

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

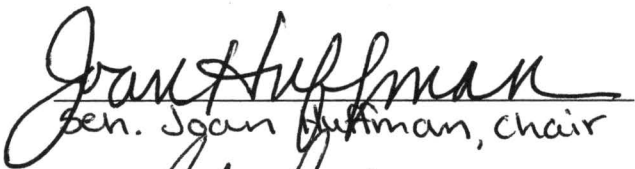
5/25/2019
Date


Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

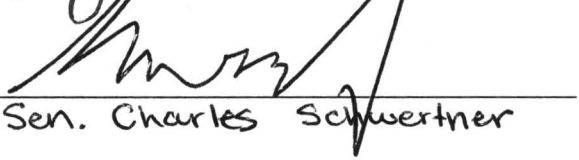
Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SENATE BILL 891 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


Sen. Joan Huffman, chair

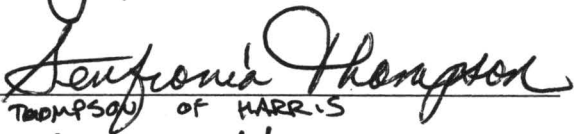

Sen. Pete Flores



Sen. Jane Nelson



Sen. Charles Schwertner

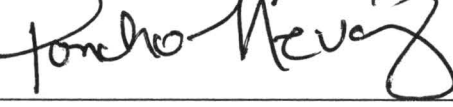

On the part of the Senate
Sen. Judith Zaffirini


LEACH, CHAIR


Senfonia Thompson
THOMPSON OF HARRIS


Justin Holland
HOLLAND


Andrew Mur
MUR


On the part of the House
NEVAREZ

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; increasing and imposing fees; creating a criminal offense.

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

ARTICLE 1. DISTRICT COURTS

SECTION 1.01. Section 24.104(b), Government Code, is amended to read as follows:

(b) The terms of the 4th District Court begin on the first Mondays in January and [~~March, May~~] July[~~, September, and November~~].

SECTION 1.02. (a) The heading to Section 24.124, Government Code, is amended to read as follows:

Sec. 24.124. 23RD JUDICIAL DISTRICT ([~~BRAZORIA~~] MATAGORDA[~~7~~] AND WHARTON COUNTIES).

(b) Sections 24.124(a) and (b), Government Code, are amended to read as follows:

(a) The 23rd Judicial District is composed of [~~Brazoria~~] Matagorda[~~7~~] and Wharton counties.

(b) The terms of the 23rd District Court begin:

(1) [~~in Brazoria County on the first Mondays in April and October, and the terms are designated the April-September and October-March terms,~~

1 ~~[(2)]~~ in Matagorda County on the first Mondays in June
2 and December, and the terms are designated the June-November and
3 December-May terms; and

4 (2) ~~[(3)]~~ in Wharton County on the first Mondays in
5 July and January, and the terms are designated the July-December
6 and January-June terms.

7 (c) Subchapter C, Chapter 24, Government Code, is amended by
8 adding Section 24.6005 to read as follows:

9 Sec. 24.6005. 461ST JUDICIAL DISTRICT (BRAZORIA COUNTY).

10 (a) The 461st Judicial District is composed of Brazoria County.

11 (b) The 461st District Court shall give preference to family
12 law matters.

13 (d) The local administrative district judge shall transfer
14 to the 461st District Court all cases from Brazoria County that are
15 pending in the 23rd District Court on the effective date of this
16 Act.

17 (e) When a case is transferred as provided by Subsection (d)
18 of this section:

19 (1) all processes, writs, bonds, recognizances, or
20 other obligations issued from the 23rd District Court are
21 returnable to the 461st District Court as if originally issued by
22 that court; and

23 (2) the obligees on all bonds and recognizances taken
24 in and for the 23rd District Court and all witnesses summoned to
25 appear in the 23rd District Court are required to appear before the
26 461st District Court as if originally required to appear before
27 that court.

(f) The 461st Judicial District is created on September 1, 2019.

SECTION 1.03. (a) Section 24.140, Government Code, is amended to read as follows:

Sec. 24.140. 38TH JUDICIAL DISTRICT (~~[MEDINA]~~ REAL~~[7]~~ AND UVALDE COUNTIES). ~~[(a)]~~ The 38th Judicial District is composed of ~~[Medina]~~ Real~~[7]~~ and Uvalde counties.

~~[(b) The terms of the 38th District Court begin:~~

~~[(1) in Medina County on the first Mondays in January and June;~~

~~[(2) in Real County on the first Mondays in April and November; and~~

~~[(3) in Uvalde County on the first Mondays in February and September.]~~

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.598 to read as follows:

Sec. 24.598. 454TH JUDICIAL DISTRICT (MEDINA COUNTY). The 454th Judicial District is composed of Medina County.

(c) The local administrative district judge shall transfer to the 454th District Court all cases from Medina County that are pending in the 38th District Court on the effective date of this Act.

(d) When a case is transferred as provided by Subsection (c) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 38th District Court are returnable to the 454th District Court as if originally issued by

1 that court; and

2 (2) the obligees on all bonds and recognizances taken
3 in and for the 38th District Court and all witnesses summoned to
4 appear in the 38th District Court are required to appear before the
5 454th District Court as if originally required to appear before
6 that court.

7 (e) The 454th Judicial District is created on September 1,
8 2019.

9 SECTION 1.04. (a) Effective October 1, 2020, Subchapter C,
10 Chapter 24, Government Code, is amended by adding Section 24.599 to
11 read as follows:

12 Sec. 24.599. 455TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)
13 The 455th Judicial District is composed of Travis County.

14 (b) The 455th District Court shall give preference to civil
15 and family law matters.

16 (b) The 455th Judicial District is created on October 1,
17 2020.

18 SECTION 1.05. (a) Effective January 1, 2021, Subchapter C,
19 Chapter 24, Government Code, is amended by adding Section 24.600 to
20 read as follows:

21 Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY).
22 (a) The 456th Judicial District is composed of Guadalupe County.

23 (b) The 456th District Court shall give preference to civil
24 cases.

25 (b) The 456th Judicial District is created on January 1,
26 2021.

27 SECTION 1.06. (a) Subchapter C, Chapter 24, Government

Code, is amended by adding Section 24.6001 to read as follows:

Sec. 24.6001. 457TH JUDICIAL DISTRICT (MONTGOMERY COUNTY).

The 457th Judicial District is composed of Montgomery County.

(b) The 457th Judicial District is created on September 1, 2019.

SECTION 1.07. (a) Effective January 1, 2021, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60091 to read as follows:

Sec. 24.60091. 466TH JUDICIAL DISTRICT (COMAL COUNTY). The 466th Judicial District is composed of Comal County.

(b) The 466th Judicial District is created on January 1, 2021.

SECTION 1.08. (a) Effective January 1, 2021, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60092 to read as follows:

Sec. 24.60092. 467TH JUDICIAL DISTRICT (DENTON COUNTY). The 467th Judicial District is composed of Denton County.

(b) The 467th Judicial District is created on January 1, 2021.

SECTION 1.09. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60093 and 24.60094 to read as follows:

Sec. 24.60093. 468TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 468th Judicial District is composed of Collin County.

(b) The 468th District Court shall give preference to family law matters.

Sec. 24.60094. 471ST JUDICIAL DISTRICT (COLLIN COUNTY). (a)

1 The 471st Judicial District is composed of Collin County.

2 (b) The 471st District Court shall give preference to civil
3 matters.

4 (b) The 468th District Court is created on September 1,
5 2019.

6 (c) The 471st District Court is created on September 1,
7 2019.

8 ARTICLE 2. STATUTORY COUNTY COURTS

9 SECTION 2.01. (a) Section 25.0202, Government Code, is
10 amended by amending Subsection (a) and adding Subsection (g) to
11 read as follows:

12 (a) In addition to the jurisdiction provided by Section
13 25.0003 and other law, a county court at law in Bosque County has
14 concurrent jurisdiction with the district court in:

15 (1) family law cases and proceedings;

16 (2) civil cases in which the matter in controversy
17 exceeds \$500 but does not exceed \$200,000, excluding interest,
18 court costs, and attorney's fees; ~~and~~

19 (3) contested probate matters under Section 32.003,
20 Estates Code; and

21 (4) felony cases transferred from the district court
22 to conduct arraignments, pretrial hearings, and motions to
23 adjudicate or revoke and to accept guilty pleas.

24 (g) In matters of concurrent jurisdiction, including
25 transferred felony proceedings, the judge of a county court at law
26 and the district judge may exchange benches, transfer cases, assign
27 each other to hear cases in accordance with orders signed and

1 approved by the judges, and otherwise manage their respective
2 dockets under local administrative rules.

3 (b) The changes in law made to Section 25.0202, Government
4 Code, apply only to a criminal case filed on or after the effective
5 date of this Act. A criminal case filed before that date is
6 governed by the law in effect on the date the case is filed, and that
7 law is continued in effect for that purpose.

8 SECTION 2.02. (a) Effective January 1, 2021, Subchapter C,
9 Chapter 25, Government Code, is amended by adding Sections 25.0381
10 and 25.0382 to read as follows:

11 Sec. 25.0381. CHAMBERS COUNTY. Chambers County has one
12 statutory county court, the County Court at Law of Chambers County.

13 Sec. 25.0382. CHAMBERS COUNTY COURT AT LAW PROVISIONS. (a)
14 In addition to the jurisdiction provided by Section 25.0003 and
15 other law, a county court at law in Chambers County has concurrent
16 jurisdiction with the district court in:

17 (1) arraignments, pleas, and pretrial motions for
18 felony cases; and

19 (2) family law cases and proceedings.

20 (b) In matters of concurrent jurisdiction, a judge of a
21 county court at law and a judge of a district court in Chambers
22 County may transfer cases between the courts in the same manner that
23 judges of district courts may transfer cases under Section 24.003.

