

## **BILL ANALYSIS**

Senate Research Center  
88R1887 JCG-D

H.B. 1712  
By: Canales (Alvarado)  
State Affairs  
5/2/2023  
Engrossed

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

A court order is an official proclamation by a judge that defines the legal relationship between the parties to a hearing, a trial, an appeal, or other court proceeding. Such an order requires or authorizes the carrying out of certain steps by one or more parties to a case and must be signed by the court judge.

The 84th Texas Legislature, Regular Session, enacted H.B. 644, which required a magistrate's name to be written legibly on a search warrant, yet parties still report difficulties in finding the originating courts for some court orders. H.B. 1712 seeks to address this issue by requiring every court order to include the applicable magistrate's full name in legible handwriting, legible typewritten form, or legible stamp print.

In consultation with the Office of the Governor, we intend to offer a committee substitute that will:

1. Clarify that the official proclamation is not invalidated if the magistrate fails to comply with legibility.
2. Creates a process whereby a defendant can make a motion in a court to reveal the identity of the signing magistrate.
3. Allows the Supreme Court of Texas to adopt rules on this process.

H.B. 1712 amends current law relating to the inclusion of a magistrate's name on certain signed orders.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.101, as follows:

Art. 2.101. MAGISTRATE'S NAME ON SIGNED ORDER. Requires that any signed order that is issued by a magistrate under this code or any signed order pertaining to a criminal matter that is issued by a magistrate under the Family Code, the Government Code, or other law of this state include, with the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print.

SECTION 2. Makes application of Article 2.101, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.