

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.

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1712 was passed by the House on April 20, 2023, by the following vote: Yeas 144, Nays 2, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1712 on May 19, 2023, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1712 was passed by the Senate, with amendments, on May 16, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor