

SENATE AMENDMENTS

2nd Printing

By: Canales

H.B. No. 1712

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

By: Carl Allen

Substitute the following for H.B. No. 1712:

By: Raymond Hughes

ADOPTED

MAY 16 2023 No. 1712

Haley Lewis
Secretary of the Senate
C.S. H.B. No. 1712

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3 orders.

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

7 Art. 2.101. MAGISTRATE'S NAME ON SIGNED ORDER. (a) Any
8 signed order that is issued by a magistrate under this code or any
9 signed order pertaining to a criminal matter that is issued by a
10 magistrate under the Family Code, the Government Code, or other law
11 of this state must include, with the magistrate's signature, the
12 magistrate's name in legible handwriting, legible typewritten
13 form, or legible stamp print.

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

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1712 by Canales (Relating to the inclusion of a magistrate's name on certain signed orders.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SD, SMAT, DPE, DDel, BC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 8, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1712 by Canales (relating to the inclusion of a magistrate's name on certain signed orders.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SMAT, DPE, DDel, BC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 2, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1712 by Canales (Relating to the inclusion of a magistrate's name on certain signed orders.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SMAT, DPE, DDeI, BC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 27, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1712 by Canales (Relating to the inclusion of a magistrate's name on certain signed orders.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, DDel, BC, DPE