

## **BILL ANALYSIS**

C.S.S.B. 2878  
By: Hughes  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been the tradition and practice for the chairs of the committees with jurisdiction over the judiciary to file a single omnibus bill that encompasses new courts, changes to judicial administration, and changes to jurisdiction. Ensuring that there are adequate judicial resources available to address the workload is critical to securing the proper administration of the judiciary. Instead of going about this process based upon subjective desires, each new court in this bill is justified based on need and supported by workload data provided by the Office of Court Administration of the Texas Judicial System. Some of the factors that were considered include caseloads, case backlogs, substantial population growth, objective workload measures, and county support.

C.S.S.B. 2878 provides a number of revisions of current law and new provisions with respect to the following: district courts, district clerks, and district attorneys in ARTICLE 1; statutory county courts in ARTICLE 2; visiting judges in ARTICLE 3; masters, magistrates, referees, and associate judges in ARTICLE 4; the business court in ARTICLE 5; jurors in ARTICLE 6; court administration in ARTICLE 7; copies certified by clerks in ARTICLE 8; youth diversion in ARTICLE 9; juvenile boards in Article 10; civil and criminal court procedures and security in ARTICLE 11; municipal court provisions in ARTICLE 12; and miscellaneous court, record, candidacy, and election provisions in ARTICLE 13. Moreover, the bill enhances the penalty for harassment when the actor knows the person is a court employee or a judge, making it a Class A misdemeanor if the actor knows the person is a court employee, and enhancing that to a state jail felony if the person has been previously convicted of harassment of a court employee, and making it a state jail felony if the actor knows the person is a judge, and enhancing that to a third degree felony if the person has been previously convicted of harassment of a judge.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the court of criminal appeals in SECTION 7.01 of this bill.

### **ANALYSIS**

C.S.S.B. 2878 relates to the operation and administration of and practices and procedures related to proceedings in the judicial branch of state government.

## **ARTICLE 1: District Courts, District Clerks, and District Attorneys**

C.S.S.B. 2878 amends the Government Code to replace the Second 25th Judicial District, composed of Colorado, Gonzales, Guadalupe, and Lavaca counties, with the 522nd Judicial District, composed of Gonzales and Guadalupe counties, effective January 1, 2027. Effective January 1, 2026, the bill repeals provisions that do the following:

- establish that the 25th District Court has concurrent jurisdiction with the Second 25th District Court;
- authorize the judges of the 25th and Second 25th judicial districts to hear and dispose of any suit or proceeding on either court's docket without transferring the suit or proceeding;
- authorize those judges to transfer cases from one court to the other by an order entered on the docket of the court from which the matter was transferred, but not without the permission of the judge of the court to which the case is to be transferred;
- provide for the beginning of the terms of the Second 25th District Court in Colorado, Gonzales, Guadalupe, and Lavaca counties; and
- establish that provisions relating to the 25th District Court also apply to the Second 25th District Court.

C.S.S.B. 2878 requires the 173rd District Court composed of Henderson County to give preference to civil and family law matters.

C.S.S.B. 2878, effective January 1, 2026, does the following:

- removes Guadalupe County from the composition of the 274th Judicial District composed of Comal, Guadalupe, and Hays counties;
- accordingly removes the 274th District Court's concurrent jurisdiction with the 25th and Second 25th district courts in Guadalupe County;
- repeals the provision that provides for the beginning of the terms of the 274th District Court in Comal, Guadalupe, and Hays counties.

C.S.S.B. 2878 requires the 392nd District Court to give preference to criminal cases.

C.S.S.B. 2878, with respect to the 451st and 498th Judicial Districts composed of Kendall County, removes provisions that require all civil and criminal matters within the concurrent jurisdiction of the county and district courts to be filed with the county clerk in the county court and establish that the county clerk serves as the clerk of the respective district court for those matters. The bill sets out instead provisions that do the following with respect to those districts:

- establish that the district clerk serves as clerk of a district court in all criminal and civil matters, including family matters, except the county clerk serves as clerk of a district court in Class A and Class B misdemeanor cases, juvenile matters, probate matters, and guardianship matters; and
- require each clerk to establish a separate docket for a district court.

C.S.S.B. 2878, effective September 1, 2026, creates the 490th Judicial District composed of Brazoria County.

C.S.S.B. 2878, effective January 1, 2027, creates the following judicial districts:

- the 492nd Judicial District composed of Colorado and Lavaca counties; and
- the 511th Judicial District composed of Comal County.

C.S.S.B. 2878 creates the following judicial districts on September 1, 2025:

- the 501st Judicial District composed of Fort Bend County;
- the 502nd Judicial District composed of Fort Bend County;
- the 503rd Judicial District composed of Rockwall County; and
- the 512th Judicial District composed of Williamson County.

C.S.S.B. 2878, effective October 1, 2025, creates the following judicial districts:

- the 513th Judicial District composed of Harris County;
- the 514th Judicial District composed of Harris County; and
- the 515th Judicial District composed of Harris County.

The bill requires the district courts of these judicial districts to give preference to civil cases.

C.S.S.B. 2878, effective October 1, 2026, creates the following judicial districts:

- the 516th Judicial District composed of Harris County; and
- the 517th Judicial District composed of Harris County.

The bill requires the district courts of these judicial districts to give preference to civil cases.

C.S.S.B. 2878 requires Tarrant County Criminal District Court No. 2 and Tarrant County Criminal District Court No. 4 to give preference to criminal cases.

C.S.S.B. 2878, effective January 1, 2029, establishes that the voters of Sabine County elect a district attorney for the 273rd Judicial District who represents the state in the district courts in that county. The bill establishes that the office of district attorney for the 273rd Judicial District is created on January 1, 2029, and exists for purposes of the primary and general elections in 2028. Accordingly, also effective January 1, 2029, the bill revises the provision establishing that the voters of Sabine and San Augustine counties elect a district attorney for the 1st Judicial District to represent the state in that district court only in those counties by removing Sabine County from that district attorney's jurisdiction and removing voters of Sabine County as voters that elect the district attorney.

C.S.S.B. 2878, effective January 1, 2029, changes the voters who elect a district attorney who represents the state in all cases before the district court of the 293rd Judicial District from the voters of that judicial district to the voters of Maverick County. The bill accordingly makes the following authorizations applicable specifically to the commissioners court of Maverick County:

- the authorization for the commissioners court of one or more of the counties comprising the 293rd Judicial District to supplement the state salary of the district attorney; and
- the authorization for the commissioners court of each county to set the amount of supplemental compensation paid by that county.

The bill establishes that the district attorney of the 293rd Judicial District also represents the state in all criminal and civil matters that arise in the 365th Judicial District in Maverick County.

C.S.S.B. 2878, effective January 1, 2029, establishes that the voters of Dimmit and Zavala Counties elect a district attorney for the 365th Judicial District who represents the state in all civil and criminal matters in the district courts having jurisdiction in those counties. The bill establishes that the office of district attorney for the 365th Judicial District is created on January 1, 2029, and exists for purposes of the primary and general elections in 2028.

C.S.S.B. 2878, effective January 1, 2029, makes the Professional Prosecutors Act applicable to the district attorney for the 273rd Judicial District and the county attorney performing the duty of district attorney in Fayette County.

## **ARTICLE 2: Statutory County Courts**

### Cap on the Amount in Controversy in a Civil Case

C.S.S.B. 2878 increases from \$250,000 to \$325,000 the cap on the amount in controversy in a civil case over which a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court. Accordingly, the bill revises the following provisions to reflect this cap increase:

- the requirement for the Texas Supreme Court to adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy is capped at that amount;
- the requirement for the composition of the jury of a civil case pending in a statutory county court in which the matter in controversy exceeds that cap to be 12 members unless all of the parties agree to a jury composed of a lesser number of jurors; and
- the provision establishing that the district clerk serves as clerk of a county court at law of Aransas County in felony cases, in family law cases and proceedings, and in civil cases in which the matter in controversy exceeds that cap.

These provisions apply only to a civil case filed in a statutory county court on or after September 1, 2025. A civil case filed in a statutory county court before that date is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

#### Excess Contributions and Fees Allocated to Statutory Probate Courts

C.S.S.B. 2878 revises the requirement for the comptroller of public accounts, at the end of each state fiscal year, to determine the amounts deposited in the judicial fund by statutory probate courts and the sum of the amount paid to the presiding judges of such courts and the total amounts paid by the state to the counties for each county statutory probate court judge by specifying that the amounts deposited in the judicial fund are the amounts deposited in the judicial fund under state law with respect to the \$137 statutory probate court filing fee for any civil, probate, guardianship, or mental health case, remitted either:

- directly to the treasury by the Office of Court Administration of the Texas Judicial System (OCA) for fees paid using the electronic filing system; or
- to the comptroller in the manner provided under state law for fees paid to an officer of a court.

Additionally, the bill revises statutory provisions relating to the requirement to remit certain excess funds, as follows:

- clarifies that the total amounts deposited in the judicial fund by statutory probate courts in all counties used in the calculation of the excess funds are the total amounts deposited in the judicial fund by such courts as calculated under the bill's provisions;
- clarifies that the requirement applies if the comptroller determines that that total amount exceeds the applicable sum;
- changes the entity that must remit the applicable excess funds from the state to the comptroller; and
- changes the counties to whom the funds must be remitted from each county that deposited a greater amount in the judicial fund by a statutory probate court than the amount the county was paid to each county that contributed a greater amount to the judicial fund from fees collected by a statutory probate court than the amount the county was paid.

These provisions apply to the amounts deposited in the judicial fund from the \$137 filing fees for any civil, probate, guardianship, or mental health case fees collected by a statutory probate court before, on, or after September 1, 2025.

C.S.S.B. 2878 replaces the requirement for each county to annually pay the apportioned salary to the presiding judge of a statutory probate court from the \$10 fees collected under state law for the filing of the annual or final report of a guardian of a person with a requirement for each county to annually pay that salary from the fees allocated to the judicial education and support fund under statutory provisions relating to local civil fees for probate, guardianship, and mental health cases in certain courts.

