subchapter for at least two years before the date of assignment.

(e) Provides that a visiting associate judge assigned under this section is subject to each provision of this subchapter that applies to an associate judge appointed under this subchapter. Provides that an assigned visiting associate judge is entitled to compensation equal to the salary of the associate judge, prorated for time served. Provides that a visiting associate judge is not considered a county employee for any purpose.

SECTION 5.005. Amends Subtitle D, Title 2, Government Code, by adding Chapter 54B, as follows:

CHAPTER 54B. ASSOCIATE JUDGES IN CERTAIN COUNTIES

SUBCHAPTER A. ASSOCIATE JUDGES IN DUVAL COUNTY

Sec. 54B.001. APPOINTMENT. Authorizes the judge of the 229th District Court, with the approval of the Commissioners Court of Duval County, to appoint a full-time or a part-time associate judge to perform the duties authorized by this subchapter.

Sec. 54B.002. QUALIFICATIONS. Requires a person, to be eligible for appointment as an associate judge, to:

(1) be a resident of this state and Duval County; and

(2) meet the requirements and qualifications to serve as a judge of the court to which the person is appointed.

Sec. 54B.003. COMPENSATION. (a) Provides that an associate judge is entitled to the compensation set by the Commissioners Court of Duval County.

(b) Requires that the salary be paid from the county fund available for payments of officers' salaries.

(c) Provides that this section does not apply to an associate judge appointed under Chapter 54A (Associate Judges) of this code or Section 201.001 (Appointment), Family Code.

Sec. 54B.004. PRIVATE PRACTICE. Authorizes a part-time associate judge to engage in the private practice of law, unless restricted on a finding that it is not in the public interest by the appointing judge.

Sec. 54B.005. TERMINATION OF SERVICES. (a) Provides that an associate judge serves at the will of the judge of the 229th District Court.

(b) Provides that this section does not apply to an associate judge appointed under Chapter 54A of this code or Section 201.001, Family Code.

Sec. 54B.006. REFERRAL OF CASE. (a) Authorizes the appointing judge to refer to an associate judge any aspect of a civil or criminal case involving a matter over which the referring court has jurisdiction in Duval County.

(b) Authorizes an associate judge, after notice to all parties of the time and place of hearing, to preside over any hearing, including certain matters.

(c) Prohibits a judge from referring to an associate judge any criminal case for trial on the merits in which a jury trial has been requested.

(d) Authorizes the appointing judge, unless a party files a written objection to the associate judge hearing the trial, to refer to an associate judge a trial on the merits. Requires that the trial on the merits, if an objection is filed, be heard by the referring court.

(e) Provides that a trial on the merits is a final adjudication from which an appeal is authorized to be taken to a court of appeals.

(f) Prohibits an associate judge from conducting a contested trial on the merits to terminate parental rights unless the affected parties give written consent to the contested trial by the associate judge. Provides that any order terminating parental rights issued pursuant to an associate judge's report resulting from the contested trial, unless written consent is given by the affected parties to a contested trial on the merits, is void.

(g) Authorizes any pending or future cases, on appointment of an associate judge, to be referred to the associate judge.

Sec. 54B.007. ORDER OF REFERRAL. (a) Requires the referring court, to refer cases to an associate judge, to issue an order of referral.

(b) Authorizes the order of referral to limit the power or duties of an associate judge.

Sec. 54B.008. POWERS. Authorizes an associate judge, except as limited by an order of referral, to:

(1) conduct a hearing;

(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) recommend the judgment to be made in a case;

(11) regulate all proceedings in a hearing before the associate judge;

(12) rule on all criminal pretrial motions; and

(13) perform any act and take any measure necessary and proper for the efficient performance of the associate judge's duties.

Sec. 54B.009. ATTENDANCE OF BAILIFF. Requires a bailiff to attend a hearing held by an associate judge if directed by the referring court.

Sec. 54B.010. WITNESS. (a) Provides that a witness appearing before an associate judge is subject to the penalties for perjury provided by law.

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

Sec. 54B.011. REPORT TRANSMITTED TO COURT; NOTICE. (a) Requires an associate judge, at the conclusion of any hearing conducted by the associate judge and on the preparation of the associate judge's report, to transmit to the referring court:

(1) all papers relating to the case; and

(2) the associate judge's signed and dated report.

(b) Requires the associate judge, after the associate judge's report has been signed, to give notice of the substance of the report to the parties participating in the hearing.

(c) Authorizes the associate judge's report to contain the associate judge's findings, conclusions, or recommendations. Requires that the associate judge's report be in writing in a form as the referring court is authorized to direct. Authorizes the form to be a notation on the referring court's docket sheet.

(d) Authorizes the notice required under Subsection (b) to be given in open court or to be given by certified mail, return receipt requested. Requires the associate judge, if the notice is given by certified mail, to certify the date of mailing and the notice is considered to have been given on the third day after the date of mailing.

Sec. 54B.012. NOTICE OF RIGHT TO APPEAL. Requires an associate judge to give all parties notice of the right of appeal to the judge of the referring court. Authorizes the notice to be given:

(1) at the hearing;

(2) by posting the notice inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

Sec. 54B.013. EFFECT OF ASSOCIATE JUDGE'S REPORT PENDING APPEAL. Provides that the associate judge's findings, conclusions, and recommendations, pending appeal of the associate judge's report to the referring court, are in full force and effect and are enforceable as an order of the referring court, except for the orders providing for incarceration or for the appointment of a receiver.

Sec. 54B.014. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT. Authorizes the referring court, after the associate judge's report is filed, and unless the parties have filed a written notice of appeal to the referring court, to:

(1) adopt, approve, or reject the associate judge's report;

(2) hear further evidence; or

(3) recommit the matter for further proceedings as the referring court considers proper and necessary in the particular circumstances of the case.

Sec. 54B.015. DECREE OR ORDER OF COURT. Provides that the associate judge's findings, conclusions, and recommendations, if an appeal to the referring court is not filed or the right to an appeal to the referring court is waived, become the decree or order of the referring court only on the referring court's signing a decree or order conforming to the associate judge's report.

Sec. 54B.016. APPEAL TO REFERRING COURT. (a) Provides that any party is entitled to a hearing by the judge of the referring court if, not later than three days, computed in the manner provided by Rule 4, Texas Rules of Civil Procedure, after the date the associate judge gives the notice required by Section 54B.011, an appeal of the associate judge's report is filed with the referring court.

(b) Provides that the first day of the appeal time to the referring courts begins on the day after the day on which the associate judge gives the notice required by Section 54B.011.

(c) Requires that an appeal to the referring court be in writing and specify the associate judge's findings, conclusions, and recommendations to which the party objects. Provides that the appeal is limited to the findings, conclusions, and recommendations specified in the written appeal.

