

By: Leach, et al.

H.B. No. 3474

Substitute the following for H.B. No. 3474:

By: Leach

C.S.H.B. No. 3474

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of and practices and procedures related to proceedings in the judicial branch of state government and the state of the judiciary; 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 itemized account showing the expenses.

SECTION 1.002. (a) The heading to Section 24.384, Government Code, is amended to read as follows:

1 Sec. 24.384. 205TH JUDICIAL DISTRICT (~~[CULBERSON,~~ EL
2 PASO~~[7]~~ AND HUDSPETH COUNTIES).

3 (b) Section 24.384(a), Government Code, is amended to read
4 as follows:

5 (a) The 205th Judicial District is composed of ~~[Culberson,~~
6 El Paso~~[7]~~ and Hudspeth counties.

7 (c) Section 24.539, Government Code, is amended to read as
8 follows:

9 Sec. 24.539. 394TH JUDICIAL DISTRICT (BREWSTER, CULBERSON,
10 ~~[HUDSPETH,~~ JEFF DAVIS, AND PRESIDIO COUNTIES). (a) The 394th
11 Judicial District is composed of Brewster, Culberson, ~~[Hudspeth,~~
12 Jeff Davis, and Presidio counties.

13 (b) The terms of the 394th District Court begin:

14 (1) in Brewster County on the first Monday in March and
15 the third Monday in September;

16 (2) in Culberson County on the third Monday in October
17 and the first Monday in April;

18 (3) ~~[in Hudspeth County on the third Monday in March~~
19 ~~and the first Monday in September,~~

20 ~~[(4)]~~ in Jeff Davis County on the second Mondays in
21 January and July; and

22 (4) ~~[(5)]~~ in Presidio County on the third Monday after
23 the first Mondays in January and July.

24 (d) The local administrative district judge shall transfer
25 all cases from Culberson County that are pending in the 205th
26 District Court on September 1, 2023, to the 394th District Court.

27 (e) The local administrative district judge shall transfer

all cases from Hudspeth County that are pending in the 394th District Court on September 1, 2023, to the 205th District Court.

(f) When a case is transferred from a district court to another district court as provided by Subsections (d) and (e) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 1.003. (a) Effective January 1, 2025, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600201 to read as follows:

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

(b) The 477th Judicial District is created on January 1, 2025.

SECTION 1.004. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60031, 24.60032, and 24.60033 to read as follows:

Sec. 24.60031. 486TH JUDICIAL DISTRICT (HARRIS COUNTY).
(a) The 486th Judicial District is composed of Harris County.

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

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

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

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

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

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

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

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

SECTION 1.005. (a) Effective January 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60034 to read as follows:

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

The 489th Judicial District is composed of Kaufman County.

(b) The 489th Judicial District is created on January 1, 2024.

SECTION 1.006. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60038 to read as follows:

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

The 493rd Judicial District is composed of Collin County.

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

SECTION 1.007. (a) Effective September 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60039 to read as follows:

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

The 494th Judicial District is composed of Collin County.

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

SECTION 1.008. (a) Effective September 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60040, 24.60041, and 24.60042 to read as follows:

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

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

(b) The 495th District Court shall give preference to criminal cases.

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

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

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

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

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

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

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

SECTION 1.009. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6009 to read as follows:

Sec. 24.6009. 465TH JUDICIAL DISTRICT (BASTROP COUNTY).

The 465th Judicial District is composed of Bastrop County.

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

SECTION 1.010. (a) Subchapter C, Chapter 24, Government

Code, is amended by adding Section 24.60095 to read as follows:

Sec. 24.60095. 472ND JUDICIAL DISTRICT (BRAZOS COUNTY).

(a) The 472nd Judicial District is composed of Brazos County.

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

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

SECTION 1.011. Section 659.012(b), Government Code, is amended to read as follows:

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

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

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

(B) service as a judge of a statutory county court, multicounty statutory county court, or statutory probate court or as a district attorney, criminal district attorney, or county attorney; or

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

(2) 120 percent of the state base salary paid in

1 accordance with Subsection (a) for the judge's or justice's
2 position, beginning with the pay period that begins after the judge
3 or justice accrues eight years of:

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

7 (B) service as a judge of a statutory county
8 court, multicounty statutory county court, or statutory probate
9 court or as a district attorney, criminal district attorney, or
10 county attorney; or

11 (C) combined contributing service credit and
12 service as provided by Paragraphs (A) and (B).

13 ARTICLE 2. STATUTORY COUNTY COURTS

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

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

1 service of a statutory county court judge include any years of
2 service as:

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

6 (2) a district attorney, criminal district attorney,
7 or county attorney.

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

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

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

26 (2) a district attorney, criminal district attorney,
27 or county attorney.

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

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

- (1) family law cases and proceedings; ~~and~~
- (2) felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas; and
- (3) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003.

(b) The district clerk serves as clerk of a county court at law in felony cases, in ~~and~~ family law cases and proceedings, and in civil cases in which the matter in controversy exceeds \$250,000. The ~~and the~~ county clerk serves as clerk of a county court at law in all other cases. The district clerk shall establish a separate docket for a county court at law. The commissioners court shall provide the deputy clerks, bailiffs, and other personnel necessary to operate a county court at law.

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

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

(c) Bexar County also has the following statutory probate

1 courts:

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

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

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

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

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

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

18 (o) Notwithstanding the local rules adopted under Section
19 74.093, the county clerk shall:

20 (1) docket all mental health matters in Probate Court
21 No. 1; and

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

27 (p) Notwithstanding Section 25.0022(h), in the absence,

disqualification, or incapacity of a statutory probate judge in Bexar County or on the judge's request, the statutory probate judges in Bexar County may sit and act for each other in any probate matter or proceeding. A statutory probate judge in Bexar County may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (a) In addition to the jurisdiction provided by Section
9 25.0003 and other law, a county court at law in Cameron County has[÷

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

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

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

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

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

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

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

1 county court in the county with jurisdiction over the case.

2 (e) The local administrative statutory county court judge
3 shall transfer any active probate matter that is pending in a
4 statutory county court in Cameron County on September 1, 2023, to
5 Probate Court No. 1 of Cameron County.

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

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

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

20 (b) Section 25.0592(1), Government Code, as amended by this
21 section, applies only to a jury impaneled on or after September 1,
22 2023.

23 SECTION 2.009. Section 25.0932, Government Code, is amended
24 by amending Subsection (a) and adding Subsection (b) to read as
25 follows:

26 (a) In addition to the jurisdiction provided by Section
27 25.0003 and other law, a county court at law in Grayson County has:

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

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

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

9 SECTION 2.010. (a) Effective October 1, 2023, Section
10 25.1721, Government Code, is amended to read as follows:

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

13 (1) County Court at Law No. 1 of Montgomery County;

14 (2) ~~[County Court at Law No. 2 of Montgomery County,~~

15 ~~[(3)]~~ County Court at Law No. 3 of Montgomery County;

16 (3) [(4)] County Court at Law No. 4 of Montgomery
17 County;

18 (4) [(5)] County Court at Law No. 5 of Montgomery
19 County; and

20 (5) [(6)] County Court at Law No. 6 of Montgomery
21 County.

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

24 (b) The County Court at Law No. 2 of Montgomery County is
25 redesignated as the Probate Court No. 1 of Montgomery County
26 effective October 1, 2023.

27 (c) Effective October 1, 2023, the judge of the County Court

1 at Law No. 2 of Montgomery County is the judge of the Probate Court
2 No. 1 of Montgomery County. Unless otherwise removed, the judge
3 serves until December 31, 2026, and until the judge's successor is
4 elected and has qualified. In the 2026 general election and every
5 four years following that election, the qualified voters of the
6 county shall elect a judge of the Probate Court No. 1 of Montgomery
7 County for a regular term of four years.

8 SECTION 2.011. (a) Effective October 1, 2023, Subchapter
9 C, Chapter 25, Government Code, is amended by adding Section
10 25.1723 to read as follows:

11 Sec. 25.1723. MONTGOMERY COUNTY PROBATE COURT PROVISIONS.

12 (a) In this section, "remote proceeding" means a proceeding before
13 a court in which one or more of the participants, including a judge,
14 party, attorney, witness, court reporter, or other individual,
15 attends the proceeding remotely through the use of technology.

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

19 (1) disputes relating to the creation of a
20 constructive trust;

21 (2) declaratory judgment actions;

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

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

26 (c) A statutory probate court of Montgomery County has
27 eminent domain jurisdiction, including the jurisdiction provided

1 to a district court under Sections 21.002 and 21.003, Property
2 Code, regardless of the amount in controversy or the remedy sought.
3 All eminent domain actions, cases, matters, or proceedings arising
4 under Chapter 21, Property Code, or under Section 251.101,
5 Transportation Code, shall be filed and docketed in a statutory
6 probate court.

7 (d) A statutory probate court of Montgomery County may
8 conduct docket matters at any location in the county as the
9 statutory probate court judge considers necessary for the
10 protection of wards or mental health respondents or as otherwise
11 provided by law.

12 (e) A statutory probate court of Montgomery County may:

13 (1) conduct a hearing or other proceeding as a remote
14 proceeding without the consent of the parties unless the United
15 States Constitution or Texas Constitution requires consent; and

16 (2) allow or require a party, attorney, witness, court
17 reporter, or any other individual to participate in a remote
18 proceeding, including a deposition, hearing, or other proceeding
19 under this title.