#### County Court at Law of Atascosa County

C.S.S.B. 2878 includes among the matters in which a county court at law of Atascosa County has concurrent jurisdiction with the district court civil cases in which the matter in controversy

exceeds the maximum amount allowed for civil cases in statutory county courts generally, as amended by the bill, but does not exceed \$1 million, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition, including the following:

- a suit to decide the issue of title to real or personal property;
- a suit for the enforcement of a lien on real property;
- a suit for the trial of the right to property valued at \$500 or more that has been levied on under a writ of execution, sequestration, or attachment; and
- a suit for the recovery of real property.

This change applies only to a case filed or proceeding commenced on or after the bill's effective date. A case filed or proceeding commenced before that date 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.

C.S.S.B. 2878 establishes that, in addition to other assignments provided by law, a judge of a county court at law in Atascosa County is subject to assignment to any district court in Atascosa County. The bill authorizes such a judge assigned to a district court to hear any matter pending in the district court.

C.S.S.B. 2878 replaces a requirement for the judge of a county court at law in Atascosa County to be paid a total annual salary set by the county commissioners court at an amount that is not less than \$1,000 less than the total annual salary received by a district judge in the county with a requirement for the judge to be paid as provided under statutory provisions relating to a statutory county court judge's salary.

#### County Court at Law of Bowie County

C.S.S.B. 2878 removes the \$200,000 cap on the amount in controversy in a civil case over which a county court at law of Bowie County has jurisdiction and instead sets that cap to be the same as the one provided under state law for civil cases in statutory county courts generally, as amended by the bill. The bill clarifies that the county court at law has concurrent jurisdiction with a district court in specialty court programs, misdemeanor cases, family law cases and proceedings, including juvenile matters, and probate and guardianship matters.

C.S.S.B. 2878 entitles the official court reporter of a county court at law of Bowie County to compensation, fees, and allowances in amounts equal to the amounts paid to the official court reporters serving the district courts in Bowie County, including an annual salary. The bill removes the authority of the commissioners court to authorize the judge of such a county court at law to set the court reporter's salary and specifies instead that the salary is set by the judge and approved by the commissioners court.

C.S.S.B. 2878 establishes that the jury in all civil or criminal matters before a county court at law of Bowie County is composed of 12 members, except that the jury is composed of six members in misdemeanor criminal cases and any other case in which the court has concurrent jurisdiction with county courts. The bill authorizes a judge of such a county court at law and a judge of a district court with jurisdiction in Bowie County, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner that judges of district courts in the same county may transfer cases between those courts.

C.S.S.B. 2878 repeals the provision that requires the judge of a county court at law of Bowie County to be paid an annual salary that is at least equal to 60 percent, but does not exceed 80 percent, of the annual salary that is paid to a district judge in Bowie County and requires the salary to be paid from the same fund and in the same manner as other county officials in Bowie County are paid.

#### County Civil Court at Law No. 5 of Harris County

C.S.S.B. 2878 creates the County Civil Court at Law No. 5 of Harris County on September 1, 2025.

#### Statutory Probate Courts of Hidalgo County

C.S.S.B. 2878, effective January 1, 2027, redesignates the Probate Court of Hidalgo County as Probate Court No. 1 of Hidalgo County and creates Probate Court No. 2 of Hidalgo County.

#### County Court at Law of Hidalgo County

C.S.S.B. 2878 removes as a condition for a county court at law of Hidalgo County to have concurrent jurisdiction with the district court in a civil case that the matter in controversy does not exceed \$750,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the page of the petition. This provision applies only to an action filed in a county court at law of Hidalgo County on or after the bill's effective date. An action filed in a county court at law of Hidalgo County before that date is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

#### County Court at Law of Potter County

C.S.S.B. 2878 changes the courts in Potter County that have concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept pleas in uncontested matters from the County Court at Law No. 1 of Potter County to all county courts at law in Potter County.

#### County Court at Law of Tom Green County

C.S.S.B. 2878 establishes that a county court at law in Tom Green County has concurrent jurisdiction with the district court in family law cases and proceedings. This provision applies only to a case filed or proceeding commenced on or after September 1, 2025. A case filed or proceeding commenced before that date is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

#### County Court at Law of Wichita County

C.S.S.B. 2878 includes proceedings under the Estates Code among the cases, matters, proceedings, and appeals that are required to be filed in the county court at law in Wichita County. The bill removes the provision establishing that a county court at law in Wichita County does not have jurisdiction in civil cases, other than a case under the Family Code or the Estates Code, in which the amount in controversy is less than the maximum amount in controversy allowed the justice court in Wichita County or more than \$200,000, exclusive of punitive or exemplary damages, penalties, interest, costs, and attorney's fees. Instead, the bill specifies that the civil cases for which such a court has concurrent jurisdiction with the district court are those in which the amount in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, exemplary damages, penalties, attorney's fees, and court costs. The bill further specifies that such a court has concurrent jurisdiction with the district court in appeals from the justice courts. These provisions apply only to an action filed in a county court at law in Wichita County on or after September 1, 2025. An action filed in a county court at law in Wichita County before that date is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

## 2nd Multicounty Court at Law

C.S.S.B. 2878 expands the concurrent jurisdiction that the 2nd Multicounty Court at Law has with the district courts by replacing the provision excepting from that jurisdiction civil cases in which the matter in controversy exceeds the maximum amount allowed for civil cases in statutory county courts generally, as amended by the bill, with a provision specifying that such civil cases are included in that jurisdiction. This provision applies only to a case filed or proceeding commenced on or after September 1, 2025. A case filed or proceeding commenced before that date 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.

## Statutory Probate Court of Montgomery County

C.S.S.B. 2878 repeals the provision that does the following:

- grants eminent domain jurisdiction, including certain jurisdiction provided to a district court, to a statutory probate court of Montgomery County regardless of the amount in controversy or the remedy sought; and
- requires all eminent domain actions, cases, matters, or proceedings arising under specified statutes to be filed and docketed in a statutory probate court in Montgomery County.

This repeal applies only to an action filed on or after September 1, 2025. An action filed before that date is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

## **ARTICLE 3: Visiting Judges**

### Statutory Probate Courts

C.S.S.B. 2878 authorizes the presiding judge of the statutory probate courts to assign a former or retired justice of an appellate court, in addition to other judges currently authorized, to hold court in a statutory probate court, a county court, or any statutory court exercising probate jurisdiction under certain qualifying circumstances. The bill makes related changes to statutory provisions relating to the daily compensation of a retired or former judge assigned to a statutory probate court and eligibility criteria for assignment and the provision establishing that such a judge is not an employee of the county in which the assigned court is located.

C.S.S.B. 2878 entitles a former or retired judge or justice assigned to a statutory probate court in a county located in the Texas-Mexico border region, defined by reference to statutory provisions relating to state agency strategic plans, to compensation from the state in an amount equal to the maximum annual base salary a district judge may receive from county and state sources under applicable state law if the presiding judge of the administrative judicial region in which the county lies certifies that exigent circumstances require the assignment and money has been appropriated specifically for that purpose.

C.S.S.B. 2878 also includes a former or retired justice of an appellate court among the individuals who may be assigned to hear a case on recusal or disqualification of a statutory probate court judge and among the individuals to whom a motion of recusal or disqualification whose subject is the presiding judge of the statutory probate courts may be referred.

C.S.S.B. 2878 authorizes the presiding judge of the statutory probate courts to deny without a hearing a motion of recusal or disqualification of a statutory probate court judge that does not comply with applicable provisions of the Texas Rules of Civil Procedure and requires the order denying the motion to state the manner in which the motion fails to comply with such provisions. The bill establishes that a motion of recusal or disqualification that does not comply with those provisions is a motion or disqualification for the purpose of determining whether a tertiary

recusal motion against a judge has been filed, regardless of whether the motion was amended after filing.

#### Visiting Judge Salary Tier Adjustment

C.S.S.B. 2878 revises provisions that provide for the amount of compensation due to a former or retired justice or judge of an appellate court who is assigned to a court of appeals to be based in part on the base salary paid to a justice of the court of appeals to which the justice or judge is assigned by providing for such compensation to instead be based in part on the salary paid to a justice of such court with eight years of service. The bill similarly revises provisions that provide for the amount of salary due to a retired or former judge or justice assigned to a district court to be based in part on the state base salary paid to a district judge by providing for such salary to instead be based in part on the state salary paid to a district judge with eight years of service.

#### Judicial Mentor Compensation

C.S.S.B. 2878 entitles a former or retired judge or justice assigned as a judicial mentor to a court identified by OCA as needing additional assistance to the same salary, compensation, and expenses that the judge or justice would be entitled to under provisions relating to compensation while assigned if the judge or justice had been assigned to serve as the judge of a trial court in the administrative judicial region of the court to which the judge or justice is assigned as a judicial mentor.

#### Authority of Certain Judges to Use Electronic Means

C.S.S.B. 2878 authorizes a judge assigned to a court that sits in a county located in the Texas-Mexico border region, defined by reference to statutory provisions relating to state agency strategic plans, to conduct a proceeding, other than a trial, or perform a judicial action from any location in Texas using videoconference, teleconference, or other available electronic means if authorized by the order of assignment.

### **ARTICLE 4: Masters, Magistrates, Referees, and Associate Judges**

#### Types of Magistrates

C.S.S.B. 2878 amends the Code of Criminal Procedure to include the following officers among the officers who are considered magistrates for purposes of that code:

- a criminal associate judge appointed by an applicable district judge under the bill's provisions relating to criminal associate judges in Coke, Concho, Irion, Runnels, Schleicher, Sterling, and Tom Green Counties;
- a criminal magistrate appointed by the Commissioners Court of Bell County under the bill's provisions; and
- a magistrate appointed by a judge of a district court or statutory county court of Denton or Grayson County.

