

AN ACT

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; establishing a civil penalty; increasing certain court costs; authorizing fees.

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

ARTICLE 1. APPELLATE AND DISTRICT COURTS

SECTION 1.001. Subchapter D, Chapter 22, Government Code, is amended by adding Section 22.3015 to read as follows:

Sec. 22.3015. EXPENSES OF APPELLATE COURT JUDGE OR JUSTICE.

(a) A justice of the supreme court, a judge of the 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.

(b) 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) The expenses shall be paid by the state on a sworn

1 itemized account showing the expenses.

2 SECTION 1.002. Section 24.392, Government Code, is amended
3 by amending Subsections (b) and (c) and adding Subsection (d) to
4 read as follows:

5 (b) The 213th District Court shall give preference to
6 criminal cases.

7 (c) The terms of the 213th District Court begin on the first
8 Mondays in January, April, July, and October.

9 (d) [~~(c)~~] In addition to other jurisdiction provided by
10 law, the 213th District Court has concurrent original jurisdiction
11 with the county criminal courts in Tarrant County over misdemeanor
12 cases.

13 SECTION 1.003. Section 24.516, Government Code, is amended
14 by amending Subsection (c) and adding Subsection (d) to read as
15 follows:

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

18 (d) In addition to other jurisdiction provided by law, the
19 371st District Court has concurrent original jurisdiction with the
20 county criminal courts in Tarrant County over misdemeanor cases.

21 SECTION 1.004. Section 24.517, Government Code, is amended
22 by amending Subsection (c) and adding Subsection (d) to read as
23 follows:

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

26 (d) In addition to other jurisdiction provided by law, the
27 372nd District Court has concurrent original jurisdiction with the

1 county criminal courts in Tarrant County over misdemeanor cases.

2 SECTION 1.005. Section 24.541, Government Code, is amended
3 by amending Subsection (c) and adding Subsection (d) to read as
4 follows:

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

7 (d) In addition to other jurisdiction provided by law, the
8 396th District Court has concurrent original jurisdiction with the
9 county criminal courts and the justice courts in Tarrant County
10 over misdemeanor cases.

11 SECTION 1.006. (a) Section 24.553, Government Code, is
12 amended by adding Subsection (c) to read as follows:

13 (c) The 411th District Court has concurrent jurisdiction in
14 Polk County with the county court over all misdemeanor cases over
15 which the county court has jurisdiction under the constitution and
16 laws of this state. Cases in the concurrent misdemeanor
17 jurisdiction may be filed in either court, and all cases of
18 concurrent misdemeanor jurisdiction may be transferred between the
19 411th District Court and the county court. A case may not be
20 transferred from one court to another without the consent of the
21 judge of the court to which it is transferred, and a case may not be
22 transferred unless it is within the jurisdiction of the court to
23 which it is transferred.

24 (b) Section 24.553, Government Code, as amended by this
25 article, applies only to a case filed or proceeding commenced on or
26 after September 1, 2023. A case filed or proceeding commenced
27 before September 1, 2023, is governed by the law in effect on the

1 date the case was filed or the proceeding was commenced, and the
2 former law is continued in effect for that purpose.

3 SECTION 1.007. Section 24.576, Government Code, is amended
4 by adding Subsections (c) and (d) to read as follows:

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

7 (d) In addition to other jurisdiction provided by law, the
8 432nd District Court has concurrent original jurisdiction with the
9 county criminal courts in Tarrant County over misdemeanor cases.

10 SECTION 1.008. Section 24.591, Government Code, is amended
11 by adding Subsections (d) and (e) to read as follows:

12 (d) Notwithstanding Section 24.030, a district court in
13 Kendall County may sit outside the county seat in a suitable
14 facility designated by the Kendall County Commissioners Court as an
15 auxiliary court facility, as provided by Section 292.031, Local
16 Government Code.

17 (e) A district court in Kendall County sitting in an
18 auxiliary court facility designated by the Kendall County
19 Commissioners Court may hear motions, arguments, nonjury trials,
20 and jury trials for all actions and any other matter before the
21 court and within the court's jurisdiction.

22 SECTION 1.009. (a) Effective January 1, 2025, Subchapter
23 C, Chapter 24, Government Code, is amended by adding Section
24 24.600201 to read as follows:

25 Sec. 24.600201. 477TH JUDICIAL DISTRICT (DENTON COUNTY).
26 The 477th Judicial District is composed of Denton County.

27 (b) The 477th Judicial District is created on January 1,

1 2025.

2 SECTION 1.010. Section 24.60030, Government Code, is
3 amended by adding Subsections (c) and (d) to read as follows:

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

6 (d) In addition to other jurisdiction provided by law, the
7 485th District Court has concurrent original jurisdiction with the
8 county criminal courts in Tarrant County over misdemeanor cases.

9 SECTION 1.011. (a) Effective October 1, 2023, Subchapter
10 C, Chapter 24, Government Code, is amended by adding Sections
11 24.60031, 24.60032, and 24.60033 to read as follows:

12 Sec. 24.60031. 486TH JUDICIAL DISTRICT (HARRIS COUNTY).

13 (a) The 486th Judicial District is composed of Harris County.

14 (b) The 486th District Court shall give preference to
15 criminal cases.

16 Sec. 24.60032. 487TH JUDICIAL DISTRICT (HARRIS COUNTY).

17 (a) The 487th Judicial District is composed of Harris County.

18 (b) The 487th District Court shall give preference to
19 criminal cases.

20 Sec. 24.60033. 488TH JUDICIAL DISTRICT (HARRIS COUNTY).

21 (a) The 488th Judicial District is composed of Harris County.

22 (b) The 488th District Court shall give preference to
23 criminal cases.

24 (b) The 486th, 487th, and 488th Judicial Districts are
25 created on October 1, 2023.

26 SECTION 1.012. (a) Subchapter C, Chapter 24, Government
27 Code, is amended by adding Section 24.60034 to read as follows:

1 Sec. 24.60034. 489TH JUDICIAL DISTRICT (KAUFMAN COUNTY).

2 The 489th Judicial District is composed of Kaufman County.

3 (b) The 489th Judicial District is created on September 1,
4 2023.

5 SECTION 1.013. (a) Subchapter C, Chapter 24, Government
6 Code, is amended by adding Section 24.60038 to read as follows:

7 Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY).

8 (a) The 493rd Judicial District is composed of Collin County.

9 (b) The 493rd District Court shall give preference to civil
10 cases.

11 (b) The 493rd Judicial District is created on September 1,
12 2023.

13 SECTION 1.014. (a) Effective September 1, 2024, Subchapter
14 C, Chapter 24, Government Code, is amended by adding Section
15 24.60039 to read as follows:

16 Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY).

17 (a) The 494th Judicial District is composed of Collin County.

18 (b) The 494th District Court shall give preference to family
19 law matters.

20 (b) The 494th Judicial District is created on September 1,
21 2024.

22 SECTION 1.015. (a) Effective October 1, 2024, Subchapter
23 C, Chapter 24, Government Code, is amended by adding Sections
24 24.60040, 24.60041, and 24.60042 to read as follows:

25 Sec. 24.60040. 495TH JUDICIAL DISTRICT (HARRIS COUNTY).

26 (a) The 495th Judicial District is composed of Harris County.

27 (b) The 495th District Court shall give preference to

1 criminal cases.

2 Sec. 24.60041. 496TH JUDICIAL DISTRICT (HARRIS COUNTY).

3 (a) The 496th Judicial District is composed of Harris County.

4 (b) The 496th District Court shall give preference to
5 criminal cases.

6 Sec. 24.60042. 497TH JUDICIAL DISTRICT (HARRIS COUNTY).

7 (a) The 497th Judicial District is composed of Harris County.

8 (b) The 497th District Court shall give preference to
9 criminal cases.

10 (b) The 495th, 496th, and 497th Judicial Districts are
11 created on October 1, 2024.

12 SECTION 1.016. (a) Effective October 1, 2025, Subchapter
13 C, Chapter 24, Government Code, is amended by adding Section
14 24.60043 to read as follows:

15 Sec. 24.60043. 498TH JUDICIAL DISTRICT (KENDALL COUNTY).

16 (a) The 498th Judicial District is composed of Kendall County.

17 (b) This section applies to all district courts in Kendall
18 County.

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

26 (d) All civil and criminal matters within the concurrent
27 jurisdiction of the county and district courts must be filed with

1 the county clerk in the county court. The county clerk serves as
2 the clerk of the district court for those matters.

3 (e) Notwithstanding Section 24.030, a district court in
4 Kendall County may sit outside the county seat in a suitable
5 facility designated by the Kendall County Commissioners Court as an
6 auxiliary court facility, as provided by Section 292.031, Local
7 Government Code.

8 (f) A district court in Kendall County sitting in an
9 auxiliary court facility designated by the Kendall County
10 Commissioners Court may hear motions, arguments, nonjury trials,
11 and jury trials for all actions and any other matter before the
12 court and within the court's jurisdiction.

13 (b) The 498th Judicial District is created on October 1,
14 2025.

15 SECTION 1.017. (a) Subchapter C, Chapter 24, Government
16 Code, is amended by adding Section 24.6009 to read as follows:

17 Sec. 24.6009. 465TH JUDICIAL DISTRICT (BASTROP COUNTY).
18 The 465th Judicial District is composed of Bastrop County.

19 (b) The 465th Judicial District is created on September 1,
20 2023.

21 SECTION 1.018. (a) Subchapter C, Chapter 24, Government
22 Code, is amended by adding Section 24.60095 to read as follows:

23 Sec. 24.60095. 472ND JUDICIAL DISTRICT (BRAZOS COUNTY).
24 (a) The 472nd Judicial District is composed of Brazos County.

25 (b) The 472nd District Court has primary responsibility for
26 cases involving civil matters, family law matters, and juvenile
27 matters.

1 (b) The 472nd Judicial District is created on September 1,
2 2023.

3 SECTION 1.019. (a) Section 24.910, Government Code, is
4 amended by adding Subsection (a-1) and amending Subsections (b),
5 (c), and (e) to read as follows:

6 (a-1) Subchapter C applies to the Tarrant County Criminal
7 District Court No. 1.

8 (b) This section applies to the Tarrant County Criminal
9 District Courts Nos. 1, 2, ~~and~~ 3, and 4.

10 (c) The criminal district courts have jurisdiction of
11 criminal cases within the jurisdiction of a district court. The
12 criminal district courts also have concurrent original
13 jurisdiction with the county criminal courts in Tarrant County over
14 misdemeanor cases. The criminal district courts do not have
15 appellate misdemeanor jurisdiction.

16 (e) The judge of each criminal district court or county
17 criminal court may, on motion of the judge or the criminal district
18 attorney, transfer misdemeanor cases between the courts by an order
19 entered in the minutes of the transferor ~~[transferring]~~ court. The
20 clerk of the transferor ~~[transferring]~~ court shall certify the
21 style and number of the case to the clerk of the transferee court
22 ~~[to which it is transferred]~~ and include the papers of the case with
23 the certification. The ~~[receiving]~~ clerk of the transferee court
24 shall promptly docket the transferred case. The transferee
25 ~~[receiving]~~ court shall dispose of the case as if it had been
26 originally instituted in that court.

27 (b) Section 24.910(f), Government Code, is repealed.

1 SECTION 1.020. Section 24.911, Government Code, is amended
2 by adding Subsection (a-1) to read as follows:

3 (a-1) Subchapter C applies to the Tarrant County Criminal
4 District Court No. 2.

5 SECTION 1.021. Section 24.912, Government Code, is amended
6 by adding Subsection (a-1) to read as follows:

7 (a-1) Subchapter C applies to the Tarrant County Criminal
8 District Court No. 3.

9 SECTION 1.022. (a) The heading to Section 24.913,
10 Government Code, is amended to read as follows:

11 Sec. 24.913. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT
12 NO. 4 [~~OF TARRANT COUNTY~~].

13 (b) Section 24.913, Government Code, is amended by amending
14 Subsections (a) and (d) and adding Subsection (d-1) to read as
15 follows:

16 (a) The Tarrant County Criminal Judicial District No. 4 [~~of~~
17 ~~Tarrant County~~] is composed of Tarrant County.

18 (d) Subchapter C applies to the Tarrant County Criminal
19 District Court No. 4 [~~of Tarrant County~~].

20 (d-1) Section 24.910, relating to the Tarrant County
21 Criminal District Court No. 1, contains provisions applicable to
22 both that court and the Tarrant County Criminal District Court
23 No. 4.

24 (c) Sections 24.913(b), (c), and (e), Government Code, are
25 repealed.

26 SECTION 1.023. Subchapter C, Chapter 72, Government Code,
27 is amended by adding Section 72.039 to read as follows:

1 Sec. 72.039. DISTRICT COURT CASELOAD ANALYSIS. (a) In this
2 section:

3 (1) "Clearance rate" has the meaning assigned by
4 Section 72.083.

5 (2) "Judicial officer" means a district judge or an
6 associate judge, master, magistrate, or referee who conducts
7 proceedings for district courts.

8 (b) The office at least once every two years shall conduct a
9 district court caseload analysis. The analysis must concentrate
10 on the weighted caseload of the district courts in the 30 most
11 populous counties in this state, considering the nature and
12 complexity of cases heard by each court, and include the following
13 information, disaggregated by county:

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

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

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

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

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

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

3 (c) Not later than October 1 of each even-numbered year, the
4 office shall report the results of the analysis conducted under
5 Subsection (b) to the governor, the lieutenant governor, and each
6 member of the legislature.

7 SECTION 1.024. Section 659.012(b), Government Code, is
8 amended to read as follows:

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

12 (1) 110 percent of the state base salary paid in
13 accordance with Subsection (a) for the judge's or justice's
14 position, beginning with the pay period that begins after the judge
15 or justice accrues four years of:

16 (A) contributing service credit in the Judicial
17 Retirement System of Texas Plan One or the Judicial Retirement
18 System of Texas Plan Two;

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

23 (C) combined contributing service credit and
24 service as provided by Paragraphs (A) and (B); and

25 (2) 120 percent of the state base salary paid in
26 accordance with Subsection (a) for the judge's or justice's
27 position, beginning with the pay period that begins after the judge

1 or justice accrues eight years of:

2 (A) contributing service credit in the Judicial
3 Retirement System of Texas Plan One or the Judicial Retirement
4 System of Texas Plan Two;

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

9 (C) combined contributing service credit and
10 service as provided by Paragraphs (A) and (B).

11 ARTICLE 2. STATUTORY COUNTY COURTS

12 SECTION 2.001. Section 25.0005(a), Government Code, is
13 amended to read as follows:

14 (a) A statutory county court judge, other than a statutory
15 county court judge who engages in the private practice of law, shall
16 be paid a total annual salary set by the commissioners court at an
17 amount that is not less than \$1,000 less than the sum of the annual
18 salary as set by the General Appropriations Act in accordance with
19 Section 659.012 paid to a district judge with comparable years of
20 service as the statutory county court judge and any state or county
21 contributions and supplements paid to a district judge in the
22 county, other than contributions received as compensation under
23 Section 74.051. A statutory county court judge's total annual
24 salary includes any state or county contributions and supplements
25 paid to the judge. For purposes of this subsection, the years of
26 service of a statutory county court judge include any years of
27 service as:

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

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

6 SECTION 2.002. Section 25.0023(a), Government Code, is
7 amended to read as follows:

8 (a) The commissioners court shall set the total annual
9 salary of each judge of a statutory probate court at an amount that
10 is at least equal to the sum of the annual salary as set by the
11 General Appropriations Act in accordance with Section 659.012 paid
12 to a district judge with comparable years of service as the
13 statutory probate court judge and any state or county contributions
14 and supplements paid to a district judge in the county, other than
15 contributions received as compensation under Section 74.051. A
16 statutory probate court judge's total annual salary includes any
17 state or county contributions and supplements paid to the judge,
18 other than contributions paid under Section 25.0022(e). For
19 purposes of this subsection, the years of service of a statutory
20 probate court judge include any years of service as:

21 (1) an appellate court, district court, multicounty
22 statutory county court, or statutory county court justice or judge;
23 or

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

26 SECTION 2.003. (a) Sections 25.0062(a) and (b), Government
27 Code, are amended to read as follows:

1 (a) In addition to the jurisdiction provided by Section
2 25.0003 and other law, a county court at law of Aransas County has
3 concurrent jurisdiction with the district court in:

4 (1) family law cases and proceedings; ~~and~~

5 (2) felony cases to conduct arraignments, conduct
6 pretrial hearings, and accept guilty pleas; and

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

9 (b) The district clerk serves as clerk of a county court at
10 law in felony cases, in ~~and~~ family law cases and proceedings, and
11 in civil cases in which the matter in controversy exceeds \$250,000.

12 The ~~and the~~ county clerk serves as clerk of a county court at law
13 in all other cases. The district clerk shall establish a separate
14 docket for a county court at law. The commissioners court shall
15 provide the deputy clerks, bailiffs, and other personnel necessary
16 to operate a county court at law.

17 (b) Sections 25.0062(a) and (b), Government Code, as
18 amended by this section, apply only to a case filed or proceeding
19 commenced on or after September 1, 2023. A case filed or proceeding
20 commenced before September 1, 2023, is governed by the law in effect
21 on the date the case was filed or the proceeding was commenced, and
22 the former law is continued in effect for that purpose.

23 SECTION 2.004. (a) Section 25.0171(c), Government Code, is
24 amended to read as follows:

25 (c) Bexar County also has the following statutory probate
26 courts:

27 (1) Probate Court No. 1 of Bexar County, Texas; ~~and~~

1 (2) Probate Court No. 2 of Bexar County, Texas; and

2 (3) Probate Court No. 3 of Bexar County, Texas.

3 (b) The Probate Court No. 3 of Bexar County, Texas, is
4 created on September 1, 2023.

