By:  Canales (Senate Sponsor - Alvarado) H.B. No. 1712

(In the Senate - Received from the House April 24, 2023; April 24, 2023, read first time and referred to Committee on State Affairs; May 12, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 0; May 12, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR H.B. No. 1712 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of a magistrate's name on certain signed orders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.101 to read as follows:

Art. 2.101.  MAGISTRATE'S NAME ON SIGNED ORDER. (a) 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 must include, with the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print.

(b)  The failure of a magistrate to include the magistrate's name on an order as provided by Subsection (a) does not affect the validity of the order.

(c)  A defendant in a criminal action may make a motion to add to an order that does not comply with Subsection (a) the name of the magistrate who signed the order if:

(1)  the order is relevant to the action; and

(2)  the defendant is unable to identify the magistrate who signed the order.

(d)  The supreme court may adopt rules to implement this article.

SECTION 2.  The change in law made by this Act in adding Article 2.101, Code of Criminal Procedure, applies to a signed order issued by a magistrate on or after the effective date of this Act. A signed order issued by a magistrate before the effective date of this Act is governed by the law in effect on the date the order was issued, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.

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