(d) Authorizes the parties, on appeal to the referring court, to present witnesses as in a hearing de novo on the issues raised in the appeal.

(e) Requires that notice of any appeal to the referring court be given to opposing counsel in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(f) Authorizes any other party, if an appeal to the referring court is filed by a party, to file an appeal to the referring court not later than the seventh day after the date the initial appeal was filed.

(g) Requires the referring court, after notice to the parties, to hold a hearing on all appeals not later than the 30th day after the date on which the initial appeal was filed with the referring court.

(h) Authorizes the parties, before a hearing before an associate judge, to waive the right of appeal to the referring court. Authorizes the waiver to be in writing or on the record.

Sec. 54B.017. APPELLATE REVIEW. (a) Provides that failure to appeal to the referring court, by waiver or otherwise, on the approval by the referring court of an associate judge's report does not deprive any party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Provides that the date of the signing of an order or judgment by the referring court is the controlling date for the purposes of an appeal to or a request for other relief from a court of appeals or the supreme court.

Sec. 54B.018. JURY TRIAL DEMANDED. Requires the associate judge, if a jury trial is demanded and a jury fee paid in a trial on the merits, to refer any matters requiring a jury back to the referring court for a full trial before the court and jury.

Sec. 54B.019. INAPPLICABILITY OF SUBCHAPTER TO MASTERS APPOINTED UNDER RULE 171. Provides that masters appointed by the referring court under Rule 171, Texas Rules of Civil Procedure, have all the duties and powers set forth in the order of appointment and are not governed by this subchapter.

Sec. 54B.020. IMMUNITY. Provides that an associate judge appointed under this subchapter has the judicial immunity of a district judge.

Sec. 54B.021. COURT REPORTER. (a) Provides that a court reporter is not required during a hearing held by an associate judge appointed under this subchapter.

(b) Authorizes a party, the associate judge, or the referring court to provide for a court reporter during the hearing. Authorizes the record to be preserved by any other means approved by the associate judge.

(c) Authorizes the referring court or associate judge to impose on a party as costs the expense of preserving the record.

SECTION 5.006. Amends Section 602.007, Government Code, as follows:

Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL OFFICERS AND JUDICIAL APPOINTEES. Requires that the oath made and signed statement executed as required by Section 1 (Official Oath of Office), Article XVI (General Provisions), Texas Constitution, by certain judicial officers and judicial appointees be filed with the secretary of state (SOS), including by a retired or former judge on the list maintained by the presiding judge of an administrative judicial region under Section 74.055 (List of Retired and Former Judges Subject to Assignment).

ARTICLE 6. PROSECUTING ATTORNEYS

SECTION 6.001. Amends Section 41.013, Government Code, as follows:

Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a) Creates this subsection from existing text.

(b) Provides that the years of service of a district attorney or criminal district attorney, for purposes of this section, include any years of service as:

(1) a district attorney, criminal district attorney, or county attorney; or

(2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.

SECTION 6.002. Amends Section 45.315, Government Code, as follows:

Sec. 45.315. STEPHENS COUNTY. (a) Requires the county attorney to represent the state in all cases before the County Court of Stephens County.

(b) Creates this subsection from existing text.

SECTION 6.003. Amends Section 46.003, Government Code, by adding Subsection (a-1), as follows:

(a-1) Provides that the years of service of the state prosecuting attorney or a state prosecutor, for purposes of this section, include any years of service as:

(1) a county attorney; or

(2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.

ARTICLE 7. GRAND JURIES

SECTION 7.001. Amends Article 19A.052, Code of Criminal Procedure, as follows:

Art. 19A.052. QUALIFIED PERSONS SUMMONED. Requires the court, on directing the sheriff or clerk of the district court to summon grand jurors, to instruct the sheriff or clerk of the district court to not summon a person to serve as a grand juror who does not possess the qualifications prescribed by law.

SECTION 7.002. Amends Article 19A.053, Code of Criminal Procedure, as follows:

Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED. (a) Requires the court, if fewer than 16 persons summoned to serve as grand jurors are found to be in attendance and qualified to serve, to order the sheriff or clerk of the district court to summon an additional number of persons considered necessary to constitute a grand jury of 12 grand jurors and four alternate grand jurors.

(b) Requires the sheriff or clerk of the district court to summon the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately.

SECTION 7.003. Amends Article 19A.101, Code of Criminal Procedure, as follows:

Art. 19A.101. GRAND JUROR QUALIFICATIONS. (a) Creates this subsection from existing text and makes a nonsubstantive change.

(b) Requires the clerk of the district court, on the third business day of each month, to prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's citizenship or indictment or conviction for misdemeanor theft or a felony and send a copy of the list to:

(1) SOS; and

(2) the prosecuting attorney for the court to which the grand jurors were summoned for investigation into whether any person made a false claim concerning the person's qualification under Subsection (a)(2) (relating to authorizing a person to serve as a grand juror only if the person is a citizen of the United States), (7) (relating to authorizing a person to serve as a grand juror only if the person has never been convicted of a misdemeanor theft or a felony), or (8) (relating to authorizing a person to serve as a grand juror only if the person is not under indictment or other legal accusation for misdemeanor theft or a felony).

SECTION 7.004. Makes application of Articles 19A.052, 19A.053, and 19A.101, Code of Criminal Procedure, as amended by this article, prospective to September 1, 2023.

ARTICLE 8. JURORS AND JURY SERVICE

SECTION 8.001. Amends Section 61.001(a), Government Code, as follows:

(a) Provides that a person who reports for jury service in response to the process of a court, except as provided by Subsection (c) (relating to providing that a person who reports for jury service in a municipal court is not entitled to reimbursement, but the municipality is authorized to provide reimbursement for expenses to the person in an amount to be determined by the municipality), is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than $20, rather than $6, for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than $58, rather than $40, for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION 8.002. Amends Section 61.0015(a), Government Code, as follows:

(a) Requires the state to reimburse a county:

(1) $14 a day for the reimbursement paid under Section 61.001(a)(1) to a person who reports for jury service in response to the process of a court for the first day or fraction of the first day in attendance in court in response to the process; and

(2) $52, rather than $34, a day for the reimbursement paid under Section 61.001(a)(2), rather than under 61.001 (Reimbursement of Expenses of Jurors and Prospective Jurors) to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

SECTION 8.003. Amends Sections 61.003(a) and (b), Government Code, as follows:

(a) Requires each person who reports for jury service to be provided the opportunity, either through a written form or electronically, to direct the county treasurer or a designated county employee to donate all, a specific amount designated by the person, or the entire amount divided among the funds, programs, and county entities listed in this subsection of the person's daily reimbursement under Chapter 61 (General Provisions) to certain entities. Deletes existing text requiring each person who reported for jury service, after jury service is concluded, to 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 certain entities.