5 SECTION 2.005. (a) Section 25.0173, Government Code, is
6 amended by amending Subsections (a) and (o) and adding Subsection
7 (p) to read as follows:

8 (a) A statutory probate court in Bexar County has the
9 general jurisdiction of a probate court as provided by Section
10 25.0021. Probate Courts Nos. 1, ~~[and] 2,~~ and 3 have eminent domain
11 jurisdiction and jurisdiction to decide the issue of title to real
12 or personal property. Notwithstanding the local rules adopted
13 under Section 74.093, the county clerk shall docket all eminent
14 domain cases equally among ~~[in]~~ Probate Courts Nos. ~~[Court No.] 1,~~
15 ~~[and Probate Court No.] 2,~~ and 3.

16 (o) Notwithstanding the local rules adopted under Section
17 74.093, the county clerk shall:

18 (1) docket all mental health matters in Probate Court
19 No. 1; and

20 (2) assign equally among the statutory probate courts
21 in Bexar County and ~~[shall]~~ docket at random all other matters and
22 proceedings filed in the statutory probate courts in Bexar County
23 ~~[even-numbered probate cases in Probate Court No. 2 and all~~
24 ~~odd-numbered probate cases in Probate Court No. 1].~~

25 (p) Notwithstanding Section 25.0022(h), in the absence,
26 disqualification, or incapacity of a statutory probate judge in
27 Bexar County or on the judge's request, the statutory probate

1 judges in Bexar County may sit and act for each other in any probate
2 matter or proceeding. A statutory probate judge in Bexar County
3 may:

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

6 (2) enter any order in the matter or proceeding that
7 the judge of the other statutory probate court in Bexar County may
8 enter.

9 (b) Section 25.0173(j), Government Code, is repealed.

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

16 SECTION 2.006. (a) Section 25.0331, Government Code, is
17 amended by amending Subsection (a) and adding Subsection (a-1) to
18 read as follows:

19 (a) Cameron County has the following statutory county
20 courts:

21 (1) County Court at Law No. 1 of Cameron County;

22 (2) County Court at Law No. 2 of Cameron County;

23 (3) County Court at Law No. 3 of Cameron County; and

24 (4) [~~County Court at Law No. 4 of Cameron County, and~~

25 [~~5~~] County Court at Law No. 5 of Cameron County.

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

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

4 SECTION 2.007. (a) Section 25.0332(a), Government Code, is
5 amended to read as follows:

6 (a) In addition to the jurisdiction provided by Section
7 25.0003 and other law, a county court at law in Cameron County has[+]

8 ~~[(1) concurrent with the county court, the probate
9 jurisdiction provided by general law for county courts; and~~

10 [(2)] concurrent jurisdiction with the district court
11 in civil cases in which the amount in controversy exceeds \$500 but
12 does not exceed \$1 million, excluding interest.

13 (b) Subchapter C, Chapter 25, Government Code, is amended by
14 adding Section 25.0333 to read as follows:

15 Sec. 25.0333. CAMERON COUNTY PROBATE COURT PROVISIONS. (a)
16 A statutory probate court in Cameron County has the jurisdiction of
17 a probate court as provided by Section 25.0021.

18 (b) A statutory probate court in Cameron County has
19 jurisdiction over mental health cases diverted from the criminal
20 justice system in the county.

21 (c) Section 25.0332(b), Government Code, is repealed.

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

27 (e) The local administrative statutory county court judge

1 shall transfer any active probate matter that is pending in a
2 statutory county court in Cameron County on September 1, 2023, to
3 Probate Court No. 1 of Cameron County.

4 (f) When a case is transferred as provided by Subsection (d)
5 or (e) of this section, all processes, writs, bonds, recognizances,
6 or other obligations issued from the transferring court are
7 returnable to the court to which the case is transferred as if
8 originally issued by that court. The obligees on all bonds and
9 recognizances taken in and for a court from which a case is
10 transferred, and all witnesses summoned to appear in a court from
11 which a case is transferred, are required to appear before the court
12 to which a case is transferred as if originally required to appear
13 before that court.

14 SECTION 2.008. (a) Section 25.0592(1), Government Code, is
15 amended to read as follows:

16 (1) Sections 25.0006 and 25.0007(b) [~~25.0007~~] do not apply
17 to a county court at law in Dallas County.

18 (b) Section 25.0592(1), Government Code, as amended by this
19 section, applies only to a jury impaneled on or after September 1,
20 2023.

21 SECTION 2.009. Section 25.0732, Government Code, is amended
22 by adding Subsection (c) to read as follows:

23 (c) The County Criminal Court at Law No. 2 of El Paso
24 County, Texas, is designated to conduct the DWI Drug Court
25 Intervention and Treatment Program of El Paso County as a drug court
26 program under Chapter 123 for persons arrested for, charged with,
27 or convicted of an offense involving the operation of a motor

1 vehicle while intoxicated.

2 SECTION 2.010. Section 25.0932, Government Code, is amended
3 by amending Subsection (a) and adding Subsection (b) to read as
4 follows:

5 (a) In addition to the jurisdiction provided by Section
6 25.0003 and other law, a county court at law in Grayson County has:

7 (1) original concurrent jurisdiction with the justice
8 court in all civil and criminal matters over which the justice court
9 has jurisdiction; and

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

12 (b) The district clerk serves as clerk of a county court at
13 law in family law cases and proceedings, and the county clerk serves
14 as clerk of the court in all other cases.

15 SECTION 2.011. (a) Section 25.1031(c), Government Code, is
16 amended to read as follows:

17 (c) Harris County has the following statutory probate
18 courts:

- 19 (1) Probate Court No. 1 of Harris County, Texas;
- 20 (2) Probate Court No. 2 of Harris County, Texas;
- 21 (3) Probate Court No. 3 of Harris County, Texas; ~~and~~
- 22 (4) Probate Court No. 4 of Harris County, Texas; and
- 23 (5) Probate Court No. 5 of Harris County, Texas.

24 (b) Section 25.1034(j), Government Code, is repealed.

25 (c) The Probate Court No. 5 of Harris County, Texas, is
26 created on September 1, 2023.

27 SECTION 2.012. Sections 25.1331 and 25.1332, Government

1 Code, are repealed.

2 SECTION 2.013. Sections 25.1572(a), (d), and (e),
3 Government Code, are amended to read as follows:

4 (a) In addition to the jurisdiction provided by Section
5 25.0003 and other law and except as limited by Subsection (b), a
6 county court at law in McLennan County has:

7 (1) concurrent jurisdiction with the district courts
8 in state jail, third degree, and second degree felony cases and
9 family law cases on assignment from a district judge presiding in
10 McLennan County and acceptance of the assignment by the judge of the
11 county court at law to:

- 12 (A) conduct arraignments;
13 (B) conduct pretrial hearings;
14 (C) accept guilty pleas and conduct sentencing;
15 (D) conduct jury trials and nonjury trials;
16 (E) conduct probation revocation hearings;
17 (F) conduct post-trial proceedings; and
18 (G) conduct family law cases and proceedings; and

19 (2) jurisdiction in:

- 20 (A) Class A and Class B misdemeanor cases;
21 (B) probate proceedings;
22 (C) eminent domain;
23 (D) appeals from the justice and municipal
24 courts; and

25 (E) disputes ancillary to probate, eminent
26 domain, condemnation, or landlord and tenant matters relating to
27 the adjudication and determination of land titles and trusts,

1 whether testamentary, inter vivos, constructive, resulting, or any
2 other class or type of trust, regardless of the amount in
3 controversy or the remedy sought [~~to conduct arraignments, conduct~~
4 ~~pretrial hearings, accept guilty pleas, and conduct probation~~
5 ~~revocation hearings in felony cases~~].

6 (d) A judge of a county court at law shall be paid a total
7 ~~an~~ annual ~~base~~ salary set by the commissioners court in an
8 amount not less than \$1,000 less than the annual ~~base~~ salary
9 received by [~~the state pays to~~] a district judge [~~as set by the~~
10 ~~General Appropriations Act in accordance with Section 659.012~~] with
11 equivalent years of service as a ~~the~~ judge, as provided under
12 Section 25.0005, to be paid out of the county treasury by the
13 commissioners court. [~~A county court at law judge's and a district~~
14 ~~judge's annual base salaries do not include contributions and~~
15 ~~supplements paid by the county.~~]

16 (e) The district clerk serves as clerk of a county court at
17 law in cases instituted in the district courts in which the county
18 courts at law have [~~matters of~~] concurrent jurisdiction with the
19 district court. The county clerk serves as the clerk of a county
20 court at law in all other matters. Each clerk shall establish a
21 separate docket for a county court at law.

22 SECTION 2.014. (a) Effective October 1, 2023, Section
23 25.1721, Government Code, is amended to read as follows:

24 Sec. 25.1721. MONTGOMERY COUNTY. (a) Montgomery County
25 has the following statutory county courts:

- 26 (1) County Court at Law No. 1 of Montgomery County;
27 (2) [~~County Court at Law No. 2 of Montgomery County,~~

1 ~~(3)~~ County Court at Law No. 3 of Montgomery County;
2 (3) ~~(4)~~ County Court at Law No. 4 of Montgomery
3 County;
4 (4) ~~(5)~~ County Court at Law No. 5 of Montgomery
5 County; and
6 (5) ~~(6)~~ County Court at Law No. 6 of Montgomery
7 County.

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

10 (b) The County Court at Law No. 2 of Montgomery County is
11 redesignated as the Probate Court No. 1 of Montgomery County
12 effective October 1, 2023.

13 (c) Effective October 1, 2023, the judge of the County Court
14 at Law No. 2 of Montgomery County is the judge of the Probate Court
15 No. 1 of Montgomery County. Unless otherwise removed, the judge
16 serves until December 31, 2026, and until the judge's successor is
17 elected and has qualified. In the 2026 general election and every
18 four years following that election, the qualified voters of the
19 county shall elect a judge of the Probate Court No. 1 of Montgomery
20 County for a regular term of four years.

21 SECTION 2.015. (a) Effective October 1, 2023, Subchapter
22 **C**, Chapter **25**, Government Code, is amended by adding Section
23 25.1723 to read as follows:

24 Sec. 25.1723. MONTGOMERY COUNTY PROBATE COURT PROVISIONS.

25 (a) In this section, "remote proceeding" means a proceeding before
26 a court in which one or more of the participants, including a judge,
27 party, attorney, witness, or other individual, attends the

1 proceeding remotely through the use of technology.

2 (b) A statutory probate court of Montgomery County has
3 concurrent jurisdiction with the district court, regardless of the
4 amount in controversy or the relief sought, in:

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

7 (2) declaratory judgment actions;

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

10 (4) actions to appoint a receiver under any law,
11 including Section 11.402, Business Organizations Code.

12 (c) A statutory probate court of Montgomery County has
13 eminent domain jurisdiction, including the jurisdiction provided
14 to a district court under Sections 21.002 and 21.003, Property
15 Code, regardless of the amount in controversy or the remedy sought.
16 All eminent domain actions, cases, matters, or proceedings arising
17 under Chapter 21, Property Code, or under Section 251.101,
18 Transportation Code, shall be filed and docketed in a statutory
19 probate court.

20 (d) A statutory probate court of Montgomery County may
21 conduct docket matters at any location in the county as the
22 statutory probate court judge considers necessary for the
23 protection of wards or mental health respondents or as otherwise
24 provided by law.

25 (e) A judge of a statutory probate court in Montgomery
26 County and a judge of a district court or statutory county court in
27 Montgomery County may exchange benches and may sit and act for each

1 other in any matter pending before the court.

2 (f) The county clerk of Montgomery County serves as clerk of
3 a statutory probate court.

4 (g) A statutory probate court of Montgomery County may
5 appoint as a court investigator an employee of the court or another
6 department in the county to comply with Section 25.0025.

7 (h) In addition to the uses authorized by Section 135.159,
8 Local Government Code, Montgomery County may use the fees collected
9 under Section 135.102, Local Government Code, and deposited into
10 the judicial education and support fund to provide staff for the
11 statutory probate courts and for court-related purposes for the
12 support of the statutory probate courts.

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

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

22 (d) When a case is transferred as provided by Subsection (b)
23 or (c) of this section, all processes, writs, bonds, recognizances,
24 or other obligations issued from the transferring court are
25 returnable to the court to which the case is transferred as if
26 originally issued by that court. The obligees on all bonds and
27 recognizances taken in and for a court from which a case is

1 transferred, and all witnesses summoned to appear in a court from
2 which a case is transferred, are required to appear before the court
3 to which a case is transferred as if originally required to appear
4 before that court.

5 SECTION 2.016. (a) Sections 25.1892(a) and (e), Government
6 Code, are amended to read as follows:

7 (a) In addition to the jurisdiction provided by Section
8 25.0003 and other law, a county court at law in Polk County has
9 concurrent ~~[civil]~~ jurisdiction with the district court in:

10 (1) cases and proceedings involving the collection of
11 delinquent taxes, penalties, interest, and costs and the
12 foreclosure of tax liens; ~~[and]~~

13 (2) family law cases and proceedings; and

14 (3) felony cases to conduct arraignments and pre-trial
15 hearings and to accept guilty pleas.

16 (e) The district clerk serves as clerk of a county court at
17 law in cases of concurrent jurisdiction with the district court
18 ~~[enumerated in Subsection (a)(2)]~~, and the county clerk serves as
19 clerk in all other cases. ~~[The district clerk shall establish a~~
20 ~~separate docket for a county court at law.]~~

21 (b) Sections 25.1892(a) and (e), Government Code, as
22 amended by this article, apply only to a case filed or proceeding
23 commenced on or after September 1, 2023. A case filed or proceeding
24 commenced before September 1, 2023, is governed by the law in effect
25 on the date the case was filed or the proceeding was commenced, and
26 the former law is continued in effect for that purpose.

27 SECTION 2.017. (a) Sections 25.2223(a), (i), (j), (j-2),

1 and (1), Government Code, are amended to read as follows:

2 (a) A county criminal court in Tarrant County has
3 jurisdiction over all criminal matters and causes, original and
4 appellate, prescribed by law for county courts, but does not have
5 civil jurisdiction. In addition to the jurisdiction provided by
6 Section 25.0003 and other law, a county criminal court in Tarrant
7 County has concurrent original jurisdiction of criminal cases with
8 a district court other than felony cases involving capital
9 murder. The County Criminal Courts Nos. 9 [5] and 10 of Tarrant
10 County also have concurrent jurisdiction within the county of all
11 appeals from criminal convictions under the laws of this state and
12 the municipal ordinances of the municipalities located in Tarrant
13 County that are appealed from the justice courts and municipal
14 courts in the county. [~~The County Criminal Courts Nos. 5, 7, 8, 9,~~
15 ~~and 10 of Tarrant County also have concurrent jurisdiction with the~~
16 ~~district court in felony cases to conduct arraignments, conduct~~
17 ~~pretrial hearings, and accept guilty pleas.~~]

18 (i) The official court reporter of a county criminal court
19 is entitled to the same fees and salary as a district court reporter
20 and shall perform the same duties and take the oath of office as
21 provided by law for district court reporters. [~~The official court~~
22 ~~reporter for the County Criminal Court No. 1 or 3 of Tarrant County~~
23 ~~is not required to take testimony in cases in which neither a party~~
24 ~~nor the judge demands it.~~]

25 (j) At least two bailiffs shall be assigned regularly to
26 each county criminal court in [~~the County Criminal Court No. 1 of~~
27 ~~Tarrant County and the County Criminal Court No. 2 of]~~ Tarrant

1 County. Except as provided by Subsection (j-2), each judge [~~the~~
2 ~~judges~~] of a county criminal court [~~the County Criminal Courts Nos.~~
3 ~~1 and 2 of Tarrant County~~] shall [~~each~~] appoint one officer to act
4 as bailiff of the judge's court, and the sheriff of Tarrant County
5 shall appoint a bailiff for each court as prescribed by law. The
6 bailiffs serve at the pleasure of the court and shall perform the
7 duties required by the judge of the court to which the bailiffs are
8 assigned.

9 (j-2) The judge of a county criminal court [~~listed in~~
10 ~~Subsection (j) or (j-1)~~] may authorize the sheriff to appoint all
11 bailiffs in the judge's court. If the sheriff is authorized by a
12 judge to make the judge's appointment under this subsection, the
13 sheriff shall appoint at least two officers to act as bailiffs for
14 the judge's court. A bailiff appointed under this subsection
15 serves at the pleasure of the court and shall perform the duties
16 required by the judge of the court to which the bailiff is assigned.

17 (1) The County Criminal Courts Nos. [~~Court No.~~] 5 and 6 of
18 Tarrant County [~~and the County Criminal Court No. 6 of Tarrant~~
19 ~~County~~] shall give preference to cases brought under Title 5, Penal
20 Code, involving family violence as defined by Section 71.004,
21 Family Code, and cases brought under Sections 25.07, 25.072, and
22 42.07(a)(2) [~~42.072~~], Penal Code.

23 (b) Sections 25.2223(b) and (j-1), Government Code, are
24 repealed.

25 SECTION 2.018. (a) Effective October 1, 2023, Section
26 25.2291(c), Government Code, is amended to read as follows:

27 (c) Travis County has the following [~~one~~] statutory probate

1 courts:

2 (1) [~~court, the~~] Probate Court No. 1 of Travis County;

3 and

4 (2) Probate Court No. 2 of Travis County.

5 (b) The Probate Court No. 2 of Travis County is created on
6 October 1, 2023.

7 SECTION 2.019. (a) Effective October 1, 2023, Section
8 [25.2293](#), Government Code, is amended by adding Subsections (d),
9 (e), (h), and (k) to read as follows:

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

12 (e) The county clerk shall docket:

13 (1) all mental health matters in Probate Court No. 2,
14 notwithstanding the local rules adopted under Section [74.093](#);

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

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

21 (h) The county clerk shall appoint a deputy clerk for each
22 statutory probate court. A deputy clerk serves at the pleasure of
23 the judge of the court to which the deputy clerk is assigned. A
24 deputy clerk must take the constitutional oath of office, and the
25 county clerk may require the deputy clerk to furnish a bond in an
26 amount, conditioned and payable, as required by law. A deputy clerk
27 acts in the name of the county clerk and may perform any other

1 service required by the judge of a statutory probate court. A
2 deputy clerk shall attend all sessions of the court to which the
3 deputy clerk is assigned.

4 (k) In case of the absence, disqualification, or incapacity
5 of a judge of a statutory probate court of Travis County, or for any
6 other reason, the judges of the statutory probate courts of Travis
7 County may sit and act for each other in any matter or proceeding
8 pending in either court.

9 (b) Effective October 1, 2023, Section 25.2293(m),
10 Government Code, is repealed.

11 SECTION 2.020. (a) Section 25.2391, Government Code, is
12 amended to read as follows:

13 Sec. 25.2391. WALLER COUNTY. (a) Waller County has the
14 following [one] statutory county courts:

15 (1) [court, the] County Court at Law No. 1 of Waller
16 County; and

17 (2) County Court at Law No. 2 of Waller County.

18 (b) The county courts at law [County Court at Law] of Waller
19 County sit [sits] in Hempstead.

20 (b) On September 1, 2023, the County Court at Law of Waller
21 County is redesignated County Court at Law No. 1 of Waller County.

22 (c) The judge of the County Court at Law of Waller County is
23 the judge of County Court at Law No. 1 of Waller County.

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

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

3 SECTION 2.021. Section 25.2392, Government Code, is amended
4 by adding Subsection (b) and amending Subsection (g) to read as
5 follows:

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

9 (g) The district clerk serves as clerk of a county court at
10 law in family law cases and proceedings and as clerk of County Court
11 at Law No. 2 in cases and proceedings in which the court has
12 concurrent jurisdiction with the district courts as provided by the
13 constitution and general law, including jurisdiction in felony
14 criminal cases. The~~[, and the]~~ county clerk serves as clerk of a
15 county ~~[the]~~ court at law in all other cases and proceedings. The
16 commissioners court may employ as many deputy sheriffs and bailiffs
17 as are necessary to serve the court.

18 SECTION 2.022. (a) Subchapter C, Chapter 25, Government
19 Code, is amended by adding Section 25.2491 to read as follows:

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

22 (b) The county Court at Law of Wilson County is created on
23 September 1, 2023.

24 SECTION 2.023. Section 25.2607(d), Government Code, is
25 amended to read as follows:

26 (d) Notwithstanding Section 25.0015, the state shall
27 annually compensate the administrative county of a multicounty

1 statutory county court for the salary of the judge of the
2 multicounty statutory county court in an amount equal to 100
3 percent of the state [~~base~~] salary paid to a district judge with
4 comparable years of service as the multicounty statutory county
5 court judge, as set by the General Appropriations Act in accordance
6 with Section 659.012 [~~659.012(a)~~]. For purposes of this subsection,
7 the years of service of a multicounty statutory county court judge
8 include any years of service as:

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

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

13 SECTION 2.024. (a) Subchapter F, Chapter 25, Government
14 Code, is amended by adding Sections 25.2703 and 25.2704 to read as
15 follows:

16 Sec. 25.2703. 2ND MULTICOUNTY COURT AT LAW (BEE, LIVE OAK,
17 AND MCMULLEN COUNTIES). Bee, Live Oak, and McMullen Counties have a
18 multicounty statutory county court composed of those counties, the
19 2nd Multicounty Court at Law.

20 Sec. 25.2704. 2ND MULTICOUNTY COURT AT LAW PROVISIONS. (a)
21 In addition to the jurisdiction provided by Section 25.0003 and
22 other law, the 2nd Multicounty Court at Law has concurrent
23 jurisdiction with the district courts, except in civil cases in
24 which the matter in controversy exceeds the amount provided by
25 Section 25.0003(c)(1).

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

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

5 (d) If the counties served by the county court at law are
6 unable to reach an agreement under Subsection (c) before the first
7 day of the fiscal year for a county served by the court, each county
8 shall pay to the court's administrative county a share of the
9 court's administrative and operational costs for the fiscal year
10 based on the proportion of the court's caseload originating in the
11 county during the preceding year. A county is entitled to
12 compensation from the state under Section 25.0015 in proportion to
13 the amount paid under this subsection.

14 (e) The district clerk serves as clerk of the county court
15 at law in matters of concurrent jurisdiction with the district
16 court, and the county clerk serves as clerk of the county court at
17 law in all other cases.

18 (f) Sections 25.0006, 25.0008, and 74.054(b) do not apply to
19 the county court at law.

20 (g) Notwithstanding Section 74.121(b)(1), in matters of
21 concurrent jurisdiction, the judge of the 2nd Multicounty Court at
22 Law and the judges of the district courts in Bee, Live Oak, and
23 McMullen Counties may exchange benches and courtrooms and may
24 transfer cases between their dockets in the same manner that judges
25 of district courts exchange benches and courtrooms and transfer
26 cases under Section 24.003.

27 (b) The 2nd Multicounty Court at Law is created on September

1 1, 2023.

2 ARTICLE 3. JUSTICE COURTS AND CONSTITUTIONAL COUNTY COURTS

3 SECTION 3.001. Article 49.05(b), Code of Criminal
4 Procedure, is amended to read as follows:

5 (b) A justice of the peace may conduct an inquest:

6 (1) at the place where the death occurred;

7 (2) where the body was found; ~~[or]~~

8 (3) by videoconference with an individual who is:

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

10 (B) present with the body for a death described
11 by Article 49.04(a)(6) or (7); or

12 (4) at any other place determined to be reasonable by
13 the justice.

14 SECTION 3.002. Section 26.315, Government Code, is amended
15 to read as follows:

16 Sec. 26.315. STEPHENS COUNTY. (a) In addition to other
17 jurisdiction provided by law, the [The] County Court of Stephens
18 County has original concurrent jurisdiction with the justice courts
19 in all civil matters in which the justice courts have jurisdiction
20 under general law [the general jurisdiction of a probate court and
21 juvenile jurisdiction as provided by Section 26.042(b) but has no
22 other criminal or civil jurisdiction].

23 (b) The district clerk shall maintain the records of the
24 County Court of Stephens County.

25 SECTION 3.003. (a) Section 92.0563(e), Property Code, is
26 amended to read as follows:

27 (e) A justice court may not award a judgment under this

1 section, including an order of repair, that exceeds \$20,000
2 [~~\$10,000~~], excluding interest and costs of court.

3 (b) Section 92.0563(e), Property Code, as amended by this
4 section, applies only to a cause of action that accrues on or after
5 September 1, 2023. A cause of action that accrues before that date
6 is governed by the law in effect immediately before that date, and
7 that law is continued in effect for that purpose.

8 ARTICLE 4. CRIMINAL LAW MAGISTRATES

9 SECTION 4.001. Article 2.09, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
12 officers is a magistrate within the meaning of this Code: The
13 justices of the Supreme Court, the judges of the Court of Criminal
14 Appeals, the justices of the Courts of Appeals, the judges of the
15 District Court, the magistrates appointed by the judges of the
16 district courts of Bexar County, Dallas County, or Tarrant County
17 that give preference to criminal cases, the criminal law hearing
18 officers for Harris County appointed under Subchapter L, Chapter
19 54, Government Code, the criminal law hearing officers for Cameron
20 County appointed under Subchapter BB, Chapter 54, Government Code,
21 the magistrates or associate judges appointed by the judges of the
22 district courts of Lubbock County, Nolan County, or Webb County,
23 the magistrates appointed by the judges of the criminal district
24 courts of Dallas County or Tarrant County, the associate judges
25 appointed by the judges of the district courts and the county courts
26 at law that give preference to criminal cases in Jefferson County,
27 the magistrates appointed by the judges of the district courts and

1 statutory county courts in Denton County, the magistrates appointed
2 by the judges of the district courts and statutory county courts in
3 Grayson County, the associate judges appointed by the judges of the
4 district courts and the statutory county courts of Brazos County,
5 Nueces County, or Williamson County, the magistrates appointed by
6 the judges of the district courts and statutory county courts that
7 give preference to criminal cases in Travis County, the criminal
8 magistrates appointed by the Brazoria County Commissioners Court,
9 the criminal magistrates appointed by the Burnet County
10 Commissioners Court, the magistrates appointed by the El Paso
11 Council of Judges, the county judges, the judges of the county
12 courts at law, judges of the county criminal courts, the judges of
13 statutory probate courts, the associate judges appointed by the
14 judges of the statutory probate courts under Chapter 54A,
15 Government Code, the associate judges appointed by the judge of a
16 district court under Chapter 54A, Government Code, the magistrates
17 appointed under Subchapter JJ, Chapter 54, Government Code, the
18 magistrates appointed by the Collin County Commissioners Court, the
19 magistrates appointed by the Fort Bend County Commissioners Court,
20 the justices of the peace, and the mayors and recorders and the
21 judges of the municipal courts of incorporated cities or towns.

22 SECTION 4.002. Article 4.01, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The
25 following courts have jurisdiction in criminal actions:

- 26 1. The Court of Criminal Appeals;
- 27 2. Courts of appeals;

- 1 3. The district courts;
- 2 4. The criminal district courts;
- 3 5. The magistrates appointed by the judges of the
- 4 district courts of Bexar County, Dallas County, Tarrant County, or
- 5 Travis County that give preference to criminal cases and the
- 6 magistrates appointed by the judges of the criminal district courts
- 7 of Dallas County or Tarrant County;
- 8 6. The county courts;
- 9 7. All county courts at law with criminal
- 10 jurisdiction;
- 11 8. County criminal courts;
- 12 9. Justice courts;
- 13 10. Municipal courts;
- 14 11. The magistrates appointed by the judges of the
- 15 district courts of Lubbock County;
- 16 12. The magistrates appointed by the El Paso Council
- 17 of Judges;
- 18 13. The magistrates appointed by the Collin County
- 19 Commissioners Court;
- 20 14. The magistrates appointed by the Brazoria County
- 21 Commissioners Court or the local administrative judge for Brazoria
- 22 County; ~~and~~
- 23 15. The magistrates appointed by the judges of the
- 24 district courts of Tom Green County;
- 25 16. The magistrates appointed by the judges of the
- 26 district and statutory county courts of Denton County; and
- 27 17. The magistrates appointed by the judges of the

1 district and statutory county courts of Grayson County.

2 SECTION 4.003. Section 54.2001(b), Government Code, is
3 amended to read as follows:

4 (b) The judges of the district and statutory county courts
5 in Guadalupe County by majority [~~a-unanimous~~] vote may appoint
6 magistrates as authorized by the Commissioners Court of Guadalupe
7 County.

8 SECTION 4.004. Section 54.2502(c), Government Code, is
9 amended to read as follows:

10 (c) A judge of the criminal law magistrate court is entitled
11 to the salary set by the commissioners court. The salary may not be
12 less than the annual base salary paid to a district judge under
13 Section 659.012(a)(1) and must include compensation for services
14 performed on behalf of Brazoria County [~~Chapter 659~~].

15 SECTION 4.005. Chapter 54, Government Code, is amended by
16 adding Subchapter RR to read as follows:

17 SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

18 Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

19 (a) The Commissioners Court of Grayson County may authorize the
20 judges of the district and statutory county courts in Grayson
21 County to appoint one or more part-time or full-time magistrates to
22 perform the duties authorized by this subchapter.

23 (b) The judges of the district and statutory county courts
24 in Grayson County by a unanimous vote may appoint magistrates as
25 authorized by the Commissioners Court of Grayson County.

26 (c) An order appointing a magistrate must be signed by the
27 local presiding judge of the district courts serving Grayson

1 County, and the order must state:

2 (1) the magistrate's name; and

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

4 (d) An authorized magistrate's position may be eliminated
5 on a majority vote of the Commissioners Court of Grayson County.

6 Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be
7 eligible for appointment as a magistrate, a person must be a
8 resident of this state and:

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

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

14 (b) A magistrate appointed under Section 54.2701 must take
15 the constitutional oath of office required of appointed officers of
16 this state.

17 Sec. 54.2703. COMPENSATION. A magistrate is entitled to
18 the salary determined by the Commissioners Court of Grayson County.

19 Sec. 54.2704. JURISDICTION. A magistrate has concurrent
20 criminal jurisdiction with the judges of the justice of the peace
21 courts of Grayson County.

22 Sec. 54.2705. POWERS AND DUTIES. (a) The Commissioners
23 Court of Grayson County shall establish the powers and duties of a
24 magistrate appointed under this subchapter. Except as otherwise
25 provided by the commissioners court, a magistrate has the powers of
26 a magistrate under the Code of Criminal Procedure and other laws of
27 this state and may administer an oath for any purpose.

1 (b) A magistrate shall give preference to performing the
2 duties of a magistrate under Article 15.17, Code of Criminal
3 Procedure.

4 (c) The commissioners court may designate one or more
5 magistrates to hold regular hearings to:

6 (1) give admonishments;

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

8 (3) appoint legal counsel; and

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

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

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

17 Sec. 54.2706. JUDICIAL IMMUNITY. A magistrate has the same
18 judicial immunity as a district judge.

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

22 (b) A referring court may fine or imprison a witness or
23 other court participant for failure to appear after being summoned,
24 refusal to answer questions, or other acts of direct contempt
25 before a magistrate.

26 SECTION 4.006. Chapter 54, Government Code, is amended by
27 adding Subchapter SS to read as follows:

1 SUBCHAPTER SS. DENTON COUNTY CRIMINAL LAW MAGISTRATE COURT

2 Sec. 54.2801. CREATION. The Denton County Criminal Law
3 Magistrate Court is a court with the jurisdiction provided by this
4 subchapter.

5 Sec. 54.2802. APPOINTMENT; OVERSIGHT. (a) The district
6 court judges with jurisdiction in Denton County and the judges of
7 the criminal statutory county courts of Denton County shall appoint
8 one or more judges to preside over the criminal law magistrate
9 court. An appointed judge must:

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

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

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

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

23 (5) meet the qualifications under Section 54.2807.

24 (b) The district court judges with jurisdiction in Denton
25 County and the judges of the criminal statutory county courts of
26 Denton County shall:

27 (1) designate to oversee the criminal law magistrate

1 court either:

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

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

6 (2) supervise the magistrate court to ensure the
7 magistrates appointed give preference to duties under Chapters 14,
8 15, 16, 17, and 18, Code of Criminal Procedure.

9 (c) The magistrates of the criminal law magistrate court
10 shall comply with the standing orders and directives regarding
11 criminal cases of the district court judges with jurisdiction in
12 Denton County and the judges of the criminal statutory county
13 courts of Denton County, including a presiding criminal judge of
14 Denton County.

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

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

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

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

26 (4) in which either:

27 (A) the defendant has not yet been charged by

1 information or indictment; or

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

5 (b) The criminal law magistrate court and the criminal law
6 magistrate court associate judge do not have jurisdiction to:

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

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

12 (c) The magisterial duties in a criminal case shall be
13 transferred to the criminal law magistrate court:

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

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

20 Sec. 54.2804. POWERS AND DUTIES. The criminal law
21 magistrate court may:

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

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

26 (3) perform the duty of a magistrate under Chapters
27 14, 15, 16, 17, and 18, Code of Criminal Procedure;

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

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

6 (6) administer oaths; and

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

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

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

19 (2) oversee the criminal law magistrate court; and

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

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

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

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

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

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

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

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

20 (5) set the conditions of bond;

21 (6) conduct an examining trial;

22 (7) issue search and arrest warrants;

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

24 and

25 (9) with the express authorization of a justice of the
26 peace, exercise concurrent criminal jurisdiction with the justice
27 of the peace to dispose as provided by law of cases filed in the

1 precinct of the authorizing justice of the peace, except for a trial
2 on the merits following a plea of not guilty.

3 (d) A jail magistrate may be assigned additional duties by
4 the criminal law magistrate court associate judge appointed under
5 Section 54.2805.

6 (e) A jail magistrate has the express authority and duty to:

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

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

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

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

17 (f) In addition to the full-time jail magistrates appointed
18 under Subsection (a), the district court judges with jurisdiction
19 in Denton County and the judges of the criminal statutory county
20 courts of Denton County may appoint or engage by joint standing
21 order one or more part-time jail magistrates to serve as a jail
22 magistrate as assigned. A part-time jail magistrate must be
23 qualified to serve as a magistrate in the county under Section
24 54.2807 and be a sitting district, statutory county, or municipal
25 court judge or a justice of the peace in Denton County.

26 Sec. 54.2807. QUALIFICATIONS. To be eligible for
27 appointment as the criminal law magistrate court associate judge, a

1 jail magistrate, or another magistrate in the criminal law
2 magistrate court, a person must:

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

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

7 Sec. 54.2808. COMPENSATION. A criminal law magistrate
8 court associate judge, a jail magistrate, and each other magistrate
9 in the criminal law magistrate court shall be paid a total annual
10 salary set by the Commissioners Court of Denton County. The salary
11 shall be paid in a manner and from a fund determined by the
12 commissioners court.

13 Sec. 54.2809. JUDICIAL IMMUNITY. A criminal law magistrate
14 court associate judge, a jail magistrate, and each other magistrate
15 in the criminal law magistrate court has the same judicial immunity
16 as a district judge.

17 Sec. 54.2810. TERMINATION OF SERVICES. (a) Except as
18 provided by Subsection (b), a criminal law magistrate court
19 associate judge, a jail magistrate, and each other magistrate in
20 the criminal law magistrate court may be terminated by a two-thirds
21 vote of the district court judges with jurisdiction in Denton
22 County and the judges of the criminal statutory county courts of
23 Denton County.

24 (b) A part-time jail magistrate serves solely at the
25 discretion of a criminal law magistrate court associate judge
26 appointed under Section 54.2805 or of the district court judge and
27 criminal statutory county court judge designated to oversee the

1 criminal law magistrate court under Section 54.2802(b).

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

7 (1) a negotiated plea of guilty or no contest before
8 the court;

9 (2) a bond forfeiture, remittitur, and related
10 proceedings;

11 (3) a pretrial motion;

12 (4) a writ of habeas corpus;

13 (5) an examining trial;

14 (6) jury selection;

15 (7) an occupational driver's license;

16 (8) a waiver of extradition or a related matter under
17 Chapter 51, Code of Criminal Procedure;

18 (9) the issuance of search warrants, including a
19 search warrant under Article 18.02(a)(10), Code of Criminal
20 Procedure, notwithstanding Article 18.01(c), Code of Criminal
21 Procedure;

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

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

26 (12) a civil commitment matter under Subtitle C, Title
27 7, Health and Safety Code;

1 (13) setting, adjusting, or revoking bond;

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

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

8 (b) Except as limited by an order of referral, the criminal
9 law magistrate court associate judge may:

10 (1) conduct a hearing;

11 (2) hear evidence;

12 (3) compel production of relevant evidence;

13 (4) rule on the admissibility of evidence;

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

15 (6) examine a witness;

16 (7) swear a witness for a hearing;

17 (8) make findings of fact on evidence;

18 (9) formulate conclusions of law;

19 (10) rule on pretrial motions;

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

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

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

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

1 (B) defer adjudication of guilt;
2 (14) select a jury;
3 (15) accept a negotiated plea in a probation
4 revocation;
5 (16) conduct a contested probation revocation
6 hearing;
7 (17) sign a dismissal in a misdemeanor case; and
8 (18) perform any act and take any measure necessary
9 and proper for the efficient performance of the duties required by
10 the order of referral.

11 (c) Notwithstanding Section 54.2803(b), the judge of the
12 juvenile court of Denton County may refer to the criminal law
13 magistrate court associate judge any proceeding over which the
14 juvenile court has exclusive original jurisdiction under Title 3,
15 Family Code, including any matter ancillary to that proceeding.
16 The criminal law magistrate court associate judge may accept a plea
17 of guilty for a misdemeanor or felony or a plea of true from a
18 defendant or juvenile, regardless of the classification of the
19 offense charged or the conduct alleged.

20 (d) The criminal law magistrate court associate judge may
21 sign a motion to dismiss submitted by an attorney representing the
22 state on cases referred to the judge, or on dockets called by the
23 judge, and may consider unadjudicated cases at sentencing under
24 Section 12.45, Penal Code.

25 (e) A criminal law magistrate, including the criminal law
26 magistrate court associate judge, has all of the powers of a
27 magistrate under the laws of this state and may administer an oath

1 for any purpose.

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

6 (b) An order of referral may:

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

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

11 (3) prescribe a closing date for the hearing;

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

14 (5) designate proceedings for more than one case over
15 which the magistrate shall preside;

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

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

20 Sec. 54.2813. FORFEITURES. Bail bonds and personal bonds
21 may be forfeited by the criminal law magistrate court or the
22 criminal law magistrate court associate judge in the manner
23 provided by Chapter 22, Code of Criminal Procedure, and those
24 forfeitures shall be filed with:

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

27 (2) the county clerk if associated with a Class A or

1 Class B misdemeanor case; or

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

4 Sec. 54.2814. PAPERS TRANSMITTED TO JUDGE. At the
5 conclusion of the proceedings, a magistrate or the criminal law
6 magistrate court associate judge shall transmit to the referring
7 court any papers relating to the case, including the magistrate's
8 findings, conclusions, orders, recommendations, or other action
9 taken.

10 Sec. 54.2815. JUDICIAL ACTION. (a) A referring court may
11 modify, correct, reject, reverse, or recommit for further
12 information any action taken by the magistrate or the criminal law
13 magistrate court associate judge.

14 (b) If the referring court does not modify, correct, reject,
15 reverse, or recommit an action of the magistrate or the criminal law
16 magistrate court associate judge, the action becomes the decree of
17 the referring court.

18 Sec. 54.2816. EXCHANGE OF BENCHES. (a) The judges of the
19 criminal law magistrate court may exchange benches and may sit and
20 act for each other in any proceeding pending in the criminal law
21 magistrate court.

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

25 Sec. 54.2817. COURT REPORTER. At the request of a party in
26 a criminal case, the criminal law magistrate court shall provide a
27 court reporter to record the proceedings before the magistrate.

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

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

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

13 (b) The district clerk shall establish a docket and keep the
14 minutes for the cases filed in or transferred to the magistrate
15 court. The district clerk shall perform any other duties that local
16 administrative rules require in connection with the implementation
17 of this subchapter. The local administrative judge shall ensure
18 that the duties required under this subsection are performed. To
19 facilitate the duties associated with serving as the clerk of the
20 magistrate court, the district clerk and the deputies of the
21 district clerk may serve as deputy county clerks at the discretion
22 of the district clerk.

23 (c) The clerk of the case shall include as part of the record
24 on appeal a copy of the order and local administrative rule under
25 which a magistrate court acted.

26 Sec. 54.2820. COSTS. (a) When the district clerk is the
27 clerk under this subchapter, the district clerk shall charge the

1 same court costs for cases filed in, transferred to, or assigned to
2 the criminal law magistrate court that are charged in the district
3 courts.

4 (b) When the county clerk is the clerk under this
5 subchapter, the county clerk shall charge the same court costs for
6 cases filed in, transferred to, or assigned to the magistrate court
7 that are charged in the county courts.

8 SECTION 4.007. Section 54.651, Government Code, is amended
9 by adding Subsection (d) to read as follows:

10 (d) A magistrate appointed under this subchapter may not
11 engage in the private practice of law, as defined by Section 81.101,
12 in Tarrant County.

13 SECTION 4.008. Section 54.656(a), Government Code, is
14 amended to read as follows:

15 (a) A judge may refer to a magistrate any criminal case or
16 matter relating to a criminal case for proceedings involving:

17 (1) a negotiated plea of guilty or nolo contendere [~~no~~
18 ~~contest~~] and sentencing before the court;

19 (2) a bond forfeiture, remittitur, and related
20 proceedings;

21 (3) a pretrial motion;

22 (4) a writ of habeas corpus;

23 (5) an examining trial;

24 (6) an occupational driver's license;

25 (7) a petition for an order of expunction under
26 Chapter 55, Code of Criminal Procedure;

27 (8) an asset forfeiture hearing as provided by Chapter

1 59, Code of Criminal Procedure;

2 (9) a petition for an order of nondisclosure of
3 criminal history record information or an order of nondisclosure of
4 criminal history record information that does not require a
5 petition provided by Subchapter E-1, Chapter 411;

6 (10) a motion to modify or revoke community
7 supervision or to proceed with an adjudication of guilt;

8 (11) setting conditions, modifying, revoking, and
9 surrendering of bonds, including surety bonds;

10 (12) specialty court proceedings;

11 (13) a waiver of extradition; and

12 (14) any other matter the referring judge considers
13 necessary and proper.

14 SECTION 4.009. Subchapter H, Chapter 54, Government Code,
15 is amended by adding Section 54.6585 to read as follows:

16 Sec. 54.6585. CLERK. (a) The district clerk serves as
17 clerk of the cases referred to a magistrate under this subchapter,
18 except:

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

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

25 (b) The district clerk shall establish a docket and keep the
26 minutes for the cases referred to a magistrate under this
27 subchapter. To facilitate the duties associated with serving as

1 the clerk for the cases referred to a magistrate, the district clerk
2 and deputy district clerks may serve as deputy county clerks and
3 deputy justice clerks at the discretion of the district clerk.

4 ARTICLE 5. ASSOCIATE JUDGES AND VISITING JUDGES

5 SECTION 5.001. (a) Sections 201.005(a) and (d), Family
6 Code, are amended to read as follows:

7 (a) Except as provided by this section, a judge of a court
8 may refer to an associate judge any aspect of a suit or action,
9 including any matter ancillary to the suit or action, over which the
10 court has jurisdiction under:

11 (1) this title;

12 (2) [~~7~~] Title 1;

13 (3) [~~7~~] Chapter 35, 35A, or 45;

14 (4) [~~7, or~~] Title 4;

15 (5) Subchapter A, Chapter 7B, Code of Criminal
16 Procedure; or

17 (6) Chapter 24A, Property Code [~~7, including any matter~~
18 ~~ancillary to the suit~~].

19 (d) The requirements of Subsections (b) and (c) shall apply
20 whenever a judge has authority to refer the trial of a suit or
21 action described by Subsection (a) [~~under this title, Title 1,~~
22 ~~Chapter 45, or Title 4~~] to an associate judge, master, or other
23 assistant judge regardless of whether the assistant judge is
24 appointed under this subchapter.

25 (b) Sections 201.005(a) and (d), Family Code, as amended by
26 this section, apply only to a suit or application filed on or after
27 September 1, 2023. A suit or application filed before September 1,

1 2023, is governed by the law in effect on the date the suit or
2 application was filed, and the former law is continued in effect for
3 that purpose.

4 SECTION 5.002. Section 201.105(a), Family Code, is amended
5 to read as follows:

6 (a) An associate judge appointed under this subchapter is
7 entitled to a salary in the amount equal to 90 percent of the annual
8 ~~[state base]~~ salary paid to a district judge with comparable years
9 of service as the associate judge as set by the General
10 Appropriations Act in accordance with Section 659.012
11 ~~[659.012(a)]~~, Government Code.

12 SECTION 5.003. Section 201.113, Family Code, is amended to
13 read as follows:

14 Sec. 201.113. VISITING ASSOCIATE JUDGE. (a) The ~~[If an~~
15 ~~associate judge appointed under this subchapter is temporarily~~
16 ~~unable to perform the associate judge's official duties because of~~
17 ~~absence resulting from family circumstances, illness, injury,~~
18 ~~disability, or military service, or if there is a vacancy in the~~
19 ~~position of associate judge, the]~~ presiding judge of an ~~[the]~~
20 administrative judicial region ~~[in which the associate judge serves~~
21 ~~or the vacancy occurs]~~ may assign ~~[appoint]~~ a visiting associate
22 judge for Title IV-D cases to perform the duties of an ~~[the]~~
23 associate judge appointed under this subchapter only if:

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

27 (A) illness;

1 (B) injury;

2 (C) disability;

3 (D) personal emergency;

4 (E) military service;

5 (F) vacation; or

6 (G) attendance at a continuing legal education
7 program;

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

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

12 (b) The presiding judge of an administrative judicial
13 region may assign a visiting associate judge under Subsection (a)
14 during the period the associate judge is unable to perform the
15 associate judge's duties, during the period assistance is needed to
16 manage the associate judge's workload, or until another associate
17 judge is appointed to fill the vacancy.

18 (c) [~~(b)~~] A person is not eligible for assignment
19 [~~appointment~~] under this section unless the person has served as a
20 master or associate judge under this chapter, a district judge, or a
21 statutory county court judge for at least two years before the date
22 of assignment [~~appointment~~].

23 (d) [~~(c)~~] A visiting associate judge assigned [~~appointed~~]
24 under this section is subject to each provision of this chapter that
25 applies to an associate judge serving under a regular appointment
26 under this subchapter. A visiting associate judge assigned
27 [~~appointed~~] under this section is entitled to compensation to be

1 determined by a majority vote of the presiding judges of the
2 administrative judicial regions through use of funds under this
3 subchapter. A visiting associate judge is not considered to be a
4 state employee for any purpose.

5 (e) [~~(d)~~] Section [2252.901](#), Government Code, does not apply
6 to the assignment [~~appointment~~] of a visiting associate judge under
7 this section.

8 SECTION 5.004. Section [201.205](#)(a), Family Code, is amended
9 to read as follows:

10 (a) An associate judge appointed under this subchapter is
11 entitled to a salary in the amount equal to 90 percent of the annual
12 [~~state base~~] salary paid to a district judge with comparable years
13 of service as the associate judge as set by the General
14 Appropriations Act in accordance with Section [659.012](#)
15 [~~659.012(a)~~], Government Code.

16 SECTION 5.005. Section [201.208](#), Family Code, is amended to
17 read as follows:

18 Sec. 201.208. ASSIGNMENT OF JUDGES AND [~~APPOINTMENT OF~~]
19 VISITING ASSOCIATE JUDGES. (a) This chapter does not limit the
20 authority of a presiding judge to assign a judge eligible for
21 assignment under Chapter [74](#), Government Code, to assist in
22 processing cases in a reasonable time.

23 (b) The [~~If an associate judge appointed under this~~
24 ~~subchapter is temporarily unable to perform the associate judge's~~
25 ~~official duties because of absence resulting from family~~
26 ~~circumstances, illness, injury, disability, or military service,~~
27 ~~or if there is a vacancy in the position of associate judge, the~~]

1 presiding judge of an [~~the~~] administrative judicial region [~~in~~
2 ~~which the associate judge serves or the vacancy occurs~~] may assign
3 [~~appoint~~] a visiting associate judge to perform the duties of an
4 [~~the~~] associate judge appointed under this subchapter only if:

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

8 (A) illness;

9 (B) injury;

10 (C) disability;

11 (D) personal emergency;

12 (E) military service;

13 (F) vacation; or

14 (G) attendance at a continuing legal education
15 program;

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

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

20 (c) The presiding judge of an administrative judicial
21 region may assign a visiting associate judge under Subsection (b)
22 during the period the associate judge is unable to perform the
23 associate judge's duties, during the period assistance is needed to
24 manage the associate judge's workload, or until another associate
25 judge is appointed to fill the vacancy.

26 (d) [~~e~~] A person is not eligible for assignment
27 [~~appointment~~] under this section unless the person has served as a

1 master or associate judge under this chapter, a district judge, or a
2 statutory county court judge for at least two years before the date
3 of assignment [~~appointment~~].

4 (e) [~~(d)~~] A visiting associate judge assigned [~~appointed~~]
5 under this section is subject to each provision of this chapter that
6 applies to an associate judge serving under a regular appointment
7 under this subchapter. A visiting associate judge assigned
8 [~~appointed~~] under this section is entitled to compensation, to be
9 determined by a majority vote of the presiding judges of the
10 administrative judicial regions, through use of funds under this
11 subchapter. A visiting associate judge is not considered to be a
12 state employee for any purpose.

13 (f) [~~(e)~~] Section 2252.901, Government Code, does not apply
14 to the assignment [~~appointment~~] of a visiting associate judge under
15 this section.

16 SECTION 5.006. Subchapter C, Chapter 54A, Government Code,
17 is amended by adding Section 54A.219 to read as follows:

18 Sec. 54A.219. VISITING ASSOCIATE JUDGES. (a) This section
19 does not limit the authority of the presiding judge of the statutory
20 probate courts to assign a judge under Section 25.0022 to assist
21 with processing cases in a reasonable time.

22 (b) The local administrative probate judge or, for a county
23 without a local administrative probate judge, a statutory probate
24 court judge of the county in which an associate judge appointed
25 under this subchapter serves may assign a visiting associate judge
26 to perform the duties of an associate judge appointed under this
27 subchapter only if:

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

4 (A) illness;

5 (B) injury;

6 (C) disability;

7 (D) personal emergency;

8 (E) military service;

9 (F) vacation; or

10 (G) attendance at a continuing legal education
11 program;

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

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

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

22 (d) A person is not eligible for assignment under this
23 section unless the person has served as an associate judge under
24 this subchapter for at least two years before the date of
25 assignment.

26 (e) A visiting associate judge assigned under this section
27 is subject to each provision of this subchapter that applies to an

1 associate judge appointed under this subchapter. An assigned
2 visiting associate judge is entitled to compensation equal to the
3 salary of the associate judge, prorated for time served. A visiting
4 associate judge is not considered a county employee for any
5 purpose.

6 SECTION 5.007. Subtitle D, Title 2, Government Code, is
7 amended by adding Chapter 54B to read as follows:

8 CHAPTER 54B. ASSOCIATE JUDGES IN CERTAIN COUNTIES

9 SUBCHAPTER A. ASSOCIATE JUDGES IN DUVAL COUNTY

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

14 Sec. 54B.002. QUALIFICATIONS. To be eligible for
15 appointment as an associate judge, a person must:

- 16 (1) be a resident of this state and Duval County; and
17 (2) meet the requirements and qualifications to serve
18 as a judge of the court to which the person is appointed.

19 Sec. 54B.003. COMPENSATION. (a) An associate judge is
20 entitled to the compensation set by the Commissioners Court of
21 Duval County.

22 (b) The salary shall be paid from the county fund available
23 for payments of officers' salaries.

24 (c) This section does not apply to an associate judge
25 appointed under Chapter 54A of this code or Section 201.001, Family
26 Code.

27 Sec. 54B.004. PRIVATE PRACTICE. A part-time associate

1 judge may engage in the private practice of law, unless restricted
2 on a finding that it is not in the public interest by the appointing
3 judge.

4 Sec. 54B.005. TERMINATION OF SERVICES. (a) An associate
5 judge serves at the will of the judge of the 229th District Court.

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

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

13 (b) After notice to all parties of the time and place of
14 hearing, an associate judge may preside over any hearing,
15 including:

16 (1) for a civil case, proceedings involving:

17 (A) a temporary order in an action or suit for
18 support by one spouse against another;

19 (B) a motion or suit to modify a temporary or
20 final order;

21 (C) temporary orders in a suit affecting the
22 parent-child relationship;

23 (D) an application for a temporary injunction
24 related to temporary possession or use of property;

25 (E) habeas corpus, including any hearing
26 authorized by the Family Code;

27 (F) a motion to transfer;

1 (G) a motion of contempt for failure or refusal
2 to obey a temporary or final order;

3 (H) an action brought under Chapter 159, Family
4 Code;

5 (I) an action for the protection of the family;

6 (J) a matter on which the parties agree;

7 (K) a matter in which a party is entitled to a
8 default judgment;

9 (L) a divorce action in which a waiver of
10 citation is on file;

11 (M) a friendly suit; and

12 (N) any other matter in the jurisdiction of the
13 court, including a pretrial motion, discovery, a summary judgment,
14 and other matters governed by the Texas Rules of Civil Procedure;
15 and

16 (2) for a criminal case, proceedings involving:

17 (A) a negotiated plea of guilty or nolo
18 contendere;

19 (B) a bond forfeiture;

20 (C) a pretrial motion;

21 (D) a postconviction writ of habeas corpus;

22 (E) an examining trial; and

23 (F) any other matter that the judge considers
24 proper.

25 (c) A judge may not refer to an associate judge any criminal
26 case for trial on the merits in which a jury trial has been
27 requested.

1 (d) Unless a party files a written objection to the
2 associate judge hearing the trial, the appointing judge may refer
3 to an associate judge a trial on the merits. If an objection is
4 filed, the trial on the merits shall be heard by the referring
5 court.

6 (e) A trial on the merits is a final adjudication from which
7 an appeal may be taken to a court of appeals.

8 (f) An associate judge may not conduct a contested trial on
9 the merits to terminate parental rights unless the affected parties
10 give written consent to the contested trial by the associate judge.
11 Unless written consent is given by the affected parties to a
12 contested trial on the merits, any order terminating parental
13 rights issued pursuant to an associate judge's report resulting
14 from the contested trial is void.

15 (g) On appointment of an associate judge, any pending or
16 future cases may be referred to the associate judge.

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

20 (b) The order of referral may limit the power or duties of an
21 associate judge.

22 Sec. 54B.008. POWERS. Except as limited by an order of
23 referral, an associate judge may:

24 (1) conduct a hearing;

25 (2) hear evidence;

26 (3) compel production of relevant evidence;

27 (4) rule on admissibility of evidence;

- 1 (5) issue summons for the appearance of witnesses;
2 (6) examine witnesses;
3 (7) swear witnesses for hearings;
4 (8) make findings of fact on evidence;
5 (9) formulate conclusions of law;
6 (10) recommend the judgment to be made in a case;
7 (11) regulate all proceedings in a hearing before the
8 associate judge;
9 (12) rule on all criminal pretrial motions; and
10 (13) perform any act and take any measure necessary
11 and proper for the efficient performance of the associate judge's
12 duties.

13 Sec. 54B.009. ATTENDANCE OF BAILIFF. A bailiff shall
14 attend a hearing held by an associate judge if directed by the
15 referring court.

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

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

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

- 27 (1) all papers relating to the case; and

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

2 (b) After the associate judge's report has been signed, the
3 associate judge shall give notice of the substance of the report to
4 the parties participating in the hearing.

5 (c) The associate judge's report may contain the associate
6 judge's findings, conclusions, or recommendations. The associate
7 judge's report must be in writing in a form as the referring court
8 may direct. The form may be a notation on the referring court's
9 docket sheet.

10 (d) The notice required under Subsection (b) may be given in
11 open court or may be given by certified mail, return receipt
12 requested. If the notice is given by certified mail, the associate
13 judge shall certify the date of mailing and the notice is considered
14 to have been given on the third day after the date of mailing.

15 Sec. 54B.012. NOTICE OF RIGHT TO APPEAL. An associate judge
16 shall give all parties notice of the right of appeal to the judge of
17 the referring court. The notice may be given:

18 (1) at the hearing;

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

21 (3) as otherwise directed by the referring court.

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

1 Sec. 54B.014. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT.

2 After the associate judge's report is filed, and unless the parties
3 have filed a written notice of appeal to the referring court, the
4 referring court may:

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

7 (2) hear further evidence; or

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

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

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

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

26 (c) An appeal to the referring court shall be in writing and
27 must specify the associate judge's findings, conclusions, and

1 recommendations to which the party objects. The appeal is limited
2 to the findings, conclusions, and recommendations specified in the
3 written appeal.

4 (d) On appeal to the referring court, the parties may
5 present witnesses as in a hearing de novo on the issues raised in
6 the appeal.

7 (e) Notice of any appeal to the referring court shall be
8 given to opposing counsel in the manner provided by Rule 21a, Texas
9 Rules of Civil Procedure.

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

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

16 (h) Before a hearing before an associate judge, the parties
17 may waive the right of appeal to the referring court. The waiver
18 may be in writing or on the record.

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

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

1 Sec. 54B.018. JURY TRIAL DEMANDED. If a jury trial is
2 demandeD and a jury fee paid in a trial on the merits, the associate
3 judge shall refer any matters requiring a jury back to the referring
4 court for a full trial before the court and jury.

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

10 Sec. 54B.020. IMMUNITY. An associate judge appointed under
11 this subchapter has the judicial immunity of a district judge.

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

15 (b) A party, the associate judge, or the referring court may
16 provide for a court reporter during the hearing. The record may be
17 preserved by any other means approved by the associate judge.

18 (c) The referring court or associate judge may impose on a
19 party as costs the expense of preserving the record.

20 SECTION 5.008. Section 602.007, Government Code, is amended
21 to read as follows:

22 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL
23 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed
24 statement executed as required by Section 1, Article XVI, Texas
25 Constitution, by any of the following judicial officers and
26 judicial appointees shall be filed with the secretary of state:

27 (1) an officer appointed by the supreme court, the

1 court of criminal appeals, or the State Bar of Texas; ~~and~~

2 (2) an associate judge appointed under Subchapter B or
3 C, Chapter 201, Family Code; and

4 (3) a retired or former judge on the list maintained by
5 the presiding judge of an administrative judicial region under
6 Section 74.055.

7 ARTICLE 6. PROSECUTING ATTORNEYS

8 SECTION 6.001. Section 41.013, Government Code, is amended
9 to read as follows:

10 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a)
11 Except as otherwise provided by law, a district attorney or
12 criminal district attorney is entitled to receive from the state:

13 (1) annual compensation in an amount equal to at least
14 80 percent of the state annual salary as set by the General
15 Appropriations Act in accordance with Section 659.012 paid to a
16 district judge with comparable years of service as the district
17 attorney or criminal district attorney; and

18 (2) a monthly amount of longevity pay based on the
19 district attorney's or criminal district attorney's years of
20 service that would be paid to the district attorney or criminal
21 district attorney under Section 659.0445 if the district attorney
22 or criminal district attorney were a judge or justice described by
23 Section 659.0445(a).

24 (b) For purposes of this section, the years of service of a
25 district attorney or criminal district attorney include any years
26 of service as:

27 (1) a district attorney, criminal district attorney,

1 or county attorney; or

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

5 SECTION 6.002. Section 45.315, Government Code, is amended
6 to read as follows:

7 Sec. 45.315. STEPHENS COUNTY. (a) The county attorney
8 shall represent the state in all criminal cases before the County
9 Court of Stephens County.

10 (b) The county attorney of Stephens County shall represent
11 the state in all misdemeanor cases before the district court of the
12 county.

13 SECTION 6.003. Section 46.003, Government Code, is amended
14 by amending Subsection (a) and adding Subsection (a-1) to read as
15 follows:

16 (a) The state prosecuting attorney and each state
17 prosecutor is entitled to receive from the state:

18 (1) a salary in an amount equal to the state annual
19 salary as set by the General Appropriations Act in accordance with
20 Section 659.012 paid to a district judge with comparable years of
21 service as the state prosecuting attorney or state prosecutor; and

22 (2) a monthly amount of longevity pay based on the
23 state prosecuting attorney's or state prosecutor's years of service
24 that would be paid to the state prosecuting attorney or state
25 prosecutor under Section 659.0445 if the state prosecuting attorney
26 or state prosecutor were a judge or justice described by Section
27 659.0445(a).

1 (a-1) For purposes of this section, the years of service of
2 the state prosecuting attorney or a state prosecutor include any
3 years of service as:

4 (1) a county attorney; or

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

8 SECTION 6.004. Sections 41.013(a) and 46.003(a),
9 Government Code, as amended by this article, apply beginning with
10 the first pay period that begins on or after September 1, 2023.

11 ARTICLE 7. GRAND JURIES

12 SECTION 7.001. Article 19A.052, Code of Criminal Procedure,
13 is amended to read as follows:

14 Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the
15 sheriff or clerk of the district court to summon grand jurors, the
16 court shall instruct the sheriff or clerk of the district court to
17 not summon a person to serve as a grand juror who does not possess
18 the qualifications prescribed by law.

19 SECTION 7.002. Article 19A.053, Code of Criminal Procedure,
20 is amended to read as follows:

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

27 (b) The sheriff or clerk of the district court shall summon

1 the additional prospective grand jurors under Subsection (a) in
2 person to attend before the court immediately.

3 SECTION 7.003. Article 19A.101, Code of Criminal Procedure,
4 is amended to read as follows:

5 Art. 19A.101. GRAND JUROR QUALIFICATIONS. (a) A person may
6 be selected or serve as a grand juror only if the person:

7 (1) is at least 18 years of age;

8 (2) is a citizen of the United States;

9 (3) is a resident of this state and of the county in
10 which the person is to serve;

11 (4) is qualified under the constitution and other laws
12 to vote in the county in which the grand jury is sitting, regardless
13 of whether the person is registered to vote;

14 (5) is of sound mind and good moral character;

15 (6) is able to read and write;

16 (7) has never [~~not~~] been convicted of misdemeanor
17 theft or a felony;

18 (8) is not under indictment or other legal accusation
19 for misdemeanor theft or a felony;

20 (9) is not related within the third degree by
21 consanguinity or second degree by affinity, as determined under
22 Chapter 573, Government Code, to any person selected to serve or
23 serving on the same grand jury;

24 (10) has not served as a grand juror in the year before
25 the date on which the term of court for which the person has been
26 selected as a grand juror begins; and

27 (11) is not a complainant in any matter to be heard by

1 the grand jury during the term of court for which the person has
2 been selected as a grand juror.

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

8 (1) the secretary of state; and

9 (2) the prosecuting attorney for the court to which
10 the grand jurors were summoned for investigation into whether any
11 person made a false claim concerning the person's qualification
12 under Subsection (a)(2), (7), or (8).

13 SECTION 7.004. Articles [19A.052](#), [19A.053](#), and [19A.101](#), Code
14 of Criminal Procedure, as amended by this article, apply only to the
15 summoning of grand jurors on or after September 1, 2023. The
16 summoning of grand jurors before September 1, 2023, is governed by
17 the law in effect immediately before September 1, 2023, and the
18 former law is continued in effect for that purpose.

19 ARTICLE 8. JURORS AND JURY SERVICE

20 SECTION 8.001. Section [61.001\(a\)](#), Government Code, is
21 amended to read as follows:

22 (a) Except as provided by Subsection (c), a person who
23 reports for jury service in response to the process of a court is
24 entitled to receive as reimbursement for travel and other expenses
25 an amount:

26 (1) not less than \$20 [~~\$6~~] for the first day or
27 fraction of the first day the person is in attendance in court in

1 response to the process and discharges the person's duty for that
2 day; and

3 (2) not less than \$58 [~~\$40~~] for each day or fraction of
4 each day the person is in attendance in court in response to the
5 process after the first day and discharges the person's duty for
6 that day.

7 SECTION 8.002. Section 61.0015(a), Government Code, is
8 amended to read as follows:

9 (a) The state shall reimburse a county:

10 (1) \$14 a day for the reimbursement paid under Section
11 61.001(a)(1) to a person who reports for jury service in response to
12 the process of a court for the first day or fraction of the first day
13 in attendance in court in response to the process; and

14 (2) \$52 [~~\$34~~] a day for the reimbursement paid under
15 Section 61.001(a)(2) [~~61.001~~] to a person who reports for jury
16 service in response to the process of a court for each day or
17 fraction of each day after the first day in attendance in court in
18 response to the process.

19 SECTION 8.003. Sections 61.003(a) and (b), Government Code,
20 are amended to read as follows:

21 (a) Each [~~After jury service is concluded, each~~] person who
22 reports [~~reported~~] for jury service shall be [~~personally~~] provided
23 the opportunity, either through a written form or electronically,
24 to direct [~~a form letter that when signed by the person directs~~] the
25 county treasurer or a designated county employee to donate all,
26 [~~or~~] a specific amount designated by the person, or the entire
27 amount divided among the funds, programs, and county entities

1 listed in this subsection of the person's daily reimbursement under
2 this chapter to:

3 (1) the compensation to victims of crime fund
4 established under Subchapter J, Chapter 56B, Code of Criminal
5 Procedure;

6 (2) the child welfare, child protective services, or
7 child services board of the county appointed under Section 264.005,
8 Family Code, that serves abused and neglected children;

9 (3) any program selected by the commissioners court
10 that is operated by a public or private nonprofit organization and
11 that provides shelter and services to victims of family violence;

12 (4) any other program approved by the commissioners
13 court of the county, including a program established under Article
14 56A.205, Code of Criminal Procedure, that offers psychological
15 counseling in criminal cases involving graphic evidence or
16 testimony;

17 (5) a veterans treatment court program established by
18 the commissioners court as provided by Chapter 124; or

19 (6) a veterans county service office established by
20 the commissioners court as provided by Subchapter B, Chapter 434.

21 (b) The county treasurer or a designated county employee
22 shall collect any information provided under Subsection (a) [~~each~~
23 ~~form—letter~~] directing the county treasurer to donate the
24 reimbursement of a person who reports for jury service.

25 SECTION 8.004. Sections 62.001(a) and (b), Government Code,
26 are amended to read as follows:

27 (a) The jury wheel must be reconstituted by using, as the

1 source:

2 (1) the names of all persons on the current voter
3 registration lists from all the precincts in the county; and

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

7 (A) hold a valid Texas driver's license or a
8 valid personal identification card or certificate issued by the
9 department; and

10 (B) are not disqualified from jury service under
11 Section [62.102](#)(1), (2), or (8) [~~(7)~~].

12 (b) Notwithstanding Subsection (a), the names of persons
13 listed on a register of persons exempt from jury service may not be
14 placed in the jury wheel, as provided by Sections [62.108](#), ~~[and]~~
15 [62.109](#), [62.113](#), [62.114](#), and [62.115](#).

16 SECTION 8.005. Section [62.0111](#)(b), Government Code, is
17 amended to read as follows:

18 (b) A plan adopted under Subsection (a) may allow for a
19 prospective juror to provide information to the county officer
20 responsible for summoning jurors or for the county officer to
21 provide information to the prospective juror by computer or
22 automated telephone system, including:

23 (1) information that permits the court to determine
24 whether the prospective juror is qualified for jury service under
25 Section [62.102](#);

26 (2) information that permits the court to determine
27 whether the prospective juror is exempt from jury service under

1 Section 62.106;

2 (3) submission of a request by the prospective juror
3 for a postponement of or excuse from jury service under Section
4 62.110;

5 (4) information for jury assignment under Section
6 62.016, including:

7 (A) the prospective juror's postponement status;

8 (B) if the prospective juror could potentially
9 serve on a jury in a justice court, the residency of the prospective
10 juror; and

11 (C) if the prospective juror could potentially
12 serve on a jury in a criminal matter, whether the prospective juror
13 has been convicted of misdemeanor theft;

14 (5) completion and submission by the prospective juror
15 of the written juror [~~jury summons~~] questionnaire under Section
16 62.0132;

17 (6) the prospective juror's electronic mail address;
18 and

19 (7) notification to the prospective juror by
20 electronic mail of:

21 (A) whether the prospective juror is qualified
22 for jury service;

23 (B) the status of the exemption, postponement, or
24 judicial excuse request of the prospective juror; or

25 (C) whether the prospective juror has been
26 assigned to a jury panel.

27 SECTION 8.006. Section 62.012(b), Government Code, is

1 amended to read as follows:

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

5 (1) summon the prospective jurors directly in the same
6 manner a sheriff or constable would summon a juror under Section
7 62.013; or

8 (2) deliver the jury list to:

9 (A) [~~(1)~~] the sheriff, for a county or district
10 court jury; or

11 (B) [~~(2)~~] the sheriff or constable, for a justice
12 court jury.

13 SECTION 8.007. The heading to Section 62.013, Government
14 Code, is amended to read as follows:

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

17 SECTION 8.008. Sections 62.013(a) and (b), Government Code,
18 are amended to read as follows:

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

24 (b) The clerk, sheriff, or constable shall notify each
25 prospective juror to appear for jury service:

26 (1) by an oral summons; or

27 (2) if the judge ordering the summons so directs, by a

1 written summons sent by registered mail or certified mail, return
2 receipt requested, or by first class mail to the address on the jury
3 wheel card or the address on the current voter registration list of
4 the county.

5 SECTION 8.009. Sections [62.0131](#)(b) and (c), Government
6 Code, are amended to read as follows:

7 (b) The model must include:

8 (1) the option to provide:

9 (A) the exemptions and restrictions governing
10 jury service under Subchapter B; or

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

14 (2) the information under Chapter [122](#), Civil Practice
15 and Remedies Code, relating to the duties of an employer with regard
16 to an employee who is summoned for jury service;

17 (3) notice of the contempt action to which the person
18 summoned for jury service is subject under Section [62.0141](#) for
19 failure to comply with the jury summons; and

20 (4) the option to:

21 (A) include in the jury summons the juror
22 questionnaire required by Section [62.0132](#);

23 (B) provide the electronic address of the court's
24 Internet website from which the juror questionnaire may be easily
25 printed; or

26 (C) in counties in which the district and
27 criminal district judges adopted a plan for an electronic jury

1 selection method under Section 62.011, provide the electronic
2 address of the court's Internet website for the prospective juror
3 to access and complete the juror questionnaire.

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

7 SECTION 8.010. The heading to Section 62.0132, Government
8 Code, is amended to read as follows:

9 Sec. 62.0132. JUROR [~~WRITTEN JURY SUMMONS~~] QUESTIONNAIRE.

10 SECTION 8.011. Sections 62.0132(c) and (d), Government
11 Code, are amended to read as follows:

12 (c) The questionnaire must require a person to provide
13 biographical and demographic information that is relevant to
14 service as a jury member, including the person's:

- 15 (1) name, sex, race, and age;
- 16 (2) residence address and mailing address;
- 17 (3) education level, occupation, and place of
18 employment;
- 19 (4) marital status and the name, occupation, and place
20 of employment of the person's spouse; [~~and~~]
- 21 (5) citizenship status and county of residence; and
- 22 (6) any electronic address.

23 (d) Except as provided by this subsection, a person who has
24 received a [~~written~~] jury summons shall complete and submit a juror
25 [~~jury summons~~] questionnaire when the person reports for jury duty.
26 If the district and criminal district judges of a county adopt a
27 plan for an electronic jury selection method under Section 62.011,

1 the county may allow a person to complete and submit a juror [~~jury~~
2 ~~summons~~] questionnaire on the court's Internet website as
3 authorized under Section 62.0111(b)(5).

4 SECTION 8.012. The heading to Section 62.014, Government
5 Code, is amended to read as follows:

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

8 SECTION 8.013. Section 62.014(a), Government Code, is
9 amended to read as follows:

10 (a) In a county with at least nine district courts, the
11 district judges may direct that prospective jurors be summoned for
12 jury service by the clerk, the sheriff, or [~~by~~] a bailiff, or an
13 assistant or deputy bailiff, in charge of the central jury room and
14 the general panel of the county.

15 SECTION 8.014. Section 62.0145, Government Code, is amended
16 to read as follows:

17 Sec. 62.0145. REMOVAL OF CERTAIN PERSONS FROM POOL OF
18 PROSPECTIVE JURORS. Except as provided by Section 62.0146, if a
19 written summons for jury service sent by a clerk, sheriff,
20 constable, or bailiff is undeliverable, the county or district
21 clerk may remove from the jury wheel the jury wheel card for the
22 person summoned or the district clerk, or in a county with a
23 population of at least 1.7 million and in which more than 75 percent
24 of the population resides in a single municipality, a bailiff
25 appointed as provided under Section 62.019, may remove the person's
26 name from the record of names for selection of persons for jury
27 service under Section 62.011.

1 SECTION 8.015. Section 62.0146, Government Code, is amended
2 to read as follows:

3 Sec. 62.0146. UPDATING ADDRESSES OF CERTAIN PERSONS IN POOL
4 OF PROSPECTIVE JURORS. If a written summons for jury service sent
5 by a clerk, sheriff, constable, or bailiff is returned with a
6 notation from the United States Postal Service of a change of
7 address for the person summoned, the county or district clerk may
8 update the jury wheel card to reflect the person's new address.

9 SECTION 8.016. Section 62.015(b), Government Code, is
10 amended to read as follows:

11 (b) If the court at any time does not have a sufficient
12 number of prospective jurors present whose names are on the jury
13 lists and who are not excused by the judge from jury service, the
14 judge shall order the clerk, sheriff, or constable to summon
15 additional prospective jurors to provide the requisite number of
16 jurors for the panel. The names of additional jurors to be summoned
17 by the clerk, sheriff, or constable to fill a jury panel shall be
18 drawn from the jury wheel under orders of the judge. Additional
19 jurors summoned to fill a jury panel shall be discharged when their
20 services are no longer required.

21 SECTION 8.017. Section 62.016(d), Government Code, is
22 amended to read as follows:

23 (d) The clerk or sheriff shall notify the persons whose
24 names are drawn from the jury wheel to appear before the designated
25 judge for jury service. The judge shall hear the excuses of the
26 prospective jurors and swear them in for jury service for the week
27 for which they are to serve as jurors.

1 SECTION 8.018. Section 62.017(d), Government Code, is
2 amended to read as follows:

3 (d) The clerk or sheriff shall notify the persons whose
4 names are drawn from the jury wheel to appear before the designated
5 judge for jury service. The judge shall hear the excuses of the
6 prospective jurors and swear them in for jury service for the week
7 for which they are to serve as jurors.

8 SECTION 8.019. Section 62.0175(d), Government Code, is
9 amended to read as follows:

10 (d) The clerk or sheriff shall notify the persons whose
11 names are drawn from the jury wheel to appear before the district
12 judge for jury service. The judge shall hear the excuses of the
13 prospective jurors and swear them in for jury service for the week
14 for which they are to serve as jurors.

15 SECTION 8.020. Section 62.106(a), Government Code, is
16 amended to read as follows:

17 (a) A person qualified to serve as a petit juror may
18 establish an exemption from jury service if the person:

19 (1) is over 75 [~~70~~] years of age;

20 (2) has legal custody of a child younger than 12 years
21 of age and the person's service on the jury requires leaving the
22 child without adequate supervision;

23 (3) is a student of a public or private secondary
24 school;

25 (4) is a person enrolled and in actual attendance at an
26 institution of higher education;

27 (5) is an officer or an employee of the senate, the

1 house of representatives, or any department, commission, board,
2 office, or other agency in the legislative branch of state
3 government;

4 (6) is summoned for service in a county with a
5 population of at least 200,000, unless that county uses a jury plan
6 under Section 62.011 and the period authorized under Section
7 62.011(b)(5) exceeds two years, and the person has served as a petit
8 juror in the county during the 24-month period preceding the date
9 the person is to appear for jury service;

10 (7) is the primary caretaker of a person who is unable
11 to care for himself or herself;

12 (8) except as provided by Subsection (b), is summoned
13 for service in a county with a population of at least 250,000 and
14 the person has served as a petit juror in the county during the
15 three-year period preceding the date the person is to appear for
16 jury service; or

17 (9) is a member of the United States military forces
18 serving on active duty and deployed to a location away from the
19 person's home station and out of the person's county of residence.

20 SECTION 8.021. Section 62.107(c), Government Code, is
21 amended to read as follows:

22 (c) A person who files a statement with a clerk of the court,
23 as provided by Subsection (a), claiming an exemption because the
24 person is over 75 [~~70~~] years of age, may also claim the permanent
25 exemption on that ground authorized by Section 62.108 by including
26 in the statement filed with the clerk a declaration that the person
27 desires the permanent exemption. Promptly after a statement

1 claiming a permanent exemption on the basis of age is filed, the
2 clerk of the court with whom it is filed shall have a copy delivered
3 to the voter registrar of the county.

4 SECTION 8.022. Sections 62.108(a), (b), (c), and (e),
5 Government Code, are amended to read as follows:

6 (a) A person who is entitled to exemption from jury service
7 because the person is over 75 [~~70~~] years of age may establish a
8 permanent exemption on that ground as provided by this section or
9 Section 62.107.

10 (b) A person may claim a permanent exemption:

11 (1) by filing with the voter registrar of the county,
12 by mail or personal delivery, a signed statement affirming that the
13 person is over 75 [~~70~~] years of age and desires a permanent
14 exemption on that ground; or

15 (2) in the manner provided by Section 62.107(c).

16 (c) The voter registrar of the county shall maintain a
17 current register indicating the name of each person who has claimed
18 and is entitled to a permanent exemption from jury service because
19 the person is over 75 [~~70~~] years of age.

20 (e) A person who has claimed a permanent exemption from jury
21 service because the person is over 75 [~~70~~] years of age may rescind
22 the exemption at any time by filing a signed request for the
23 rescission with the voter registrar of the county. Rescission of a
24 permanent exemption does not affect the right of a person who is
25 over 75 [~~70~~] years of age to claim permanent exemption at a later
26 time.

27 SECTION 8.023. Section 62.109(c), Government Code, is

1 amended to read as follows:

2 (c) The clerk of the district court shall promptly notify
3 the voter registrar of the county of the name and address of each
4 person permanently exempted [~~and state whether the exemption is~~
5 ~~permanent or for a specified period~~]. The voter registrar shall
6 maintain a current register showing [~~separately~~] the name and
7 address of each person permanently exempt from jury service under
8 this section [~~and the name and address of each person exempt from~~
9 ~~jury service under this section for a specified period~~].

10 SECTION 8.024. Subchapter B, Chapter 62, Government Code,
11 is amended by adding Section 62.115 to read as follows:

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

17 (b) A person who was convicted of misdemeanor theft or a
18 felony shall be permanently disqualified from serving as a juror. A
19 person is exempt from this section if the person:

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

23 (2) was placed on community supervision and the period
24 of community supervision was terminated early under Article
25 42A.701, Code of Criminal Procedure; or

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

1 (c) The district clerk may remove from the jury wheel the
2 jury wheel card for the person whose name appears on the list.

3 (d) On the third business day of each month, the clerk shall
4 send to the secretary of state a copy of the list of persons
5 disqualified because of a conviction of misdemeanor theft or a
6 felony in the preceding month.

7 SECTION 8.025. Section 62.411(a), Government Code, is
8 amended to read as follows:

9 (a) In addition to other methods of jury selection provided
10 by this chapter, a justice of the peace may issue a writ commanding
11 the clerk, sheriff, or constable to immediately summon a venire
12 from which six qualified persons may be selected for jury service
13 if:

14 (1) a jury case is pending for trial at a term of
15 justice court; or

16 (2) the court does not have a sufficient number of
17 prospective jurors present whose names are on the jury list and who
18 are not excused from jury service.

19 SECTION 8.026. Section 62.412(c), Government Code, is
20 amended to read as follows:

21 (c) A justice of the peace may command the clerk, sheriff,
22 or constable to immediately summon additional persons for jury
23 service in the justice court if the number of qualified jurors,
24 including persons summoned under Section 62.016, is less than the
25 number necessary for the justice court to conduct its proceedings.

26 SECTION 8.027. Sections 62.0111(c) and 62.0132(b),
27 Government Code, are repealed.

1 SECTION 8.028. Sections 62.106(a), 62.107(c), and
2 62.108(a), (b), (c), and (e), Government Code, as amended by this
3 article, apply only to an exemption from jury service for a person
4 who is summoned to appear for service on or after September 1, 2023.
5 An exemption from jury service for a person who is summoned to
6 appear for service before September 1, 2023, is covered by the law
7 in effect when the person was summoned, and that law is continued in
8 effect for that purpose.

9 ARTICLE 9. COURT REPORTERS AND INTERPRETERS

10 SECTION 9.001. Section 52.041, Government Code, is amended
11 to read as follows:

12 Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a)
13 Each judge of a court of record shall appoint an official court
14 reporter. An official court reporter is a sworn officer of the
15 court and holds office at the pleasure of the court.

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

21 (c) Notwithstanding any other law, two or more judges of
22 courts of record may appoint a certified shorthand reporter to
23 serve each court as an official court reporter of the court,
24 provided each court is located in a county with a population of
25 125,000 or less according to the 2020 federal decennial census. A
26 certified shorthand reporter appointed under this subsection may
27 serve as an official court reporter for more than one county and be

1 an employee of more than one county.

2 SECTION 9.002. Section 52.055(d), Government Code, is
3 amended to read as follows:

4 (d) The expenses reimbursed under this section are subject
5 to annual limitations based on the size of the judicial district.
6 Except as provided by Subsection (d-1), a court reporter may not
7 receive more than the maximum reimbursement amount set for the
8 reporter's judicial district in any one year. The maximum
9 reimbursement amount is as follows:

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

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

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

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

26 SECTION 9.003. Section 52.056(a), Government Code, is
27 amended to read as follows:

1 (a) An official or deputy court reporter of a judicial
2 district who is required to leave the county of the reporter's [his]
3 residence to report proceedings as a substitute for the official
4 court reporter of another county is entitled to reimbursement for
5 actual and necessary travel expenses and a per diem allowance of \$30
6 or the amount provided by the travel per diem policy of the county
7 for which the expenses were incurred, whichever is greater, for
8 each day or part of a day spent outside the reporter's [his] county
9 of residence in the performance of duties as a substitute. These
10 fees are in addition to the visiting reporter's regular salary.

11 SECTION 9.004. Section 52.058(b), Government Code, is
12 amended to read as follows:

13 (b) Travel expenses reimbursed under this section may not
14 exceed the mileage reimbursement rate established by the county [25
15 ~~cents per mile]~~ for the use of private conveyances, traveling the
16 shortest practical route.

17 SECTION 9.005. Sections 57.001(1) and (9), Government Code,
18 are amended to read as follows:

19 (1) "Certified court interpreter" means an individual
20 who is a qualified interpreter as defined in Article 38.31, Code of
21 Criminal Procedure, or Section 21.003, Civil Practice and Remedies
22 Code, or is qualified in accordance with the communication access
23 realtime translation services eligibility requirements established
24 by the Office of Deaf and Hard of Hearing Services of the Health and
25 Human Services Commission, [certified under Subchapter B by the
26 ~~Department of Assistive and Rehabilitative Services]~~ to interpret
27 court proceedings for a hearing-impaired individual.

1 (9) "Certified CART provider" means an individual who
2 holds a certification to provide communication access realtime
3 translation services at an advanced or master level, including:

4 (A) a level I through level V certificate of
5 competency issued by the Texas Court Reporters Association;

6 (B) a certified realtime reporter, certified
7 realtime captioner, or other equivalent certified CART provider
8 certificate of competency issued by the National Court Reporters
9 Association; or

10 (C) a certificate of competency issued by another
11 certification association selected by the department.

12 SECTION 9.006. (a) Section 154.051, Government Code, is
13 amended by amending Subsection (a) and adding Subsection (f-1) to
14 read as follows:

15 (a) The Court Reporters Certification Advisory Board is
16 established as an advisory board to the commission. The advisory
17 board is composed of at least nine [~~seven~~] members appointed by the
18 supreme court as follows:

19 (1) one active district judge presiding over a court
20 that employs an official court reporter;

21 (2) one active attorney licensed in this state who has
22 been a practicing member of the State Bar for more than the five
23 years immediately preceding the attorney's appointment to the
24 advisory board;

25 (3) two certified shorthand [~~active official court~~]
26 reporters actively engaged in the practice of official court [~~who~~
27 ~~have practiced shorthand~~] reporting in this state for more than the

1 five years immediately preceding their appointment to the advisory
2 board;

3 (4) two [~~active~~] certified shorthand reporters
4 actively engaged in the practice of [~~who work on a freelance basis~~
5 ~~and who have practiced~~] shorthand reporting on a freelance basis
6 for more than the five years immediately preceding their
7 appointment to the advisory board; [~~and~~]

8 (5) one certified shorthand reporter actively engaged
9 in practice as a captioner in this state for more than the five
10 years immediately preceding the captioner's appointment to the
11 advisory board; and

12 (6) two certified shorthand reporters who:

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

15 (B) have owned and [~~one representative of a~~
16 ~~shorthand reporting firm that has~~] operated [~~as~~] a shorthand
17 reporting firm in this state for more than the five [~~three~~] years
18 immediately preceding their [~~the representative's~~] appointment to
19 the advisory board.

20 (f-1) Not later than the 90th day before the expiration of
21 an advisory board member's term, the commission:

22 (1) shall post on the commission's Internet website
23 notice of the availability of the membership position;

24 (2) shall accept resumes from and conduct interviews
25 of any qualified individuals interested in appointment to the
26 position; and

27 (3) may recommend to the supreme court one or more of

1 the qualified individuals for appointment to the advisory board.

2 (b) As soon as practicable after the effective date of this
3 Act, the Texas Supreme Court shall appoint two additional members
4 of the Court Reporters Certification Advisory Board in accordance
5 with Section 154.051(a), Government Code, as amended by this
6 article.

7 (c) Section 154.051, Government Code, as amended by this
8 article, modifying the qualifications of members of the Court
9 Reporters Certification Advisory Board does not affect the
10 entitlement of a member serving on the advisory board immediately
11 before September 1, 2023, to continue to carry out the member's
12 functions for the remainder of the member's term. Section 154.051,
13 Government Code, as amended by this article, applies only to a
14 member appointed or reappointed on or after September 1, 2023. This
15 article does not prohibit a person who is a member of the advisory
16 board before that date from being reappointed to the advisory board
17 if the person has the qualifications required for membership under
18 Section 154.051, Government Code, as amended by this article.

19 SECTION 9.007. Sections 154.105(b), (c), and (d),
20 Government Code, are amended to read as follows:

21 (b) A certified shorthand reporter may administer oaths to
22 witnesses[+]

23 [~~(1) anywhere in this state,~~

24 [~~(2) in a jurisdiction outside this state if:~~

25 [~~(A) the reporter is at the same location as the~~
26 ~~witness, and~~

27 [~~(B) the witness is or may be a witness in a case~~

1 ~~filed in this state; and~~

2 ~~[(3) at any location authorized in a reciprocity~~
3 ~~agreement between this state and another jurisdiction under Section~~
4 ~~152.202(b)].~~

5 ~~[(c) Notwithstanding Subsection (b), a shorthand reporter~~
6 ~~may administer an oath as provided under this subsection to a person~~
7 ~~who is or may be a witness in a case filed in this state] without~~
8 being at the same location as the witness[+.

9 ~~[(1) if the reporter is physically located in this~~
10 ~~state at the time the oath is administered; or~~

11 ~~[(2) as authorized in a reciprocity agreement between~~
12 ~~this state and another jurisdiction under Section 152.202(b) if:~~

13 ~~[(A) the witness is at a location in the other~~
14 ~~jurisdiction; and~~

15 ~~[(B) the reporter is at a location in the same~~
16 ~~jurisdiction as the witness].~~

17 (c) ~~[(d)]~~ The identity of a witness who is not in the
18 physical presence of a certified shorthand reporter may be proven
19 by:

20 (1) a statement under oath on the record by a party to
21 the case stating that the party has actual knowledge of the
22 witness's identity;

23 (2) a statement on the record by an attorney for a
24 party to the case, or an attorney for the witness, verifying the
25 witness's identity;

26 (3) a statement on the record by a notary who is in the
27 presence of the witness verifying the witness's identity; or

1 (4) the witness's presentation for inspection by the
2 court reporter of an official document issued by this state,
3 another state, a federal agency, or another jurisdiction that
4 verifies the witness's identity.

