

1-1 By: Canales (Senate Sponsor - Alvarado) H.B. No. 1712  
 1-2 (In the Senate - Received from the House April 24, 2023;  
 1-3 April 24, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 12, 2023, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;  
 1-6 May 12, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 1712 By: Hughes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the inclusion of a magistrate's name on certain signed  
 1-24 orders.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
 1-27 amended by adding Article 2.101 to read as follows:

1-28 Art. 2.101. MAGISTRATE'S NAME ON SIGNED ORDER. (a) Any  
 1-29 signed order that is issued by a magistrate under this code or any  
 1-30 signed order pertaining to a criminal matter that is issued by a  
 1-31 magistrate under the Family Code, the Government Code, or other law  
 1-32 of this state must include, with the magistrate's signature, the  
 1-33 magistrate's name in legible handwriting, legible typewritten  
 1-34 form, or legible stamp print.

1-35 (b) The failure of a magistrate to include the magistrate's  
 1-36 name on an order as provided by Subsection (a) does not affect the  
 1-37 validity of the order.

1-38 (c) A defendant in a criminal action may make a motion to add  
 1-39 to an order that does not comply with Subsection (a) the name of the  
 1-40 magistrate who signed the order if:

- 1-41 (1) the order is relevant to the action; and
- 1-42 (2) the defendant is unable to identify the magistrate  
 1-43 who signed the order.

1-44 (d) The supreme court may adopt rules to implement this  
 1-45 article.

1-46 SECTION 2. The change in law made by this Act in adding  
 1-47 Article 2.101, Code of Criminal Procedure, applies to a signed  
 1-48 order issued by a magistrate on or after the effective date of this  
 1-49 Act. A signed order issued by a magistrate before the effective  
 1-50 date of this Act is governed by the law in effect on the date the  
 1-51 order was issued, and the former law is continued in effect for that  
 1-52 purpose.

1-53 SECTION 3. This Act takes effect September 1, 2023.

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