(b) Requires the county treasurer or a designated county employee to collect any information provided under Subsection (a), rather than collect each form letter, directing the county treasurer to donate the reimbursement of a person who reports for jury service.

SECTION 8.004. Amends Sections 62.001(a) and (b), Government Code, as follows:

(a) Requires that the jury wheel be reconstituted by using, as the source:

(1) makes no changes to this subdivision;

(2) all names on a current list to be furnished by the Department of Public Safety of the State of Texas, showing the citizens of the county who:

(A) makes no changes to this paragraph; and

(B) are not disqualified from jury service under Section 62.102(1) (relating to providing a person is disqualified to serve as a petit juror unless the person is at least 18 years of age), (2) (relating to providing a person is disqualified to serve as a petit juror unless the person is a citizen of the United States), or (8) (relating to providing a person is disqualified to serve as a petit juror unless the person has not been convicted of misdemeanor theft or felony), rather than (7) (relating to providing a person is disqualified to serve as a petit juror unless the person has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court).

(b) Prohibits the names of persons listed on a register of persons exempt from jury service, notwithstanding Subsection (a), from being placed in the jury wheel, as provided by Sections 62.108 (Permanent Exemption for Elderly), 62.109 (Exemption for Physical or Mental Impairment or Inability to Comprehend English), 62.113 (Compilation of List of Noncitizens), 62.114 (Compilation of List of Nonresidents), and 62.115.

SECTION 8.005. Amends Section 62.0111(b), Government Code, to make a nonsubstantive change.

SECTION 8.006. Amends Section 62.012(b), Government Code, as follows:

(b) Requires the clerk, on receiving the notice from the judge, to immediately write on the jury list the date that the prospective jurors are to be summoned to appear and to either:

(1) summon the prospective jurors directly in the same manner a sheriff or constable would summon a juror under Section 62.013; or

(2) creates this subdivision from existing text.

SECTION 8.007. Amends the heading to Section 62.013, Government Code, to read as follows:

Sec. 62.013. SUMMONS FOR JURY SERVICE BY CLERK, SHERIFF, OR CONSTABLE.

SECTION 8.008. Amends Sections 62.013(a) and (b), Government Code, as follows:

(a) Requires the clerk, sheriff, or constable, on receipt of a jury list from a county or district clerk, except as provided by Section 62.014, to immediately notify the persons whose names are on the list to appear for jury service on the date designated by the judge.

(b) Makes a conforming change to this subsection.

SECTION 8.009. Amends Sections 62.0131(b) and (c), Government Code, as follows:

(b) Requires that the model for a uniform written jury summons include:

(1) the option to provide:

(A) creates this paragraph from existing text; or

(B) the electronic address of the court's Internet website on which is posted the exemptions and restrictions governing jury service under Subchapter B (Juror Qualifications);

(2) creates this subdivision from existing text;

(3) notice of the contempt action to which the person summoned for jury service is subject under Section 62.0141 (Failure to Answer Jury Summons) for failure to comply with the jury summons; and

(4) the option to:

(A) include in the jury summons the juror questionnaire required by Section 62.0132;

(B) provide the electronic address of the court's Internet website from which the juror questionnaire is authorized to be easily printed; or

(C) in counties in which the district and criminal district judges adopted a plan for an electronic jury selection method under Section 62.011 (Electronic or Mechanical Method of Selection), provide the electronic address of the court's Internet website for the prospective juror to access and complete the juror questionnaire.

(c) Requires that a written jury summons conform with the model established under this section and be 3-1/2 by 5 inches or larger in size.

SECTION 8.010. Amends the heading to Section 62.0132, Government Code, to read as follows:

Sec. 62.0132. JUROR QUESTIONNAIRE.

SECTION 8.011. Amends Sections 62.0132(c) and (d), Government Code, as follows:

(c) Requires that the questionnaire require a person to provide certain biographical and demographic information that is relevant to service as a jury member, including any electronic address of the person.

(d) Requires a person who has received a jury summons, rather than a written jury summons, except as provided by this subsection, to complete and submit a juror questionnaire, rather than jury summons questionnaire, when the person reports for jury duty. Makes a conforming change.

SECTION 8.012. Amends the heading to Section 62.014, Government Code, to read as follows:

Sec. 62.014. SUMMONS FOR JURY SERVICE BY CLERKS, SHERIFFS, OR BAILIFFS.

SECTION 8.013. Amends Section 62.014(a), Government Code, as follows:

(a) Authorizes the district judges, in a county with at least nine district courts, to direct that prospective jurors be summoned for jury service by the clerk, the sheriff, or a bailiff, or an assistant or deputy bailiff, in charge of the central jury room and the general panel of the county.

SECTION 8.014. Amends Section 62.0145, Government Code, as follows:

Sec. 62.0145. REMOVAL OF CERTAIN PERSONS FROM POOL OF PROSPECTIVE JURORS. Makes a conforming change to this section.

SECTION 8.015. Amends Section 62.0146, Government Code, as follows:

Sec. 62.0146. UPDATING ADDRESSES OF CERTAIN PERSONS IN POOL OF PROSPECTIVE JURORS. Makes a conforming change to this section.

SECTION 8.016. Amends Section 62.015(b), Government Code, to make conforming changes.

SECTION 8.017. Amends Section 62.016(d), Government Code, to make a conforming change.

SECTION 8.018. Amends Section 62.017(d), Government Code, to make a conforming change.

SECTION 8.019. Amends Section 62.0175(d), Government Code, to make a conforming change.

SECTION 8.020. Amends Section 62.106(a), Government Code, to authorize a person qualified to serve as a petit juror to establish an exemption from jury service if the person meets certain criteria, including if the person is over 75 years of age, rather than over 70 years of age.

SECTION 8.021. Amends Section 62.107(c), Government Code, to make a conforming change.

SECTION 8.022. Amends Sections 62.108(a), (b), (c), and (e), Government Code, to make conforming changes.

SECTION 8.023. Amends Section 62.109(c), Government Code, as follows:

(c) Requires the clerk of the district court to promptly notify the voter registrar of the county of the name and address of each person permanently exempted, rather than the address of each person exempted and state whether the exemption is permanent or for a specified period. Requires the voter registrar to maintain a current register showing the name and address of each person permanently exempt from jury service under Section 62.109 (Exemption for Physical or Mental Impairment or Inability to Comprehend English), rather than showing separately the name and address of each person permanently exempt from jury service under this section and the name and address of each person exempt from jury service under this section for a specified period.

SECTION 8.024. Amends Subchapter B, Chapter 62, Government Code, by adding Section 62.115, as follows:

Sec. 62.115. COMPILATION OF LIST OF CONVICTED PERSONS. (a) Requires the clerk of the court to maintain a list of the name and address of each person who is disqualified under this subchapter from jury service because the person was convicted of misdemeanor theft or a felony.