5 SECTION 9.008. The heading to Section 154.112, Government
6 Code, is amended to read as follows:

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

9 SECTION 9.009. Section 154.112, Government Code, is amended
10 by amending Subsection (b) and adding Subsections (d), (e), (f),
11 (g), and (h) to read as follows:

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

14 (1) the uncertified person delivers an affidavit to
15 the parties or to their counsel before [~~present at~~] the deposition
16 begins stating that a certified shorthand reporter is not
17 available; or

18 (2) the parties or their counsel stipulate on the
19 record at the beginning of the deposition that a certified
20 shorthand reporter is not available.

21 (d) The person shall file the affidavit described by
22 Subsection (b)(1) with the court as part of the certification
23 required by Rule 203.2, Texas Rules of Civil Procedure.

24 (e) In addition to any other remedy authorized by law, the
25 commission may:

26 (1) collect a civil penalty in an amount not to exceed
27 \$1,000 from a person who fails to comply with Subsection (b)(1) or

1 (d); and

2 (2) seek injunctive relief for a second or subsequent
3 violation of Subsection (b)(1) or (d) to prohibit the person from
4 engaging in shorthand reporting unless the person is certified as a
5 court reporter under this chapter.

6 (f) The commission shall collect a civil penalty assessed
7 under Subsection (e)(1) following the same procedures the
8 commission uses in taking disciplinary action against a certified
9 court reporter for violating the laws and rules applicable to the
10 reporter.

11 (g) The attorney general, a county or district attorney
12 whose jurisdiction includes the location at which a deposition is
13 taken, or legal counsel the commission designates may represent the
14 commission for purposes of collecting the civil penalty or
15 obtaining the injunctive relief.

16 (h) In an action authorized by this section, the commission
17 may obtain reasonable attorney's fees, expenses, and costs incurred
18 in obtaining the civil penalty or injunctive relief.

19 SECTION 9.010. Section [154.105\(e\)](#), Government Code, is
20 repealed.

21 SECTION 9.011. As soon as practicable after the effective
22 date of this Act, the Texas Supreme Court shall revise the Texas
23 Rules of Civil Procedure as the court determines necessary to
24 conform to the changes in law made by this Act to Section [154.112](#),
25 Government Code.

ARTICLE 10. DEPOSITION, TRANSCRIPTION, AND INTERPRETATION

SERVICES

SECTION 10.001. The heading to Section 20.001, Civil Practice and Remedies Code, is amended to read as follows:

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

SECTION 10.002. Sections 20.001(b), (c), and (d), Civil Practice and Remedies Code, are amended to read as follows:

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

(1) a clerk of a court of record having a seal;

(2) a commissioner of deeds appointed under the laws of this state; or

(3) any notary public.

(c) A deposition on written questions of a witness who is alleged to reside or to be outside the United States may be taken by:

(1) a minister, commissioner, or charge d'affaires of the United States who is a resident of and is accredited in the country where the deposition is taken;

(2) a consul general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul, or consular agent of the United States who is a resident of the country where the deposition is taken; or

(3) any notary public.

(d) A deposition on written questions of a witness who is

1 alleged to be a member of the United States Armed Forces or of a
2 United States Armed Forces Auxiliary or who is alleged to be a
3 civilian employed by or accompanying the armed forces or an
4 auxiliary outside the United States may be taken by a commissioned
5 officer in the United States Armed Forces or United States Armed
6 Forces Auxiliary or by a commissioned officer in the United States
7 Armed Forces Reserve or an auxiliary of it. If a deposition on
8 written questions appears on its face to have been taken as provided
9 by this subsection and the deposition or any part of it is offered
10 in evidence, it is presumed, absent pleading and proof to the
11 contrary, that the person taking the deposition as a commissioned
12 officer was a commissioned officer on the date that the deposition
13 was taken, and that the deponent was a member of the authorized
14 group of military personnel or civilians.

15 SECTION 10.003. Section 30.012(b), Civil Practice and
16 Remedies Code, is amended to read as follows:

17 (b) Witness testimony at trial in a district or statutory
18 county court may be conducted by electronic means only if the
19 witness is deposed before the commencement of the trial. Neither
20 the court nor any party may waive the requirement to depose the
21 witness under this subsection if any party objects.

22 SECTION 10.004. Section 51.601, Government Code, is amended
23 to read as follows:

24 Sec. 51.601. COURT REPORTER SERVICE FUND. (a) [~~e~~] The
25 commissioners court of the county shall administer the court
26 reporter service fund to assist in the payment of
27 court-reporter-related services, that may include maintaining an

1 adequate number of court reporters to provide services to the
2 courts, obtaining court reporter transcription services,
3 closed-caption transcription machines, Braille transcription
4 services, or other transcription services, including a court
5 reporter's preparation of an appellate record under the Texas Rules
6 of Appellate Procedure and Rule 145, Texas Rules of Civil
7 Procedure, to comply with state or federal laws, or providing any
8 other service related to the functions of a court reporter.

9 (b) [~~(d)~~] The commissioners court shall, in administering
10 the court reporter service fund, assist any court in which a case is
11 filed that requires the payment of the court reporter service fee.

12 SECTION 10.005. Sections 52.047(c), (e), and (g),
13 Government Code, are amended to read as follows:

14 (c) On payment of the fee or as provided by the [~~Rule~~
15 ~~40(a)(3) or 53(j)~~], Texas Rules of Appellate Procedure, the person
16 requesting the transcript is entitled to the original and one copy
17 of the transcript. The person may purchase additional copies for a
18 fee per page that does not exceed one-third of the original cost per
19 page.

20 (e) If an objection is made to the amount of these
21 additional fees, the judge shall set a reasonable fee. If the
22 person applying for the transcript is entitled to a transcript
23 without charge under the [~~Rule 40(a)(3) or 53(j)~~], Texas Rules of
24 Appellate Procedure, the court reporter may not charge any
25 additional fees under Subsection (d).

26 (g) Notwithstanding the [~~Rule 53(j)~~], Texas Rules of
27 Appellate Procedure, an official court reporter who is required to

1 prepare a transcript in a criminal case without charging a fee is
2 not entitled to payment for the transcript from the state or county
3 if the county paid a substitute court reporter to perform the
4 official court reporter's regular duties while the transcript was
5 being prepared. To the extent that this subsection conflicts with
6 the Texas Rules of Appellate Procedure, this subsection controls.
7 Notwithstanding Sections 22.004 and 22.108(b), the supreme court or
8 the court of criminal appeals may not amend or adopt rules in
9 conflict with this subsection.

10 SECTION 10.006. The heading to Section 57.002, Government
11 Code, is amended to read as follows:

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

14 SECTION 10.007. Section 57.002, Government Code, is amended
15 by adding Subsections (g), (h), and (i) to read as follows:

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

1 (h) Each county auditor, or other individual designated by
2 the commissioners court of a county, in consultation with the
3 district and county clerks shall submit to the Office of Court
4 Administration of the Texas Judicial System, in the manner
5 prescribed by the office, information on the money the county spent
6 during the preceding fiscal year to provide court-ordered
7 interpretation services in civil and criminal proceedings. The
8 information must include:

9 (1) the number of interpreters appointed;

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

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

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

18 (i) Not later than December 1 of each year, the Office of
19 Court Administration of the Texas Judicial System shall:

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

23 (2) publish the report on the office's Internet
24 website.

25 SECTION 10.008. Section 154.101(f), Government Code, is
26 amended to read as follows:

27 (f) Except as provided by Section 154.112 and by Section

1 20.001, Civil Practice and Remedies Code, all depositions conducted
2 in this state must be reported [~~recorded~~] by a certified shorthand
3 reporter.

4 SECTION 10.009. Section 406.016(a), Government Code, is
5 amended to read as follows:

6 (a) A notary public has the same authority as the county
7 clerk to:

8 (1) take acknowledgments or proofs of written
9 instruments;

10 (2) protest instruments permitted by law to be
11 protested;

12 (3) administer oaths;

13 (4) take depositions as provided by Section 20.001,
14 Civil Practice and Remedies Code; and

15 (5) certify copies of documents not recordable in the
16 public records.

17 SECTION 10.010. (a) This article is and shall be construed
18 to be consistent with the procedures set forth in Rules 199.1(c) and
19 203.6(a), Texas Rules of Civil Procedure, as of September 1, 2023.

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

23 ARTICLE 11. TRANSFER OF CASES AND PROCEEDINGS

24 SECTION 11.001. Section 33.101, Estates Code, is amended to
25 read as follows:

26 Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS
27 PROPER. If probate proceedings involving the same estate are

1 commenced in more than one county and the court making a
2 determination of venue as provided by Section 33.053 determines
3 that venue is proper in another county, the court clerk shall
4 transmit the file for the proceeding in accordance with the
5 procedures provided by Section 33.105 [~~make and retain a copy of the~~
6 ~~entire file in the case and transmit the original file in electronic~~
7 ~~or paper form~~] to the court in the county in which venue is proper.
8 The court to which the file is transmitted shall conduct the
9 proceeding in the same manner as if the proceeding had originally
10 been commenced in that county.

11 SECTION 11.002. Section 33.102(a), Estates Code, is amended
12 to read as follows:

13 (a) If it appears to the court at any time before the final
14 order in a probate proceeding is rendered that the court does not
15 have priority of venue over the proceeding, the court shall, on the
16 application of an interested person, transfer the proceeding to the
17 proper county by transmitting the file for the proceeding in
18 accordance with the procedures provided by Section 33.105 to the
19 proper court in that county [~~in electronic or paper form:~~

20 [~~(1) the original file in the case, and~~
21 [~~(2) certified copies of all entries that have been~~
22 ~~made in the judge's probate docket in the proceeding]~~].

23 SECTION 11.003. Section 33.103(b), Estates Code, is amended
24 to read as follows:

25 (b) The clerk of the court from which the probate proceeding
26 described by Subsection (a) is transferred shall transmit the file
27 for the proceeding in accordance with the procedures provided by

1 Section 33.105 to the court to which the proceeding is
2 transferred[+]

3 ~~[(1) the original file in the proceeding; and~~

4 ~~[(2) a certified copy of the index].~~

5 SECTION 11.004. Subchapter C, Chapter 33, Estates Code, is
6 amended by adding Section 33.105 to read as follows:

7 Sec. 33.105. TRANSFER OF PROBATE PROCEEDING RECORD. (a) If
8 a probate proceeding is transferred to a court in another county
9 under this chapter, the clerk of the transferring court shall send
10 to the clerk of the court to which the proceeding is transferred,
11 using the electronic filing system established under Section
12 72.031, Government Code:

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

15 (2) a copy of each final order;

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

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

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

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

24 (b) The clerk of the transferring court shall use the
25 standardized transfer certificate and index of transferred
26 documents form developed by the Office of Court Administration of
27 the Texas Judicial System under Section 72.037, Government Code,

1 when transferring a proceeding under this section.

2 (c) The clerk of the transferring court shall keep a copy of
3 the documents transferred under Subsection (a).

4 (d) The clerk of the court to which the proceeding is
5 transferred shall:

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

8 (2) docket the proceeding; and

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

14 (e) The clerk of the transferee court shall physically or
15 electronically mark or stamp the transfer certificate and index of
16 transferred documents to evidence the date and time of acceptance
17 under Subsection (d) but may not physically or electronically mark
18 or stamp any other document transferred under Subsection (a).

19 (f) The clerks of both the transferee and transferring
20 courts may each produce under Chapter 51, Government Code,
21 certified or uncertified copies of documents transferred under
22 Subsection (a) but must include a copy of the transfer certificate
23 and index of transferred documents with each document produced.

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

26 SECTION 11.005. Section 1023.006, Estates Code, is amended
27 to read as follows:

1 Sec. 1023.006. TRANSFER OF RECORD. (a) Not later than the
2 10th working day after the date [~~When~~] an order of transfer is
3 signed [~~made~~] under Section 1023.005, the clerk shall record any
4 unrecorded papers of the guardianship required to be recorded. On
5 payment of the clerk's fee, the clerk shall send, using the
6 electronic filing system established under Section 72.031,
7 Government Code, [~~transmit in electronic or paper form~~] to the
8 county clerk of the county to which the guardianship was ordered
9 transferred:

10 (1) a transfer certificate and index of transferred
11 documents [~~the case file of the guardianship proceedings~~]; [~~and~~]

12 (2) a copy of each final order;

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

15 (4) a copy of the original papers filed in the
16 transferring court;

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

19 (6) a bill of any costs accrued in the transferring
20 court [~~a certified copy of the index of the guardianship records~~].

21 (b) The clerk of the transferring court shall use the
22 standardized transfer certificate and index of transferred
23 documents form developed by the Office of Court Administration of
24 the Texas Judicial System under Section 72.037, Government Code,
25 when transferring a proceeding under this section.

26 (c) The clerk of the transferring court shall keep a copy of
27 the documents transferred under Subsection (a).

1 (d) The clerk of the court to which the proceeding is
2 transferred shall:

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

5 (2) docket the suit; and

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

11 (e) The clerk of the transferee court shall physically or
12 electronically mark or stamp the transfer certificate and index of
13 transferred documents to evidence the date and time of acceptance
14 under Subsection (d), but may not physically or electronically mark
15 or stamp any other document transferred under Subsection (a).

16 (f) The clerk of the transferring court shall send a
17 certified copy of the order directing payments to the transferee
18 court to:

19 (1) any party affected by the order and, if
20 appropriate, to the local registry of the transferee court using
21 the electronic filing system established under Section 72.031,
22 Government Code; and

23 (2) an employer affected by the order electronically
24 or by first class mail.

25 (g) The clerks of both the transferee and transferring
26 courts may each produce under Chapter 51, Government Code,
27 certified or uncertified copies of documents transferred under

1 Subsection (a) but must include a copy of the transfer certificate
2 and index of transferred documents with each document produced.

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

5 SECTION 11.006. Section 1023.007, Estates Code, is amended
6 to read as follows:

7 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring
8 a guardianship does not take effect until the clerk of the court to
9 which the proceeding is transferred accepts and docket the case
10 record under Section 1023.006 [+

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

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

20 SECTION 11.007. Sections 155.207(a), (b), and (e), Family
21 Code, are amended to read as follows:

22 (a) Not later than the 10th working day after the date an
23 order of transfer is signed, the clerk of the court transferring a
24 proceeding shall send, using the electronic filing system
25 established under Section 72.031, Government Code, to the proper
26 court [~~in the county~~] to which transfer is being made:

27 (1) a transfer certificate and index of transferred

1 documents;

2 (2) a copy of each final order;

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

5 (4) a copy of the original papers filed in the
6 transferring court;

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

9 (6) a bill of any costs that have accrued in the
10 transferring court.

11 (b) The clerk of the transferring court shall keep a copy of
12 the documents transferred under Subsection (a) [~~transferred~~
13 ~~pleadings~~].

14 (e) The clerks of both the transferee and transferring
15 courts may each produce under Chapter 51, Government Code,
16 certified or uncertified copies of documents transferred under
17 Subsection (a) and must [~~filed in a case transferred under this~~
18 ~~section, but shall also~~] include a copy of the transfer certificate
19 and index of transferred documents with each document produced.

20 SECTION 11.008. Section 51.3071, Government Code, is
21 amended by amending Subsection (a) and adding Subsections (f) and
22 (g) to read as follows:

23 (a) If a case is transferred from a district court to a
24 constitutional or statutory county court or another district court,
25 the clerk of the transferring [~~district~~] court shall send to the
26 [~~county~~] clerk of the court to which the case is transferred, using
27 the electronic filing system established under Section 72.031:

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

3 (2) a copy of the original papers filed in the
4 transferring court;

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

7 (4) a copy of each final order;

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

10 (6) a bill of any costs that have accrued in the
11 transferring court.

12 (f) The clerks of both the transferee and transferring
13 courts may each produce, under this chapter, certified or
14 uncertified copies of documents transferred under Subsection (a)
15 and must include a copy of the transfer certificate and index of
16 transferred documents with each document produced.

17 (g) This section applies regardless of whether the
18 transferee court and the transferring court are in the same or
19 different counties.

20 SECTION 11.009. Section 51.403, Government Code, is amended
21 by amending Subsection (a) and adding Subsections (d) and (e) to
22 read as follows:

23 (a) If a case is transferred from a county court to a
24 district court or a statutory county court or a county court of
25 another county, the clerk of the transferring [~~county~~] court shall
26 send to the [~~district~~] clerk of the court to which the case is
27 transferred, using the electronic filing system established under

1 Section 72.031:

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

4 (2) a copy of the original papers filed in the
5 transferring court;

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

8 (4) a copy of each final order;

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

11 (6) a bill of any costs that have accrued in the
12 transferring court.

13 (d) The clerks of both the transferee and transferring
14 courts may each produce, under this chapter, certified or
15 uncertified copies of documents transferred under Subsection (a)
16 and must include a copy of the transfer certificate and index of
17 transferred documents with each document produced.

18 (e) This section applies regardless of whether the
19 transferee court and the transferring court are in the same or
20 different counties.

21 SECTION 11.010. Section 72.037(a), Government Code, is
22 amended to read as follows:

23 (a) The office shall develop and make available a
24 standardized transfer certificate and an index of transferred
25 documents form to be used for the transfer of cases and proceedings
26 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
27 Family Code, and Sections 51.3071 and 51.403 of this code.