#### Bell County Criminal Magistrates

C.S.S.B. 2878 amends the Government Code to authorize the Commissioners Court of Bell County to select magistrates to serve the courts of the county having jurisdiction in criminal matters. The bill requires the commissioners court to establish the minimum qualifications, salary, benefits, and other compensation of each magistrate position and to determine whether the position is full-time or part-time. The bill requires a person to have been licensed to practice law in Texas and in good standing with the State Bar of Texas for at least two years to be eligible for appointment as a Bell County criminal magistrate. The bill establishes that a Bell County criminal magistrate serves at the pleasure of the commissioners court and has concurrent criminal jurisdiction with the judges of the justice of the peace courts of Bell County.



C.S.S.B. 2878 requires the Commissioners Court of Bell County to establish the powers and duties of a Bell County criminal magistrate. Except as otherwise provided by the commissioners court, such a magistrate has the powers of a magistrate under the Code of Criminal Procedure and other state laws and may administer an oath for any purpose. The bill requires a Bell County criminal magistrate to give preference to performing the duties of a magistrate under Code of Criminal Procedure provisions relating to duties of arresting officers and magistrates. The bill authorizes the commissioners court to designate one or more criminal magistrates to hold regular hearings to do the following:

- give admonishments;
- set and review bail and conditions of release;
- appoint legal counsel; and
- determine other routine matters relating to preindictment or pending cases within those courts' jurisdiction.

The bill requires a Bell County criminal magistrate, in such hearings, to give preference to the case of an individual held in county jail. The bill authorizes a Bell County criminal magistrate to inquire into a defendant's intended plea to the charge and set the case for an appropriate hearing before a judge or master.

C.S.S.B. 2878 grants a Bell County criminal magistrate the same judicial immunity as a district judge and subjects a witness who is sworn and who appears before such a magistrate to the penalties for perjury and aggravated perjury provided by law. The bill authorizes a referring court to fine or imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a Bell County criminal magistrate.

#### General Qualifications of Masters, Magistrates, Referees, and Associate Judges

C.S.S.B. 2878 removes certain qualifications to be eligible for appointment as a magistrate, juvenile court master, and criminal law hearing officer in certain counties and instead sets out a general qualification to be eligible for general appointment as a master, magistrate, referee, or associate judge.

Accordingly, the bill does the following:

- removes the qualification of having been licensed to practice law in Texas for at least four years to be eligible for the following appointments:
  - criminal law magistrates in Dallas County;
  - criminal law magistrates in Tarrant County;
  - juvenile court masters in Harris County;
  - criminal law hearing officers appointed by a board of judges and justices of Harris County;
  - magistrates in Lubbock County;
  - criminal law magistrates in Bexar County;
  - criminal law magistrates in Travis County;
  - magistrates for drug court programs;
  - magistrates in Collin County;
  - magistrates in Fort Bend County;
  - criminal law magistrates in Tom Green County; and
  - criminal law magistrate court associate judges, jail magistrates, or another magistrate of the criminal law magistrate court in Denton County; and
- removes the following qualifications to be eligible for certain appointments:
  - for a magistrate in a county with a population of 2.1 million or more, to have been licensed to practice law in Texas for at least four years preceding the date of appointment;
  - for a criminal law hearing officer in Cameron County, to be a licensed attorney with at least four years' experience;

- for a criminal magistrate in Burnet County, to have served as a justice of the peace or municipal court judge or be an attorney licensed in Texas;
- for a criminal magistrate in Brazoria County, to have served as a justice of the peace or be an attorney licensed in Texas;
- for a magistrate in a county that has a population of more than 820,000 and is contiguous to a county with a population of at least four million, to have served as a justice of the peace for at least four years before the date of appointment or been licensed to practice law in Texas for at least four years before the date of appointment;
- for a criminal magistrate in Grayson County, to have served as a justice of the peace or municipal court judge for at least four years before the date of appointment or have been licensed to practice law in Texas for at least four years before the date of appointment; and
- for a presiding judge of the criminal law magistrate court in Denton County, to be a licensed attorney in good standing with the State Bar of Texas.

Instead, C.S.S.B. 2878 requires a master, magistrate, referee, or associate judge appointed under applicable law, except as provided under the bill or such applicable law and in addition to any other qualification required by law, to have been licensed to practice law in Texas for at least five years before the date of appointment. However, the bill requires the following masters, magistrates, referees, and associate judges appointed under applicable law to have been licensed to practice law in Texas for at least two years before the date of appointment:

- criminal law magistrates in Webb County;
- magistrates in Comal County;
- criminal magistrates in Burnet County;
- criminal magistrates in Brazoria County;
- magistrates in Guadalupe County;
- magistrates in Kerr County; and
- presiding judges of the criminal law magistrate court in Denton County.

C.S.S.B. 2878 also revises certain qualifications to be eligible for appointment as an associate judge as follows:

- increases from four to five the minimum number of years a criminal associate judge must have been licensed to practice law in Texas;
- increases from four to five the minimum number of years a civil associate judge must have been licensed to practice law in Texas; and
- specifies that the minimum number of years an associate judge for guardianship proceedings and protective services proceedings in certain courts must have been licensed to practice law in Texas is five years.

#### Criminal Associate Judges in Coke, Concho, Irion, Runnels, Schleicher, Sterling, and Tom Green Counties

C.S.S.B. 2878 authorizes a judge of the 51st, 119th, 340th, or 391st district court to appoint a full-time or part-time criminal associate judge to perform the duties authorized by the bill's provisions if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position. The bill provides the following:

- if a court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment;
- if more than one court in a county is subject to the bill's provisions, the commissioners court of the county may authorize the appointment of an associate judge for each court or to authorize one or more associate judges to share service with two or more courts; and

- if the associate judge serves more than one court, the associate judge's appointment must be made as established by local rule, but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves.

C.S.S.B. 2878 makes statutory provisions governing criminal associate judges applicable to an associate judge appointed under these provisions, except as provided by the following authorizations and prohibitions.

C.S.S.B. 2878 authorizes a judge to refer to a criminal associate judge any criminal case or matter relating to a criminal case for proceedings involving the following:

- a negotiated plea of guilty or no contest and sentencing before the court;
- a bond forfeiture, remittitur, and related proceedings;
- a pretrial motion;
- a writ of habeas corpus;
- an examining trial;
- an occupational driver's license;
- a petition for an order of mandatory expunction of criminal records;
- an asset forfeiture hearing relating to property that is contraband as provided by applicable state law;
- a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by applicable state law;
- a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;
- setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- specialty court proceedings;
- a waiver of extradition; and
- any other matter the judge considers necessary and proper.

The bill also authorizes a judge to refer to a criminal associate judge a civil case arising out of statutory provisions governing the forfeiture of contraband for any purpose authorized by those provisions, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial. The bill provides the following with respect to a criminal associate judge:

- authorizes the judge to accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- authorizes the judge to select a jury;
- prohibits the judge from presiding over a criminal trial on the merits, whether or not the trial is before a jury; and
- prohibits the judge from hearing a jury trial on the merits of a bond forfeiture.

The bill authorizes a judge of a designated juvenile court to refer to a criminal associate judge any proceeding over which a juvenile court has exclusive original jurisdiction under the juvenile justice code, including any matter ancillary to the proceeding.

### Applicability

C.S.S.B. 2878 establishes that its ARTICLE 4 provisions relating to types of magistrates, Bell County Criminal Magistrates, and general qualifications of masters, magistrates, referees, and associate judges apply only to a master, magistrate, referee, or associate judge appointed under provisions relating to masters, magistrates, referees, and associate judges, as amended by the article, on or after September 1, 2025. A master, magistrate, referee, or associate judge appointed before that date is governed by the law in effect on the date the master, magistrate, referee, or associate judge was appointed, and the former law is continued in effect for that purpose.

## **ARTICLE 5: Business Court**

C.S.S.B. 2878 entitles a judge of a division of the business court, in addition to the annual base salary from the state prescribed under applicable statutory provisions, to an additional annual salary from the state in an amount equal to the difference between the judge's annual base salary from the state and the maximum combined base salary from all state and county sources paid to a district judge under those provisions.

## **ARTICLE 6: Jurors**

### Grand Jury Service

#### *List of Disqualified Persons for Grand Jury Service*

Under current law, on the third business day of each month, the district clerk is required to prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's citizenship or indictment or conviction for misdemeanor theft or a felony and to send a copy of the list to the secretary of state and the applicable prosecuting attorney. C.S.S.B. 2878 amends the Code of Criminal Procedure to revise this procedure as follows:

- changes the requirement for the district clerk to prepare a list of persons who in the preceding month were disqualified based on the person's citizenship or indictment or conviction for misdemeanor theft or a felony to a requirement for the clerk to prepare a list of persons who in the preceding month were disqualified based on the person's citizenship, and requires a copy of that list to be sent to the voter registrar for the county in which the grand jury is sitting, in addition to the secretary of state and the applicable prosecuting attorney;
- requires the district clerk to prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's residency and send a copy of the list to the secretary of state and the voter registrar for the county in which the grand jury is sitting;
- requires the district clerk to prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's conviction for a felony and send a copy of the list to the secretary of state, the voter registrar for the county in which the grand jury is sitting, and the applicable prosecuting attorney; and
- requires the district clerk to prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's indictment for a felony or indictment or conviction for misdemeanor theft and send a copy of the list to the secretary of state and the applicable prosecuting attorney.

#### *Exemptions From Grand Jury Service*

C.S.S.B. 2878 replaces references to the excuse of a qualified person from serving on a grand jury in applicable provisions with references to the exemption of a qualified person from serving on a grand jury. Accordingly, the bill replaces the authorization for a court to excuse a summoned person who qualifies for the excusal with a requirement to excuse a summoned person who claims an exemption to which the person is entitled. The bill revises the qualifications for such an exemption as follows:

- changes the age range in which an elderly person may be exempted from older than 70 years of age to 75 years of age or older; and
- limits the qualification for a person who is responsible for the care of a child who is younger than 18 years of age to a person who is responsible for the care of such a child who will be without adequate supervision if the person serves on the jury.