(b) Requires a person who was convicted of misdemeanor theft or a felony to be permanently disqualified from serving as a juror. Provides that a person is exempt from this section if the person:

(1) was placed on deferred adjudication and received a dismissal and discharge in accordance with Article 42A.111 (Dismissal and Discharge), Code of Criminal Procedure;

(2) was placed on community supervision and the period of community supervision was terminated early under Article 42A.701 (Reduction or Termination of Community Supervision Period), Code of Criminal Procedure; or

(3) was pardoned or has had the person's civil rights restored.

(c) Authorizes the district clerk to remove from the jury wheel the jury wheel card for the person whose name appears on the list.

(d) Requires the clerk, on the third business day of each month, to send to SOS a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony in the preceding month.

SECTION 8.025. Amends Section 62.411(a), Government Code, to make a conforming change.

SECTION 8.026. Amends Section 62.412(c), Government Code, to make a conforming change.

SECTION 8.027. Repealers: Sections 62.0111(c) (relating to requiring the county officer responsible for summoning jurors to purge the electronic mail address of certain prospective jurors) and 62.0132(b) (relating to requiring that a written jury summons include certain information), Government Code

SECTION 8.028. Makes application of Sections 62.106(a), 62.107(c), and 62.108(a), (b), (c), and (e), Government Code, as amended by this article, prospective to September 1, 2023.

ARTICLE 9. COURT REPORTERS AND INTERPRETERS

SECTION 9.001. Amends Section 52.041, Government Code, as follows:

Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a) Creates this subsection from existing text.

(b) Authorizes the judges of two or more courts of record that are not located in the same judicial district on agreement to jointly appoint an official court reporter to serve the courts, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census.

(c) Authorizes two or more judges of courts of record, notwithstanding any other law, to appoint a certified shorthand reporter to serve each court as an official court reporter of the court, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census. Authorizes a certified shorthand reporter appointed under this subsection to serve as an official court reporter for more than one county and be an employee of more than one county.

(d) Authorizes an official court reporter to remotely serve any court to which the official court reporter is appointed.

SECTION 9.002. Amends Section 52.042, Government Code, by adding Subsection (e) to authorize a deputy court reporter to remotely serve any court to which the official court reporter is appointed.

SECTION 9.003. Amends Section 52.055(d), Government Code, as follows:

(d) Provides that the maximum reimbursement amount for a court reporter is as follows:

(1) if the judicial district contains two counties, the maximum reimbursement amount is $400 or a greater amount set by the commissioners court of the county for which the expenses were incurred;

(2) if the judicial district contains three counties, the maximum reimbursement amount is $800 or a greater amount set by the commissioners court of the county for which the expenses were incurred;

(3) if the judicial district contains four counties, the maximum reimbursement amount is $1,400 or a greater amount set by the commissioners court of the county for which the expenses were incurred; and

(4) if the judicial district contains five or more counties, the maximum reimbursement amount is $2,000 or a greater amount set by the commissioners court of the county for which the expenses were incurred.

SECTION 9.004. Amends Section 52.056(a), Government Code, as follows:

(a) Provides that an official or deputy court reporter of a judicial district who is required to leave the county of the reporter's residence to report proceedings as a substitute for the official court reporter of another county is entitled to reimbursement for actual and necessary travel expenses and a per diem allowance of $30 or the amount provided by the travel per diem policy of the county for which the expenses were incurred, whichever is greater, for each day or part of a day spent outside the reporter's county of residence in the performance of duties as a substitute. Makes nonsubstantive changes.

SECTION 9.005. Amends Section 52.058(b), Government Code, to prohibit travel expenses reimbursed under Section 52.058 (Expenses of District Court Reporters in Change of Venue Cases) from exceeding the mileage reimbursement rate established by the county, rather than from exceeding 25 cents per mile, for the use of private conveyances, traveling the shortest practical route.

SECTION 9.006. Amends Sections 57.001(1) and (9), Government Code, to redefine "certified court interpreter" and "certified CART provider."

SECTION 9.007. (a) Amends Section 154.051, Government Code, by amending Subsection (a) and adding Subsection (f-1), as follows:

(a) Provides that the Court Reporters Certification Advisory Board (advisory board) is composed of at least nine members, rather than seven members, appointed by the supreme court as follows:

(1)-(2) makes no changes to these subdivisions;

(3) two certified shorthand reporters actively engaged in the practice of official court reporting, rather than two active official court reporters who have practiced shorthand reporting, in this state for more than the five years immediately preceding their appointment to the advisory board;

(4) two certified shorthand reporters actively engaged in the practice of shorthand reporting on a freelance basis, rather than two active official court reporters who have practiced shorthand reporting, for more than the five years immediately preceding their appointment to the advisory board;

(5) one certified shorthand reporter actively engaged in practice as a captioner in this state for more than the five years immediately preceding the captioner's appointment to the advisory board, rather than one representative of a shorthand reporting firm that has operated as a shorthand reporting firm in this state for more than the three years immediately preceding the representative's appointment to the advisory board; and

(6) two certified shorthand reporters who:

(A) own a shorthand reporting firm in this state; and

(B) have owned and operated a shorthand reporting firm in this state for more than the five years immediately preceding their appointment to the advisory board.

Makes nonsubstantive changes.

(f-1) Provides that the Judicial Branch Certification Commission (JBCC), not later than the 90th day before the expiration of an advisory board member's term:

(1) is required to post on the JBCC's Internet website notice of the availability of the membership position;

(2) is required to accept resumes from and conduct interviews of any qualified individuals interested in appointment to the position; and

(3) is authorized to recommend to the supreme court one or more of the qualified individuals for appointment to the advisory board.

(b) Requires the supreme court, as soon as practicable after the effective date of this Act, to appoint two additional members of the advisory board in accordance with Section 154.051(a), Government Code, as amended by this article.

(c) Provides that Section 154.051 (Organization), Government Code, as amended by this article, modifying the qualifications of members of the advisory board does not affect the entitlement of a member serving on the advisory board immediately before September 1, 2023, to continue to carry out the member's functions for the remainder of the member's term. Provides that Section 154.051, Government Code, as amended by this article, applies only to a member appointed or reappointed on or after September 1, 2023. Provides that this article does not prohibit a person who is a member of the advisory board before that date from being reappointed to the advisory board if the person has the qualifications required for membership under Section 154.051, Government Code, as amended by this article.