20 (f) A judge of a statutory probate court in Montgomery
21 County and a judge of a district court or statutory county court in
22 Montgomery County may exchange benches and may sit and act for each
23 other in any matter pending before the court.

24 (g) The county clerk of Montgomery County serves as clerk of
25 a statutory probate court.

26 (h) A statutory probate court of Montgomery County may
27 appoint as a court investigator an employee of the court or another

1 department in the county to comply with Section 25.0025.

2 (i) In addition to the uses authorized by Section 135.159,
3 Local Government Code, Montgomery County may use the fees collected
4 under Section 135.102, Local Government Code, and deposited into
5 the judicial education and support fund to provide staff for the
6 statutory probate courts and for court-related purposes for the
7 support of the statutory probate courts.

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

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

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

27 SECTION 2.012. (a) Effective October 1, 2023, Section

25.2291(c), Government Code, is amended to read as follows:

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

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

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

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

SECTION 2.013. (a) Effective October 1, 2023, Section 25.2293, Government Code, is amended by adding Subsections (d), (e), (h), and (k) to read as follows:

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

(e) The county clerk shall docket:

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

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

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

(h) The county clerk shall appoint a deputy clerk for each statutory probate court. A deputy clerk serves at the pleasure of the judge of the court to which the deputy clerk is assigned. A deputy clerk must take the constitutional oath of office, and the county clerk may require the deputy clerk to furnish a bond in an

1 amount, conditioned and payable, as required by law. A deputy clerk
2 acts in the name of the county clerk and may perform any other
3 service required by the judge of a statutory probate court. A
4 deputy clerk shall attend all sessions of the court to which the
5 deputy clerk is assigned.

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

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

13 SECTION 2.014. (a) Section 25.2391, Government Code, is
14 amended to read as follows:

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

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

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

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

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

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

26 (d) This section does not affect the term of office of a
27 judge of a court redesignated by this section. The judge, unless

otherwise removed as provided by law, continues to serve for the term for which the judge was elected.

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

SECTION 2.015. Section 25.2392, Government Code, is amended by adding Subsection (b) to read as follows:

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

SECTION 2.016. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2491 to read as follows:

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

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

SECTION 2.017. Section 25.2607(d), Government Code, is amended to read as follows:

(d) Notwithstanding Section 25.0015, the state shall annually compensate the administrative county of a multicounty statutory county court for the salary of the judge of the multicounty statutory county court in an amount equal to 100 percent of the state ~~base~~ salary paid to a district judge with comparable years of service as the multicounty statutory county court judge, as set by the General Appropriations Act in accordance with Section 659.012 ~~[659.012(a)]~~. For purposes of this subsection, the years of service of a multicounty statutory county court judge include any years of service as:

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

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

5 SECTION 2.018. (a) Subchapter F, Chapter 25, Government
6 Code, is amended by adding Sections 25.2703 and 25.2704 to read as
7 follows:

8 Sec. 25.2703. 2ND MULTICOUNTY COURT AT LAW (BEE, LIVE OAK,
9 AND MCMULLEN COUNTIES). Bee, Live Oak, and McMullen Counties have a
10 multicounty statutory county court composed of those counties, the
11 2nd Multicounty Court at Law.

12 Sec. 25.2704. 2ND MULTICOUNTY COURT AT LAW PROVISIONS. (a)
13 In addition to the jurisdiction provided by Section 25.0003 and
14 other law, the 2nd Multicounty Court at Law has concurrent
15 jurisdiction with the district courts, except in civil cases in
16 which the matter in controversy exceeds the amount provided by
17 Section 25.0003(c)(1).

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

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

24 (d) If the counties served by the county court at law are
25 unable to reach an agreement under Subsection (c) before the first
26 day of the fiscal year for a county served by the court, each county
27 shall pay to the court's administrative county a share of the

1 court's administrative and operational costs for the fiscal year
2 based on the proportion of the court's caseload originating in the
3 county during the preceding year. A county is entitled to
4 compensation from the state under Section 25.0015 in proportion to
5 the amount paid under this subsection.

6 (e) The district clerk serves as clerk of the county court
7 at law in matters of concurrent jurisdiction with the district
8 court, and the county clerk serves as clerk of the county court at
9 law in all other cases.

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

12 (g) Notwithstanding Section 74.121(b)(1), in matters of
13 concurrent jurisdiction, the judge of the 2nd Multicounty Court at
14 Law and the judges of the district courts in Bee, Live Oak, and
15 McMullen Counties may exchange benches and courtrooms and may
16 transfer cases between their dockets in the same manner that judges
17 of district courts exchange benches and courtrooms and transfer
18 cases under Section 24.003.

19 (b) The 2nd Multicounty Court at Law is created on September
20 1, 2023.

21 ARTICLE 3. JUSTICE COURTS

22 SECTION 3.001. Section 154.005, Local Government Code, is
23 amended by adding Subsection (a-1) to read as follows:

24 (a-1) A justice of the peace who receives any fee,
25 commission, or payment authorized under Subsection (a) during a
26 calendar year shall submit to the Texas Ethics Commission a report
27 on the total amount of fees, commissions, and payments received

1 under that subsection during the year. The report must be filed not
2 later than May 1 of the following year and is public information for
3 purposes of Chapter 552, Government Code.

4 SECTION 3.002. (a) Section 92.0563(e), Property Code, is
5 amended to read as follows:

6 (e) A justice court may not award a judgment under this
7 section, including an order of repair, that exceeds \$20,000
8 [~~\$10,000~~], excluding interest and costs of court.

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

14 ARTICLE 4. CRIMINAL LAW MAGISTRATES

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

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

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

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

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

1. The Court of Criminal Appeals;
2. Courts of appeals;
3. The district courts;
4. The criminal district courts;
5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;
6. The county courts;
7. All county courts at law with criminal jurisdiction;
8. County criminal courts;
9. Justice courts;
10. Municipal courts;
11. The magistrates appointed by the judges of the district courts of Lubbock County;
12. The magistrates appointed by the El Paso Council of Judges;
13. The magistrates appointed by the Collin County Commissioners Court;
14. The magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria

County; ~~and~~

15. The magistrates appointed by the judges of the district courts of Tom Green County;

16. The magistrates appointed by the judges of the district and statutory county courts of Denton County; and

17. The magistrates appointed by the judges of the district and statutory county courts of Grayson County.

SECTION 4.003. Chapter 54, Government Code, is amended by adding Subchapter RR to read as follows:

SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

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

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

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Grayson County, and the order must state:

(1) the magistrate's name; and

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

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

Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must be a

resident of this state and:

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

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

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

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

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

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

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

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

(1) give admonishments;

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

1 (3) appoint legal counsel; and

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

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

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

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

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

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

19 SECTION 4.004. Chapter 54, Government Code, is amended by
20 adding Subchapter SS to read as follows:

21 SUBCHAPTER SS. DENTON COUNTY CRIMINAL LAW MAGISTRATE COURT

22 Sec. 54.2801. CREATION. The Denton County Criminal Law
23 Magistrate Court is a court with the jurisdiction provided by this
24 subchapter.

25 Sec. 54.2802. APPOINTMENT; OVERSIGHT. (a) The district
26 court judges with jurisdiction in Denton County and the judges of
27 the criminal statutory county courts of Denton County shall appoint

one or more judges to preside over the criminal law magistrate court. An appointed judge must:

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

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

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

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

(5) meet the qualifications under Section 54.2807.

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

(1) designate to oversee the criminal law magistrate court either:

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

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

(2) supervise the magistrate court to ensure the magistrates appointed give preference to duties under Chapters 14,

15, 16, 17, and 18, Code of Criminal Procedure.

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

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

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

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

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

(4) in which either:

(A) the defendant has not yet been charged by information or indictment; or

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

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

(1) hear a trial on the merits of an offense, except as

1 provided by Section 54.2811(c); or

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

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

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

10 (2) after a defendant has been transferred to the
11 custody of the Denton County jail or released from custody on bond
12 in Denton County.

13 Sec. 54.2804. POWERS AND DUTIES. The criminal law
14 magistrate court may:

15 (1) determine probable cause for purposes of an arrest
16 or search;

17 (2) issue an order of commitment, a warrant of arrest,
18 or an order of protection;

19 (3) perform the duty of a magistrate under Chapters
20 14, 15, 16, 17, and 18, Code of Criminal Procedure;

21 (4) reduce or modify a bond, find a bond ordered by
22 another judge or magistrate to be insufficient, or require
23 conditions of a bond;

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

26 (6) administer oaths; and

27 (7) perform an action on a proceeding referred to the

1 magistrate under Section 54.2811.

2 Sec. 54.2805. CRIMINAL LAW MAGISTRATE COURT ASSOCIATE
3 JUDGE. The district court judges with jurisdiction in Denton
4 County and the judges of the criminal statutory county courts of
5 Denton County may, with the approval of the Commissioners Court of
6 Denton County and two-thirds of the district court and criminal
7 statutory county court judges, appoint a district or criminal
8 statutory county court judge qualified under Section 54.2807 as the
9 criminal law magistrate court associate judge to:

10 (1) serve the district and criminal county courts of
11 Denton County;

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

13 (3) recommend for appointment full-time and part-time
14 jail magistrates.

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

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

26 (c) A jail magistrate shall ensure timely compliance with
27 Article 15.17, Code of Criminal Procedure, in all cases within the

magistrate's jurisdiction, give preference to performing the duties of a magistrate under that article, and perform the following duties:

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

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

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

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

(5) set the conditions of bond;

(6) conduct an examining trial;

(7) issue search and arrest warrants;

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

and

(9) with the express authorization of a justice of the peace, exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

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

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

(1) order the release of defendant due to an

1 extraordinary medical condition;

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

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

7 (4) communicate with the Denton County local mental
8 health authority or another qualified mental health professional to
9 provide continuing care to a defendant.

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

19 Sec. 54.2807. QUALIFICATIONS. To be eligible for
20 appointment as the criminal law magistrate court associate judge, a
21 jail magistrate, or another magistrate in the criminal law
22 magistrate court, a person must:

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

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

27 Sec. 54.2808. COMPENSATION. A criminal law magistrate

1 court associate judge, a jail magistrate, and each other magistrate
2 in the criminal law magistrate court shall be paid a total annual
3 salary set by the Commissioners Court of Denton County. The salary
4 shall be paid in a manner and from a fund determined by the
5 commissioners court.

6 Sec. 54.2809. JUDICIAL IMMUNITY. A criminal law magistrate
7 court associate judge, a jail magistrate, and each other magistrate
8 in the criminal law magistrate court has the same judicial immunity
9 as a district judge.

10 Sec. 54.2810. TERMINATION OF SERVICES. (a) Except as
11 provided by Subsection (b), a criminal law magistrate court
12 associate judge, a jail magistrate, and each other magistrate in
13 the criminal law magistrate court may be terminated by a two-thirds
14 vote of the district court judges with jurisdiction in Denton
15 County and the judges of the criminal statutory county courts of
16 Denton County.

17 (b) A part-time jail magistrate serves solely at the
18 discretion of a criminal law magistrate court associate judge
19 appointed under Section 54.2805 or of the district court judge and
20 criminal statutory county court judge designated to oversee the
21 criminal law magistrate court under Section 54.2802(b).

22 Sec. 54.2811. PROCEEDING THAT MAY BE REFERRED. (a) A
23 district court judge with jurisdiction in Denton County, the judge
24 of a criminal statutory county court of Denton County, or the judge
25 of the juvenile court of Denton County may refer to the criminal law
26 magistrate court the following matters in a criminal case:

27 (1) a negotiated plea of guilty or no contest before

1 the court;

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

4 (3) a pretrial motion;

5 (4) a writ of habeas corpus;

6 (5) an examining trial;

7 (6) jury selection;

8 (7) an occupational driver's license;

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

11 (9) the issuance of search warrants, including a
12 search warrant under Article 18.02(a)(10), Code of Criminal
13 Procedure, notwithstanding Article 18.01(c), Code of Criminal
14 Procedure;

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

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

19 (12) a civil commitment matter under Subtitle C, Title
20 7, Health and Safety Code;

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

22 (14) the conduct of initial juvenile detention
23 hearings or any other matter in a juvenile case if referred by the
24 judge of the juvenile court of the county and approved by the Denton
25 County Juvenile Board; and

26 (15) any other matter the judge considers necessary
27 and proper.

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

3 (1) conduct a hearing;

4 (2) hear evidence;

5 (3) compel production of relevant evidence;

6 (4) rule on the admissibility of evidence;

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

8 (6) examine a witness;

9 (7) swear a witness for a hearing;

10 (8) make findings of fact on evidence;

11 (9) formulate conclusions of law;

12 (10) rule on pretrial motions;

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

15 (12) regulate proceedings in a hearing before the
16 associate judge;

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

19 (A) enter a finding of guilty and impose or
20 suspend the sentence; or

21 (B) defer adjudication of guilt;

22 (14) select a jury;

23 (15) accept a negotiated plea in a probation
24 revocation;

25 (16) conduct a contested probation revocation
26 hearing;

27 (17) sign a dismissal in a misdemeanor case; and

1 (18) perform any act and take any measure necessary
2 and proper for the efficient performance of the duties required by
3 the order of referral.

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

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

18 (e) A criminal law magistrate, including the criminal law
19 magistrate court associate judge, has all of the powers of a
20 magistrate under the laws of this state and may administer an oath
21 for any purpose.

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

26 (b) An order of referral may:

27 (1) limit the powers of the magistrate court and

direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

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

(3) prescribe a closing date for the hearing;

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

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

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

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

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

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

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

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

Sec. 54.2814. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate or the criminal law magistrate court associate judge shall transmit to the referring court any papers relating to the case, including the magistrate's

1 findings, conclusions, orders, recommendations, or other action
2 taken.

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

7 (b) If the referring court does not modify, correct, reject,
8 reverse, or recommit an action of the magistrate or the criminal law
9 magistrate court associate judge, the action becomes the decree of
10 the referring court.

11 Sec. 54.2816. EXCHANGE OF BENCHES. (a) The judges of the
12 criminal law magistrate court may exchange benches and may sit and
13 act for each other in any proceeding pending in the criminal law
14 magistrate court.

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

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

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

24 (b) A referring court may issue attachment against and may
25 fine or imprison a witness whose failure to appear after being
26 summoned or whose refusal to answer questions has been certified to
27 the referring court.

1 Sec. 54.2819. CLERK. (a) The district clerk serves as
2 clerk of the criminal law magistrate court, except that after a
3 Class A or Class B misdemeanor is filed in the county court at law
4 and assigned to the magistrate court, the county clerk serves as
5 clerk for that misdemeanor case.

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

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

19 Sec. 54.2820. COSTS. (a) When the district clerk is the
20 clerk under this subchapter, the district clerk shall charge the
21 same court costs for cases filed in, transferred to, or assigned to
22 the criminal law magistrate court that are charged in the district
23 courts.

24 (b) When the county clerk is the clerk under this
25 subchapter, the county clerk shall charge the same court costs for
26 cases filed in, transferred to, or assigned to the magistrate court
27 that are charged in the county courts.

ARTICLE 5. ASSOCIATE JUDGES AND VISITING JUDGES

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

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

(1) this title;

(2) [~~r~~] Title 1;

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

(4) [~~r~~, ~~or~~] Title 4;

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

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

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

(b) Sections 201.005(a) and (d), Family Code, as amended by this section, apply only to a suit or application filed on or after September 1, 2023. A suit or application filed before September 1, 2023, is governed by the law in effect on the date the suit or application was filed, and the former law is continued in effect for that purpose.

SECTION 5.002. Section 201.113, Family Code, is amended to read as follows:

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

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

(A) illness;
(B) injury;
(C) disability;
(D) personal emergency;
(E) military service;
(F) vacation; or
(G) attendance at a continuing legal education program;

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

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

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

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

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

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

SECTION 5.003. Section [201.208](#), Family Code, is amended to read as follows:

Sec. 201.208. ASSIGNMENT OF JUDGES AND ~~[APPOINTMENT OF]~~ VISITING ASSOCIATE JUDGES. (a) This chapter does not limit the

1 authority of a presiding judge to assign a judge eligible for
2 assignment under Chapter 74, Government Code, to assist in
3 processing cases in a reasonable time.

4 (b) The ~~[If an associate judge appointed under this~~
5 ~~subchapter is temporarily unable to perform the associate judge's~~
6 ~~official duties because of absence resulting from family~~
7 ~~circumstances, illness, injury, disability, or military service,~~
8 ~~or if there is a vacancy in the position of associate judge, the]~~
9 presiding judge of an ~~[the]~~ administrative judicial region ~~[in~~
10 ~~which the associate judge serves or the vacancy occurs]~~ may appoint
11 a visiting associate judge to perform the duties of an ~~[the]~~
12 associate judge appointed under this subchapter only if:

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

16 (A) illness;
17 (B) injury;
18 (C) disability;
19 (D) personal emergency;
20 (E) military service;
21 (F) vacation; or
22 (G) attendance at a continuing legal education
23 program;

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

26 (3) a vacancy occurs in the position of associate
27 judge.

1 (c) The presiding judge of an administrative judicial
2 region may assign a visiting associate judge under Subsection (b)
3 during the period the associate judge is unable to perform the
4 associate judge's duties, during the period assistance is needed to
5 manage the associate judge's workload, or until another associate
6 judge is appointed to fill the vacancy.

7 (d) [~~(c)~~] A person is not eligible for assignment
8 [appointment] under this section unless the person has served as a
9 master or associate judge under this chapter, a district judge, or a
10 statutory county court judge for at least two years before the date
11 of assignment [appointment].

12 (e) [~~(d)~~] A visiting associate judge assigned [appointed]
13 under this section is subject to each provision of this chapter that
14 applies to an associate judge serving under a regular appointment
15 under this subchapter. A visiting associate judge assigned
16 [appointed] under this section is entitled to compensation, to be
17 determined by a majority vote of the presiding judges of the
18 administrative judicial regions, through use of funds under this
19 subchapter. A visiting associate judge is not considered to be a
20 state employee for any purpose.

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

24 SECTION 5.004. Subtitle D, Title 2, Government Code, is
25 amended by adding Chapter 54B to read as follows:

26 CHAPTER 54B. ASSOCIATE JUDGES IN CERTAIN COUNTIES

27 SUBCHAPTER A. ASSOCIATE JUDGES IN DUVAL COUNTY

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

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

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

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

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

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

18 Sec. 54B.004. PRIVATE PRACTICE. A part-time associate
19 judge may engage in the private practice of law, unless restricted
20 on a finding that it is not in the public interest by the appointing
21 judge.

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

24 (b) 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.006. REFERRAL OF CASE. (a) The appointing judge

1 may refer to an associate judge any aspect of a civil or criminal
2 case involving a matter over which the referring court has
3 jurisdiction in Duval County.

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

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

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

10 (B) a motion or suit to modify a temporary or
11 final order;

12 (C) temporary orders in a suit affecting the
13 parent-child relationship;

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

16 (E) habeas corpus, including any hearing
17 authorized by the Family Code;

18 (F) a motion to transfer;

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

21 (H) an action brought under Chapter 159, Family
22 Code;

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

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

25 (K) a matter in which a party is entitled to a
26 default judgment;

27 (L) a divorce action in which a waiver of

1 citation is on file;

2 (M) a friendly suit; and

3 (N) any other matter in the jurisdiction of the
4 court, including a pretrial motion, discovery, a summary judgment,
5 and other matters governed by the Texas Rules of Civil Procedure;
6 and

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

8 (A) a negotiated plea of guilty or nolo
9 contendere;

10 (B) a bond forfeiture;

11 (C) a pretrial motion;

12 (D) a postconviction writ of habeas corpus;

13 (E) an examining trial; and

14 (F) any other matter that the judge considers
15 proper.

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

19 (d) Unless a party files a written objection to the
20 associate judge hearing the trial, the appointing judge may refer
21 to an associate judge a trial on the merits. If an objection is
22 filed, the trial on the merits shall be heard by the referring
23 court.

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

26 (f) An associate judge may not conduct a contested trial on
27 the merits to terminate parental rights unless the affected parties

1 give written consent to the contested trial by the associate judge.
2 Unless written consent is given by the affected parties to a
3 contested trial on the merits, any order terminating parental
4 rights issued pursuant to an associate judge's report resulting
5 from the contested trial is void.

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

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

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

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

- 15 (1) conduct a hearing;
- 16 (2) hear evidence;
- 17 (3) compel production of relevant evidence;
- 18 (4) rule on admissibility of evidence;
- 19 (5) issue summons for the appearance of witnesses;
- 20 (6) examine witnesses;
- 21 (7) swear witnesses for hearings;
- 22 (8) make findings of fact on evidence;
- 23 (9) formulate conclusions of law;
- 24 (10) recommend the judgment to be made in a case;
- 25 (11) regulate all proceedings in a hearing before the
26 associate judge;
- 27 (12) rule on all criminal pretrial motions; and

1 (13) perform any act and take any measure necessary
2 and proper for the efficient performance of the associate judge's
3 duties.

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

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

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

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

18 (1) all papers relating to the case; and

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

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

23 (c) The associate judge's report may contain the associate
24 judge's findings, conclusions, or recommendations. The associate
25 judge's report must be in writing in a form as the referring court
26 may direct. The form may be a notation on the referring court's
27 docket sheet.

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

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

- 9 (1) at the hearing;
10 (2) by posting the notice inside or outside the
11 courtroom of the referring court; or
12 (3) as otherwise directed by the referring court.

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

19 Sec. 54B.014. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT.
20 After the associate judge's report is filed, and unless the parties
21 have filed a written notice of appeal to the referring court, the
22 referring court may:

- 23 (1) adopt, approve, or reject the associate judge's
24 report;
25 (2) hear further evidence; or
26 (3) recommit the matter for further proceedings as the
27 referring court considers proper and necessary in the particular

1 circumstances of the case.

2 Sec. 54B.015. DECREE OR ORDER OF COURT. If an appeal to the
3 referring court is not filed or the right to an appeal to the
4 referring court is waived, the associate judge's findings,
5 conclusions, and recommendations become the decree or order of the
6 referring court only on the referring court's signing a decree or
7 order conforming to the associate judge's report.

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

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

17 (c) An appeal to the referring court shall be in writing and
18 must specify the associate judge's findings, conclusions, and
19 recommendations to which the party objects. The appeal is limited
20 to the findings, conclusions, and recommendations specified in the
21 written appeal.

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

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

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

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

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

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

15 (b) The date of the signing of an order or judgment by the
16 referring court is the controlling date for the purposes of an
17 appeal to or a request for other relief from a court of appeals or
18 the supreme court.

19 Sec. 54B.018. JURY TRIAL DEMANDED. If a jury trial is
20 demande d and a jury fee paid in a trial on the merits, the associate
21 judge shall refer any matters requiring a jury back to the referring
22 court for a full trial before the court and jury.

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

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

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

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

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

11 SECTION 5.005. Section 602.007, Government Code, is amended
12 to read as follows:

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

18 (1) an officer appointed by the supreme court, the
19 court of criminal appeals, or the State Bar of Texas; ~~and~~

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

22 (3) a retired or former judge on the list maintained by
23 the presiding judge of an administrative judicial region under
24 Section 74.055.

25 ARTICLE 6. PROSECUTING ATTORNEYS

26 SECTION 6.001. Section 41.013, Government Code, is amended
27 to read as follows:

1 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a)
2 Except as otherwise provided by law, a district attorney or
3 criminal district attorney is entitled to receive from the state
4 annual compensation in an amount equal to at least 80 percent of the
5 state annual salary as set by the General Appropriations Act in
6 accordance with Section 659.012 paid to a district judge with
7 comparable years of service as the district attorney or criminal
8 district attorney.

9 (b) For purposes of this section, the years of service of a
10 district attorney or criminal district attorney include any years
11 of service as:

12 (1) a district attorney, criminal district attorney,
13 or county attorney; or

14 (2) an appellate court justice, district judge, judge
15 of a statutory county court, judge of a multicounty statutory
16 county court, or judge or justice of a statutory probate court.

17 SECTION 6.002. Section 46.003, Government Code, is amended
18 by adding Subsection (a-1) to read as follows:

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

22 (1) a county attorney; or

23 (2) an appellate court justice, district judge, judge
24 of a statutory county court, judge of a multicounty statutory
25 county court, or judge or justice of a statutory probate court.

26 ARTICLE 7. STATE OF THE JUDICIARY MESSAGE

27 SECTION 7.001. Section 21.004(a), Government Code, is

1 amended to read as follows:

2 (a) At a convenient time at the commencement of each regular
3 session of the legislature, the chief justice of the supreme court
4 shall deliver an ~~[a written or]~~ oral state of the judiciary message
5 to a joint session of the house of representatives and the senate
6 evaluating the accessibility of the courts to the citizens of the
7 state and the future directions and needs of the courts of the
8 state.

9 ARTICLE 8. GRAND JURIES

10 SECTION 8.001. Article 19A.052, Code of Criminal Procedure,
11 is amended to read as follows:

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

17 SECTION 8.002. Article 19A.053, Code of Criminal Procedure,
18 is amended to read as follows:

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

25 (b) The sheriff or clerk of the district court shall summon
26 the additional prospective grand jurors under Subsection (a) in
27 person to attend before the court immediately.

SECTION 8.003. Article 19A.101, Code of Criminal Procedure,
is amended to read as follows:

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

(1) is at least 18 years of age;
(2) is a citizen of the United States;
(3) is a resident of this state and of the county in
which the person is to serve;

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

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

(6) is able to read and write;

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

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

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

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

(11) is not a complainant in any matter to be heard by
the grand jury during the term of court for which the person has
been selected as a grand juror.

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

6 (1) the secretary of state; and

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

11 SECTION 8.004. Articles [19A.052](#), [19A.053](#), and [19A.101](#), Code
12 of Criminal Procedure, as amended by this article, apply only to the
13 summoning of grand jurors on or after September 1, 2023. The
14 summoning of grand jurors before September 1, 2023, is governed by
15 the law in effect immediately before September 1, 2023, and the
16 former law is continued in effect for that purpose.

17 ARTICLE 9. JURORS AND JURY SERVICE

18 SECTION 9.001. Section [61.001](#)(a), Government Code, is
19 amended to read as follows:

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

24 (1) not less than \$20 [~~\$6~~] for the first day or
25 fraction of the first day the person is in attendance in court in
26 response to the process and discharges the person's duty for that
27 day; and

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

SECTION 9.002. Section 61.0015(a), Government Code, is amended to read as follows:

(a) The state shall reimburse a county \$52 [~~\$34~~] a day for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

SECTION 9.003. Sections 61.003(a) and (b), Government Code, are amended to read as follows:

(a) Each [~~After jury service is concluded, each~~] person who reports [~~reported~~] for jury service shall be [~~personally~~] provided the opportunity, either through a written form or electronically, to direct [~~a form letter that when signed by the person directs~~] the county treasurer or a designated county employee to donate all, [~~or~~] a specific amount designated by the person, or the entire amount divided among the funds, programs, and county entities listed in this subsection of the person's daily reimbursement under this chapter to:

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

(2) the child welfare, child protective services, or child services board of the county appointed under Section 264.005,

1 Family Code, that serves abused and neglected children;

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

5 (4) any other program approved by the commissioners
6 court of the county, including a program established under Article
7 56A.205, Code of Criminal Procedure, that offers psychological
8 counseling in criminal cases involving graphic evidence or
9 testimony;

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

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

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

18 SECTION 9.004. Sections 62.001(a) and (b), Government Code,
19 are amended to read as follows:

20 (a) The jury wheel must be reconstituted by using, as the
21 source:

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

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

27 (A) hold a valid Texas driver's license or a

1 valid personal identification card or certificate issued by the
2 department; and

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

5 (b) Notwithstanding Subsection (a), the names of persons
6 listed on a register of persons exempt from jury service may not be
7 placed in the jury wheel, as provided by Sections [62.108](#), [~~and~~
8 [62.109](#), [62.113](#), [62.114](#), and [62.115](#)].

9 SECTION 9.005. Section [62.0111](#)(b), Government Code, is
10 amended to read as follows:

11 (b) A plan adopted under Subsection (a) may allow for a
12 prospective juror to provide information to the county officer
13 responsible for summoning jurors or for the county officer to
14 provide information to the prospective juror by computer or
15 automated telephone system, including:

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

19 (2) information that permits the court to determine
20 whether the prospective juror is exempt from jury service under
21 Section [62.106](#);

22 (3) submission of a request by the prospective juror
23 for a postponement of or excuse from jury service under Section
24 [62.110](#);

25 (4) information for jury assignment under Section
26 [62.016](#), including:

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

1 (B) if the prospective juror could potentially
2 serve on a jury in a justice court, the residency of the prospective
3 juror; and

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

7 (5) completion and submission by the prospective juror
8 of the written juror [~~jury summons~~] questionnaire under Section
9 [62.0132](#);

10 (6) the prospective juror's electronic mail address;
11 and

12 (7) notification to the prospective juror by
13 electronic mail of:

14 (A) whether the prospective juror is qualified
15 for jury service;

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

18 (C) whether the prospective juror has been
19 assigned to a jury panel.

20 SECTION 9.006. Section [62.012](#)(b), Government Code, is
21 amended to read as follows:

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

25 (1) summon the prospective jurors directly in the same
26 manner a sheriff or constable would summon a juror under Section
27 [62.013](#); or

1 (2) deliver the jury list to:

2 (A) [~~(1)~~] the sheriff, for a county or district

3 court jury; or

4 (B) [~~(2)~~] the sheriff or constable, for a justice

5 court jury.

6 SECTION 9.007. The heading to Section 62.013, Government
7 Code, is amended to read as follows:

8 Sec. 62.013. SUMMONS FOR JURY SERVICE BY CLERK, SHERIFF, OR
9 CONSTABLE.

10 SECTION 9.008. Sections 62.013(a) and (b), Government Code,
11 are amended to read as follows:

12 (a) Except as provided by Section 62.014, the clerk,
13 sheriff, or constable, on receipt of a jury list from a county or
14 district clerk, shall immediately notify the persons whose names
15 are on the list to appear for jury service on the date designated by
16 the judge.

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

19 (1) by an oral summons; or

20 (2) if the judge ordering the summons so directs, by a
21 written summons sent by registered mail or certified mail, return
22 receipt requested, or by first class mail to the address on the jury
23 wheel card or the address on the current voter registration list of
24 the county.

25 SECTION 9.009. Sections 62.0131(b) and (c), Government
26 Code, are amended to read as follows:

27 (b) The model must include:

1 (1) the option to provide:

2 (A) the exemptions and restrictions governing
3 jury service under Subchapter B; or

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

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

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

13 (4) the option to:

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

16 (B) provide the electronic address of the court's
17 Internet website from which the juror questionnaire may be easily
18 printed; or

19 (C) in counties in which the district and
20 criminal district judges adopted a plan for an electronic jury
21 selection method under Section [62.011](#), provide the electronic
22 address of the court's Internet website for the prospective juror
23 to access and complete the juror questionnaire.

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

27 SECTION 9.010. The heading to Section [62.0132](#), Government

Code, is amended to read as follows:

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

SECTION 9.011. Sections 62.0132(c) and (d), Government Code, are amended to read as follows:

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

(1) name, sex, race, and age;

(2) residence address and mailing address;

(3) education level, occupation, and place of employment;

(4) marital status and the name, occupation, and place of employment of the person's spouse; ~~and~~

(5) citizenship status and county of residence; and

(6) any electronic address.

(d) Except as provided by this subsection, a person who has received a [~~written~~] jury summons shall complete and submit a juror [~~jury summons~~] questionnaire when the person reports for jury duty. If the district and criminal district judges of a county adopt a plan for an electronic jury selection method under Section 62.011, the county may allow a person to complete and submit a juror [~~jury summons~~] questionnaire on the court's Internet website as authorized under Section 62.0111(b)(5).

SECTION 9.012. The heading to Section 62.014, Government Code, is amended to read as follows:

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

SECTION 9.013. Section 62.014(a), Government Code, is amended to read as follows:

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

SECTION 9.014. Section 62.0145, Government Code, is amended to read as follows:

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

SECTION 9.015. Section 62.0146, Government Code, is amended to read as follows:

Sec. 62.0146. UPDATING ADDRESSES OF CERTAIN PERSONS IN POOL OF PROSPECTIVE JURORS. If a written summons for jury service sent by a clerk, sheriff, constable, or bailiff is returned with a notation from the United States Postal Service of a change of address for the person summoned, the county or district clerk may

1 update the jury wheel card to reflect the person's new address.

2 SECTION 9.016. Section 62.015(b), Government Code, is
3 amended to read as follows:

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

14 SECTION 9.017. Section 62.016(d), Government Code, is
15 amended to read as follows:

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

21 SECTION 9.018. Section 62.017(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.

SECTION 9.019. Section 62.0175(d), Government Code, is amended to read as follows:

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

SECTION 9.020. Section 62.106(a), Government Code, is amended to read as follows:

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

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

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

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

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

(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

(6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit

juror in the county during the 24-month period preceding the date the person is to appear for jury service;

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

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

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

SECTION 9.021. Section 62.107(c), Government Code, is amended to read as follows:

(c) A person who files a statement with a clerk of the court, as provided by Subsection (a), claiming an exemption because the person is over 75 [~~70~~] years of age, may also claim the permanent exemption on that ground authorized by Section 62.108 by including in the statement filed with the clerk a declaration that the person desires the permanent exemption. Promptly after a statement claiming a permanent exemption on the basis of age is filed, the clerk of the court with whom it is filed shall have a copy delivered to the voter registrar of the county.

SECTION 9.022. Sections 62.108(a), (b), (c), and (e), Government Code, are amended to read as follows:

(a) A person who is entitled to exemption from jury service because the person is over 75 [~~70~~] years of age may establish a

1 permanent exemption on that ground as provided by this section or
2 Section 62.107.

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

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

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

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

13 (e) A person who has claimed a permanent exemption from jury
14 service because the person is over 75 [70] years of age may rescind
15 the exemption at any time by filing a signed request for the
16 rescission with the voter registrar of the county. Rescission of a
17 permanent exemption does not affect the right of a person who is
18 over 75 [70] years of age to claim permanent exemption at a later
19 time.

20 SECTION 9.023. Section 62.109(c), Government Code, is
21 amended to read as follows:

22 (c) The clerk of the district court shall promptly notify
23 the voter registrar of the county of the name and address of each
24 person permanently exempted [~~and state whether the exemption is~~
25 ~~permanent or for a specified period~~]. The voter registrar shall
26 maintain a current register showing [~~separately~~] the name and
27 address of each person permanently exempt from jury service under

1 this section [~~and the name and address of each person exempt from~~
2 ~~jury service under this section for a specified period~~].

3 SECTION 9.024. Subchapter [B](#), Chapter [62](#), Government Code,
4 is amended by adding Section 62.115 to read as follows:

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

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

13 (1) was placed on deferred adjudication and received a
14 dismissal and discharge in accordance with Article [42A.111](#), Code of
15 Criminal Procedure;

16 (2) was placed on community supervision and the period
17 of community supervision was terminated early under Article
18 [42A.701](#), Code of Criminal Procedure; or

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

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

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

27 SECTION 9.025. Section [62.411](#)(a), Government Code, is

1 amended to read as follows:

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

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

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

12 SECTION 9.026. Section 62.412(c), Government Code, is
13 amended to read as follows:

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

19 SECTION 9.027. Sections 62.0111(c) and 62.0132(b),
20 Government Code, are repealed.

21 SECTION 9.028. Sections 62.106(a), 62.107(c), and
22 62.108(a), (b), (c), and (e), Government Code, as amended by this
23 article, apply only to an exemption from jury service for a person
24 who is summoned to appear for service on or after September 1, 2023.
25 An exemption from jury service for a person who is summoned to
26 appear for service before September 1, 2023, is covered by the law
27 in effect when the person was summoned, and that law is continued in

1 effect for that purpose.

2 ARTICLE 10. COURT REPORTERS AND INTERPRETERS

3 SECTION 10.001. Section 52.041, Government Code, is amended
4 to read as follows:

5 Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a)
6 Each judge of a court of record shall appoint an official court
7 reporter. An official court reporter is a sworn officer of the
8 court and holds office at the pleasure of the court.

9 (b) The judges of two or more courts of record that are not
10 located in the same judicial district on agreement may jointly
11 appoint an official court reporter to serve the courts.

12 (c) Notwithstanding any other law, two or more judges of
13 courts of record may appoint a certified shorthand reporter to
14 serve each court as an official court reporter of the court. A
15 certified shorthand reporter appointed under this subsection may
16 serve as an official court reporter for more than one county and be
17 an employee of more than one county.

18 (d) An official court reporter may remotely serve any court
19 to which the official court reporter is appointed.

20 SECTION 10.002. Section 52.042, Government Code, is amended
21 by adding Subsection (e) to read as follows:

22 (e) A deputy court reporter may remotely serve any court to
23 which the official court reporter is appointed.

24 SECTION 10.003. Section 52.054, Government Code, is amended
25 by adding Subsection (a-1) to read as follows:

26 (a-1) A county responsible for payment of the salary of an
27 official court reporter jointly appointed in accordance with

1 Section 52.041(b) to serve courts of record in two or more counties
2 that are not in the same judicial district shall pay a portion of
3 the reporter's salary in an amount equal to the proportion that
4 county's population bears to the combined population of all the
5 counties responsible for payment of the salary.

6 SECTION 10.004. Section 52.055(d), Government Code, is
7 amended to read as follows:

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

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

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

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

26 (4) if the judicial district contains five or more
27 counties, the maximum reimbursement amount is \$2,000 or a greater

1 amount set by the commissioners court of the county for which the
2 expenses were incurred.

3 SECTION 10.005. Section 52.056(a), Government Code, is
4 amended to read as follows:

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

15 SECTION 10.006. Section 52.058(b), Government Code, is
16 amended to read as follows:

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

21 SECTION 10.007. Sections 57.001(1) and (9), Government
22 Code, are amended to read as follows:

23 (1) "Certified court interpreter" means an individual
24 who is a qualified interpreter as defined in Article 38.31, Code of
25 Criminal Procedure, or Section 21.003, Civil Practice and Remedies
26 Code, or is qualified in accordance with the communication access
27 realtime translation services eligibility requirements established

1 by the Office of Deaf and Hard of Hearing Services of the Health and
2 Human Services Commission, [~~certified under Subchapter B by the~~
3 ~~Department of Assistive and Rehabilitative Services~~] to interpret
4 court proceedings for a hearing-impaired individual.

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

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

10 (B) a certified realtime reporter, certified
11 realtime captioner, or other equivalent certified CART provider
12 certificate of competency issued by the National Court Reporters
13 Association; or

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

16 SECTION 10.008. (a) Section 154.051, Government Code, is
17 amended by amending Subsection (a) and adding Subsection (f-1) to
18 read as follows:

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

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

25 (2) one active attorney licensed in this state who has
26 been a practicing member of the State Bar for more than the five
27 years immediately preceding the attorney's appointment to the

1 advisory board;

2 (3) two certified shorthand [~~active official court~~]
3 reporters actively engaged in the practice of official court [~~who~~
4 ~~have practiced shorthand~~] reporting in this state for more than the
5 five years immediately preceding their appointment to the advisory
6 board;

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

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

16 (6) two certified shorthand reporters who:

17 (A) own a shorthand reporting firm in this state;
18 and

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

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

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

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

4 (3) may recommend to the supreme court one or more of
5 the qualified individuals for appointment to the advisory board.

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

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

23 SECTION 10.009. Sections 154.105(b), (c), and (d),
24 Government Code, are amended to read as follows:

25 (b) A certified shorthand reporter may administer oaths to
26 witnesses[+]

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

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

~~[(A) the reporter is at the same location as the witness; and~~

~~[(B) the witness is or may be a witness in a case filed in this state; and~~

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

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

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

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

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

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

(c) ~~[(d)]~~ The identity of a witness who is not in the physical presence of a certified shorthand reporter may be proven by:

(1) a statement under oath on the record by a party to the case stating that the party has actual knowledge of the witness's identity;

(2) a statement on the record by an attorney for a

1 party to the case, or an attorney for the witness, verifying the
2 witness's identity;

3 (3) a statement on the record by a notary who is in the
4 presence of the witness verifying the witness's identity; or

5 (4) the witness's presentation for inspection by the
6 court reporter of an official document issued by this state,
7 another state, a federal agency, or another jurisdiction that
8 verifies the witness's identity.

9 SECTION 10.010. The heading to Section 154.112, Government
10 Code, is amended to read as follows:

11 Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR
12 SHORTHAND REPORTING; CIVIL PENALTY.

13 SECTION 10.011. Section 154.112, Government Code, is
14 amended by amending Subsection (b) and adding Subsections (d), (e),
15 (f), (g), and (h) to read as follows:

16 (b) A person who is not certified as a court reporter may
17 engage in shorthand reporting to report an oral deposition only if:

18 (1) the uncertified person delivers an affidavit to
19 the parties or to their counsel before ~~[present at]~~ the deposition
20 begins stating that a certified shorthand reporter is not
21 available; or

22 (2) the parties or their counsel stipulate on the
23 record at the beginning of the deposition that a certified
24 shorthand reporter is not available.

25 (d) The person shall file the affidavit described by
26 Subsection (b)(1) with the court as part of the certification
27 required by Rule 203.2, Texas Rules of Civil Procedure.

1 (e) In addition to any other remedy authorized by law, the
2 commission may:

3 (1) collect a civil penalty in an amount not to exceed
4 \$1,000 from a person who fails to comply with Subsection (b)(1) or
5 (d); and

6 (2) seek injunctive relief for a second or subsequent
7 violation of Subsection (b)(1) or (d) to prohibit the person from
8 engaging in shorthand reporting unless the person is certified as a
9 court reporter under this chapter.

10 (f) The commission shall collect a civil penalty assessed
11 under Subsection (e)(1) following the same procedures the
12 commission uses in taking disciplinary action against a certified
13 court reporter for violating the laws and rules applicable to the
14 reporter.

15 (g) The attorney general, a county or district attorney
16 whose jurisdiction includes the location at which a deposition is
17 taken, or legal counsel the commission designates may represent the
18 commission for purposes of collecting the civil penalty or
19 obtaining the injunctive relief.

20 (h) In an action authorized by this section, the commission
21 may obtain reasonable attorney's fees, expenses, and costs incurred
22 in obtaining the civil penalty or injunctive relief.

23 SECTION 10.012. Section [154.105](#)(e), Government Code, is
24 repealed.

25 SECTION 10.013. As soon as practicable after the effective
26 date of this Act, the Texas Supreme Court shall revise the Texas
27 Rules of Civil Procedure as the court determines necessary to

conform to the changes in law made by this Act to Section 154.112,
Government Code.

ARTICLE 11. DEPOSITION, TRANSCRIPTION, AND INTERPRETATION
SERVICES

SECTION 11.001. 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 11.002. 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

1 (3) any notary public.

2 (d) A deposition on written questions of a witness who is
3 alleged to be a member of the United States Armed Forces or of a
4 United States Armed Forces Auxiliary or who is alleged to be a
5 civilian employed by or accompanying the armed forces or an
6 auxiliary outside the United States may be taken by a commissioned
7 officer in the United States Armed Forces or United States Armed
8 Forces Auxiliary or by a commissioned officer in the United States
9 Armed Forces Reserve or an auxiliary of it. If a deposition on
10 written questions appears on its face to have been taken as provided
11 by this subsection and the deposition or any part of it is offered
12 in evidence, it is presumed, absent pleading and proof to the
13 contrary, that the person taking the deposition as a commissioned
14 officer was a commissioned officer on the date that the deposition
15 was taken, and that the deponent was a member of the authorized
16 group of military personnel or civilians.

17 SECTION 11.003. Section 51.601, Government Code, is amended
18 to read as follows:

19 Sec. 51.601. COURT REPORTER SERVICE FUND. (a) ~~[(c)]~~ The
20 commissioners court of the county shall administer the court
21 reporter service fund to assist in the payment of
22 court-reporter-related services, that may include maintaining an
23 adequate number of court reporters to provide services to the
24 courts, obtaining court reporter transcription services,
25 closed-caption transcription machines, Braille transcription
26 services, or other transcription services, including a court
27 reporter's preparation of an appellate record under the Texas Rules

1 of Appellate Procedure and Rule 145, Texas Rules of Civil
2 Procedure, to comply with state or federal laws, or providing any
3 other service related to the functions of a court reporter.

4 (b) ~~[(d)]~~ The commissioners court shall, in administering
5 the court reporter service fund, assist any court in which a case is
6 filed that requires the payment of the court reporter service fee.

7 SECTION 11.004. Sections 52.047(c), (e), and (g),
8 Government Code, are amended to read as follows:

9 (c) On payment of the fee or as provided by the ~~[Rule~~
10 ~~40(a)(3) or 53(j)]~~, Texas Rules of Appellate Procedure, the person
11 requesting the transcript is entitled to the original and one copy
12 of the transcript. The person may purchase additional copies for a
13 fee per page that does not exceed one-third of the original cost per
14 page.

15 (e) If an objection is made to the amount of these
16 additional fees, the judge shall set a reasonable fee. If the
17 person applying for the transcript is entitled to a transcript
18 without charge under the ~~[Rule 40(a)(3) or 53(j)]~~, Texas Rules of
19 Appellate Procedure, the court reporter may not charge any
20 additional fees under Subsection (d).

21 (g) Notwithstanding the ~~[Rule 53(j)]~~, Texas Rules of
22 Appellate Procedure, an official court reporter who is required to
23 prepare a transcript in a criminal case without charging a fee is
24 not entitled to payment for the transcript from the state or county
25 if the county paid a substitute court reporter to perform the
26 official court reporter's regular duties while the transcript was
27 being prepared. To the extent that this subsection conflicts with

the Texas Rules of Appellate Procedure, this subsection controls. Notwithstanding Sections 22.004 and 22.108(b), the supreme court or the court of criminal appeals may not amend or adopt rules in conflict with this subsection.

SECTION 11.005. The heading to Section 57.002, Government Code, is amended to read as follows:

Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER; CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.

SECTION 11.006. Section 57.002, Government Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) A party to a proceeding in a court who files a statement of inability to afford payment of court costs under Rule 145, Texas Rules of Civil Procedure, is not required to provide an interpreter at the party's expense or pay the costs associated with the services of an interpreter appointed under this section that are incurred during the course of the action, unless the statement has been contested and the court has ordered the party to pay costs pursuant to Rule 145. Nothing in this subsection is intended to apply to interpreter services or other auxiliary aids for individuals who are deaf, hard of hearing, or have communication disabilities, which shall be provided to those individuals free of charge pursuant to federal and state laws.

(h) Each county auditor, or other individual designated by the commissioners court of a county, in consultation with the district and county clerks shall submit to the Office of Court Administration of the Texas Judicial System, in the manner prescribed by the office, information on the money the county spent

1 during the preceding fiscal year to provide court-ordered
2 interpretation services in civil and criminal proceedings. The
3 information must include:

4 (1) the number of interpreters appointed;

5 (2) the number of interpreters appointed for parties
6 or witnesses who are indigent;

7 (3) the amount of money the county spent to provide
8 court-ordered interpretation services; and

9 (4) for civil proceedings, whether a party to the
10 proceeding filed a statement of inability to afford payment of
11 court costs under Rule 145, Texas Rules of Civil Procedure,
12 applicable to the appointment of an interpreter.

13 (i) Not later than December 1 of each year, the Office of
14 Court Administration of the Texas Judicial System shall:

15 (1) submit to the legislature a report that aggregates
16 by county the information submitted under Subsection (h) for the
17 preceding fiscal year; and

18 (2) publish the report on the office's Internet
19 website.

20 SECTION 11.007. Section 154.101(f), Government Code, is
21 amended to read as follows:

22 (f) Except as provided by Section 154.112 and by Section
23 20.001, Civil Practice and Remedies Code, all depositions conducted
24 in this state must be reported [~~recorded~~] by a certified shorthand
25 reporter.

26 SECTION 11.008. Section 406.016(a), Government Code, is
27 amended to read as follows:

(a) A notary public has the same authority as the county clerk to:

(1) take acknowledgments or proofs of written instruments;

(2) protest instruments permitted by law to be protested;

(3) administer oaths;

(4) take depositions as provided by Section 20.001, Civil Practice and Remedies Code; and

(5) certify copies of documents not recordable in the public records.

SECTION 11.009. (a) This article is and shall be construed to be consistent with the procedures set forth in Rules 199.1(c) and 203.6(a), Texas Rules of Civil Procedure, as of September 1, 2023.

(b) Section 57.002, Government Code, as amended by this article, applies to an action pending on September 1, 2023, or filed on or after that date.

ARTICLE 12. TRANSFER OF CASES AND PROCEEDINGS

SECTION 12.001. Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall transmit the file for the proceeding in accordance with the procedures provided by Section 33.105 ~~[make and retain a copy of the~~

1 ~~entire file in the case and transmit the original file in electronic~~
2 ~~or paper form]~~ to the court in the county in which venue is proper.
3 The court to which the file is transmitted shall conduct the
4 proceeding in the same manner as if the proceeding had originally
5 been commenced in that county.

6 SECTION 12.002. Section 33.102(a), Estates Code, is amended
7 to read as follows:

8 (a) If it appears to the court at any time before the final
9 order in a probate proceeding is rendered that the court does not
10 have priority of venue over the proceeding, the court shall, on the
11 application of an interested person, transfer the proceeding to the
12 proper county by transmitting the file for the proceeding in
13 accordance with the procedures provided by Section 33.105 to the
14 proper court in that county ~~[in electronic or paper form.~~

15 ~~[(1) the original file in the case, and~~
16 ~~[(2) certified copies of all entries that have been~~
17 ~~made in the judge's probate docket in the proceeding].~~

18 SECTION 12.003. Section 33.103(b), Estates Code, is amended
19 to read as follows:

20 (b) The clerk of the court from which the probate proceeding
21 described by Subsection (a) is transferred shall transmit the file
22 for the proceeding in accordance with the procedures provided by
23 Section 33.105 to the court to which the proceeding is
24 transferred~~[+~~

25 ~~[(1) the original file in the proceeding, and~~
26 ~~[(2) a certified copy of the index].~~

27 SECTION 12.004. Subchapter C, Chapter 33, Estates Code, is

amended by adding Section 33.105 to read as follows:

Sec. 33.105. TRANSFER OF PROBATE PROCEEDING RECORD. (a) If a probate proceeding is transferred to a court in another county under this chapter, the clerk of the transferring court shall send to the clerk of the court to which the proceeding is transferred, using the electronic filing system established under Section [72.031](#), Government Code:

(1) a transfer certificate and index of transferred documents;

(2) a copy of each final order;

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of the original papers filed in the transferring court, including a copy of any will;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any costs accrued in the transferring court.

(b) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form developed by the Office of Court Administration of the Texas Judicial System under Section [72.037](#), Government Code, when transferring a proceeding under this section.

(c) The clerk of the transferring court shall keep a copy of the documents transferred under Subsection (a).

(d) The clerk of the court to which the proceeding is transferred shall:

1 (1) accept documents transferred under Subsection
2 (a);

3 (2) docket the proceeding; and

4 (3) notify, using the electronic filing system
5 established under Section 72.031, Government Code, all parties to
6 the proceeding, the clerk of the transferring court, and, if
7 appropriate, the transferring court's local registry that the
8 proceeding has been docketed.

9 (e) The clerk of the transferee court shall physically or
10 electronically mark or stamp the transfer certificate and index of
11 transferred documents to evidence the date and time of acceptance
12 under Subsection (d) but may not physically or electronically mark
13 or stamp any other document transferred under Subsection (a).

14 (f) 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) but must include a copy of the transfer certificate
18 and index of transferred documents with each document produced.

19 (g) Sections 80.001 and 80.002, Government Code, do not
20 apply to the transfer of documents under this section.

21 SECTION 12.005. Section 1023.006, Estates Code, is amended
22 to read as follows:

23 Sec. 1023.006. TRANSFER OF RECORD. (a) Not later than the
24 10th working day after the date [when] an order of transfer is
25 signed [made] under Section 1023.005, the clerk shall record any
26 unrecorded papers of the guardianship required to be recorded. On
27 payment of the clerk's fee, the clerk shall send, using the

1 electronic filing system established under Section 72.031,
2 Government Code, [transmit in electronic or paper form] to the
3 county clerk of the county to which the guardianship was ordered
4 transferred:

5 (1) a transfer certificate and index of transferred
6 documents [the case file of the guardianship proceedings]; [and]

7 (2) a copy of each final order;

8 (3) a copy of the order of transfer signed by the
9 transferring court;

10 (4) a copy of the original papers filed in the
11 transferring court;

12 (5) a copy of the transfer certificate and index of
13 transferred documents from each previous transfer; and

14 (6) a bill of any costs accrued in the transferring
15 court [a certified copy of the index of the guardianship records].

16 (b) The clerk of the transferring court shall use the
17 standardized transfer certificate and index of transferred
18 documents form developed by the Office of Court Administration of
19 the Texas Judicial System under Section 72.037, Government Code,
20 when transferring a proceeding under this section.

21 (c) The clerk of the transferring court shall keep a copy of
22 the documents transferred under Subsection (a).

23 (d) The clerk of the court to which the proceeding is
24 transferred shall:

25 (1) accept documents transferred under Subsection
26 (a);

27 (2) docket the suit; and

1 (3) notify, using the electronic filing system
2 established under Section 72.031, Government Code, all parties, the
3 clerk of the transferring court, and, if appropriate, the
4 transferring court's local registry that the suit has been
5 docketed.

6 (e) The clerk of the transferee court shall physically or
7 electronically mark or stamp the transfer certificate and index of
8 transferred documents to evidence the date and time of acceptance
9 under Subsection (d), but may not physically or electronically mark
10 or stamp any other document transferred under Subsection (a).

11 (f) The clerk of the transferring court shall send a
12 certified copy of the order directing payments to the transferee
13 court to:

14 (1) any party affected by the order and, if
15 appropriate, to the local registry of the transferee court using
16 the electronic filing system established under Section 72.031,
17 Government Code; and

18 (2) an employer affected by the order electronically
19 or by first class mail.

20 (g) The clerks of both the transferee and transferring
21 courts may each produce under Chapter 51, Government Code,
22 certified or uncertified copies of documents transferred under
23 Subsection (a) but must include a copy of the transfer certificate
24 and index of transferred documents with each document produced.

25 (h) Sections 80.001 and 80.002, Government Code, do not
26 apply to the transfer of documents under this section.

27 SECTION 12.006. Section 1023.007, Estates Code, is amended

to read as follows:

Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring a guardianship does not take effect until the clerk of the court to which the proceeding is transferred accepts and docket the case record under Section 1023.006~~[+~~

~~[(1) the case file and a certified copy of the index required by Section 1023.006 are filed in electronic or paper form in the office of the county clerk of the county to which the guardianship was ordered transferred; and~~

~~[(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in electronic or paper form in the court ordering the transfer by the county clerk of the county to which the guardianship was ordered transferred].~~

SECTION 12.007. Sections 155.207(a), (b), and (e), Family Code, are amended to read as follows:

(a) Not later than the 10th working day after the date an order of transfer is signed, the clerk of the court transferring a proceeding shall send, using the electronic filing system established under Section 72.031, Government Code, to the proper court ~~[in the county]~~ to which transfer is being made:

(1) a transfer certificate and index of transferred documents;

(2) a copy of each final order;

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of the original papers filed in the

transferring court;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any costs that have accrued in the transferring court.

(b) The clerk of the transferring court shall keep a copy of the documents transferred under Subsection (a) ~~[transferred pleadings]~~.

(e) The clerks of both the transferee and transferring courts may each produce under Chapter 51, Government Code, certified or uncertified copies of documents transferred under Subsection (a) and must ~~[filed in a case transferred under this section, but shall also]~~ include a copy of the transfer certificate and index of transferred documents with each document produced.

SECTION 12.008. Section 51.3071, Government Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

(a) If a case is transferred from a district court to a constitutional or statutory county court or another district court, the clerk of the transferring ~~[district]~~ court shall send to the ~~[county]~~ clerk of the court to which the case is transferred, using the electronic filing system established under Section 72.031:

(1) a transfer certificate and index of transferred documents;

(2) a copy of the original papers filed in the transferring court;

(3) a copy of the order of transfer signed by the

transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any costs that have accrued in the transferring court.

(f) The clerks of both the transferee and transferring courts may each produce, under this chapter, certified or uncertified copies of documents transferred under Subsection (a) and must include a copy of the transfer certificate and index of transferred documents with each document produced.

(g) This section applies regardless of whether the transferee court and the transferring court are in the same or different counties.

SECTION 12.009. Section 51.403, Government Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) If a case is transferred from a county court to a district court or a statutory county court or a county court of another county, the clerk of the transferring ~~county~~ court shall send to the ~~district~~ clerk of the court to which the case is transferred, using the electronic filing system established under Section 72.031:

(1) a transfer certificate and index of transferred documents;

(2) a copy of the original papers filed in the transferring court;

1 (3) a copy of the order of transfer signed by the
2 transferring court;

3 (4) a copy of each final order;

4 (5) a copy of the transfer certificate and index of
5 transferred documents from each previous transfer; and

6 (6) a bill of any costs that have accrued in the
7 transferring court.

8 (d) The clerks of both the transferee and transferring
9 courts may each produce, under this chapter, certified or
10 uncertified copies of documents transferred under Subsection (a)
11 and must include a copy of the transfer certificate and index of
12 transferred documents with each document produced.

13 (e) This section applies regardless of whether the
14 transferee court and the transferring court are in the same or
15 different counties.

16 SECTION 12.010. Section 72.037(a), Government Code, is
17 amended to read as follows:

18 (a) The office shall develop and make available a
19 standardized transfer certificate and an index of transferred
20 documents form to be used for the transfer of cases and proceedings
21 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
22 Family Code, and Sections 51.3071 and 51.403 of this code.

23 SECTION 12.011. Section 33.103(c), Estates Code, is
24 repealed.

25 SECTION 12.012. As soon as practicable after the effective
26 date of this Act, the Office of Court Administration of the Texas
27 Judicial System shall adopt rules and develop and make available

1 all forms and materials required by Section 72.037, Government
2 Code, as amended by this Act.

3 ARTICLE 13. CRIMINAL PROCEDURE

4 SECTION 13.001. (a) Section 3(b), Article 11.07, Code of
5 Criminal Procedure, is amended to read as follows:

6 (b) An application for writ of habeas corpus filed after
7 final conviction in a felony case, other than a case in which the
8 death penalty is imposed, must be filed with the clerk of the court
9 in which the conviction being challenged was obtained, and the
10 clerk shall assign the application to that court. When the
11 application is received by that court, a writ of habeas corpus,
12 returnable to the Court of Criminal Appeals, shall issue by
13 operation of law. The clerk of that court shall make appropriate
14 notation thereof, assign to the case a file number (ancillary to
15 that of the conviction being challenged), and forward a copy of the
16 application by certified mail, return receipt requested, by
17 ~~secure~~ electronic mail, or by personal service to the attorney
18 representing the state in that court, who shall answer the
19 application not later than the 30th day after the date the copy of
20 the application is received. Matters alleged in the application
21 not admitted by the state are deemed denied.

22 (b) Section 3(b), Article 11.07, Code of Criminal
23 Procedure, as amended by this section, applies only to an
24 application for a writ of habeas corpus filed on or after September
25 1, 2023. An application filed before that date is governed by the
26 law in effect on the date the application was filed, and the former
27 law is continued in effect for that purpose.

SECTION 13.002. (a) Section 2a(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) A person who is entitled to expunction of information contained in records and files under Article 55.01(d) may file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which:

(1) the person resides; or

(2) the offense was alleged to have occurred.

(b) Section 2a(a), Article 55.02, Code of Criminal Procedure, as amended by this section, applies to an expunction of information contained in arrest records and files relating to any criminal offense occurring before, on, or after September 1, 2023.

ARTICLE 14. PROBATE PROCEEDINGS

SECTION 14.001. Section 152.001, Estates Code, is amended to read as follows:

Sec. 152.001. APPLICATION AUTHORIZED. (a) Subject to Subsection (b), a person qualified to serve as an administrator under Section 304.001 may file an application requesting emergency intervention by a court exercising probate jurisdiction to provide for:

(1) the payment or reimbursement of the decedent's funeral and burial expenses; or

(2) the protection and storage of personal property owned by the decedent that, on the date of the decedent's death, was located in accommodations rented by the decedent.

(b) An applicant may file an application under this section only if:

(1) an application or affidavit has not been filed and is not pending under Section 256.052, 256.054, or 301.052 or Chapter 205 or 401; and

(2) the applicant needs to:

(A) obtain funds for the payment or reimbursement of the decedent's funeral and burial expenses; or

(B) gain access to accommodations rented by the decedent that contain the decedent's personal property and the applicant has been denied access to those accommodations.

SECTION 14.002. Sections 152.002(a) and (b), Estates Code, are amended to read as follows:

(a) An emergency intervention application must be sworn and must contain:

(1) the applicant's name, address, and interest;

(2) facts showing an immediate necessity for the issuance of an emergency intervention order under Subchapter B;

(3) the decedent's date of death, place of death, and residential address on the date of death;

(4) the name and address of the funeral home holding the decedent's remains or paid by the applicant for the decedent's funeral and burial; and

(5) the names of any known or ascertainable heirs and devisees of the decedent.

(b) In addition to the information required under Subsection (a), if emergency intervention is requested to obtain funds needed for the payment or reimbursement of the decedent's funeral and burial expenses, the application must also contain:

(1) the reason any known or ascertainable heirs and devisees of the decedent:

(A) cannot be contacted; or

(B) have refused to assist in the decedent's burial;

(2) a description of necessary funeral and burial procedures and a statement from the funeral home that contains a detailed and itemized description of the cost of those procedures; ~~and~~

(3) the name and address of an individual, entity, or financial institution, including an employer, in possession of any funds of or due to the decedent, and related account numbers and balances, if known by the applicant; and

(4) if applicable, the amount paid by the applicant for the funeral and burial procedures described by Subdivision (2).

SECTION 14.003. Section 152.003, Estates Code, is amended to read as follows:

Sec. 152.003. ADDITIONAL CONTENTS OF APPLICATION: INSTRUCTIONS REGARDING DECEDENT'S FUNERAL AND REMAINS. (a) In addition to the information required under Section 152.002, if emergency intervention is requested to obtain funds needed for the payment or reimbursement of a decedent's funeral and burial expenses, the application must also state whether there are or were any written instructions from the decedent relating to the type and manner of funeral or burial preferred by the decedent. The applicant shall:

(1) attach the instructions, if available, to the

1 application; and

2 (2) fully comply, or must have fully complied, as
3 appropriate, with the instructions.

4 (b) If written instructions do not exist, the applicant may
5 not permit or have permitted the decedent's remains to be cremated
6 unless the applicant obtains or obtained the court's permission to
7 cremate the remains.

8 SECTION 14.004. Section 152.004, Estates Code, is amended
9 to read as follows:

10 Sec. 152.004. TIME AND PLACE OF FILING. An emergency
11 intervention application must be filed:

12 (1) with the court clerk in the county in which:

13 (A) the decedent was domiciled; or

14 (B) the accommodations rented by the decedent
15 that contain the decedent's personal property are located; and

16 (2) not earlier than the third day after the date of
17 the decedent's death and not later than nine months [~~the 90th day~~]
18 after the date of the decedent's death.

19 SECTION 14.005. Section 152.051, Estates Code, is amended
20 to read as follows:

21 Sec. 152.051. ISSUANCE OF ORDER REGARDING FUNERAL AND
22 BURIAL EXPENSES. If on review of an application filed under Section
23 152.001 the court determines that emergency intervention is
24 necessary to obtain funds needed for the payment or reimbursement
25 of a decedent's funeral and burial expenses, the court may order
26 funds of the decedent that are being held by an individual, an
27 employer, or a financial institution to be paid directly to a

funeral home or the applicant, as applicable, only for:

(1) reasonable and necessary attorney's fees for the attorney who obtained the order;

(2) court costs for obtaining the order; and

(3) funeral and burial expenses not to exceed \$5,000 as ordered by the court to provide the decedent with or to provide reimbursement for a reasonable, dignified, and appropriate funeral and burial.

SECTION 14.006. Sections 152.001, 152.002(a) and (b), 152.003, 152.004, and 152.051, Estates Code, as amended by this article, apply only to an application requesting emergency intervention that is filed on or after September 1, 2023. An application that is filed before September 1, 2023, is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

ARTICLE 15. EFFECTIVE DATE

SECTION 15.001. Except as otherwise provided by this Act, this Act takes effect September 1, 2023.