C.S.S.B. 2878 authorizes a person who is entitled to exemption from grand jury service because the person is 75 years of age or older to establish a permanent exemption on that ground. Such

a person may claim the permanent exemption by filing with the district clerk or the clerk of a district court in the county, through an electronic transmission, mail, or personal delivery, a signed statement affirming the person is 75 years of age or older and desires a permanent exemption on that ground. The bill requires the district clerk to do the following:

- maintain a current register of the name of each person who resides in the county and who has claimed and is entitled to the permanent exemption; and
- prepare, on the third business day of each month, a list of persons who in the preceding month were permanently exempted from serving as a grand juror based on their age or who rescinded such a permanent exemption and send a copy of the list to the secretary of state.

The bill prohibits any district judge in the county from selecting or summoning for grand jury service a person whose name appears on the register of persons who are permanently exempt in this manner. The bill authorizes a person who has claimed the permanent exemption to rescind the exemption at any time by filing a signed request for the rescission with the district clerk or the clerk of a district court in the county. Rescission of the permanent exemption expressly does not affect the right of a person who is 75 years of age or older to claim a permanent exemption at a later time.

#### *Permanent Disqualifications From Grand Jury Service*

C.S.S.B. 2878 requires a district clerk to maintain a list of the name and address of each person who is disqualified from grand jury service because the person was convicted of misdemeanor theft or a felony. The bill permanently disqualifies a person who was convicted of misdemeanor theft or a felony from serving as a grand juror. The bill prohibits any judge of a district court served by the clerk from selecting or summoning for grand jury service a person whose name appears on the list. The bill requires the district clerk, on the third business day of each month, to do the following:

- send a copy of the list of permanently disqualified convicted persons to the secretary of state and the applicable prosecuting attorney; and
- prepare a list of the name and address of each person on the list of permanently disqualified convicted persons and send a copy of the list to the voter registrar for the county in which the grand jury is sitting.

#### Petit Jury Service

##### *Reconstitution of Jury Wheel and Juror Questionnaire*

C.S.S.B. 2878 amends the Government Code to revise the requirements for the list furnished by the Department of Public Safety for purposes of reconstituting the jury wheel for petit jurors, by requiring that the list show citizens in the county who, in addition to holding a valid driver's license or valid personal identification card or certificate, are not disqualified from jury service due to their residency status in Texas and in the applicable county. The bill removes the applicability of the prohibition against the placement of certain names in the jury wheel with respect to the following lists maintained by the court clerk:

- persons who are disqualified from jury service because the person is not a citizen of the United States;
- persons who are disqualified from jury service because the person is not a resident of the county; and
- persons who are disqualified from jury service because the person was convicted of misdemeanor theft or a felony.

With respect to the information contained in a completed juror questionnaire relating to the juror's qualification for jury service that is excepted from disclosure to the voter registrar of a county in connection with any matter of voter registration or the administration of elections, the bill includes among such excepted information the juror's U.S. citizenship status and residence status in Texas and in an applicable county.

### *Exemptions From Petit Jury Service*

C.S.S.B. 2878 changes the threshold age at which a person is eligible to establish an exemption or claim a permanent exemption from jury service on the grounds of age from over 75 years of age to 75 years of age or older. The bill revises the procedures for establishing such a permanent exemption as follows:

- changes from the county voter registrar to the district clerk the office with which the person files the requisite statement affirming that the person is 75 years of age or older and that the person desires the permanent exemption;
- accordingly transfers from the county voter registrar to the district clerk the duty to maintain a current register indicating the name of each person who has claimed and is entitled to such a permanent exemption;
- requires the district clerk, on the third business day of each month, to prepare a list of persons who in the preceding month claimed and were entitled to the permanent exemption or who rescinded such an exemption and to send a copy of the list to the secretary of state; and
- with respect to a person who files a statement with the court clerk claiming an exemption on the grounds of age and also claims the permanent exemption by filing a declaration that the person desires the permanent exemption, replaces the requirement for the court clerk to have a copy of the statement delivered to the county voter registrar promptly after being filed with a requirement for the clerk to notify the secretary of state.

C.S.S.B. 2878 authorizes a district clerk, in the same manner as provided by state law for a district court judge, to permanently or for a specified period exempt from service as a petit juror in all the county and district courts in the county a person with a physical or mental impairment or with an inability to comprehend or communicate in the English language that makes it impossible or very difficult for the person to serve on the jury but removes language specifying that such an exemption may be provided by order. Accordingly, the bill provides for a person requesting an exemption for physical or mental impairment or inability to comprehend English to submit to the district clerk an affidavit stating the person's name and address and the reason for and the duration of the requested exemption. The bill requires the district clerk to maintain a current list indicating the name of each person permanently or temporarily exempt from jury service on these grounds and the period of the exemption. The bill changes from the county voter registrar to the district clerk the office with which a person exempt from petit jury service on these grounds may file a signed request for the rescission of the exemption.

### *Compilation of Lists of Persons Disqualified From Petit Jury Service*

C.S.S.B. 2878 replaces the requirement for a court clerk, on the third business day of each month, to send a copy of the list of the persons disqualified from petit jury service because of a conviction for misdemeanor theft or a felony in the preceding month to the secretary of state with a requirement for the court clerk, on the third business day of each month, to send a copy of the list of persons disqualified based on the person's conviction for misdemeanor theft or a felony to the secretary of state and the applicable prosecuting attorney. The bill requires a court clerk, on the third business day of each month, to prepare a list of the name and address of each person on that list of persons disqualified from petit jury service because the person was convicted of a felony and send a copy of the list to the voter registrar for the county. The bill removes a district clerk's discretion to remove from the jury wheel the jury wheel card for a person whose name appears on the list by requiring the district clerk to do so.

### Applicability

C.S.S.B. 2878 establishes that the bill's provisions relating to jurors apply only to a person who is summoned to appear for service on a grand jury or petit jury on or after September 1, 2025. A person who is summoned to appear for service on a grand jury or petit jury before that date is

governed by the law in effect on the date the person was summoned, and the former law is continued in effect for that purpose.

## **ARTICLE 7: Court Administration**

### Exemption From Required Training

C.S.S.B. 2878 requires the rules adopted by the Texas Court of Criminal Appeals (CCA) necessary to accomplish the purposes of statutory provisions relating to judicial instruction regarding family violence, sexual assault, trafficking of persons, and child abuse and neglect to exempt from the training requirements of those provisions each judge or judicial officer, including an associate judge, who files an affidavit stating the judge or judicial officer does not hear cases involving family violence, sexual assault, trafficking of persons, or child abuse and neglect. The bill requires the CCA, as soon as practicable after September 1, 2025, to adopt the rules necessary to implement this requirement.

### Fifteenth Court of Appeals

Current law establishes that the Court of Appeals for the Fifteenth Court of Appeals District consists of a chief justice and of four justices holding places numbered consecutively beginning with Place 2, but for the first three years following the court's creation the court consists of a chief justice and two justices, with this exception expiring September 1, 2027. C.S.S.B. 2878 postpones the expiration date of that temporary provision to September 1, 2029, and adds the following provisions that also expire on such date:

- a requirement for Place 4 to be created and the initial vacancy in that place to be filled for the fourth year following the court's creation; and
- a requirement for Place 5 to be created and the initial vacancy in that place to be filled for the fifth year following the court's creation.

C.S.S.B. 2878 prohibits a party from filing a notice of appeal in a civil case requesting assignment of the appeal to the Court of Appeals for the Fifteenth Court of Appeals District unless the notice includes a matter arising out of or related to the case that is within the court's exclusive intermediate appellate jurisdiction. This prohibition applies only to a notice of appeal filed on or after September 1, 2025. A notice of appeal filed before that date is governed by the law in effect on the date the notice was filed, and the former law is continued in effect for that purpose.

### Court Records

C.S.S.B. 2878 revises provisions relating to the duties of a district clerk with respect to record maintenance as follows:

- requires paper records to include a reference opposite each name to the minutes on which is entered the judgment in the case; and
- requires a case with an electronic record to be searchable by each party's full name, the case number, and the date on which the record was made.

### Filing Fee on a Fraudulent Lien

C.S.S.B. 2878 revises the prohibition against a district clerk collecting a filing fee for filing a motion under statutory provisions relating to action on a fraudulent lien on a property as follows:

- expands the applicability of the prohibition to include any filing under those provisions; and
- clarifies that the filing fee that a district clerk is prohibited from collecting is a filing fee under Civil Practice and Remedies Code provisions relating to liability regarding a fraudulent court record or a fraudulent lien or claim filed against real or personal property.

### Bailiffs in Certain Courts

C.S.S.B. 2878 removes the requirement for the judge of the 341st District Court to appoint a bailiff. The bill specifies that this change does not apply to a bailiff appointed by the judge of the 341st or 406th district court before September 1, 2025. A bailiff appointed by the judge of the 341st or 406th district court must continue to serve and receive compensation from Webb County in the same manner as before that date and is eligible to receive any longevity or cost of living salary increases available to a bailiff serving in Webb County before that date. The former law is continued in effect for these purposes. The bill also repeals the following provisions:

- the provision that entitles the bailiff appointed by the judge of the 341st District Court to receive a salary set by the judge in an amount that is commensurate with the salary paid the bailiffs of other courts with similar duties and paid out of the general fund of the county; and
- the requirement for the judge of the 406th District Court to appoint a bailiff.

### Court Interpreters

C.S.S.B. 2878 authorizes a justice court, municipal court, or municipal court of record in a county with a population of 50,000 or more to appoint a spoken language interpreter who is not a certified or licensed court interpreter. An interpreter appointed under that authority is subject to the same eligibility criteria as an interpreter appointed under the existing conditional authority for any court in such a county to appoint a spoken language interpreter who is not a certified or licensed court interpreter if the language necessary in the proceeding is one other than Spanish and the court finds that there is no applicable licensed court interpreter within 75 miles.

### Reporting of Information

C.S.S.B. 2878 requires each prosecuting attorney to report in the form and manner prescribed by the Texas Judicial Council (TJC) information on the following:

- the categories of criminal offenses prosecuted by the prosecuting attorney and the number of criminal cases in each category;
- the number of personnel employed by the prosecuting attorney and whether that number is sufficient to support the prosecutor's caseload;
- the number of times a defendant was released as provided by the Code of Criminal Procedure because of a delay due to the state not being ready for trial; and
- the number of electronic notices submitted by the prosecuting attorney to a court for purposes of reevaluating the bail decision of a defendant charged with committing another felony offense while released on bail for a pending felony offense when the subsequent offense was committed in a different county.

The bill defines a "prosecuting attorney" for these purposes as a county attorney, district attorney, or criminal district attorney representing the state in criminal matters before the district or other courts of the county.

C.S.S.B. 2878 requires the TJC to do the following:

- in prescribing the information to be submitted by a prosecuting attorney and the form and manner of submission of that information, consult with the Texas District and County Attorneys Association and other interested persons; and
- not later than September 1, 2026, prescribe the information and the form and manner of submission.

### Court Security

C.S.S.B. 2878 requires OCA's judicial security division to develop a model court emergency management plan as a resource for court security committees.



## Confidentiality of Certain Personal Information

C.S.S.B. 2878 revises the provision requiring the administrative director of OCA to develop a procedure to regularly notify county voter registrars, the Department of Public Safety (DPS), the Texas Ethics Commission (TEC), and any other state agency OCA determines should be notified of the judges, judges' spouses, and related family members whose personal information must be kept from public records as provided by applicable state law to do the following:

- include local government agencies among the entities OCA must notify under the notification procedure;
- include employees of OCA and entities administratively attached to OCA among the persons regarding whom notification is provided; and
- include among those applicable state laws the confidentiality protections of certain home address information in local property tax appraisal records.

## Performance Measures

C.S.S.B. 2878 authorizes the administrative director of OCA, if the director determines a required performance measure in OCA's annual report regarding each district court, statutory county court, statutory probate court, and county court does not accurately reflect a court's performance in probate and mental health matters, to develop an alternative performance measure to assess the efficient and timely adjudication of those matters and include the alternative performance measure in the annual report.

## Judicial Compensation

C.S.S.B. 2878 revises the provision entitling a presiding judge who is a retired or former district judge or a retired appellate judge and who presides over an administrative region with 30 or more district courts, statutory county courts, and retired and former judges named on the list of retired and former judges subject to assignment for the administrative region to an annual salary for each fiscal year in a specified amount as follows:

- expands the applicability of the provision to any presiding judge of an administrative region;
- specifies that the entitlement is based on the number of district courts, business courts, and statutory county courts in the administrative region, the number of associate judges appointed by the presiding judge under applicable Family Code provisions, and the number of retired and former judges named on the list of retired and former judges subject to assignment for the administrative region; and
- revises the specified amounts of the entitlement as follows:
  - changes the salary for a judge who presides over an administrative region with 30 to 49 courts and judges from 30 percent of the state base salary paid to a district judge to 50 percent of that base salary and makes this salary amount applicable to judges who preside over an administrative region with 49 or fewer courts and judges;
  - raises the salary for a judge who presides over an administrative region with 50 to 69 courts and judges from 35 percent of the state base salary paid to a district judge to 55 percent of that base salary;
  - raises the salary for a judge who presides over an administrative region with 70 to 89 courts and judges from 40 percent of the state base salary paid to a district judge to 60 percent of that base salary; and
  - raises the salary for a judge who presides over an administrative region with 90 or more courts and judges from 45 percent of the state base salary paid to a district judge to 65 percent of that base salary.

The bill accordingly repeals the provision requiring any other presiding judge to receive a salary in an amount capped at 30 percent of the state base salary paid to a district judge and providing for the manner of setting that salary.

### Term of Local Administrative District Judges

C.S.S.B. 2878 replaces the specification that a district judge elected as a local administrative district judge in a county with two or more district courts serves in that elected role for a term of not more than two years with the specification that the judge serves in that elected role as follows:

- for a term of two years; or
- if the district judge's term ends before the second anniversary of the date the district judge is elected as local administrative judge, for the remainder of the district judge's term.

This provision applies only to a local administrative judge elected on or after September 1, 2025.

### Court Security Committee

C.S.S.B. 2878 revises the requirement for a local administrative judge to establish a court security committee to adopt security policies and procedures for the courts served by the local administrative district judge as follows:

- specifies that the courts for which the court security committee is to adopt security policies and procedures are the trial courts served by the local administrative district judge;
- specifies that the adoption of those security policies and procedures includes the adoption of a court emergency management plan; and
- revises the composition of a court security committee by including a representative of a constable's office and specifying that the inclusion on the committee of one judge of each type of court in the applicable county includes a justice of the peace.

The bill establishes that a court security committee is not a governmental body for the purposes of state open meetings law or state public information law.

C.S.S.B. 2878 replaces the authorization for a court security committee to recommend to the applicable county commissioners court the uses of resources and expenditures of money for courthouse security with a requirement for the committee to meet at least once annually and to develop and submit such recommendations to the commissioners court.

### Court Leadership Conference

C.S.S.B. 2878 requires OCA to hold an annual leadership conference to provide information to presiding judges of administrative regions, local administrative judges, and court administrators related to the following:

- court budgets and operational funding;
- court activity statistics and case-level information on the amount and character of the business transacted by the state trial courts;
- the duties of a local administrative judge; and
- other matters related to court administration.

The bill authorizes OCA to reimburse a presiding judge of an administrative region, a local administrative judge, or a court administrator for the expense of attending the leadership conference to the extent money is appropriated to OCA for that purpose.

### Specialty Court Program Requirements

C.S.S.B. 2878 replaces the requirement for an applicable judge, magistrate, or coordinator, before a specialty court program may begin to operate, to provide to OCA a copy of the applicable strategic plan that incorporates duties related to supervision that will be required under the program with a requirement for the judge, magistrate, or coordinator to provide to OCA a copy of the program policy manual, participant handbook, or other adopted documentation describing the operational plan of the program.

### Local Administrative District Judge Compensation

C.S.S.B. 2878 revises the provision entitling a district judge who serves as a local administrative district judge in a county with more than five district courts to an annual base salary in a certain amount, as follows:

- expands the applicability of the provision to all local administrative district judges; and
- replaces the specification that such a judge is entitled to a base salary in an amount equal to \$5,000 more than the maximum salary from the state to which the judge is otherwise entitled with the specification that the judge is entitled to an entitlement to an annual base salary from the state in the amount prescribed by applicable law and an additional annual amount from the state equal to the following:
  - in a county with 3 or 4 district courts, 3 percent of the annual state base salary for a judge of a district court;
  - in a county with more than 4 but fewer than 10 district courts, 5 percent of the annual state base salary for a judge of a district court; or
  - in a county with 10 or more district courts, 7 percent of the annual state base salary for a judge of a district court.

The bill entitles a judge of a division of the business court who serves as administrative presiding judge to an annual base salary from the state under applicable law and an additional amount equal to that provided to a local administrative district judge in a county with 10 or more district courts.

### Court-Ordered Mental Health Services

C.S.S.B. 2878 amends the Health and Safety Code to do the following with respect to an application for court-ordered mental health services filed with a county clerk:

- clarify that the application may be filed in the county in which the proposed patient is located at the time the application is filed; and
- authorize the application to be filed in the county in which that person was apprehended for emergency detention.

This provision applies only to an application for court-ordered mental health services submitted on or after September 1, 2025.

### Consolidated Filing Fee

C.S.S.B. 2878 amends the Local Government Code to remove an appeal from the actions that must be accompanied by a \$35 local consolidated filing fee to be paid in a district court, statutory county court, or county court in addition to all other fees and court costs.

### Courthouse Parking

C.S.S.B. 2878 expands the authorization for a county to construct, enlarge, equip, and operate a parking lot or parking garage adjacent to or near the county courthouse by removing the specification that the authorization applies to a county with a population of 150,000 or more.

## **ARTICLE 8: Copies Certified by Clerks**

C.S.S.B. 2878 amends the Government Code to require a certified copy made of an original document on file in a district clerk's office or a joint clerk's office to include the following:

- on each page of the copy:
  - the clerk's signature or initials;
  - the applicable court's seal; or
  - a unique document certification and paginated page number; and
- on the final page of the copy:
  - the clerk's attestation certifying that the copy is a true and correct copy of the original document filed in the clerk's office;

- the number of pages copied; and
- the date the copy was issued.

C.S.S.B. 2878 amends the Local Government Code to require a certified copy made of an original document on file in a county clerk's office to include the following:

- on each page of the copy:
  - either:
    - the clerk's signature or initials; or
    - a unique document certification and paginated page number; and
  - either:
    - the commissioners court seal on a copy of a document that is not a court document; or
    - the court seal on a copy of a court document; and
- on the final page of the copy:
  - the clerk's attestation certifying that the copy is a true and correct copy of the original document filed in the clerk's office;
  - the number of pages copied; and
  - the date the copy was issued.

## **ARTICLE 9: Youth Diversion**

Under current law, a judge may allow a defendant who is a child to elect at the time of conviction to discharge imposed fines and costs by performing community service or receiving tutoring under statutory provisions relating to satisfying fines or costs for certain juvenile defendants for offenses on school grounds, regardless of whether the applicable offense occurred in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense, or by paying the fine and costs in accordance with state law. C.S.S.B. 2878 amends the Code of Criminal Procedure to replace that authorization with a requirement that the judge so allow a defendant who is a child to elect at the time of conviction to discharge imposed fines and costs in such a manner.

C.S.S.B. 2878 redesignates statutory provisions relating to youth diversion and further revises those provisions as follows:

- defines "traffic offense" by reference to the juvenile justice code;
- changes the frequency with which a child is eligible to enter into a diversion agreement under those provisions from only once every 365 days to only once every 12 months;
- makes a child eligible to enter into a diversion agreement for more than one offense if the offenses are alleged to have occurred as part of the same criminal episode;
- removes the requirement for a justice or judge, if a charge involving a child who is eligible for diversion is filed with a court and the child contests the charge, to divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by state law;
- expands the statutes of limitations that are tolled during the diversion period for purposes of referring a charge whose diversion is not successful to the prosecutor for consideration and re-filing to include the two-year statute of limitations for an indictment or information for any Class A or Class B misdemeanor and a complaint for any Class C misdemeanor; and
- changes the administrative fee that the clerk of a justice or municipal court may collect from a child's parent to defray the costs of the diversion of the child's case from a fee of \$50 to a fee capped at \$50.

C.S.S.B. 2878 amends the Family Code to require a juvenile court case for any child who resides in a general residential operation (GRO) to be referred to a community juvenile service provider if the person conducting the preliminary investigation determines the following:

- that there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;

- the case does not require referral to the prosecuting attorney; and
- the child is eligible for deferred prosecution.

This requirement applies only to conduct that occurs on or after September 1, 2025. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For these purposes, conduct occurred before September 1, 2025, if any element of the conduct occurred before that date.

C.S.S.B. 2878 amends the Human Resources Code to require the behavior intervention instruction for staff members of a residential child-care facility who work directly with children to include crisis response training for emergency behavior intervention with a goal of limiting law enforcement involvement.

C.S.S.B. 2878 requires a juvenile board to establish policies that prioritize the diversion from referral to a prosecuting attorney under the juvenile justice code of children who are residing in a GRO, particularly children alleged to have engaged in conduct constituting a misdemeanor involving violence to a person, and the limitation of detention, to circumstances of last resort, of children who are residing in a GRO. The bill requires a juvenile board, for purposes of monitoring the success of those policies, to track the following:

- the number of children referred to the board who reside in a GRO;
- the number of such children who receive deferred prosecution or are referred to the juvenile probation department; and
- the GRO where such a child resides.

For these purposes, the bill defines "general residential operation" by reference to statutory provisions governing the regulation of certain facilities, homes, and agencies that provide child-care services.

## **ARTICLE 10: Juvenile Boards**

C.S.S.B. 2878 amends the Human Resources Code to revise the composition of the following juvenile boards to include the judge of the 2nd Multicounty Court at Law:

- the juvenile board of Bee County;
- the juvenile board of Live Oak County; and
- the juvenile board of McMullen County.

C.S.S.B. 2878 revises the composition of the Comal County Juvenile Board as follows:

- removes the following judges:
  - the judge of each county court at law in the county;
  - the judge of the 22nd District Court;
  - the judge of the 207th District Court;
  - the judge of the 433rd District Court; and
  - the judge of the 274th District Court; and
- includes the following judges and officers:
  - the local administrative statutory county court judge;
  - an elected judicial officer of Comal County appointed by the local administrative statutory county court judge;
  - the local administrative district judge; and
  - two elected judicial officers of Comal County appointed by the local administrative district judge.

## **ARTICLE 11: Civil Criminal Court Procedures and Security**

C.S.S.B. 2878 amends the Civil Practice and Remedies Code to subject a claim that is sought to be arbitrated to the same limitations period that would apply to the claim if the claim had been brought in court and to establish that commencing an action asserting a claim by filing suit in a court of competent jurisdiction will toll the applicable limitations period for arbitration of the same claim. The bill removes the following provisions:

- the prohibition against a party asserting a claim in an arbitration proceeding if the party could not bring suit for the claim in court due to the expiration of the applicable limitations period; and
- the authorization for a party to assert a claim in an arbitration proceeding after expiration of the applicable limitations period if the party brought suit for the claim in court before the expiration of the applicable limitations period and the parties to the claim agreed to arbitrate the claim or a court ordered the parties to arbitrate the claim.

C.S.S.B. 2878 revises the required components of the written notice that each party or the party's attorney in a civil action filed in a district court, county court, statutory county court, or statutory probate court must provide the clerk of the court to include, for a party who is an individual, the last three digits of the party's social security number or the last three digits of the party's Texas driver's license. The bill makes the prohibition against the notice being required from any party or party's attorney if the party has not appeared or answered in the civil action inapplicable to a party in a tax suit.

C.S.S.B. 2878 amends the Code of Criminal Procedure to replace the authorization for a judge, in issuing an order of deferred disposition, to impose a fine on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense with an authorization for a judge to impose a special expense fee on the defendant in such an amount.

C.S.S.B. 2878 does the following:

- requires a county commissioners court, in administering and directing funds from the courthouse security fund and the justice court building security fund, to prioritize the recommendations provided by a court security committee; and
- requires a governing body of a municipality, in administering and directing funds from the municipal court building security fund, to consider the recommendations provided by a court security committee for courthouse security.

## **ARTICLE 12: Municipal Court Provisions**

C.S.S.B. 2878 amends the Government Code to specify that the requirement for a court security committee for a municipal court to establish certain policies and procedures includes developing a court emergency management plan. The bill replaces the authorization for the court security committee to recommend to the municipality the uses of resources and expenditures of money for courthouse security with a requirement to do so. The bill establishes that such a court security committee is not a governmental body for purposes of state open meetings law or state public information law. The bill requires such a court security committee, as soon as practicable after September 1, 2025, to develop the required court emergency management plan.

C.S.S.B. 2878 specifies that the adoption of certain security policies and procedures by a court security committee established by a presiding judge of a municipal court of record includes developing a court emergency management plan. The bill replaces the authorization for the court security committee to recommend to the governing body of the municipality the uses of resources and expenditures of money for courthouse security with a requirement for the court security committee to do so. The bill establishes that such a court security committee is not a governmental body for purposes of state open meetings law or state public information law. The bill requires such a court security committee, as soon as practicable after September 1, 2025, to develop the required court emergency management plan.

C.S.S.B. 2878 removes the requirement for a municipal judge for the City of Grapevine to maintain residence in the city during the tenure of office and to be a resident of the city at the time of appointment or election. The bill establishes that a municipal judge for the City of Canyon is not required to be a resident of that city.

## **ARTICLE 13: Miscellaneous Court, Record, Candidacy, and Election Provisions**

C.S.S.B. 2878 amends the Election Code to require the voter registrar of a county to omit from the registration list the residence address for a registration applicant who is:

- a current or former county clerk, district clerk, or county and district clerk, or a current or former employee of the office of a county clerk, district clerk, or county and district clerk;
- a current or former employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney;
- a current or former employee of OCA and entities administratively attached to OCA; or
- a family member of any such person.

C.S.S.B. 2878 revises the requirements for a person to be eligible to be a candidate for, or elected or appointed to, a public elective office in Texas as follows:

- revises the requirement that a person has not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities to include a requirement that a person has not been finally convicted of a misdemeanor involving moral turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities; and
- includes requirements that a person has not:
  - had the person's license to practice law in Texas revoked, suspended, or subject to a probated suspension;
  - been found to be a vexatious litigant under applicable Civil Practice and Remedies Code provisions; or
  - had a final judgment entered against the person finding the person liable for legal malpractice.

These provisions apply only to the eligibility requirements for a candidate or officer whose term of office will begin on or after September 1, 2025. The eligibility requirements for a candidate or officer whose term of office will begin before that date are governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

C.S.S.B. 2878 amends the Family Code to establish that an arrest warrant issued for a child and a complaint or affidavit on which an arrest warrant issued for a child is based are confidential and may be disclosed only to the following:

- the judge, probation officer, and professional staff or consultants of the juvenile court;
- a juvenile justice agency, defined by reference to statutory provisions relating to the juvenile justice information system;
- an attorney representing the child's parent in a proceeding under the Juvenile Justice Code;
- an attorney representing the child;
- a prosecuting attorney; or
- with permission from the juvenile court, another individual, agency, or institution with a legitimate interest in the information or court.

C.S.S.B. 2878 updates the list of information of which a party to a civil action may request disclosure during the applicable discovery period by replacing the reference to any discoverable witness settlement described by the Texas Rules of Civil Procedure with a reference to any discoverable witness statement described by those rules. The provision applies to an action that is pending in a trial court on September 1, 2025, or that is filed on or after that date.

C.S.S.B. 2878 amends the Government Code to make the exception to required disclosure under state public information law for certain home address, home telephone number, emergency contact, social security number, and personal family information applicable also to the following individuals, regardless of whether the individual complies with provisions providing for the ability to opt in to such confidentiality protections:

- a current or former county clerk, district clerk, or county and district clerk, or a current or former employee of the office of a county clerk, district clerk, or county and district clerk;
- a current or former employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and
- a current or former employee of OCA and entities administratively attached to OCA.

The bill requires a county clerk or district clerk, on request of a person to whom the exception applies, to redact the applicable information that relates to the person posted on a website by the clerk or an entity with which the county contracts for the provision or maintenance of the website.

C.S.S.B. 2878 makes the exception to required disclosure under state public information law for certain personal identifying information of peace officers and other officials performing sensitive governmental functions applicable also to the following individuals:

- a current or former county clerk, district clerk, or county and district clerk, or a current or former employee of the office of a county clerk, district clerk, or county and district clerk;
- a current or former employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and
- a current or former employee of OCA and entities administratively attached to OCA.

The bill requires a county clerk or district clerk, on request of a person to whom the exception applies, to redact the applicable information that relates to the person from any document the clerk posts on a website.

C.S.S.B. 2878 amends the Penal Code to enhance the penalty for harassment from a Class B misdemeanor to the following:

- a Class A misdemeanor if the offense was committed against a person the actor knows is a court employee;
- a state jail felony if the offense was committed against a person the actor knows is a court employee and the actor has previously been convicted of harassment;
- a state jail felony if the offense was committed against a person the actor knows is a judge; and
- a third degree felony if the offense was committed against a person the actor knows is a judge and the actor has previously been convicted of harassment.

The bill defines "court employee" for purposes of the offense as an employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, excluding a judge. These provisions apply only to an offense committed on or after September 1, 2025. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before September 1, 2025, if any element of the offense occurred before that date.

C.S.S.B. 2878 amends the Property Code to change the method by which a court clerk, not later than the next working day after the day a decision by the special commissioners regarding a proceeding relating to eminent domain is filed, must send notice of the decision to the parties in the proceeding, or to their attorneys of record, at their addresses of record, from certified or registered U.S. mail, return receipt requested, to a delivery method described under applicable provisions of the Texas Rules of Civil Procedure relating to methods of service.

C.S.S.B. 2878 amends the Tax Code to extend confidentiality protections of certain home address information in local property tax appraisal records to the following:

- a current or former county clerk, district clerk, or county and district clerk, or a current or former employee of the office of a county clerk, district clerk, or county and district clerk;



- a current or former employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and
- a current or former employee of OCA and entities administratively attached to OCA.

C.S.S.B. 2878 changes the method by which a court clerk, before the 31st day after the date excess proceeds in an amount more than \$25 from a sale for the foreclosure of a tax lien are received by the clerk, must send a written notice containing specified information to the former owner of the property, at the former owner's last known address according to the records of the court or any other source reasonably available to the court, from certified mail, return receipt requested, to a delivery method described under applicable provisions of the Texas Rules of Civil Procedure relating to methods of service.

C.S.S.B. 2878 amends the Transportation Code to include the following driver's license holders among the other driver's license holders who, under current law, may use the procedures established by DPS to omit their residence address from their license and, in lieu of that address, include an alternate address on the license:

- a driver's license holder or that license holder's spouse or parent who performs duties related to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, whose license under the bill's provisions may include as an alternate address the street address of the courthouse in which such a person performs those duties; and
- a driver's license holder or that license holder's spouse or parent who is an employee of the office of a county clerk, district clerk, or county and district clerk or an employee of OCA and entities administratively attached to OCA, whose license under the bill's provisions may include as an alternate address the street address of the office building in which such a person serves as an employee.

The bill establishes that the residence address of a license holder whose residence address is omitted under this procedure established by DPS is confidential and is available only for the official use of DPS or a law enforcement agency. The bill requires DPS, not later than November 1, 2026, to:

- review its processes for implementation of and compliance with these provisions; and
- submit to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, and the TJC a written report containing the results of the review, a description of the methods used to prepare the review, and any recommendations for legislative or other action.

C.S.S.B. 2878 changes the method by which a court clerk must send to the state's attorney a copy of a petition for an occupational driver's license and notice of the hearing if the petitioner's license was suspended, revoked, or canceled following a conviction for certain offenses, unless the petition is dismissed on the basis of lack of jurisdiction, from certified mail to electronic delivery or a delivery method described under applicable provisions of the Texas Rules of Civil Procedure relating to methods of service.

## **ARTICLE 14: Conflict**

C.S.S.B. 2878, to the extent of any conflict, prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

## **Repealers**

C.S.S.B. 2878 repeals the following provisions:

- effective January 1, 2026, Sections 24.126(b) and (d), Government Code;
- effective January 1, 2026, Sections 24.127(b) and (c), Government Code;
- effective January 1, 2026, Section 24.451(b), Government Code;
- Section 25.0212(d), Government Code;

- Section 25.1723(c), Government Code;
- Section 53.001(i), Government Code;
- Section 53.009(d), Government Code;
- Section 74.051(b), Government Code;
- Section 2, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023; and
- Section 4, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023.

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2025.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 2878 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

#### **District Courts, District Clerks, and District Attorneys**

The substitute includes the following provisions absent from the engrossed:

- a requirement for the 173rd District Court to give preference to civil and family law matters; and
- a requirement for the 392nd District Court to give preference to criminal cases.

The substitute, with respect to the 451st and 498th Judicial Districts composed of Kendall County, includes provisions absent from the engrossed that:

- remove the requirement that all civil and criminal matters within the concurrent jurisdiction of the county and district courts be filed with the county clerk in the county court and that establish that the county clerk serves as the clerk of the district court for those matters; and
- establish that the district clerk serves as clerk of a district court in all criminal and civil matters, including family matters, except the county clerk serves as clerk of a district court in Class A and Class B misdemeanor cases, juvenile matters, probate matters, and guardianship matters, and require each clerk to establish a separate docket for a district court.

The engrossed created the 504th Judicial District composed of Ellis County on September 1, 2025, but the substitute does not create this district.

The substitute, but not the engrossed, establishes the following judicial districts, with the following applicable courts, and requires the applicable district courts to give preference to civil cases:

- effective October 1, 2025, and created on that date:
  - the 513th Judicial District composed of Harris County and the 513th District Court;
  - the 514th Judicial District composed of Harris County and the 514th District Court; and
  - the 515th Judicial District composed of Harris County and the 515th District Court; and
- effective October 1, 2026, and created on that date:
  - the 516th Judicial District composed of Harris County and the 516th District Court; and
  - the 517th Judicial District composed of Harris County and the 517th District Court.

The substitute requires Tarrant County Criminal District Court No. 2 and Tarrant County Criminal District Court No. 4 to give preference to criminal cases, whereas the engrossed did not include these requirements.

The substitute includes provisions absent from the engrossed that update provisions regarding the 293rd Judicial District as follows:

- specifying that the voters who elect a district attorney who represents the state in all cases before the district court are voters of Maverick County;
- specifying that the commissioners court of Maverick County may supplement the state salary of the district attorney and set the amount of supplemental compensation paid by that county; and
- establishing that the district attorney of the 293rd Judicial District also represents the state in all criminal and civil matters that arise in the 365th Judicial District in Maverick County.

The substitute, but not the engrossed, creates the office of district attorney for the 365th Judicial District on January 1, 2029, and provides that the office of district attorney for that judicial district exists for purposes of the primary and general elections in 2028. In a provision of the substitute that was not in the engrossed and that is effective on January 1, 2029, the substitute establishes in statute that the voters of Dimmit and Zavala Counties elect a district attorney for the 365th Judicial District who represents the state in all civil and criminal matters in the district courts having jurisdiction in those counties.

The substitute but not the engrossed makes the Professional Prosecutors Act applicable to the county attorney performing the duties of district attorney in Fayette County.

### **Statutory County Courts**

The substitute includes a provision absent from the engrossed revising the method by which the comptroller calculates the amount of excess contributions deposited in the judicial fund by statutory probate courts are remitted to applicable counties. The substitute includes a corresponding procedural provision absent from the engrossed.

The substitute includes a provision absent from the engrossed regarding the source of the fees used to fund the salary and authorized expenses of the presiding judge of the statutory probate courts.

The substitute creates the County Civil Court at Law No. 5 of Harris County on September 1, 2025, whereas the engrossed did not create that court.

The substitute, but not the engrossed, grants a county court at law in Tom Green County concurrent jurisdiction with the district court in family law cases and proceedings that is in addition to the jurisdiction provided under applicable state law and includes a corresponding procedural provision.

The substitute, but not the engrossed, includes provisions relating to the Wichita County Court at Law and the 2nd Multicounty Court at Law, including corresponding procedural provisions regarding both of those courts.

### **Visiting Judges**

The substitute includes the following provisions which did not appear in the engrossed:

- an authorization for the presiding judge of the statutory probate courts to deny a motion of recusal or disqualification that does not comply with the applicable provisions of the

Texas Rules of Civil Procedure and a requirement for an order denying such a motion to state the manner in which the motion fails to comply with those provisions; and

- a provision establishing that a motion of recusal or disqualification that does not comply with those provisions is a motion or disqualification for the purpose of determining whether a tertiary recusal motion against a judge has been filed, regardless of whether the motion was amended after filing.

The substitute authorizes a judge assigned to a court that sits in a county located in the Texas-Mexico border region to conduct a proceeding, other than a trial, or perform a judicial action from any location in Texas using videoconference, teleconference, or other available electronic means if authorized by the order of assignment, whereas the engrossed did not include this authorization.

### **Masters, Magistrates, Referees, and Associate Judges**

The substitute establishes provisions absent from the engrossed that, among other things, do the following:

- authorize the criminal associate judges authorizing a judge of the 51st, 119th, 340th, or 391st district court to appoint a full-time or part-time criminal associate judge, if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position;
- establish the proceedings that may be referred to such a criminal associate judge, which may include a referral of a case involving the forfeiture of contraband and any proceeding over which a juvenile court has exclusive original jurisdiction; and
- make an associate judge appointed by a judge of a district court under these provisions a magistrate for purposes of the Code of Criminal Procedure.

### **Business Court**

While both the engrossed and the substitute entitle a judge of a division of the business court to a salary that is beyond the annual base salary from the state and both provide for the same method of calculating the extra salary, the engrossed specified that this was a salary supplement whereas the substitute specifies that this is an additional annual salary.

### **Jurors**

#### Grand Juror Qualifications

Both the engrossed and substitute require the clerk of the district court to prepare a list of persons who are disqualified from service as a grand juror based on the person's indictment or conviction for a felony or indictment or conviction for misdemeanor theft, but they differ in the officials to whom the copy is sent. Whereas the engrossed required its copy of those indicted or convicted for misdemeanor theft or a felony to be sent to the secretary of state, the applicable voter registrar, and the applicable prosecuting attorney to which the grand jurors were summoned for investigation into whether any person made a false claim concerning the person's qualification to serve as a grand juror regarding such conviction or indictment, the substitute requires the copy to be sent to all of those officials based on the person's conviction for a felony but does not require its copy of this list of those indicted for a felony or indicted or convicted of misdemeanor theft to be sent to the voter registrar for the county in which the grand jury is sitting, requiring that it only be sent to the secretary of state or the applicable prosecuting attorney.

#### Permanent Exemption for Elderly

Both the engrossed and the substitute require the district clerk to prepare, on the third business day of each month, a list of persons who in the preceding month were permanently exempted from serving as a grand juror based on their age or who rescinded a permanent exemption under

the bill's provisions and send a copy of the list to the secretary of state. The engrossed required the district clerk to also send a copy of the list to the voter registrar of each county served by the clerk, but the substitute does not include this requirement.

#### List of Disqualified Convicted Persons

Both the engrossed and the substitute require the district clerk, on the third business day of each month, to send a copy of the list of permanently disqualified convicted persons maintained under the bill's provisions to the secretary of state, the applicable voter registrar, and the applicable prosecuting attorney, but the substitute does not require a copy of that list to be sent to the voter registrar. The substitute instead includes a requirement absent from the engrossed for the district clerk, on the third business day of each month, to prepare a list of the name and address of each person on the list of permanently disqualified convicted persons disqualified from grand jury service because the person was convicted of a felony and send a copy of the list to the voter registrar for the county in which the grand jury is sitting.

#### Procedures for Establishing Exemptions

Both the engrossed and the substitute amend current law, with respect to a person who files a statement with the court clerk claiming an exemption from jury service on the grounds of age and who also claims the permanent exemption by filing an applicable declaration, to remove the requirement in current law for the court clerk to have a copy of the statement delivered to the county voter registrar promptly after it is filed. However, the engrossed replaced that removed requirement with a requirement for the clerk of the court with whom the applicable declaration is filed to notify both the voter registrar of the county and the secretary of state while the substitute only requires the clerk to notify the secretary of state.

#### Permanent Exemption for Elderly

Both the engrossed and the substitute amend current law to require the district clerk, on the third business day of each month, to prepare a list of persons who in the preceding month claimed and were entitled to the permanent exemption from jury service on the grounds of age or who rescinded such an exemption. While the engrossed required the clerk to send a copy of the list to the secretary of state and the applicable voter registrar of each county served by the clerk, the substitute only requires the clerk to send a copy to the secretary of state.

#### Compilation of List of Convicted Persons

Both the engrossed and the substitute amend current law to require a district clerk, on the third business day of each month, to prepare a list of the name and address of each person on the list of persons disqualified from jury service because of a conviction of misdemeanor theft or a felony to the secretary of state and the applicable prosecuting attorney. The engrossed also required that district clerk to send the copy also to the county voter registrar but the substitute does not require the district clerk to do so and instead requires the clerk of the court, on the third business day of each month, to send a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony to the voter registrar.

### **Court Administration**

#### Judicial Instruction Related to Family Violence, Sexual Assault, Trafficking of Persons, and Child Abuse and Neglect

The substitute, but not the engrossed, includes a requirement for the rules adopted by the CCA necessary to accomplish the purposes of statutory provisions relating to judicial instruction regarding family violence, sexual assault, trafficking of persons, and child abuse and neglect to exempt from the training requirements of those provisions each judge or judicial officer,

including an associate judge, who files an affidavit stating the judge or judicial officer does not hear cases involving family violence, sexual assault, trafficking of persons, or child abuse and neglect. The substitute includes a corresponding procedural provision absent from the engrossed.

#### Fifteenth Court of Appeals District

##### *Membership; Permanent Place Designations*

The substitute, but not the engrossed, postpones from September 1, 2027, to September 1, 2029, the expiration of the provisions providing for the creation and initial vacancies of the places on the Court of Appeals for the Fifteenth Court of Appeals District and specifies the years in which Place 4 and Place 5 are created and the initial vacancies in those places are filled.

##### *Civil Jurisdiction*

The substitute, but not the engrossed, prohibits a party from filing a notice of appeal in a civil case requesting assignment of the appeal to the Court of Appeals for the Fifteenth Court of Appeals District unless the notice includes a matter arising out of or related to the case that is within the court's exclusive intermediate appellate jurisdiction and includes a corresponding procedural provision.

#### Mandatory Appointments

The substitute, but not the engrossed, does the following:

- removes the requirement for the judge of the 341st District Court to appoint a bailiff and includes a corresponding procedural provision; and
- repeals the following provisions:
  - the provision providing for the entitlement of the bailiff appointed by the judge of the 341st District Court to a salary; and
  - the requirement for the judge of the 406th District Court to appoint a bailiff.

#### Prosecuting Attorney Information

The substitute, but not the engrossed, requires each prosecuting attorney to report specified information in the form and manner prescribed by the TJC, includes related provisions, and includes a corresponding procedural provision.

#### Notification Procedure for Judicial Privacy

The substitute, but not the engrossed, revises the provision requiring that the administrative director of OCA develop a procedure to regularly notify certain public entities OCA determines should be notified of the judges, judges' spouses, and related family members whose personal information, by law, must be kept from public records. Accordingly, the substitute does the following:

- includes local government agencies among the entities OCA must notify;
- makes the provision applicable to the personal information of OCA employees and employees of entities administratively attached to OCA and their related family members; and
- includes the confidentiality protections afforded to certain home address information in local property tax appraisal records among the laws affording the judicial privacy protections.

#### Local Administrative District Judge

The substitute omits the provisions from the engrossed that did the following:

- established that if a majority of the judges in a county with two or more district courts cannot agree on the selection of a judge to serve as local administrative district judge, one of the judges must notify the regional presiding judge who must cast the deciding vote; and
- required a local administrative judge elected under that provision to serve for a term, set by the regional presiding judge, of not more than two years.

### **Copies Certified By Clerk**

Both the engrossed and the substitute set out substantially the same provisions that establish certain standards for the certification of copies of original documents in a district clerk's office, a joint clerk's office, and a county clerk's office but the substitute clarifies that instead of including on each page of a copy the clerk's signature or initials, the applicable court's seal, and a unique document certification and paginated page number, the applicable copy must include on each page of the copy only one of those items for certification.

### **Juvenile Boards**

The substitute revises the composition of the Comal County Juvenile Board, whereas the engrossed did not.

### **Procedures and Security**

The substitute, but not the engrossed, removes the prohibition in current law against a party asserting a claim in an arbitration from proceeding if the party could not bring suit for the claim in court due to the expiration of the applicable limitations period and removes the related provision authorizing a party to assert a claim in an arbitration proceeding after expiration of the applicable limitations period if the party brought suit for the claim in court before the expiration of the applicable limitations period and the parties to the claim agreed to arbitrate the claim or a court ordered the parties to arbitrate the claim. The substitute, but not the engrossed, instead establishes the following:

- a claim that is sought to be arbitrated is subject to the same limitations period that would apply to the claim if the claim had been brought in court; and
- commencing an action asserting a claim by filing suit in a court of competent jurisdiction will toll the applicable limitations period for arbitration of the same claim.

Whereas the engrossed and the substitute both include a provision expanding the information, applicable to a civil action filed in a district court, county court, statutory county court, or statutory probate court, that must be provided by each party or the party's attorney to the clerk of the court along with the written notice of the party's name and current residence or business address by also requiring either the last three digits of an individual's social security number or Texas driver's license, the engrossed included the party's date of birth as an option to the social security number or driver's license information but the substitute does not include that as such an option.

Whereas the engrossed required a commissioners court to prioritize the recommendations provided by an applicable court security committee for the use of the courthouse security funds and justice court building security funds and required the governing body of a municipality to prioritize recommendations provided by an applicable court security committee to prioritize the recommendations provided by an applicable court security committee for the use of the municipal court building security fund, the substitute requires the governing body to consider the recommendations for the use of the municipal court building security fund.

## Municipal Court Provisions

The substitute does not include the procedural provision in the engrossed requiring that, as soon as practicable after September 1, 2025, the court security committee established by a local administrative judge develop a court emergency management plan, the adoption of which is required by both the substitute and the engrossed.

The substitute includes the following provisions that were not in the engrossed:

- the provision removing the requirement for a municipal judge in the City of Grapevine to maintain residence in the city during the tenure of office and to be a resident of the city at the time of appointment or election; and
- the provision establishing that a municipal judge for the City of Canyon is not required to be a resident of that city.

The substitute includes a provision absent from the engrossed requiring the voter registrar of a county to omit from the registration list the residence address for specified registration applicants with former or current connections to the state judicial system or family members of such persons.

The substitute includes a provision, absent from the engrossed, which revises the eligibility requirements for a person to be a candidate for, or elected or appointed to, a public elective office in Texas, to require the following:

- that the person has not been finally convicted of a misdemeanor involving moral turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities;
- that the person has not had the person's license to practice law in Texas revoked, suspended, or subject to a probated suspension;
- that the person has not been found to be a vexatious litigant; and
- that the person has not had a final judgment entered against the person finding the person liable for legal malpractice.

The substitute includes a corresponding procedural provision also absent from the engrossed.

The substitute includes a provision absent from the engrossed updating the list of information for which a party to a civil action may request disclosure during the applicable discovery period by clarifying that the provision is applicable to any discoverable witness statement described by those rules and accordingly removing the reference to a witness settlement. The substitute includes a corresponding procedural provision absent from the engrossed.

The substitute includes the following provisions that were not in the engrossed:

- a provision making the exception to required disclosure under state public information law for certain home address, home telephone number, emergency contact, social security number, and personal family information applicable also to specified individuals with current or former connections to the state judicial system, regardless of whether those individuals comply with provisions providing for the ability to opt in to such confidentiality protections;
- a provision requiring a county clerk or district clerk, on request of a person to whom the exception applies, to redact the applicable information that relates to the person posted on a website by the clerk or an entity with which the county contracts for the provision or maintenance of the website;
- a provision making the exception to required disclosure under state public information law for certain personal identifying information of peace officers and other officials performing sensitive governmental functions applicable also to specified individuals with current or former connections to the state judicial system; and
- a provision requiring a county clerk or district clerk, on request of a person to whom the exception applies, to redact the applicable information that relates to the person from any document the clerk posts on a website.



The substitute extends confidentiality protections of certain home address information in local property tax appraisal records to specified individuals with current or former connections to the state judicial system, whereas the engrossed did not extend those protections.

The substitute includes the following provisions which did not appear in the engrossed:

- a provision including specified driver's license holders with current or former connections to the state judicial system or certain family members of such persons among the other driver's license holders who, under current law, may use the procedures established by DPS to omit their residence address from their license and, in lieu of that address, include an alternate address on the license;
- a provision establishing that the residence address of a license holder whose residence address is omitted under that provision is confidential and is available only for the official use of DPS or a law enforcement agency; and
- a requirement for DPS, not later than November 1, 2026, to review its processes for implementation of and compliance with the provisions and submit a written report to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, and the TJC containing the results of the review, a description of the methods used to prepare the review, and any recommendations for legislative or other action.