SECTION 9.008. Amends Sections 154.105(b), (c), and (d), Government Code, as follows:

(b) Authorizes a certified shorthand reporter to administer oaths to witnesses without being at the same location as the witness. Deletes existing text authorizing a shorthand reporter to 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 is authorized to 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) (relating to authorizing JBCC to waive any prerequisite to obtaining a certification, registration, or license for an applicant who holds a certification, registration, or license issued by another jurisdiction with which this state has a reciprocity agreement).

(c) Redesignates existing Subsection (d) as Subsection (c). Authorizes the identity of a witness who is not in the physical presence of a certified shorthand reporter to be proven by certain information. Deletes existing text authorizing a shorthand reporter, notwithstanding Subsection (b), to administer an oath as provided under this subsection to a person who is or is authorized to 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.

SECTION 9.009. Amends the heading to Section 154.112, Government Code, to read as follows:

Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR SHORTHAND REPORTING; CIVIL PENALTY.

SECTION 9.010. Amends Section 154.112, Government Code, by amending Subsection (b) and adding Subsections (d), (e), (f), (g), and (h), as follows:

(b) Authorizes a person who is not certified as a court reporter to engage in shorthand reporting to report an oral deposition only if:

(1) the uncertified person delivers an affidavit to the parties or to their counsel before the deposition begins, rather present at the deposition, stating that a certified shorthand reporter is not available; or

(2) makes no changes to this subdivision.

(d) Requires the person to file the affidavit described by Subsection (b)(1) with the court as part of the certification required by Rule 203.2, Texas Rules of Civil Procedure.

(e) Authorizes JBCC, in addition to any other remedy authorized by law, to:

(1) collect a civil penalty in an amount not to exceed $1,000 from a person who fails to comply with Subsection (b)(1) or (d); and

(2) seek injunctive relief for a second or subsequent violation of Subsection (b)(1) or (d) to prohibit the person from engaging in shorthand reporting unless the person is certified as a court reporter under Chapter 154 (Court Reporters Certification and Shorthand Reporting Firms Registration).

(f) Requires JBCC to collect a civil penalty assessed under Subsection (e)(1) following the same procedures JBCC uses in taking disciplinary action against a certified court reporter for violating the laws and rules applicable to the reporter.

(g) Authorizes the attorney general, a county or district attorney whose jurisdiction includes the location at which a deposition is taken, or legal counsel JBCC designates to represent JBCC for purposes of collecting the civil penalty or obtaining the injunctive relief.

(h) Authorizes JBCC, in an action authorized by this section, to obtain reasonable attorney's fees, expenses, and costs incurred in obtaining the civil penalty or injunctive relief.

SECTION 9.011. Repealer: Section 154.105(e) (relating to requiring a shorthand reporter to state on the record and certify in each transcript of the deposition the physical location of the witness and the reporter), Government Code.

SECTION 9.012. Requires the supreme court, as soon as practicable after the effective date of this Act, to revise the Texas Rules of Civil Procedure as the court determines necessary to conform to the changes in law made by this Act to Section 154.112, Government Code.

ARTICLE 10. DEPOSITION, TRANSCRIPTION, AND INTERPRETATION SERVICES

SECTION 10.001. Amends the heading to Section 20.001, Civil Practice and Remedies Code, to read as follows:

Sec. 20.001. PERSONS WHO MAY TAKE A DEPOSITION ON WRITTEN QUESTIONS.

SECTION 10.002. Amends Sections 20.001(b), (c), and (d), Civil Practice and Remedies Code, as follows:

(b) Authorizes a deposition on written questions of a witness who is alleged to reside or to be outside this state, but inside the United States, to be taken in another state by certain persons.

(c)-(d) Makes conforming changes to these subsections.

SECTION 10.003. Amends Section 51.601, Government Code, as follows:

Sec. 51.601. COURT REPORTER SERVICE FUND. (a) Redesignates existing Subsection (c) as Subsection (a). Requires the commissioners court of the county to administer the court reporter service fund to assist in the payment of court-reporter-related services, including a court reporter's preparation of an appellate record under the Texas Rules of Appellate Procedure and Rule 145, Texas Rules of Civil Procedure, to comply with state or federal laws, or providing any other service related to the functions of a court reporter.

(b) Redesignates existing Subdivision (d) as Subdivision (b).

SECTION 10.004. Amends Sections 52.047(c), (e), and (g), Government Code, as follows:

(c) Provides that the person requesting the transcript, on payment of the fee or as provided by the Texas Rules of Appellate Procedure, rather than by Rule 40(a)(3) or 53(j), Texas Rules of Appellate Procedure, is entitled to the original and one copy of the transcript.

(e)-(g) Makes conforming changes to these subdivisions.

SECTION 10.005. Amends the heading to Section 57.002, Government Code, to read as follows:

Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER; CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.

SECTION 10.006. Amends Section 57.002, Government Code, by adding Subsections (g), (h), and (i), as follows:

(g) Provides that a party to a proceeding in a court who files a statement of inability to afford payment of court costs under Rule 145, Texas Rules of Civil Procedure, is not required to provide an interpreter at the party's expense or pay the costs associated with the services of an interpreter appointed under Section 57.002 that are incurred during the course of the action, unless the statement has been contested and the court has ordered the party to pay costs pursuant to Rule 145. Provides that nothing in this subsection is intended to apply to interpreter services or other auxiliary aids for individuals who are deaf, hard of hearing, or have communication disabilities, which are required to be provided to those individuals free of charge pursuant to federal and state laws.

(h) Requires each county auditor, or other individual designated by the commissioners court of a county, in consultation with the district and county clerks to submit to OCA, in the manner prescribed by OCA, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings. Requires that the information include:

(1) the number of interpreters appointed;

(2) the number of interpreters appointed for parties or witnesses who are indigent;

(3) the amount of money the county spent to provide court-ordered interpretation services; and

(4) for civil proceedings, whether a party to the proceeding filed a statement of inability to afford payment of court costs under Rule 145, Texas Rules of Civil Procedure, applicable to the appointment of an interpreter.

(i) Requires OCA, not later than December 1 of each year, to:

(1) submit to the legislature a report that aggregates by county the information submitted under Subsection (h) for the preceding fiscal year; and

(2) publish the report on OCA's Internet website.

SECTION 10.007. Amends Section 154.101(f), Government Code, as follows:

(f) Requires that all depositions conducted in this state, except as provided by Section 154.112 and by Section 20.001, Civil Practice and Remedies Code, be reported, rather than recorded, by a certified shorthand reporter.

SECTION 10.008. Amends Section 406.016(a), Government Code, to provide that a notary public has the same authority as the county clerk to take certain actions, including take depositions as provided by Section 20.001, Civil Practice and Remedies Code.

SECTION 10.009. (a) Provides that this article is and required to be construed to be consistent with the procedures set forth in Rules 199.1(c) and 203.6(a), Texas Rules of Civil Procedure, as of September 1, 2023.