1 SECTION 11.011. Section 33.103(c), Estates Code, is
2 repealed.

3 SECTION 11.012. As soon as practicable after the effective
4 date of this Act, the Office of Court Administration of the Texas
5 Judicial System shall adopt rules and develop and make available
6 all forms and materials required by Section 72.037, Government
7 Code, as amended by this Act.

8 ARTICLE 12. CRIMINAL PROCEDURE

9 SECTION 12.001. (a) Section 3(b), Article 11.07, Code of
10 Criminal Procedure, is amended to read as follows:

11 (b) An application for writ of habeas corpus filed after
12 final conviction in a felony case, other than a case in which the
13 death penalty is imposed, must be filed with the clerk of the court
14 in which the conviction being challenged was obtained, and the
15 clerk shall assign the application to that court. When the
16 application is received by that court, a writ of habeas corpus,
17 returnable to the Court of Criminal Appeals, shall issue by
18 operation of law. The clerk of that court shall make appropriate
19 notation thereof, assign to the case a file number (ancillary to
20 that of the conviction being challenged), and forward a copy of the
21 application by certified mail, return receipt requested, by
22 ~~secure~~ electronic mail, or by personal service to the attorney
23 representing the state in that court, who shall answer the
24 application not later than the 30th day after the date the copy of
25 the application is received. Matters alleged in the application
26 not admitted by the state are deemed denied.

27 (b) Section 3(b), Article 11.07, Code of Criminal

1 Procedure, as amended by this section, applies only to an
2 application for a writ of habeas corpus filed on or after September
3 1, 2023. An application filed before that date is governed by the
4 law in effect on the date the application was filed, and the former
5 law is continued in effect for that purpose.

6 SECTION 12.002. Article 18.01(d), Code of Criminal
7 Procedure, is amended to read as follows:

8 (d) Only the specifically described property or items set
9 forth in a search warrant issued under Article 18.02(a)(10) or
10 property, items or contraband enumerated in Article 18.02(a)(1),
11 (2), (3), (4), (5), (6), (7), (8), (9), or (12) may be seized. A
12 subsequent search warrant may be issued pursuant to Article
13 18.02(a)(10) to search the same person, place, or thing subjected
14 to a prior search under Article 18.02(a)(10) only if the subsequent
15 search warrant is issued by a judge of a statutory county court, a
16 district court, a court of appeals, the court of criminal appeals,
17 or the supreme court.

18 SECTION 12.003. Article 18.0215(b), Code of Criminal
19 Procedure, is amended to read as follows:

20 (b) A warrant under this article may be issued only by a
21 judge, including a judge of a statutory county court, in the same
22 judicial district as the site of:

23 (1) the law enforcement agency that employs the peace
24 officer, if the cellular telephone or other wireless communications
25 device is in the officer's possession; or

26 (2) the likely location of the telephone or device.

27 SECTION 12.004. Sections 4-c(a), (c), (d), and (e), Article

1 38.01, Code of Criminal Procedure, are amended to read as follows:

2 (a) On a determination by the commission that a license
3 holder or crime laboratory has committed professional negligence or
4 professional misconduct under this article, violated the code of
5 professional responsibility under this article, or otherwise
6 violated this article or a rule or order of the commission under
7 this article, the commission may, as applicable:

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

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

12 (3) reprimand the license holder or crime laboratory.

13 (c) The commission shall give written notice by certified
14 mail of a determination described by Subsection (a) to the
15 applicable [~~a~~] license holder or crime laboratory [~~who is the~~
16 ~~subject of the determination~~]. The notice must:

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

19 (2) state the disciplinary action taken by the
20 commission; and

21 (3) inform the license holder or crime laboratory of
22 the license holder's or crime laboratory's right to a hearing before
23 the Judicial Branch Certification Commission on the occurrence of
24 the negligence, misconduct, or violation, the imposition of a
25 disciplinary action, or both.

26 (d) Not later than the 20th day after the date the license
27 holder or crime laboratory receives the notice under Subsection

1 (c), the license holder or crime laboratory may accept the
2 disciplinary action or request a hearing by submitting a written
3 request to the Judicial Branch Certification Commission to contest
4 the findings of fact or conclusions of law, the occurrence of the
5 negligence, misconduct, or violation, or the imposition of a
6 disciplinary action, as applicable. If the license holder or crime
7 laboratory fails to timely submit a request, the commission's
8 disciplinary action becomes final and is not subject to review by
9 the Judicial Branch Certification Commission.

10 (e) If the license holder or crime laboratory requests a
11 hearing, the Judicial Branch Certification Commission shall
12 conduct a hearing to determine whether there is substantial
13 evidence to support the determination under Subsection (a) that the
14 negligence, misconduct, or violation occurred [~~license holder~~
15 ~~committed professional misconduct or violated this article or a~~
16 ~~commission rule or order under this article~~]. If the Judicial
17 Branch Certification Commission upholds the determination, the
18 Judicial Branch Certification Commission shall determine the type
19 of disciplinary action to be taken. The Judicial Branch
20 Certification Commission shall conduct the hearing, and any appeal
21 of that commission's decision, in accordance with the procedures
22 provided by Subchapter B, Chapter 153, Government Code, as
23 applicable, and the rules of the Judicial Branch Certification
24 Commission.

25 SECTION 12.005. Article 42.15, Code of Criminal Procedure,
26 is amended by adding Subsection (a-2) to read as follows:

27 (a-2) A defendant may waive the requirement for the inquiry

1 described by Subsection (a-1) to be on the record.

2 SECTION 12.006. (a) Section 2a(a), Article 55.02, Code of
3 Criminal Procedure, is amended to read as follows:

4 (a) A person who is entitled to expunction of information
5 contained in records and files under Article 55.01(d) may file an
6 application for expunction with the attorney representing the state
7 in the prosecution of felonies in the county in which:

8 (1) the person resides; or

9 (2) the offense was alleged to have occurred.

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

14 ARTICLE 13. PROBATE PROCEEDINGS

15 SECTION 13.001. Section 152.001, Estates Code, is amended
16 to read as follows:

17 Sec. 152.001. APPLICATION AUTHORIZED. (a) Subject to
18 Subsection (b), a person qualified to serve as an administrator
19 under Section 304.001 may file an application requesting emergency
20 intervention by a court exercising probate jurisdiction to provide
21 for:

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

24 (2) the protection and storage of personal property
25 owned by the decedent that, on the date of the decedent's death, was
26 located in accommodations rented by the decedent.

27 (b) An applicant may file an application under this section

1 only if:

2 (1) an application or affidavit has not been filed and
3 is not pending under Section 256.052, 256.054, or 301.052 or
4 Chapter 205 or 401; and

5 (2) the applicant needs to:

6 (A) obtain funds for the payment or reimbursement
7 of the decedent's funeral and burial expenses; or

8 (B) gain access to accommodations rented by the
9 decedent that contain the decedent's personal property and the
10 applicant has been denied access to those accommodations.

11 SECTION 13.002. Sections 152.002(a) and (b), Estates Code,
12 are amended to read as follows:

13 (a) An emergency intervention application must be sworn and
14 must contain:

15 (1) the applicant's name, address, and interest;

16 (2) facts showing an immediate necessity for the
17 issuance of an emergency intervention order under Subchapter B;

18 (3) the decedent's date of death, place of death, and
19 residential address on the date of death;

20 (4) the name and address of the funeral home holding
21 the decedent's remains or paid by the applicant for the decedent's
22 funeral and burial; and

23 (5) the names of any known or ascertainable heirs and
24 devisees of the decedent.

25 (b) In addition to the information required under
26 Subsection (a), if emergency intervention is requested to obtain
27 funds needed for the payment or reimbursement of the decedent's

1 funeral and burial expenses, the application must also contain:

2 (1) the reason any known or ascertainable heirs and
3 devisees of the decedent:

4 (A) cannot be contacted; or

5 (B) have refused to assist in the decedent's
6 burial;

7 (2) a description of necessary funeral and burial
8 procedures and a statement from the funeral home that contains a
9 detailed and itemized description of the cost of those procedures;
10 ~~and~~

11 (3) the name and address of an individual, entity, or
12 financial institution, including an employer, in possession of any
13 funds of or due to the decedent, and related account numbers and
14 balances, if known by the applicant; and

15 (4) if applicable, the amount paid by the applicant
16 for the funeral and burial procedures described by Subdivision (2).

17 SECTION 13.003. Section 152.003, Estates Code, is amended
18 to read as follows:

19 Sec. 152.003. ADDITIONAL CONTENTS OF APPLICATION:
20 INSTRUCTIONS REGARDING DECEDENT'S FUNERAL AND REMAINS. (a) In
21 addition to the information required under Section 152.002, if
22 emergency intervention is requested to obtain funds needed for the
23 payment or reimbursement of a decedent's funeral and burial
24 expenses, the application must also state whether there are or were
25 any written instructions from the decedent relating to the type and
26 manner of funeral or burial preferred by the decedent. The
27 applicant shall:

1 (1) attach the instructions, if available, to the
2 application; and

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

5 (b) If written instructions do not exist, the applicant may
6 not permit or have permitted the decedent's remains to be cremated
7 unless the applicant obtains or obtained the court's permission to
8 cremate the remains.

9 SECTION 13.004. Section 152.004, Estates Code, is amended
10 to read as follows:

11 Sec. 152.004. TIME AND PLACE OF FILING. An emergency
12 intervention application must be filed:

13 (1) with the court clerk in the county in which:

14 (A) the decedent was domiciled; or

15 (B) the accommodations rented by the decedent
16 that contain the decedent's personal property are located; and

17 (2) not earlier than the third day after the date of
18 the decedent's death and not later than nine months [~~the 90th day~~]
19 after the date of the decedent's death.

20 SECTION 13.005. Section 152.051, Estates Code, is amended
21 to read as follows:

22 Sec. 152.051. ISSUANCE OF ORDER REGARDING FUNERAL AND
23 BURIAL EXPENSES. If on review of an application filed under Section
24 152.001 the court determines that emergency intervention is
25 necessary to obtain funds needed for the payment or reimbursement
26 of a decedent's funeral and burial expenses, the court may order
27 funds of the decedent that are being held by an individual, an

1 employer, or a financial institution to be paid directly to a
2 funeral home or the applicant, as applicable, only for:

3 (1) reasonable and necessary attorney's fees for the
4 attorney who obtained the order;

5 (2) court costs for obtaining the order; and

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

10 SECTION 13.006. Sections 152.001, 152.002(a) and (b),
11 152.003, 152.004, and 152.051, Estates Code, as amended by this
12 article, apply only to an application requesting emergency
13 intervention that is filed on or after September 1, 2023. An
14 application that is filed before September 1, 2023, is governed by
15 the law in effect at the time the application was filed, and the
16 former law is continued in effect for that purpose.

17 ARTICLE 14. JUVENILE BOARDS

18 SECTION 14.001. Section 152.0671(a), Human Resources Code,
19 is amended to read as follows:

20 (a) The Denton County Juvenile Board is composed of the
21 county judge, the district judges in Denton County, and the judge of
22 any county court at law [~~statutory court~~] in the county.

23 SECTION 14.002. Section 152.2264, Human Resources Code, is
24 amended to read as follows:

25 Sec. 152.2264. TARRANT COUNTY CRIMINAL COURT
26 ADMINISTRATOR. (a) Subject to the approval of the commissioners
27 court, the judges of the district courts that give preference to

1 criminal cases, the judges of the criminal district courts, and the
2 judges of the county criminal courts of Tarrant County [~~and county~~
3 ~~courts in Tarrant County that give preference to criminal matters]~~
4 may use the services of a criminal courts administrator.

5 (b) A judge may not be subjected to a suit for, and is immune
6 from liability for damages arising from, an act or omission
7 committed while performing a duty under this section unless the act
8 or omission is:

9 (1) committed intentionally, wilfully, or wantonly;

10 or

11 (2) committed with:

12 (A) gross negligence; [~~or~~]

13 (B) conscious indifference [~~or reckless~~
14 ~~disregard~~] for the safety of others; or

15 (C) reckless disregard for the safety of others.

16 ARTICLE 15. TEXAS INDIGENT DEFENSE COMMISSION

17 SECTION 15.001. Effective June 1, 2023, Section 79.012(b),
18 Government Code, is amended to read as follows:

19 (b) The executive director:

20 (1) [~~must be a licensed attorney,~~

21 [~~(2)~~] must demonstrate an interest in the standards
22 for and provision of criminal defense services to indigent
23 individuals;

24 (2) [~~(3)~~] may not engage in the private practice of
25 law; and

26 (3) [~~(4)~~] may not accept money, property, or any other
27 thing of value not authorized by law for services rendered under

1 this chapter.

2 ARTICLE 16. ADMINISTRATION OF OATHS

3 SECTION 16.001. Section 602.002, Government Code, is
4 amended to read as follows:

5 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
6 state may be administered and a certificate of the fact given by:

7 (1) a judge, retired judge, or clerk of a municipal
8 court;

9 (2) a judge, retired judge, senior judge, clerk, or
10 commissioner of a court of record;

11 (3) a justice of the peace, a retired justice of the
12 peace, or a clerk of a justice court;

13 (4) an associate judge, magistrate, master, referee,
14 or criminal law hearing officer;

15 (5) a notary public;

16 (6) a member of a board or commission created by a law
17 of this state, in a matter pertaining to a duty of the board or
18 commission;

19 (7) a person employed by the Texas Ethics Commission
20 who has a duty related to a report required by Title 15, Election
21 Code, in a matter pertaining to that duty;

22 (8) a county tax assessor-collector or an employee of
23 the county tax assessor-collector if the oath relates to a document
24 that is required or authorized to be filed in the office of the
25 county tax assessor-collector;

26 (9) the secretary of state or a former secretary of
27 state;

1 (10) an employee of a personal bond office, or an
2 employee of a county, who is employed to obtain information
3 required to be obtained under oath if the oath is required or
4 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
5 Criminal Procedure;

6 (11) the lieutenant governor or a former lieutenant
7 governor;

8 (12) the speaker of the house of representatives or a
9 former speaker of the house of representatives;

10 (13) the governor or a former governor;

11 (14) a legislator or retired legislator;

12 (14-a) the secretary of the senate or the chief clerk
13 of the house of representatives;

14 (15) the attorney general or a former attorney
15 general;

16 (16) the secretary or clerk of a municipality in a
17 matter pertaining to the official business of the municipality;

18 (17) a peace officer described by Article 2.12, Code
19 of Criminal Procedure, if:

20 (A) the oath is administered when the officer is
21 engaged in the performance of the officer's duties; and

22 (B) the administration of the oath relates to the
23 officer's duties; or

24 (18) a county treasurer.

25 ARTICLE 17. APPELLATE RECORD

26 SECTION 17.001. (a) Subchapter B, Chapter 51, Civil
27 Practice and Remedies Code, is amended by adding Section 51.018 to

1 read as follows:

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

7 (b) The party must file the appendix with the party's
8 appellate brief. Except in an expedited proceeding or by order of
9 the court, the brief and appendix must be filed not later than the
10 30th day after the later of:

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

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

15 (c) An appendix filed under this section must contain a
16 file-stamped copy of each document required by Rule 34.5, Texas
17 Rules of Appellate Procedure, for a civil suit and any other item
18 the party intends to reference in the party's brief. The appendix
19 may not contain a document that has not been filed with the trial
20 court except by agreement of the parties to the appeal.

21 (d) An appendix filed in accordance with this section
22 becomes part of the appellate record. A court clerk may not prepare
23 or file a clerk's record or assess a fee for preparing a clerk's
24 record if a party files an appendix in accordance with this section.

25 (b) Section 51.018, Civil Practice and Remedies Code, as
26 added by this section, applies only to a party that files a notice
27 of appeal on or after January 1, 2024. A party that files a notice

1 of appeal before January 1, 2024, is governed by the law in effect
2 on the date the notice was given, and the former law is continued in
3 effect for that purpose.

4 ARTICLE 18. DELIVERY OF DOCUMENTS

5 SECTION 18.001. The heading to Chapter 80, Government Code,
6 is amended to read as follows:

7 CHAPTER 80. DELIVERY OF NOTICE, ORDERS, AND DOCUMENTS

8 SECTION 18.002. Section 80.001, Government Code, is amended
9 to read as follows:

10 Sec. 80.001. DELIVERY OF NOTICE OR DOCUMENT. A court,
11 justice, judge, magistrate, or clerk may send any notice or
12 document by a method authorized by Section 80.002(a) [~~80.002~~].

13 SECTION 18.003. Section 80.002, Government Code, is amended
14 to read as follows:

15 Sec. 80.002. [~~AUTHORIZED~~] DELIVERY OF NOTICE, ORDER, OR
16 DOCUMENT. (a) A court, justice, judge, magistrate, or clerk may
17 send any notice or document using mail or electronic mail. This
18 subsection [~~section~~] applies to all civil and criminal statutes
19 requiring delivery of a notice or document.

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

ARTICLE 19. SERVICE OF PROCESS

SECTION 19.001. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.0035 to read as follows:

Sec. 30.0035. PERSONAL SERVICE OF PROCESS DURING LEGISLATIVE PROCEEDING PROHIBITED. A person may not serve citation or other civil process in person on a member, officer, or employee of the senate or house of representatives during any legislative proceeding. A court shall quash any service made in violation of this section. The supreme court shall revoke the certification of a process server who violates this section. This section is not subject to Section 22.004(c), Government Code.

ARTICLE 20. EFFECTIVE DATE

SECTION 20.001. (a) Except as otherwise provided by this Act and Subsection (b) of this section, this Act takes effect September 1, 2023.

(b) Article 15 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Article 15 of this Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3474 was passed by the House on May 2, 2023, by the following vote: Yeas 141, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3474 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3474 on May 28, 2023, by the following vote: Yeas 132, Nays 2, 2 present, not voting.

Chief Clerk of the House

H.B. No. 3474

I certify that H.B. No. 3474 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3474 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor