

House Bill 1712
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (CS)

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

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

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

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

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

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

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

SECTION 2. Same as House version.

CONFERENCE

House Bill 1712
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

CONFERENCE