(b) Provides that Section 57.002, Government Code, as amended by this article, applies to an action pending on September 1, 2023, or filed on or after that date.

ARTICLE 11. TRANSFER OF CASES AND PROCEEDINGS

SECTION 11.001. Amends Section 33.101, Estates Code, as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. Requires the court clerk, if probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 (Probate Proceedings in More Than One County) determines that venue is proper in another county, to transmit the file for the proceeding in accordance with the procedures provided by Section 33.105, rather than to make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form, to the court in the county in which venue is proper.

SECTION 11.002. Amends Section 33.102(a), Estates Code, as follows:

(a) Requires the court, if it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, to transfer the proceeding, on the application of an interested person, to the proper county by transmitting the file for the proceeding in accordance with the procedures provided by Section 33.105 to the proper court in that county, rather than by transmitting to the proper court in that county in electronic or paper form the original file in the case and certified copies of all entries that have been made in the judge's probate docket in the proceeding.

SECTION 11.003. Amends Section 33.103(b), Estates Code, as follows:

(b) Requires the clerk of the court from which the probate proceeding described by Subsection (a) is transferred to transmit the file for the proceeding in accordance with the procedures provided by Section 33.105 to the court to which the proceeding is transferred, rather than transmit the original file in the proceeding and a certified copy of the index.

SECTION 11.004. Amends Subchapter C, Chapter 33, Estates Code, by adding Section 33.105, as follows:

Sec. 33.105. TRANSFER OF PROBATE PROCEEDING RECORD. (a) Requires the clerk of a transferring court, if a probate proceeding is transferred to a court in another county under Chapter 33 (Venue), to send to the clerk of the court to which the proceeding is transferred, using the electronic filing system established under Section 72.031 (Electronic Filing System), Government Code:

(1) a transfer certificate and index of transferred documents;

(2) a copy of each final order;

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

(4) a copy of the original papers filed in the transferring court, including a copy of any will;

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

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

(b) Requires the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form developed by OCA under Section 72.037 (Transfer Certificate and Index of Transferred Documents Form), Government Code, when transferring a proceeding under this section.

(c) Requires the clerk of the transferring court to keep a copy of the documents transferred under Subsection (a).

(d) Requires the clerk of the court to which the proceeding is transferred to:

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

(2) docket the proceeding; and

(3) notify, using the electronic filing system established under Section 72.031, Government Code, all parties to the proceeding, the clerk of the transferring court, and, if appropriate, the transferring court's local registry that the proceeding has been docketed.

(e) Requires the clerk of the transferee court to physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (d) but prohibits the clerk from physically or electronically marking or stamping any other document transferred under Subsection (a).

(f) Authorizes the clerks of both the transferee and transferring courts to each produce under Chapter 51 (Clerks), Government Code, certified or uncertified copies of documents transferred under Subsection (a) but requires the clerks to include a copy of the transfer certificate and index of transferred documents with each document produced.

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

SECTION 11.005. Amends Section 1023.006, Estates Code, as follows:

Sec. 1023.006. TRANSFER OF RECORD. (a) Requires the clerk, not later than the 10th working day after the date an order of transfer is signed under Section 1023.005, rather when an order of transfer is signed under Section 1023.005 to record any unrecorded papers of the guardianship required to be recorded. Requires the clerk, on payment of the clerk's fee, to send, using the electronic filing system established under Section 72.031, Government Code, rather than to transmit in electronic or paper form, to the county clerk of the county to which the guardianship was ordered transferred:

(1) a transfer certificate and index of transferred documents, rather than the case file of the guardianship proceedings;

(2) a copy of each final order, rather than a certified copy of the index of the guardianship records;

(3) a 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 accrued in the transferring court.

(b) Requires the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form developed by OCA under Section 72.037, Government Code, when transferring a proceeding under this section.

(c) Requires the clerk of the transferring court to keep a copy of the documents transferred under Subsection (a).

(d) Requires the clerk of the court to which the proceeding is transferred to:

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

(2) docket the suit; and

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

(e) Requires the clerk of the transferee court to physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (d), but prohibits the clerk from physically or electronically marking or stamping any other document transferred under Subsection (a).

(f) Requires the clerk of the transferring court to send a certified copy of the order directing payments to the transferee court to:

(1) any party affected by the 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) an employer affected by the order electronically or by first class mail.

(g) Authorizes the clerks of both the transferee and transferring courts to each produce under Chapter 51, Government Code, certified or uncertified copies of documents transferred under Subsection (a) but requires the clerks to include a copy of the transfer certificate and index of transferred documents with each document produced.

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

SECTION 11.006. Amends Section 1023.007, Estates Code, as follows:

Sec. 1023.007. TRANSFER EFFECTIVE. Provides that the order transferring a guardianship does not take effect until the clerk of the court to which the proceeding is transferred accepts and dockets the case record under Section 1023.006, rather than until:

(1) the case file and a certified copy of the index required by Section 1023.006 are filed in electronic or paper form in the office of the county clerk of the county to which the guardianship was ordered transferred; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in electronic or paper form in the court ordering the transfer by the county clerk of the county to which the guardianship was ordered transferred.

SECTION 11.007. Amends Sections 155.207(a), (b), and (e), Family Code, as follows:

(a) Requires the clerk of the court transferring a proceeding, not later than the 10th working day after the date an order of transfer is signed, to send certain documents, using the electronic filing system established under Section 72.031, Government Code, to the proper court, rather than the proper court in the county, to which transfer is being made.

(b) Requires the clerk of the transferring court to keep a copy of the documents transferred under Subsection (a), rather than a copy of transferred pleadings.

(e) Authorizes the clerks of both the transferee and transferring courts to each produce under Chapter 51, Government Code, certified or uncertified copies of documents transferred under Subsection (a), rather than documents filed in a case transferred under Section 155.207 (Transfer of Files), and requires the clerks to include a copy of the transfer certificate and index of transferred documents with each document produced. Makes a nonsubstantive change.

SECTION 11.008. Amends Section 51.3071, Government Code, by amending Subsection (a) and adding Subsections (f) and (g), as follows:

(a) Requires the clerk of the transferring court, rather than the clerk of the district court, if a case is transferred from a district court to a constitutional or statutory county court or another district court, to send to the clerk of the court to which the case is transferred, rather than the county clerk, certain documents using the electronic filing system established under Section 72.031.

(f) Authorizes the clerks of both the transferee and transferring courts to each produce, under this chapter, certified or uncertified copies of documents transferred under Subsection (a) and requires the clerks to include a copy of the transfer certificate and index of transferred documents with each document produced.

(g) Provides that Section 51.3071 (Transfer of Cases) applies regardless of whether the transferee court and the transferring court are in the same or different counties.

SECTION 11.009. Amends Section 51.403, Government Code, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

(a) Requires the clerk of the transferring court, rather than the clerk of the county court, if a case is transferred from a county court to a district court or a statutory county court or a county court of another county, to send to the clerk of the court to which the case is transferred, rather than the district clerk, certain documents using the electronic filing system established under Section 72.031.

(d) Authorizes the clerks of both the transferee and transferring courts to each produce, under this chapter, certified or uncertified copies of documents transferred under Subsection (a) and requires the clerks to include a copy of the transfer certificate and index of transferred documents with each document produced.

(e) Provides that Section 51.403 (Transfer of Cases) applies regardless of whether the transferee court and the transferring court are in the same or different counties.

SECTION 11.010. Amends Section 72.037(a), Government Code, as follows:

(a) Requires OCA to 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 certain sections, including Sections 33.105 and 1023.006, Estates Code.

SECTION 11.011. Repealer: Section 33.103(c) (relating to authorizing the transmittal of the original file and the certified copy of the index to be in electronic or paper form), Estates Code.

SECTION 11.012. Requires OCA, as soon as practicable after the effective date of this Act, to adopt rules and develop and make available all forms and materials required by Section 72.037, Government Code, as amended by this Act.

ARTICLE 12. CRIMINAL PROCEDURE

SECTION 12.001. (a) Amends Section 3(b), Article 11.07, Code of Criminal Procedure, as follows:

(b) Requires the clerk of that court to 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 electronic mail, rather than by secure electronic mail, or by personal service to the attorney representing the state in that court, who is required to answer the application not later than the 30th day after the date the copy of the application is received.

(b) Makes application of Section 3(b), Article 11.07, Code of Criminal Procedure, as amended by this section, prospective to September 1, 2023.

SECTION 12.002. Amends Article 18.01(d), Code of Criminal Procedure, to authorize a subsequent search warrant to be issued pursuant to Article 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense) to search the same person, place, or thing subjected to a prior search under Article 18.02(a)(10) only if the subsequent search warrant is issued by certain judges, including a judge of a statutory county court.

SECTION 12.003. Amends Article 18.0215(b), Code of Criminal Procedure, to make a conforming change.

SECTION 12.004. Amends Sections 4-c(a), (c), (d), and (e), Article 38.01, Code of Criminal Procedure, as follows:

(a) Authorizes the Texas Forensic Science Commission (FSC), on a determination by FSC that a license holder or crime laboratory has committed professional negligence or professional misconduct under Article 38.01 (Texas Forensic Science Commission), violated the code of professional responsibility under this article, or otherwise violated this article or a rule or order of FSC under this article, to, as applicable:

(1) revoke or suspend the person's license or crime laboratory's accreditation;

(2) refuse to renew the person's license or crime laboratory's accreditation; or

(3) reprimand the license holder or crime laboratory.

(c) Requires FSC to give written notice by certified mail of a determination described by Subsection (a) to the applicable license holder or crime laboratory, rather than a license holder who is the subject of the determination. Requires that the notice:

(1) include a brief summary of the alleged negligence, misconduct, or violation;

(2) makes no changes to this subdivision; and

(3) inform the license holder or crime laboratory of the license holder's or crime laboratory's right to a hearing before JBCC on the occurrence of the negligence, misconduct, or violation, the imposition of a disciplinary action, or both.

(d) Authorizes the license holder or crime laboratory, not later than the 20th day after the date the license holder or crime laboratory receives the notice under Subsection (c), to accept the disciplinary action or request a hearing by submitting a written request to JBCC to contest the findings of fact or conclusions of law, the occurrence of the negligence, misconduct, or violation, or the imposition of a disciplinary action, as applicable. Makes a conforming change.

(e) Requires JBCC, if the license holder or crime laboratory requests a hearing, to conduct a hearing to determine whether there is substantial evidence to support the determination under Subsection (a) that the negligence, misconduct, or violation occurred, rather than that the license holder committed professional misconduct or violated this article or FSC rule or order under this article. Requires JBCC to conduct the hearing, and any appeal of JBCC's decision, in accordance with the procedures provided by Subchapter B (Administrative Penalty; Administrative Sanction), Chapter 153, Government Code, as applicable, and the rules of JBCC.

SECTION 12.005. Amends Article 42.15, Code of Criminal Procedure, by adding Subsection (a-2), as follows:

(a-2) Authorizes a defendant to waive the requirement for the inquiry described by Subsection (a-1) (relating to requiring a court to inquire on the record whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs) to be on the record.

SECTION 12.006. (a) Amends Section 2a(a), Article 55.02, Code of Criminal Procedure, as follows:

(a) Authorizes a person who is entitled to expunction of information contained in records and files under Article 55.01(d) (relating to providing that a person is entitled to obtain the expunction of any information that identifies the person contained in records and files relating to the person's arrest or the arrest of another person if certain criteria are met) to file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which:

(1) creates this subdivision from existing text; or

(2) the offense was alleged to have occurred.

(b) Provides that Section 2a(a), Article 55.02, Code of Criminal Procedure, as amended by this section, applies to an expunction of information contained in arrest records and files relating to any criminal offense occurring before, on, or after September 1, 2023.

ARTICLE 13. PROBATE PROCEEDINGS

SECTION 13.001. Amends Section 152.001, Estates Code, as follows:

Sec. 152.001. APPLICATION AUTHORIZED. (a) Authorizes a person qualified to serve as an administrator under Section 304.001 (Order of Persons Qualified to Serve as Personal Representative), subject to Subsection (b), to file an application requesting emergency intervention by a court exercising probate jurisdiction to provide for:

(1) the payment or reimbursement of the decedent's funeral and burial expenses; or

(2) makes no changes to this subdivision.

(b) Makes a conforming change to this subsection.

SECTION 13.002. Amends Sections 152.002(a) and (b), Estates Code, as follows:

(a) Requires that an emergency intervention application be sworn and contain certain information, including the name and address of the funeral home holding the decedent's remains or paid by the applicant for the decedent's funeral and burial.

(b) Requires that the application, in addition to the information required under Subsection (a), if emergency intervention is requested to obtain funds needed for the payment or reimbursement of the decedent's funeral and burial expenses, also contain certain information, including, if applicable, the amount paid by the applicant for the funeral and burial procedures described by Subdivision (2). Makes nonsubstantive changes.

SECTION 13.003. Amends Section 152.003, Estates Code, as follows:

Sec. 152.003. ADDITIONAL CONTENTS OF APPLICATION: INSTRUCTIONS REGARDING DECEDENT'S FUNERAL AND REMAINS. (a) Requires that the application, in addition to the information required under Section 152.002 (Contents of Application), if emergency intervention is requested to obtain funds needed for the payment or reimbursement of a decedent's funeral and burial expenses, also state whether there are or were any written instructions from the decedent relating to the type and manner of funeral or burial preferred by the decedent. Requires the applicant to:

(1) makes no changes to this subdivision; and

(2) fully comply, or have fully complied, as appropriate, with the instructions.

(b) Prohibits the applicant, if written instructions do not exist, from permitting or having permitted the decedent's remains to be cremated unless the applicant obtains or obtained the court's permission to cremate the remains.

SECTION 13.004. Amends Section 152.004, Estates Code, as follows:

Sec. 152.004. TIME AND PLACE OF FILING. Requires that an emergency intervention application be filed:

(1) makes no changes to this subdivision; and

(2) not earlier than the third day after the date of the decedent's death and not later than nine months, rather than not later than the 90th day, after the date of the decedent's death.

SECTION 13.005. Amends Section 152.051, Estates Code, as follows:

Sec. 152.051. ISSUANCE OF ORDER REGARDING FUNERAL AND BURIAL EXPENSES. Authorizes the court, if on review of an application filed under Section 152.001 the court determines that emergency intervention is necessary to obtain funds needed for the payment or reimbursement of a decedent's funeral and burial expenses, to order funds of the decedent that are being held by an individual, an employer, or a financial institution to be paid directly to a funeral home or the applicant, as applicable, only for:

(1)-(2) makes no changes to these subdivisions; and

(3) funeral and burial expenses not to exceed $5,000 as ordered by the court to provide the decedent with or to provide reimbursement for a reasonable, dignified, and appropriate funeral and burial.

SECTION 13.006. Makes application of Sections 152.001, 152.002(a) and (b), 152.003, 152.004, and 152.051, Estates Code, as amended by this article, prospective to September 1, 2023.

ARTICLE 14. JUVENILE BOARDS

SECTION 14.001. Amends Section 152.0671(a), Human Resources Code, to provide that the Denton County Juvenile Board is composed of the county judge, the district judges in Denton County, and the judge of any county court at law, rather than any statutory court, in the county.

SECTION 14.002. Amends Section 152.2264, Human Resources Code, as follows:

Sec. 152.2264. TARRANT COUNTY CRIMINAL COURT ADMINISTRATOR. (a) Authorizes the judges of the district courts that give preference to criminal cases, the judges of the criminal district courts, and the judges of the county criminal courts of Tarrant County, subject to the approval of the commissioners court, to use the services of a criminal courts administrator. Deletes existing text authorizing the judges of the district and county courts in Tarrant County that give preference to criminal matters, subject to the approval of the commissioners court, to use the services of a criminal courts administrator.

(b) Prohibits a judge from being subjected to a suit for, and is immune from liability for damages arising from, an act or omission committed while performing a duty under this section unless the act or omission is:

(1) makes no changes to this subdivision; or

(2) committed with:

(A) makes a nonsubstantive change to this paragraph;

(B) conscious indifference for the safety of others, rather than conscious indifference or reckless disregard for the safety of others; or

(C) reckless disregard for the safety of others.

ARTICLE 15. TEXAS INDIGENT DEFENSE COMMISSION

SECTION 15.001. Amends Section 79.012(b), Government Code, to delete existing text requiring the executive director of the Texas Indigent Defense Commission to be a licensed attorney. Makes nonsubstantive changes.

ARTICLE 16. ADMINISTRATION OF OATHS

SECTION 16.001. Amends Section 602.002, Government Code, as follows:

Sec. 602.002. OATH MADE IN TEXAS. Authorizes an oath made in this state to be administered and a certificate of the fact given by certain persons, including a retired justice of the peace.

ARTICLE 17. APPELLATE RECORD

SECTION 17.001. (a) Amends Subchapter B, Chapter 51, Civil Practice and Remedies Code, by adding Section 51.018, as follows:

Sec. 51.018. APPENDIX IN LIEU OF CLERK'S RECORD. (a) Authorizes a party, not later than the 10th day after the date that the party files a notice of appeal for a civil suit, to notify the trial court and the court of appeals that the party will file an appendix that replaces the clerk's record for the appeal.

(b) Requires the party to file the appendix with the party's appellate brief. Requires that the brief and appendix, except in an expedited proceeding or by order of the court, be filed not later than the 30th day after the later of:

(1) the date that the party provided notice under Subsection (a); or

(2) the date that a reporter's record, if any, is filed with the court of appeals.

(c) Requires that an appendix filed under this section contain a file-stamped copy of each document required by Rule 34.5, Texas Rules of Appellate Procedure, for a civil suit and any other item the party intends to reference in the party's brief. Prohibits the appendix from containing a document that has not been filed with the trial court except by agreement of the parties to the appeal.

(d) Provides that an appendix filed in accordance with this section becomes part of the appellate record. Prohibits a court clerk from preparing or filing a clerk's record or assessing a fee for preparing a clerk's record if a party files an appendix in accordance with this section.

(b) Makes application of Section 51.018, Civil Practice and Remedies Code, as added by this section, prospective to January 1, 2024.

ARTICLE 18. DELIVERY OF DOCUMENTS

SECTION 18.001. Amends the heading to Chapter 80, Government Code, to read as follows:

CHAPTER 80. DELIVERY OF NOTICE, ORDERS, AND DOCUMENTS

SECTION 18.002. Amends Section 80.001, Government Code, as follows:

Sec. 80.001. DELIVERY OF NOTICE OR DOCUMENT. Authorizes a court, justice, judge, magistrate, or clerk to send any notice or document by a method authorized by Section 80.002(a), rather than Section 80.002.

SECTION 18.003. Amends Section 80.002, Government Code, as follows:

Sec. 80.002. New heading: DELIVERY OF NOTICE, ORDER, OR DOCUMENT. (a) Creates this subsection from existing text and makes a conforming change.

(b) Requires a statutory county court, district court, or appellate court, in addition to any other delivery method required or authorized by law or supreme court rule, to deliver through the electronic filing system established under Section 72.031 to all parties in each case in which the use of the electronic filing system is required or authorized all court orders the court enters for the case.

ARTICLE 19. SERVICE OF PROCESS

SECTION 19.001. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.0035, as follows:

Sec. 30.0035. PERSONAL SERVICE OF PROCESS DURING LEGISLATIVE PROCEEDING PROHIBITED. Prohibits a person from serving citation or other civil process in person on a member, officer, or employee of the senate or house of representatives during any legislative proceeding. Requires a court to quash any service made in violation of this section. Requires the supreme court to revoke the certification of a process server who violates this section. Provides that this section is not subject to Section 22.004(c) (relating to providing that a rule adopted by the supreme court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions, but substantive law is not repealed), Government Code.

ARTICLE 20. EFFECTIVE DATE

SECTION 20.001. Effective date, except as otherwise provided by this Act: September 1, 2023.