24 (c) The judge of a county court at law shall be paid an
25 annual salary in an amount at least equal to the amount that is
26 \$1,000 less than the total annual salary, including supplements,
27 received by a district judge in the county. The salary shall be paid

1 out of the county treasury on order of the commissioners court.

2 (d) The judge of a county court at law is entitled to travel
3 expenses and necessary office expenses, including administrative
4 and clerical help, in the same manner as a district judge in the
5 county.

6 (e) The district clerk serves as clerk of a county court at
7 law in matters of concurrent jurisdiction with the district court
8 other than misdemeanor cases and probate matters and proceedings.
9 The county clerk serves as clerk for all other cases. Each clerk
10 shall establish a separate docket for a county court at law. The
11 commissioners court may employ as many deputy sheriffs and bailiffs
12 as are necessary to serve the court.

13 (f) If a case or proceeding in which a county court at law
14 has concurrent jurisdiction with a district court is tried before a
15 jury, the jury shall be composed of 12 members. In all other cases,
16 the jury shall be composed of six members.

17 (g) The judge of a county court at law may, instead of
18 appointing an official court reporter, contract for the services of
19 a court reporter under guidelines established by the commissioners
20 court.

21 (h) The laws governing the drawing, selection, service, and
22 pay of jurors for county courts apply to a county court at law.
23 Jurors regularly impaneled for a week by the district court may, on
24 a request of a judge of the county court at law, be made available
25 and shall serve for the week in a county court at law.

26 (i) A county court at law has the same terms of court as a
27 district court in Chambers County.

(b) The County Court at Law of Chambers County is created on January 1, 2021.

SECTION 2.03. (a) Section 25.0481, Government Code, is amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following statutory county courts:

- (1) County Court at Law No. 1 of Comal County; ~~and~~
- (2) County Court at Law No. 2 of Comal County; and
- (3) County Court at Law No. 3 of Comal County.

(b) The County Court at Law No. 3 of Comal County is created on September 1, 2019.

SECTION 2.04. Section 25.0512, Government Code, is amended by adding Subsections (a) and (b) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Cooke County has concurrent jurisdiction with the district court in family law cases and proceedings.

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

SECTION 2.05. (a) Effective January 1, 2021, Section 25.0721, Government Code, is amended to read as follows:

Sec. 25.0721. ELLIS COUNTY. Ellis County has the following statutory county courts:

- (1) the County Court at Law No. 1 of Ellis County; ~~and~~
- (2) the County Court at Law No. 2 of Ellis County; and

1 (3) the County Court at Law No. 3 of Ellis County.

2 (b) The County Court at Law No. 3 of Ellis County is created
3 on January 1, 2021.

4 SECTION 2.06. (a) Effective October 1, 2019, Subchapter C,
5 Chapter 25, Government Code, is amended by adding Sections 25.0881
6 and 25.0882 to read as follows:

7 Sec. 25.0881. GILLESPIE COUNTY. Gillespie County has one
8 statutory county court, the County Court at Law of Gillespie
9 County.

10 Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS.

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

14 (1) family law cases and proceedings; and

15 (2) juvenile law cases and proceedings.

16 (b) The district clerk serves as clerk of a county court at
17 law for family law cases and proceedings and the county clerk serves
18 as clerk for all other cases. The commissioners court may employ as
19 many deputy sheriffs and bailiffs as are necessary to serve the
20 court.

21 (c) If a case or proceeding in which a county court at law
22 has concurrent jurisdiction with a district court is tried before a
23 jury, the jury shall be composed of 12 members. In all other cases,
24 the jury shall be composed of six members.

25 (b) The County Court at Law of Gillespie County is created
26 on October 1, 2019.

27 SECTION 2.07. (a) Section 25.1101(a), Government Code, is

1 amended to read as follows:

2 (a) Hidalgo County has the following statutory county
3 courts:

4 (1) County Court at Law No. 1 of Hidalgo County;

5 (2) County Court at Law No. 2 of Hidalgo County;

6 (3) County Court at Law No. 4 of Hidalgo County;

7 (4) County Court at Law No. 5 of Hidalgo County;

8 (5) County Court at Law No. 6 of Hidalgo County;

9 (6) County Court at Law No. 7 of Hidalgo County; ~~and~~

10 (7) County Court at Law No. 8 of Hidalgo County;

11 (8) County Court at Law No. 9 of Hidalgo County; and

12 (9) County Court at Law No. 10 of Hidalgo County.

13 (b) The County Court at Law No. 9 of Hidalgo County and
14 County Court at Law No. 10 of Hidalgo County are created on
15 September 1, 2019.

16 SECTION 2.08. (a) Section 25.1312, Government Code, is
17 amended by amending Subsection (a) and adding Subsection (d) to
18 read as follows:

19 (a) In addition to the jurisdiction provided by Section
20 25.0003 and other law, a statutory county court in Kaufman County
21 has, except as limited by Subsection ~~[Subsections]~~ (b) ~~[and (b-1)]~~,
22 the jurisdiction provided by the constitution and general law for
23 district courts.

24 (d) A jury must be composed of 12 members in:

25 (1) civil cases in which the amount in controversy is
26 \$200,000 or more;

27 (2) family law cases and proceedings; and

1 (3) felony cases.

2 (b) Section 25.1312, Government Code, as amended by this
3 Act, applies only to a cause of action filed on or after the
4 effective date of this Act. A cause of action filed before that
5 date is governed by the law in effect immediately before that date,
6 and that law is continued in effect for that purpose.

7 SECTION 2.09. (a) Section 25.1481, Government Code, is
8 amended to read as follows:

9 Sec. 25.1481. LIBERTY COUNTY. (a) Liberty County has the
10 following statutory county courts:

11 (1) [~~one statutory county court,~~] the County Court at
12 Law of Liberty County; and

13 (2) the County Court at Law No. 2 of Liberty County.

14 (b) The county courts at law [~~County Court at Law~~] of
15 Liberty County sit [~~sits~~] in Liberty.

16 (b) The County Court at Law No. 2 of Liberty County is
17 created on September 1, 2019.

18 SECTION 2.10. Section 25.1902, Government Code, is amended
19 by adding Subsection (b-1) to read as follows:

20 (b-1) In addition to the jurisdiction provided by
21 Subsections (a) and (b), the County Court at Law No. 1 of Potter
22 County has concurrent jurisdiction with the district court in
23 felony cases to conduct arraignments, conduct pretrial hearings,
24 and accept pleas in uncontested matters.

25 SECTION 2.11. Section 25.1972, Government Code, is amended
26 by amending Subsections (a), (e), and (g) and adding Subsections
27 (b) and (f) to read as follows:

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

(1) concurrent jurisdiction with the district court:

(A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;

(C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(D) in proceedings under Title 3, Family Code;
and

(E) in any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health

1 jurisdiction, including proceedings under:

2 (A) Chapter 462, Health and Safety Code; and

3 (B) Subtitles C and D, Title 7, Health and Safety
4 Code;

5 (3) jurisdiction over the collection and management of
6 estates of minors, persons with a mental illness or intellectual
7 disability, and deceased persons; and

8 (4) jurisdiction in all cases assigned, transferred,
9 or heard under Sections 74.054, 74.059, and 74.094.

10 (b) A county court at law does not have jurisdiction of:

11 (1) felony cases, except as otherwise provided by law;

12 (2) misdemeanors involving official misconduct unless
13 assigned under Sections 74.054 and 74.059;

14 (3) contested elections; or

15 (4) except as provided by Subsections (a)(1)(D) and
16 (E), family law cases [and proceedings].

17 (e) A [The] judge of a county court at law in Reeves County
18 shall be paid an annual salary equal to the amount that is \$1,000
19 less than [that does not exceed 90 percent of] the [total] salary
20 paid by the state to a district judge in the county. The salary
21 shall be paid in the same manner and from the same fund as
22 prescribed by law for the county judge [out of the county treasury
23 on order of the commissioners court. The judge is entitled to
24 travel expenses and necessary office expenses, including
25 administrative and clerical assistance].

26 (f) A county court at law may not issue writs of habeas
27 corpus in felony cases.

1 (g) The district clerk serves as clerk of a county court at
2 law in the [~~family law~~] cases described by Subsection (a) [and
3 proceedings], and the county clerk serves as clerk of the court in
4 all other matters.

5 SECTION 2.12. (a) Section 25.2011, Government Code, is
6 amended to read as follows:

7 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has the
8 following statutory county courts:

9 (1) [~~one statutory county court,~~] the County Court at
10 Law No. 1 of Rockwall County; and

11 (2) the County Court at Law No. 2 of Rockwall County.

12 (b) Sections 25.2012(c), (g), and (h), Government Code, are
13 amended to read as follows:

14 (c) The district clerk serves as clerk of a county court at
15 law except that the county clerk serves as clerk of a [~~the~~] county
16 court at law in matters of mental health, the probate and criminal
17 misdemeanor docket, and all civil matters in which a [~~the~~] county
18 court at law does not have concurrent jurisdiction with a [~~the~~]
19 district court.

20 (g) When administering a case for a [~~the~~] county court at
21 law, the district clerk shall charge civil fees and court costs as
22 if the case had been filed in a [~~the~~] district court. In a case of
23 concurrent jurisdiction, the case shall be assigned to either a
24 [~~the~~] district court or a [~~the~~] county court at law in accordance
25 with local administrative rules established by the local
26 administrative judge.

27 (h) The judge of a [~~the~~] county court at law shall appoint an

1 official court reporter for the judge's court and shall set the
2 official court reporter's annual salary, subject to approval by the
3 county commissioners court. The official court reporter of a ~~[the]~~
4 county court at law shall take an oath or affirmation as an officer
5 of the court. The official court reporter holds office at the
6 pleasure of the judge ~~[of the court]~~ and shall be provided a private
7 office in close proximity to the court. The official court reporter
8 is entitled to all rights and benefits afforded all other county
9 employees.

10 (c) The County Court at Law No. 2 of Rockwall County is
11 created on September 1, 2019.

12 ARTICLE 3. MUNICIPAL COURTS

13 SECTION 3.01. (a) Section 30.00044(1), Government Code,
14 is amended to read as follows:

15 (1) Sections ~~[Section]~~ 30.00007(b)(5) and 30.00009(c) and
16 (d) do ~~[does]~~ not apply to this subchapter.

17 (b) Section 30.00044(1), Government Code, as amended by
18 this section, applies to a clerk and other court personnel of the
19 municipal court of record of the City of Lubbock employed on or
20 after the effective date of this Act, regardless of whether the
21 clerk or other personnel began employment before, on, or after the
22 effective date of this Act.

23 ARTICLE 4. SENIOR DISTRICT JUDGES

24 SECTION 4.01. Section 832.101, Government Code, is amended
25 to read as follows:

26 Sec. 832.101. INELIGIBILITY FOR MEMBERSHIP. A retiree who
27 makes an election under Subchapter C of Chapter 74 ~~[or who is]~~

1 ~~appointed under Subchapter C of Chapter 75]~~ may not rejoin the
2 retirement system or receive credit in the retirement system for
3 the period of an appointment or for any service performed under
4 assignment.

5 SECTION 4.02. Section 836.006, Government Code, is amended
6 to read as follows:

7 Sec. 836.006. DIVERSION OF MONEY PROHIBITED. Except as
8 provided by Section [~~Sections 840.101(b) and~~] 840.305(c), no part
9 of the money contributed to the retirement system under Section
10 840.102 [~~or 840.104~~] and no part of the contribution described by
11 Section 840.103(b)(2) may be used for or diverted to any purpose
12 other than the exclusive benefit of members, their beneficiaries,
13 and annuitants of the retirement system.

14 SECTION 4.03. Section 837.101, Government Code, is amended
15 to read as follows:

16 Sec. 837.101. JUDICIAL ASSIGNMENT. A retiree who makes an
17 election under Subchapter C of Chapter 74 [~~or who is appointed under~~
18 ~~Subchapter C of Chapter 75]~~ may not rejoin or receive credit in the
19 retirement system for the period of an appointment or for any
20 service performed under assignment.

21 ARTICLE 5. MASTERS AND MAGISTRATES

22 SECTION 5.01. Article 2.09, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
25 officers is a magistrate within the meaning of this Code: The
26 justices of the Supreme Court, the judges of the Court of Criminal
27 Appeals, the justices of the Courts of Appeals, the judges of the

1 District Court, the magistrates appointed by the judges of the
2 district courts of Bexar County, Dallas County, or Tarrant County
3 that give preference to criminal cases, the criminal law hearing
4 officers for Harris County appointed under Subchapter L, Chapter
5 54, Government Code, the criminal law hearing officers for Cameron
6 County appointed under Subchapter BB, Chapter 54, Government Code,
7 the magistrates or associate judges appointed by the judges of the
8 district courts of Lubbock County, Nolan County, or Webb County,
9 the magistrates appointed by the judges of the criminal district
10 courts of Dallas County or Tarrant County, the associate judges
11 appointed by the judges of the district courts and the county courts
12 at law that give preference to criminal cases in Jefferson County,
13 the associate judges appointed by the judges of the district courts
14 and the statutory county courts of Brazos County, Nueces County, or
15 Williamson County, the magistrates appointed by the judges of the
16 district courts and statutory county courts that give preference to
17 criminal cases in Travis County, the criminal magistrates appointed
18 by the Brazoria County Commissioners Court, the criminal
19 magistrates appointed by the Burnet County Commissioners Court, the
20 magistrates appointed by the El Paso Council of Judges, the county
21 judges, the judges of the county courts at law, judges of the county
22 criminal courts, the judges of statutory probate courts, the
23 associate judges appointed by the judges of the statutory probate
24 courts under Chapter 54A, Government Code, the associate judges
25 appointed by the judge of a district court under Chapter 54A,
26 Government Code, the magistrates appointed under Subchapter JJ,
27 Chapter 54, Government Code, the magistrates appointed by the

1 Collin County Commissioners Court, the magistrates appointed by the
2 Fort Bend County Commissioners Court [~~as added by H.B. No. 2132,~~
3 ~~Acts of the 82nd Legislature, Regular Session, 2011]~~, the justices
4 of the peace, and the mayors and recorders and the judges of the
5 municipal courts of incorporated cities or towns.

6 SECTION 5.02. Article 4.01, Code of Criminal Procedure, is
7 amended to read as follows:

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

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

SECTION 5.03. Chapter 54, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

Sec. 54.101. APPOINTMENT. (a) The Commissioners Court of Bell County may select masters to serve the justice courts of Bell County having jurisdiction in truancy matters.

(b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each master position and shall determine whether the position is full-time or part-time.

(c) A master appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.102. JURISDICTION. A master appointed under this subchapter has concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct in accordance with Section 65.004, Family Code.

Sec. 54.103. POWERS AND DUTIES. (a) The Commissioners Court of Bell County shall establish the powers and duties of a master appointed under this subchapter.

(b) An order of referral may limit the use or power of a master.

(c) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(d) A master may administer oaths.

Sec. 54.104. JUDICIAL IMMUNITY. A master has the same

1 judicial immunity as a district judge.

2 Sec. 54.105. TRAINING. A master appointed under this
3 subchapter must successfully complete all training a justice of the
4 peace is required to complete under state law.

5 Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an
6 attorney, party, witness, or any other person fails to comply with a
7 summons or order, the master may certify that failure in writing to
8 the referring court for appropriate action.

9 Sec. 54.107. WITNESSES. (a) A witness appearing before a
10 master is subject to the penalties of perjury as provided by Chapter
11 37, Penal Code.

12 (b) A witness referred to the court under Section 54.106 is
13 subject to the same penalties and orders that may be imposed on a
14 witness appearing in a hearing before the court.

15 SECTION 5.04. Chapter 54, Government Code, is amended by
16 adding Subchapter MM to read as follows:

17 SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

18 Sec. 54.2201. AUTHORIZATION; APPOINTMENT; TERMINATION;
19 ELIMINATION. (a) The Commissioners Court of Collin County by
20 majority vote may appoint one or more part-time or full-time
21 magistrates to perform the duties authorized by this subchapter.

22 (b) An order appointing a magistrate must be signed by the
23 county judge of Collin County, and the order must state:

24 (1) the magistrate's name; and

25 (2) the date the magistrate's employment begins.

26 (c) A magistrate may be terminated by a majority vote of the
27 Commissioners Court of Collin County.

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

3 Sec. 54.2202. QUALIFICATIONS; OATH OF OFFICE. (a) To be
4 eligible for appointment as a magistrate, a person must:

5 (1) be a citizen of the United States;

6 (2) have resided in Collin County for at least the four
7 years preceding the person's appointment; and

8 (3) have been licensed to practice law in this state
9 for at least four years.

10 (b) A magistrate appointed under Section 54.2201 must take
11 the constitutional oath of office required of appointed officers of
12 this state.

13 Sec. 54.2203. COMPENSATION. A magistrate is entitled to
14 the compensation set by the Commissioners Court of Collin County.
15 The compensation shall be paid from the general fund of the county.

16 Sec. 54.2204. JUDICIAL IMMUNITY. A magistrate has the same
17 judicial immunity as a district judge.

18 Sec. 54.2205. PROCEEDING THAT MAY BE REFERRED. (a) The
19 judge of a district court or county court at law or a justice of the
20 peace may refer to a magistrate any case or matter relating to a
21 case for proceedings involving:

22 (1) a negotiated plea of guilty or no contest and
23 sentencing before the court;

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

26 (3) a pretrial motion;

27 (4) a writ of habeas corpus;

- 1 (5) an examining trial;
- 2 (6) an occupational driver's license;
- 3 (7) a petition for an order of expunction under
4 Chapter 55, Code of Criminal Procedure;
- 5 (8) an asset forfeiture hearing as provided by Chapter
6 59, Code of Criminal Procedure;
- 7 (9) a petition for an order of nondisclosure of
8 criminal history record information or an order of nondisclosure of
9 criminal history record information that does not require a
10 petition provided by Subchapter E-1, Chapter 411;
- 11 (10) a motion to modify or revoke community
12 supervision or to proceed with an adjudication of guilt;
- 13 (11) setting conditions, modifying, revoking, and
14 surrendering of bonds, including surety bonds;
- 15 (12) specialty court proceedings;
- 16 (13) a waiver of extradition;
- 17 (14) selection of a jury; and
- 18 (15) any other matter the judge or justice of the peace
19 considers necessary and proper.
- 20 (b) A judge may refer to a magistrate a civil case arising
21 out of Chapter 59, Code of Criminal Procedure, for any purpose
22 authorized by that chapter, including issuing orders, accepting
23 agreed judgments, enforcing judgments, and presiding over a case on
24 the merits if a party has not requested a jury trial.
- 25 (c) A magistrate may accept a plea of guilty from a
26 defendant charged with misdemeanor, felony, or both misdemeanor and
27 felony offenses.

1 (d) If the magistrate is acting as an associate judge under
2 Section 54.2216, the magistrate may hear any case referred under
3 Section 54A.106.

4 (e) A magistrate may not preside over a criminal trial on
5 the merits, regardless of whether the trial is before a jury.

6 (f) A magistrate may not hear any jury trial on the merits.

7 Sec. 54.2206. ORDER OF REFERRAL. (a) To refer one or more
8 cases to a magistrate, a judge or justice of the peace must issue an
9 order of referral specifying the magistrate's duties.

10 (b) An order of referral may:

11 (1) limit the powers of the magistrate and direct the
12 magistrate to report only on specific issues, perform particular
13 acts, or receive and report on evidence only;

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

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

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

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

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

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

24 Sec. 54.2207. POWERS. (a) Except as limited by an order of
25 referral, a magistrate to whom a case is referred may:

26 (1) conduct hearings;

27 (2) hear evidence;

- 1 (3) compel production of relevant evidence in civil or
2 criminal matters;
- 3 (4) rule on disputes regarding civil discovery;
4 (5) rule on admissibility of evidence;
5 (6) issue summons for the appearance of witnesses;
6 (7) examine witnesses;
7 (8) swear witnesses for hearings;
8 (9) make findings of fact on evidence;
9 (10) formulate conclusions of law;
10 (11) rule on a pretrial motion;
11 (12) recommend the rulings, orders, or judgment to be
12 made in a case;
- 13 (13) regulate proceedings in a hearing;
14 (14) accept a plea of guilty from a defendant charged
15 with misdemeanor, felony, or both misdemeanor and felony offenses;
16 (15) select a jury;
17 (16) accept a negotiated plea on a probation
18 revocation;
- 19 (17) conduct a contested probation revocation
20 hearing;
- 21 (18) sign a dismissal in a misdemeanor case;
22 (19) enter an order of dismissal or non-suit on
23 agreement of the parties in a civil case;
- 24 (20) in any case referred under Section 54.2205(a)(1),
25 accept a negotiated plea of guilty or no contest and:
- 26 (A) enter a finding of guilt and impose or
27 suspend the sentence; or

1 (B) defer adjudication of guilt;

2 (21) conduct initial juvenile detention hearings if
3 approved by the juvenile board of Collin County; and

4 (22) perform any act and take any measure necessary
5 and proper for the efficient performance of the duties required by
6 the order of referral.

7 (b) A magistrate may sign a motion to dismiss submitted by
8 an attorney representing the state on cases referred to the
9 magistrate, or on dockets called by the magistrate, and may
10 consider unadjudicated cases at sentencing under Section 12.45,
11 Penal Code.

12 (c) Except as provided by Sections 54.2205(e) and (f), a
13 magistrate has all of the powers of a magistrate under the laws of
14 this state and may administer an oath for any purpose.

15 Sec. 54.2208. FORFEITURES. Bail bonds and personal bonds
16 may be forfeited by the magistrate court in the manner provided by
17 Chapter 22, Code of Criminal Procedure, and those forfeitures shall
18 be filed with:

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

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

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

25 Sec. 54.2209. COSTS. (a) When the district clerk is the
26 clerk under this subchapter, the district clerk shall charge the
27 same court costs for cases filed in, transferred to, or assigned to

1 the magistrate court that are charged in the district courts.

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

6 (c) When a justice clerk is the clerk under this subchapter,
7 the justice clerk shall charge the same court costs for cases filed
8 in, transferred to, or assigned to the magistrate court that are
9 charged in the justice courts.

10 Sec. 54.2210. CLERK. (a) The district clerk serves as
11 clerk of the magistrate court, except that:

12 (1) after a Class A or Class B misdemeanor is filed in
13 the county court at law and assigned to the magistrate court, the
14 county clerk serves as clerk for that misdemeanor case; and

15 (2) after a Class C misdemeanor is filed in a justice
16 court and assigned to the magistrate court, the originating justice
17 court clerk serves as clerk for that misdemeanor case.

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

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

4 Sec. 54.2211. COURT REPORTER. At the request of a party,
5 the court shall provide a court reporter to record the proceedings
6 before the magistrate.

7 Sec. 54.2212. WITNESS. (a) A witness who appears before a
8 magistrate and is sworn is subject to the penalties for perjury
9 provided by law.

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

14 Sec. 54.2213. PAPERS TRANSMITTED TO JUDGE. At the
15 conclusion of the proceedings, a magistrate shall transmit to the
16 referring court any papers relating to the case, including the
17 magistrate's findings, conclusions, orders, recommendations, or
18 other action taken.

19 Sec. 54.2214. COSTS OF MAGISTRATE. The court shall
20 determine if the nonprevailing party is able to defray the costs of
21 the magistrate. If the court determines the nonprevailing party is
22 able to pay those costs, the court shall assess the magistrate's
23 costs against the nonprevailing party.

24 Sec. 54.2215. JUDICIAL ACTION. (a) A referring court may
25 modify, correct, reject, reverse, or recommit for further
26 information any action taken by the magistrate.

27 (b) If the court does not modify, correct, reject, reverse,

1 or recommit an action of the magistrate, the action becomes the
2 decree of the court.

3 (c) At the conclusion of each term during which the services
4 of a magistrate are used, the referring court shall enter a decree
5 on the minutes adopting the actions of the magistrate of which the
6 court approves.

7 Sec. 54.2216. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate
8 appointed under this subchapter may act as a civil associate judge
9 under Subchapter B, Chapter 54A. To the extent of any conflict with
10 this subchapter, a magistrate acting as an associate judge shall
11 comply with provisions regarding the appointment, termination,
12 referral of cases, powers, duties, and immunities of associate
13 judges under Subchapter B, Chapter 54A.

14 SECTION 5.05. Chapter 54, Government Code, is amended by
15 adding Subchapter NN to read as follows:

16 SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

17 Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION.

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

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

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

1 (1) the magistrate's name; and

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

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

5 Sec. 54.2302. QUALIFICATIONS; OATH OF OFFICE. (a) To be
6 eligible for appointment as a magistrate, a person must:

7 (1) be a citizen of the United States;

8 (2) have resided in Kerr County for at least the two
9 years preceding the person's appointment; and

10 (3) be at least 30 years of age.

11 (b) A magistrate appointed under Section 54.2301 must take
12 the constitutional oath of office required of appointed officers of
13 this state.

14 Sec. 54.2303. COMPENSATION. (a) A magistrate is entitled
15 to the salary determined by the Commissioners Court of Kerr County.

16 (b) A full-time magistrate's salary may not be less than
17 that of a justice of the peace of Kerr County as established by the
18 annual budget of Kerr County.

19 (c) A part-time magistrate's salary is equal to the per-hour
20 salary of a justice of the peace. The per-hour salary is determined
21 by dividing the annual salary by a 2,000 work-hour year. The local
22 administrative judge of the district courts serving Kerr County
23 shall approve the number of hours for which a part-time magistrate
24 is to be paid.

25 (d) The magistrate's salary is paid from the county fund
26 available for payment of officers' salaries.

27 Sec. 54.2304. JUDICIAL IMMUNITY. A magistrate has the same

1 judicial immunity as a district judge.

2 Sec. 54.2305. TERMINATION OF EMPLOYMENT. (a) A magistrate
3 may be terminated by a majority vote of all the judges of the
4 district and statutory county courts of Kerr County.

5 (b) To terminate a magistrate's employment, the local
6 administrative judge of the district courts serving Kerr County
7 must sign a written order of termination. The order must state:

8 (1) the magistrate's name; and

9 (2) the final date of the magistrate's employment.

10 Sec. 54.2306. JURISDICTION; RESPONSIBILITY; POWERS. (a)
11 The judges of the district or statutory county courts shall
12 establish standing orders to be followed by a magistrate or parties
13 appearing before a magistrate, as applicable.

14 (b) To the extent authorized by this subchapter and the
15 standing orders, a magistrate has jurisdiction to exercise the
16 authority granted by the judges of the district or statutory county
17 courts.

18 (c) A magistrate has all of the powers of a magistrate under
19 the laws of this state and may administer an oath for any purpose.

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

23 (e) A magistrate is authorized to:

24 (1) set, adjust, and revoke bonds before the filing of
25 an information or the return of an indictment;

26 (2) conduct examining trials;

27 (3) determine whether a defendant is indigent and

1 appoint counsel for an indigent defendant;

2 (4) issue search and arrest warrants;

3 (5) issue emergency protective orders;

4 (6) order emergency mental commitments; and

5 (7) conduct initial juvenile detention hearings if

6 approved by the Kerr County Juvenile Board.

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

12 (g) A magistrate may:

13 (1) issue notices of the setting of a case for a
14 hearing;

15 (2) conduct hearings;

16 (3) compel production of evidence;

17 (4) hear evidence;

18 (5) issue summons for the appearance of witnesses;

19 (6) swear witnesses for hearings;

20 (7) regulate proceedings in a hearing; and

21 (8) perform any act and take any measure necessary and
22 proper for the efficient performance of the duties required by the
23 magistrate's jurisdiction and authority.

24 Sec. 54.2307. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The
25 Commissioners Court of Kerr County shall provide:

26 (1) personnel for the legal or clerical functions
27 necessary to perform the magistrate's duties authorized by this

1 chapter; and

2 (2) sufficient equipment and office space for the
3 magistrate and personnel to perform the magistrate's essential
4 functions.

5 SECTION 5.06. Chapter 54, Government Code, is amended by
6 adding Subchapter OO to read as follows:

7 SUBCHAPTER OO. MAGISTRATES IN FORT BEND COUNTY

8 Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION.

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

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

16 (c) An order appointing a magistrate must be signed by the
17 local administrative judge and must state:

18 (1) the magistrate's name; and

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

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

22 Sec. 54.2402. QUALIFICATIONS; OATH OF OFFICE. (a) To be
23 eligible for appointment as a magistrate, a person must:

24 (1) be a citizen of the United States;

25 (2) have resided in Fort Bend County for at least the
26 four years preceding the person's appointment; and

27 (3) have been licensed to practice law in this state

1 for at least four years.

2 (b) A magistrate appointed under Section 54.2401 must take
3 the constitutional oath of office required of appointed officers of
4 this state.

5 Sec. 54.2403. COMPENSATION. A magistrate is entitled to
6 the compensation set by the Commissioners Court of Fort Bend
7 County. The compensation shall be paid from the general fund of the
8 county.

9 Sec. 54.2404. JUDICIAL IMMUNITY. A magistrate has the same
10 judicial immunity as a district judge.

11 Sec. 54.2405. PROCEEDING THAT MAY BE REFERRED. (a) The
12 judge of a district court or county court at law or a justice of the
13 peace may refer to a magistrate any case or matter relating to a
14 case for proceedings involving:

15 (1) a negotiated plea of guilty or no contest and
16 sentencing before the court;

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

19 (3) a pretrial motion;

20 (4) a writ of habeas corpus;

21 (5) an examining trial;

22 (6) an occupational driver's license;

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

25 (8) an asset forfeiture hearing as provided by Chapter
26 59, Code of Criminal Procedure;

27 (9) a petition for an order of nondisclosure of

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

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

6 (11) setting conditions, modifying, revoking, and
7 surrendering of bonds, including surety bonds;

8 (12) specialty court proceedings;

9 (13) a waiver of extradition;

10 (14) selection of a jury; and

11 (15) any other matter the judge or justice of the peace
12 considers necessary and proper.

13 (b) A judge may refer to a magistrate a civil case arising
14 out of Chapter 59, Code of Criminal Procedure, for any purpose
15 authorized by that chapter, including issuing orders, accepting
16 agreed judgments, enforcing judgments, and presiding over a case on
17 the merits if a party has not requested a jury trial.

18 (c) A magistrate may accept a plea of guilty from a
19 defendant charged with misdemeanor, felony, or both misdemeanor and
20 felony offenses.

21 (d) If the magistrate is acting as an associate judge under
22 Section 54.2416, the magistrate may hear any case referred under
23 Section 54A.106.

24 (e) A magistrate may not preside over a criminal trial on
25 the merits, regardless of whether the trial is before a jury.

26 (f) A magistrate may not hear any jury trial on the merits.

27 Sec. 54.2406. ORDER OF REFERRAL. (a) To refer one or more

1 cases to a magistrate, a judge or justice of the peace must issue an
2 order of referral specifying the magistrate's duties.

3 (b) An order of referral may:

4 (1) limit the powers of the magistrate and direct the
5 magistrate to report only on specific issues, perform particular
6 acts, or receive and report on evidence only;

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

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

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

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

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

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

17 Sec. 54.2407. POWERS. (a) Except as limited by an order of
18 referral, a magistrate to whom a case is referred may:

19 (1) conduct hearings;

20 (2) hear evidence;

21 (3) compel production of relevant evidence in civil or
22 criminal matters;

23 (4) rule on disputes regarding civil discovery;

24 (5) rule on admissibility of evidence;

25 (6) issue summons for the appearance of witnesses;

26 (7) examine witnesses;

27 (8) swear witnesses for hearings;

- 1 (9) make findings of fact on evidence;
- 2 (10) formulate conclusions of law;
- 3 (11) rule on a pretrial motion;
- 4 (12) recommend the rulings, orders, or judgment to be
5 made in a case;
- 6 (13) regulate proceedings in a hearing;
- 7 (14) accept a plea of guilty from a defendant charged
8 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 9 (15) select a jury;
- 10 (16) accept a negotiated plea on a probation
11 revocation;
- 12 (17) conduct a contested probation revocation
13 hearing;
- 14 (18) sign a dismissal in a misdemeanor case;
- 15 (19) enter an order of dismissal or nonsuit on
16 agreement of the parties in a civil case;
- 17 (20) in any case referred under Section 54.2405(a)(1),
18 accept a negotiated plea of guilty or no contest and:
- 19 (A) enter a finding of guilt and impose or
20 suspend the sentence; or
- 21 (B) defer adjudication of guilt;
- 22 (21) conduct initial juvenile detention hearings if
23 approved by the juvenile board of Fort Bend County; and
- 24 (22) perform any act and take any measure necessary
25 and proper for the efficient performance of the duties required by
26 the order of referral.
- 27 (b) A magistrate may sign a motion to dismiss submitted by

1 an attorney representing the state on cases referred to the
2 magistrate, or on dockets called by the magistrate, and may
3 consider unadjudicated cases at sentencing under Section 12.45,
4 Penal Code.

5 (c) Except as provided by Sections 54.2405(e) and (f), a
6 magistrate has all of the powers of a magistrate under the laws of
7 this state and may administer an oath for any purpose.

8 Sec. 54.2408. FORFEITURES. Bail bonds and personal bonds
9 may be forfeited by the magistrate court in the manner provided by
10 Chapter 22, Code of Criminal Procedure, and those forfeitures shall
11 be filed with:

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

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

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

18 Sec. 54.2409. COSTS. (a) When the district clerk is the
19 clerk under this subchapter, the district clerk shall charge the
20 same court costs for cases filed in, transferred to, or assigned to
21 the magistrate court that are charged in the district courts.

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

26 (c) When a justice clerk is the clerk under this subchapter,
27 the justice clerk shall charge the same court costs for cases filed

1 in, transferred to, or assigned to the magistrate court that are
2 charged in the justice courts.

3 Sec. 54.2410. CLERK. (a) The district clerk serves as
4 clerk of the magistrate court, except that:

5 (1) after a Class A or Class B misdemeanor is filed in
6 the county court at law and assigned to the magistrate court, the
7 county clerk serves as clerk for that misdemeanor case; and

8 (2) after a Class C misdemeanor is filed in a justice
9 court and assigned to the magistrate court, the originating justice
10 court clerk serves as clerk for that misdemeanor case.

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

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

24 Sec. 54.2411. COURT REPORTER. At the request of a party,
25 the court shall provide a court reporter to record the proceedings
26 before the magistrate.

27 Sec. 54.2412. WITNESS. (a) A witness who appears before a

1 magistrate and is sworn is subject to the penalties for perjury
2 provided by law.

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

7 Sec. 54.2413. PAPERS TRANSMITTED TO JUDGE. At the
8 conclusion of the proceedings, a magistrate shall transmit to the
9 referring court any papers relating to the case, including the
10 magistrate's findings, conclusions, orders, recommendations, or
11 other action taken.

12 Sec. 54.2414. COSTS OF MAGISTRATE. The court shall
13 determine if the nonprevailing party is able to defray the costs of
14 the magistrate. If the court determines the nonprevailing party is
15 able to pay those costs, the court shall assess the magistrate's
16 costs against the nonprevailing party.

17 Sec. 54.2415. JUDICIAL ACTION. (a) A referring court may
18 modify, correct, reject, reverse, or recommit for further
19 information any action taken by the magistrate.

20 (b) If the court does not modify, correct, reject, reverse,
21 or recommit an action of the magistrate, the action becomes the
22 decree of the court.

23 (c) At the conclusion of each term during which the services
24 of a magistrate are used, the referring court shall enter a decree
25 on the minutes adopting the actions of the magistrate of which the
26 court approves.

27 Sec. 54.2416. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate

1 appointed under this subchapter may act as a civil associate judge
2 under Subchapter B, Chapter 54A. To the extent of any conflict with
3 this subchapter, a magistrate acting as an associate judge shall
4 comply with provisions regarding the appointment, termination,
5 referral of cases, powers, duties, and immunities of associate
6 judges under Subchapter B, Chapter 54A.

7 ARTICLE 6. DISTRICT AND COUNTY ATTORNEYS

8 SECTION 6.01. Section 43.105(a), Government Code, is
9 amended to read as follows:

10 (a) The voters of Montgomery County elect a district
11 attorney for the 9th Judicial District who represents the state in
12 that district court only in that county. The district attorney also
13 acts as district attorney for the 410th and 457th Judicial
14 Districts [~~District in Montgomery County~~].

15 SECTION 6.02. Section 43.108, Government Code, is amended
16 to read as follows:

17 Sec. 43.108. 21ST JUDICIAL DISTRICT. (a) The voters of
18 Washington County [~~and Burleson counties~~] elect a district attorney
19 for the 21st Judicial District who represents the state in that
20 district court only in that county [~~those counties~~].

21 (b) The district attorney also represents the state and
22 performs the duties of district attorney before the 335th District
23 Court in Washington County [~~and Burleson counties~~].

24 SECTION 6.03. (a) Section 43.123, Government Code, is
25 amended to read as follows:

26 Sec. 43.123. 38TH JUDICIAL DISTRICT. (a) The voters of the
27 38th Judicial District elect a district attorney.

1 (b) The district attorney of the 38th Judicial District also
2 represents the state and performs the duties of the district
3 attorney before the 454th Judicial District. This subsection
4 expires January 1, 2021.

5 (b) Effective January 1, 2021, Section 44.001, Government
6 Code, is amended to read as follows:

7 Sec. 44.001. ELECTION. The voters of each of the following
8 counties elect a criminal district attorney: Anderson, Austin,
9 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,
10 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,
11 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,
12 Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Medina,
13 Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto,
14 Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
15 Waller, Wichita, Wood, and Yoakum.

16 (c) Effective January 1, 2021, Subchapter B, Chapter 44,
17 Government Code, is amended by adding Section 44.263 to read as
18 follows:

19 Sec. 44.263. MEDINA COUNTY. (a) The criminal district
20 attorney of Medina County must meet the following qualifications:

21 (1) be at least 30 years old;

22 (2) have been a practicing attorney in this state for
23 at least five years; and

24 (3) have been a resident of Medina County for at least
25 one year before election or appointment.

26 (b) The criminal district attorney has all the powers,
27 duties, and privileges in Medina County that are conferred by law on

1 county and district attorneys in the various counties and
2 districts.

3 (c) The criminal district attorney shall attend each term
4 and session of the district and inferior courts of Medina County,
5 except municipal courts, held for the transaction of criminal
6 business and shall exclusively represent the state in all criminal
7 matters before those courts.

8 (d) The criminal district attorney shall represent Medina
9 County in any court in which the county has pending business. This
10 subsection does not require the criminal district attorney to
11 represent the county in a delinquent tax suit or condemnation
12 proceeding and does not prevent the county from retaining other
13 legal counsel in a civil matter at any time it considers
14 appropriate.

15 (e) The criminal district attorney shall collect the fees,
16 commissions, and perquisites that are provided by law for similar
17 services rendered by a district or county attorney.

18 (f) The criminal district attorney is entitled to receive in
19 equal monthly installments compensation from the state equal to the
20 amount paid by the state to district attorneys. The state
21 compensation shall be paid by the comptroller as appropriated by
22 the legislature. The Commissioners Court of Medina County shall
23 pay the criminal district attorney an additional amount so that the
24 total compensation of the criminal district attorney equals at
25 least 90 percent of the total salary paid to the judge of the 454th
26 District Court in Medina County. The compensation paid by the
27 county shall be paid in semiweekly or bimonthly installments, as

1 determined by the commissioners court.

2 (g) The criminal district attorney or the Commissioners
3 Court of Medina County may accept gifts and grants from any
4 individual, partnership, corporation, trust, foundation,
5 association, or governmental entity for the purpose of financing or
6 assisting effective prosecution, crime prevention or suppression,
7 rehabilitation of offenders, substance abuse education, treatment
8 and prevention, or crime victim assistance programs in Medina
9 County. The criminal district attorney shall account for and
10 report to the commissioners court all gifts or grants accepted
11 under this subsection.

12 (h) The criminal district attorney, for the purpose of
13 conducting affairs of the office, may appoint a staff composed of
14 assistant criminal district attorneys, investigators,
15 stenographers, clerks, and other personnel that the commissioners
16 court may authorize. The salary of a staff member is an amount
17 recommended by the criminal district attorney and approved by the
18 commissioners court. The commissioners court shall pay the
19 salaries of the staff in equal semiweekly or bimonthly installments
20 from county funds.

21 (i) The criminal district attorney shall, with the advice
22 and consent of the commissioners court, designate one or more
23 individuals to act as an assistant criminal district attorney with
24 exclusive responsibility for assisting the commissioners court. An
25 individual designated as an assistant criminal district attorney
26 under this subsection must have extensive experience in
27 representing public entities and knowledge of the laws affecting

1 counties, including the open meetings and open records laws under
2 Chapters 551 and 552.

3 (j) Medina County is entitled to receive from the state an
4 amount equal to the amount provided in the General Appropriations
5 Act to district attorneys for the payment of staff salaries and
6 office expenses.

7 (k) The legislature may provide for additional staff
8 members to be paid from state funds if it considers supplementation
9 of the criminal district attorney's staff to be necessary.

10 (l) The criminal district attorney and assistant criminal
11 district attorney may not engage in the private practice of law or
12 receive a fee for the referral of a case.

13 (d) Effective January 1, 2021, the office of county attorney
14 of Medina County is abolished.

15 (e) Notwithstanding Section 41.010, Government Code, the
16 initial vacancy in the office of the criminal district attorney of
17 Medina County shall be filled by election. The office of the
18 criminal district attorney of Medina County exists for purposes of
19 the primary and general elections in 2020. The qualified voters of
20 Medina County shall elect the initial criminal district attorney of
21 Medina County at the general election in 2020 for a four-year term
22 of office.

23 (f) The criminal district attorney of Medina County retains
24 all powers, duties, and privileges in Medina County that were
25 previously held by the office of the district attorney of the 38th
26 Judicial District and the office of the county attorney of Medina
27 County, including all powers, duties, and privileges in all pending

1 matters of the county and district attorney and all pending matters
2 before any court.

3 SECTION 6.04. Subchapter B, Chapter 45, Government Code, is
4 amended by adding Section 45.126 to read as follows:

5 Sec. 45.126. BURLESON COUNTY. In Burleson County, the
6 county attorney of Burleson County shall perform the duties imposed
7 on and have the powers conferred on district attorneys by general
8 law and is entitled to be compensated by the state in the manner and
9 amount set by general law relating to the salary paid to district
10 attorneys by the state.

11 SECTION 6.05. Effective September 1, 2019, Section 46.002,
12 Government Code, is amended to read as follows:

13 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
14 applies to the state prosecuting attorney, all county prosecutors,
15 and the following state prosecutors:

16 (1) the district attorneys for Kenedy and Kleberg
17 Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th,
18 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th,
19 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th,
20 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th,
21 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
22 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th,
23 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th,
24 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,
25 452nd, and 506th judicial districts;

26 (2) the criminal district attorneys for the counties
27 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,

Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Burleson, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 6.06. Effective January 1, 2021, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th,

1 452nd, and 506th judicial districts;

2 (2) the criminal district attorneys for the counties
3 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
4 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
5 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
6 Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison,
7 Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San
8 Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt,
9 Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

10 (3) the county attorneys performing the duties of
11 district attorneys in the counties of Andrews, Aransas, Burleson,
12 Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls,
13 Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca,
14 Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange,
15 Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and
16 Willacy.

17 ARTICLE 7. COURT REPORTERS AND BAILIFFS

18 SECTION 7.01. Section 322.003, Business & Commerce Code, is
19 amended by amending Subsection (a) and adding Subsection (e) to
20 read as follows:

21 (a) Except as otherwise provided in Subsections
22 [~~Subsection~~] (b) and (e), this chapter applies to electronic
23 records and electronic signatures relating to a transaction.

24 (e) This chapter does not apply to the transmission,
25 preparation, completion, enforceability, or admissibility of a
26 document in any form that is:

27 (1) produced by a court reporter appointed under

1 Chapter 52, Government Code, or a court reporter certified under or
2 a shorthand reporting firm registered under Chapter 154, Government
3 Code, for use in the state or federal judicial system; or

4 (2) governed by rules adopted by the supreme court,
5 including rules governing the electronic filing system established
6 by the supreme court.

7 SECTION 7.02. Subchapter B, Chapter 51, Civil Practice and
8 Remedies Code, is amended by adding Section 51.017 to read as
9 follows:

10 Sec. 51.017. SERVICE OF NOTICE ON COURT REPORTER. (a) In
11 addition to requirements for service of notice of appeal imposed by
12 Rule 25.1(e), Texas Rules of Appellate Procedure, notice of appeal,
13 including an interlocutory appeal, must be served on each court
14 reporter responsible for preparing the reporter's record.

15 (b) Notwithstanding Section 22.004, Government Code, the
16 supreme court may not amend or adopt rules in conflict with this
17 section.

18 SECTION 7.03. Chapter 52, Government Code, is amended by
19 adding Subchapter B to read as follows:

20 SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS

21 Sec. 52.011. PROVISION OF SIGNED CERTIFICATION. On request
22 of a court reporter who reported a deposition, a court reporting
23 firm shall provide the reporter with a copy of the document related
24 to the deposition, known as the further certification, that the
25 reporter has signed or to which the reporter's signature has been
26 applied.

27 SECTION 7.04. Section 53.002(d), Government Code, is

1 amended to read as follows:

2 (d) The judges of the 15th, ~~[and]~~ 59th, and 397th district
3 courts and the judges of the statutory county courts in Grayson
4 County may each appoint a bailiff.

5 SECTION 7.05. Section 53.004(c), Government Code, is
6 amended to read as follows:

7 (c) A bailiff in the 15th, ~~[or]~~ 59th, or 397th district
8 court or a statutory county court in Grayson County must be a
9 citizen of the United States ~~[and a resident of Grayson County]~~.

10 SECTION 7.06. Section 53.009(g), Government Code, is
11 amended to read as follows:

12 (g) Each bailiff appointed by a judge of the 15th, ~~[or]~~
13 59th, or 397th district court or appointed by a statutory county
14 court judge in Grayson County is entitled to receive from the county
15 a salary set by the judge within the budget guidelines established
16 by the Commissioners Court of Grayson County ~~[equal to the salary of~~
17 ~~a jailer employed by the Grayson County sheriff]~~.

18 SECTION 7.07. Section 154.001(a), Government Code, is
19 amended by adding Subdivisions (1-a) and (3-a) to read as follows:

20 (1-a) "Apprentice court reporter" means a person to
21 whom an apprentice court reporter certification is issued as
22 authorized by Section 154.1011.

23 (3-a) "Provisional court reporter" means a court
24 reporter to whom a provisional certification is issued as
25 authorized by Section 154.1011.

26 SECTION 7.08. Sections 154.101(b), (c), and (e), Government
27 Code, are amended to read as follows:

(b) A person may not engage in shorthand reporting in this state unless the person is certified as:

(1) a shorthand reporter by the supreme court under this section; or

(2) an apprentice court reporter or provisional court reporter certified as authorized by Section 154.1011, subject to the terms of the person's certification.

(c) A certification issued under this section [~~chapter~~] must be for one or more of the following methods of shorthand reporting:

(1) written shorthand;

(2) machine shorthand;

(3) oral stenography; or

(4) any other method of shorthand reporting authorized by the supreme court.

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the supreme court.

SECTION 7.09. (a) Subchapter C, Chapter 154, Government Code, is amended by adding Sections 154.1011 and 154.1012 to read as

1 follows:

2 Sec. 154.1011. APPRENTICE COURT REPORTER AND PROVISIONAL
3 COURT REPORTER CERTIFICATIONS. (a) Subject to Section 152.101,
4 the commission by rule may provide for:

5 (1) the certification of an apprentice court reporter
6 who may engage in court reporting only:

7 (A) under the direct supervision of a certified
8 court reporter; and

9 (B) for the types of legal proceedings authorized
10 by commission rule; and

11 (2) the provisional certification of a court reporter,
12 including a court reporter described by Section 154.1012(f), that
13 allows a person to engage in court reporting only in accordance with
14 the terms and for the period expressly authorized by commission
15 rule.

16 (b) Rules adopted under Subsection (a) may allow for the
17 issuance of a certification under Section 154.101 to:

18 (1) a certified apprentice court reporter who
19 satisfactorily completes the apprenticeship and passes Part A of
20 the examination required by Section 154.103; or

21 (2) a court reporter who holds a provisional
22 certification on the reporter's completion of the terms of the
23 commission's conditional approval.

24 Sec. 154.1012. RECIPROCITY. (a) The commission may waive
25 any prerequisite to obtaining a court reporter certification for an
26 applicant after reviewing the applicant's credentials and
27 determining the applicant holds a certification or license issued

1 by another jurisdiction that has certification or licensing
2 requirements substantially equivalent to those of this state.

3 (b) The commission shall develop and periodically update on
4 a schedule established by the commission a list of states that have
5 certification or licensing requirements for court reporters
6 substantially equivalent to those of this state.

7 (c) The commission shall certify to the supreme court the
8 name of each qualified applicant who:

9 (1) holds a certification or license to engage in
10 court reporting issued by another state that, as determined by the
11 commission:

12 (A) has certification or licensing requirements
13 to engage in court reporting that are substantially equivalent to
14 the requirements of this state for a court reporter governed by this
15 chapter and Chapter 52; or

16 (B) is included on the list developed by the
17 commission under Subsection (b); and

18 (2) before certification in this state:

19 (A) passes Part B of the examination required by
20 Section 154.103; and

21 (B) provides proof acceptable to the commission
22 that the applicant has been actively performing court reporting in
23 another jurisdiction for at least three of the preceding five
24 years.

25 (d) A reciprocity agreement approved by the supreme court
26 under Section 152.202(b) must require an applicant who holds a
27 certification or license to engage in court reporting issued by

1 another state and who applies for certification as a court reporter
2 in this state to:

3 (1) pass Part B of the examination required by Section
4 154.103;

5 (2) provide proof acceptable to the commission that
6 the applicant has been actively performing court reporting in
7 another jurisdiction for at least three of the preceding five
8 years; and

9 (3) hold a certification or license that the
10 commission determines is at least equivalent to the registered
11 professional reporter designation or similar designation.

12 (e) A person who applies for certification as a court
13 reporter in this state and meets the requirements under Subsection
14 (c) is not required to meet the requirement under Subsection
15 (d)(3).

16 (f) Subject to Section 152.101, the commission may adopt
17 rules requiring the issuance of a provisional certification under
18 Section 154.1011 to an applicant described by Subsection (c) or (d)
19 that authorizes the applicant to serve as a court reporter in this
20 state for a limited time and under conditions the commission
21 considers reasonably necessary to protect the public interest.

22 (b) In developing rules under Section 154.1011, Government
23 Code, as added by this section, the Judicial Branch Certification
24 Commission shall:

25 (1) establish a stakeholder work group to receive
26 input; and

27 (2) solicit comments from the Texas Court Reporters

1 Association, the Texas Deposition Reporters Association, court
2 reporting schools, and other interested parties.

3 (c) Not later than June 1, 2020, the Judicial Branch
4 Certification Commission shall develop the list required by Section
5 154.1012(b), Government Code, as added by this section.

6 (d) Not later than January 1, 2020, the Judicial Branch
7 Certification Commission shall communicate with the appropriate
8 regulatory officials in each state to inquire whether the state
9 desires to enter into a reciprocity agreement with this state as
10 authorized by Section 152.202(b), Government Code. Not later than
11 April 1, 2020, the commission shall submit a report on the results
12 of the inquiry to the Texas Supreme Court or the court's designee.

13 SECTION 7.10. Section 154.102, Government Code, is amended
14 to read as follows:

15 Sec. 154.102. APPLICATION FOR EXAMINATION. If applicable,
16 a [A] person seeking certification must file an application for
17 examination with the commission not later than the 30th day before
18 the date fixed for the examination. The application must be
19 accompanied by the required fee.

20 SECTION 7.11. Section 154.104, Government Code, is amended
21 to read as follows:

22 Sec. 154.104. CERTIFICATION TO SUPREME COURT. (a) The
23 commission shall certify to the supreme court the name of each
24 qualified applicant for certification under Section 154.101 who has
25 passed the examination.

26 (b) The commission shall certify to the supreme court the
27 name of each applicant who meets the qualifications for

1 certification as:

2 (1) an apprentice court reporter; or

3 (2) a provisional court reporter.

4 SECTION 7.12. Section 154.105(a), Government Code, is
5 amended to read as follows:

6 (a) On certification under Section 154.101 or as a
7 provisional court reporter, a shorthand reporter may use the title
8 "Certified Shorthand Reporter" or the abbreviation "CSR."

9 SECTION 7.13. Section 154.107, Government Code, is amended
10 by adding Subsection (d) to read as follows:

11 (d) Notwithstanding Section 152.2015 and Subsection (c) of
12 this section, a shorthand reporting firm shall pay a registration
13 or renewal fee in an amount equal to the fee for court reporter
14 certification under Section 154.101 in lieu of the fee required for
15 a shorthand reporting firm registration if a certified court
16 reporter of the firm:

17 (1) has an ownership interest in the firm of more than
18 50 percent; and

19 (2) maintains actual control of the firm.

20 SECTION 7.14. Subchapter C, Chapter 154, Government Code,
21 is amended by adding Section 154.108 to read as follows:

22 Sec. 154.108. CONTINUING EDUCATION. Subject to Section
23 152.101, the commission by rule shall require each court reporter
24 who holds a certification issued by the commission and at least one
25 person who has management responsibility for a shorthand reporting
26 firm registered in this state to complete continuing professional
27 education.

SECTION 7.15. Section 154.110(a), Government Code, is amended to read as follows:

(a) After receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153, the commission shall revoke, suspend, or refuse to renew the shorthand reporter's certification or issue a reprimand to the reporter for:

- (1) fraud or corruption;
- (2) dishonesty;
- (3) wilful or negligent violation or failure of duty;
- (4) incompetence;
- (5) fraud or misrepresentation in obtaining certification;
- (6) a final conviction of a felony or misdemeanor that directly relates to the duties and responsibilities of a certified shorthand reporter, as determined by supreme court rules;
- (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
- (8) engaging in the practice of shorthand reporting while certification is suspended;
- (9) unprofessional conduct, including giving directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;
- (10) entering into or providing services under a

1 prohibited contract described by Section 154.115; or

2 (11) committing any other act that violates this
3 chapter or a rule or provision of the code of ethics adopted under
4 this subtitle[~~, or~~

5 [~~(12) other sufficient cause~~].

6 SECTION 7.16. (a) Section 154.111, Government Code, is
7 amended by amending Subsections (a) and (b) and adding Subsection
8 (g) to read as follows:

9 (a) After receiving a complaint and giving the shorthand
10 reporting firm or affiliate office notice and an opportunity for a
11 hearing as prescribed by Subchapter B, Chapter 153, the commission
12 shall reprimand, assess a reasonable fine against, or suspend,
13 revoke, or refuse to renew the registration of a shorthand
14 reporting firm or affiliate office for:

15 (1) fraud or corruption;

16 (2) dishonesty;

17 (3) conduct on the part of an officer, director, or
18 managerial employee of the shorthand reporting firm or affiliate
19 office if the officer, director, or managerial employee orders,
20 encourages, or permits conduct that the officer, director, or
21 managerial employee knows or should have known violates this
22 subtitle;

23 (4) conduct on the part of an officer, director, or
24 managerial employee or agent of the shorthand reporting firm or
25 affiliate office who has direct supervisory authority over a person
26 for whom the officer, director, employee, or agent knows or should
27 have known violated this subtitle and knowingly fails to take

1 reasonable remedial action to avoid or mitigate the consequences of
2 the person's actions;

3 (5) fraud or misrepresentation in obtaining
4 registration;

5 (6) a final conviction of an officer, director, or
6 managerial employee of a shorthand reporting firm or affiliate
7 office for a felony or misdemeanor that is directly related to the
8 provision of court reporting services, as determined by supreme
9 court rules;

10 (7) engaging the services of a reporter that the
11 shorthand reporting firm or affiliate office knew or should have
12 known was using a method for which the reporter is not certified;

13 (8) knowingly providing court reporting services
14 while the shorthand reporting firm's or affiliate office's
15 registration is suspended or engaging the services of a shorthand
16 reporter whose certification the shorthand reporting firm or
17 affiliate office knew or should have known was suspended;

18 (9) unprofessional conduct, including:

19 (A) [a pattern of] giving directly or indirectly
20 or benefiting from or being employed as a result of giving any gift,
21 incentive, reward, or anything of value to attorneys, clients, or
22 their representatives or agents, except for nominal items that do
23 not exceed \$100 in the aggregate for each recipient each year; or

24 (B) repeatedly committing to provide at a
25 specific time and location court reporting services for an attorney
26 in connection with a legal proceeding and unreasonably failing to
27 fulfill the commitment under the terms of that commitment;

(10) entering into or providing services under a prohibited contract described by Section 154.115; or

(11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle~~[, or~~

~~[(12) other sufficient cause].~~

(b) Nothing in Subsection (a)(9)(A) ~~[(a)(9)]~~ shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.

(g) The commission by rule shall define the conditions under which a shorthand reporting firm's or affiliate office's repeated failure to fulfill a commitment to provide court reporting services as described by Subsection (a)(9)(B) is considered unprofessional conduct and grounds for disciplinary action.

(b) In developing rules under Section 154.111(g), Government Code, as added by this section, the Judicial Branch Certification Commission shall:

(1) establish a stakeholder work group to receive input; and

(2) solicit comments from the Texas Court Reporters Association, the Texas Deposition Reporters Association, court reporting schools, and other interested parties.

SECTION 7.17. Section 154.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person commits an offense if the person provides shorthand reporting firm services in this state in violation of

1 Section 154.106. Each day of violation constitutes a separate
2 offense.

3 SECTION 7.18. Section 154.115, Government Code, is amended
4 to read as follows:

5 Sec. 154.115. PROHIBITED CONTRACTS. (a) A court reporter
6 or shorthand reporting firm may not enter into or provide services
7 under any contractual agreement, written or oral, exclusive or
8 nonexclusive, that:

9 (1) undermines the impartiality of the court reporter;

10 (2) requires a court reporter to relinquish control of
11 an original deposition transcript and copies of the transcript
12 before it is certified and delivered to the custodial attorney;

13 (3) requires a court reporter to provide any service
14 not made available to all parties to an action; ~~or~~

15 (4) gives or appears to give an exclusive advantage to
16 any party; or

17 (5) restricts an attorney's choice in the selection of
18 a court reporter or shorthand reporting firm.

19 (b) Subsections (a)(2) and (3) do ~~[This section does]~~ not
20 apply to a contract for court reporting services for a court,
21 agency, or instrumentality of the United States or this state.

22 ARTICLE 8. JUVENILE BOARDS

23 SECTION 8.01. Section 152.0811, Human Resources Code, is
24 amended by amending Subsections (a) and (b) and adding Subsections
25 (a-1) and (d) to read as follows:

26 (a) The juvenile board of Fayette County is composed of:

27 (1) the county judge;

1 (2) [and] the judge of each [a] district court in
2 Fayette County;

3 (3) the judge of each statutory county court in
4 Fayette County; and

5 (4) a public member only if the total number of board
6 members described by Subdivisions (1)-(3) is fewer than three or is
7 an even number [as determined by the commissioners court].

8 (a-1) A public member who serves on the board must be
9 appointed by a majority of the other members of the board. The
10 public member serves a two-year term.

11 (b) The commissioners court may pay the juvenile board
12 members ~~[additional annual]~~ compensation of ~~[not more than]~~ \$1,200
13 annually for the ~~[added]~~ duties imposed on the members. The
14 ~~[additional]~~ compensation shall be paid in equal monthly
15 installments from the general fund or any other available fund of
16 the county.

17 (d) The board member who has the greatest number of years of
18 judicial service and is willing to serve is the chair of the board.

19 SECTION 8.02. Section 152.0941, Human Resources Code, is
20 amended by amending Subsection (c) and adding Subsection (d) to
21 read as follows:

22 (c) Sections 152.0002, 152.0004, and 152.0005~~[, 152.0006,~~
23 ~~152.0007, and 152.0008]~~ do not apply to the juvenile board of Goliad
24 County.

25 (d) The juvenile board of Goliad County and the juvenile
26 boards of one or more counties that are adjacent to or in close
27 proximity to Goliad County may agree to operate together with

1 respect to all matters, or with respect to certain matters
2 specified by the juvenile boards. Juvenile boards operating
3 together may appoint one fiscal officer to receive and disburse
4 funds for the boards.

5 SECTION 8.03. Section 152.0991(a), Human Resources Code, is
6 amended to read as follows:

7 (a) The juvenile board of Grimes County is composed of the
8 county judge, ~~[and]~~ the district judges in Grimes County, and the
9 judge of each county court at law in the county.

10 SECTION 8.04. Section 152.2411, Human Resources Code, is
11 amended by amending Subsections (b) and (f) and adding Subsection
12 (g) to read as follows:

13 (b) The juvenile board shall elect one of its members as
14 ~~[court judge is the]~~ chairman of the board ~~[and its chief~~
15 ~~administrative officer]~~.

16 (f) Sections 152.0002, 152.0004, and 152.0005~~[, 152.0006,~~
17 ~~152.0007, and 152.0008]~~ do not apply to the juvenile board of
18 Victoria County.

19 (g) The juvenile board of Victoria County and the juvenile
20 boards of one or more counties that are adjacent to or in close
21 proximity to Victoria County may agree to operate together with
22 respect to all matters, or with respect to certain matters
23 specified by the juvenile boards. Juvenile boards operating
24 together may appoint one fiscal officer to receive and disburse
25 funds for the boards.

1 ARTICLE 9. THE OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL
2 SYSTEM

3 SECTION 9.01. (a) Section 22A.002(d), Government Code, is
4 amended to read as follows:

5 (d) The comptroller [~~Office of Court Administration of the~~
6 ~~Texas Judicial System~~] shall pay from funds appropriated to the
7 comptroller's judiciary section the travel expenses and other
8 incidental costs related to convening a special three-judge
9 district court under this chapter.

10 (b) The change in law made by this section applies only to a
11 travel expense or other incidental cost incurred on or after the
12 effective date of this Act. A travel expense or other incidental
13 cost incurred before the effective date of this Act is governed by
14 the law in effect on the date the travel expense or other incidental
15 cost was incurred, and the former law is continued in effect for
16 that purpose.

17 SECTION 9.02. (a) Sections 51.607(a) and (b), Government
18 Code, are amended to read as follows:

19 (a) Following each regular session of the legislature, the
20 Office of Court Administration of the Texas Judicial System
21 [~~comptroller~~] shall identify each law enacted by that legislature,
22 other than a law disapproved by the governor, that imposes or
23 changes the amount of a court cost or fee collected by the clerk of a
24 district, county, statutory county, municipal, or justice court
25 from a party to a civil case or a defendant in a criminal case,
26 including a filing or docketing fee, jury fee, cost on conviction,
27 or fee or charge for services or to cover the expenses of a public

1 official or agency. This subsection does not apply to attorney's
2 fees, civil or criminal fines or penalties, or amounts charged,
3 paid, or collected on behalf of another party to a proceeding other
4 than the state in a criminal case, including restitution or
5 damages.

6 (b) The Office of Court Administration of the Texas Judicial
7 System [~~comptroller~~] shall prepare a list of each court cost or fee
8 covered by Subsection (a) to be imposed or changed and shall publish
9 the list in the Texas Register not later than August 1 after the end
10 of the regular session of the legislature at which the law imposing
11 or changing the amount of the cost or fee was enacted. The office
12 [~~comptroller~~] shall include with the list a statement describing
13 the operation of this section and stating the date the imposition or
14 change in the amount of the court cost or fee will take effect under
15 Subsection (c).

16 (b) The change in law made by this section applies only to a
17 law imposing or changing the amount of a court cost or fee that
18 takes effect on or after the effective date of this Act.

19 SECTION 9.03. Subchapter C, Chapter 72, Government Code, is
20 amended by adding Sections 72.033 and 72.034 to read as follows:

21 Sec. 72.033. LIST OF NEW OR AMENDED COURT COSTS AND FEES.
22 The office biennially shall prepare and publish a list of new or
23 amended court costs and fees as required by Section 51.607.

24 Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE. (a) In
25 this section:

26 (1) "Public information" means citation, other
27 related public or legal notice that a person, including a party to a

1 cause of action, is required to publish under a statute or rule, and
2 any other information that the person submits for publication on
3 the public information Internet website to effectuate service of
4 citation by publication.

5 (2) "Public information Internet website" means the
6 official statewide Internet website developed and maintained by the
7 office under this section for the purpose of providing citation by
8 publication.

9 (b) The office shall develop and maintain a public
10 information Internet website that allows a person to easily publish
11 public information on the Internet website or the office to post
12 public information on the Internet website on receipt from the
13 person.

14 (c) The public information Internet website shall allow the
15 public to easily access, search, and sort the public information.

16 (d) The supreme court by rule shall establish procedures for
17 the submission of public information to the public information
18 Internet website by a person who is required to publish the
19 information.

20 SECTION 9.04. (a) The Texas Supreme Court shall adopt the
21 rules necessary to implement Section 72.034, Government Code, as
22 added by this article, not later than June 1, 2020.

23 (b) The Office of Court Administration of the Texas Judicial
24 System shall develop the public information Internet website for
25 the purposes of providing citation by publication as required by
26 Section 72.034, Government Code, as added by this article, not
27 later than June 1, 2020.

SECTION 9.05. Section 121.002, Government Code, is amended by amending Subsections (c) and (d) and adding Subsections (f) and (g) to read as follows:

(c) Notwithstanding any other law, a specialty court program may not operate until the judge, magistrate, or coordinator:

(1) provides to the Office of Court Administration of the Texas Judicial System ~~[criminal justice division of the governor's office]~~:

(A) written notice of the program;

(B) any resolution or other official declaration under which the program was established; and

(C) a copy of the applicable strategic plan that incorporates duties related to supervision that will be required under the program; and

(2) receives from the office ~~[division]~~ written verification of the program's compliance with Subdivision (1).

(d) A specialty court program shall:

(1) comply with all programmatic best practices recommended by the Specialty Courts Advisory Council under Section 772.0061(b)(2) and approved by the Texas Judicial Council; and

(2) report to the criminal justice division of the governor's office and the Texas Judicial Council any information required by the division or council regarding the performance of the program.

(f) The Office of Court Administration of the Texas Judicial System shall:

1 (1) on request provide technical assistance to the
2 specialty court programs;

3 (2) coordinate with an entity funded by the criminal
4 justice division of the governor's office that provides services to
5 specialty court programs;

6 (3) monitor the specialty court programs for
7 compliance with programmatic best practices as required by
8 Subsection (d)(1); and

9 (4) notify the criminal justice division of the
10 governor's office if a specialty court program fails to comply with
11 programmatic best practices as required by Subsection (d)(1).

12 (g) The Office of Court Administration of the Texas Judicial
13 System shall coordinate with and provide information to the
14 criminal justice division of the governor's office on request of
15 the division.

16 SECTION 9.06. (a) The Office of Court Administration of the
17 Texas Judicial System shall contract with the National Center for
18 State Courts to conduct a study of the caseloads of the district and
19 statutory county courts in this state. The study must concentrate
20 on the weighted caseload of each court, considering the nature and
21 complexity of the cases heard.

22 (b) Not later than December 1, 2020, the National Center for
23 State Courts shall report the results of the study required by
24 Subsection (a) of this section to the Office of Court
25 Administration of the Texas Judicial System. Not later than
26 January 1, 2021, the office shall file a report on those results
27 with the governor, the lieutenant governor, the speaker of the

1 house of representatives, and the chairs of the standing committees
2 of the senate and house of representatives with jurisdiction over
3 the judicial system.

4 ARTICLE 10. ELECTRONIC PUBLICATION, SERVICE, AND DISPLAY OF LEGAL
5 DOCUMENTS

6 SECTION 10.01. Sections 9.160(a), (b), and (c), Business
7 Organizations Code, are amended to read as follows:

8 (a) Except as provided by Section 17.032, Civil Practice and
9 Remedies Code, if [~~if~~] process in an action under this subchapter is
10 returned not found, the attorney general shall publish notice on
11 the public information Internet website maintained as required by
12 Section 72.034, Government Code, and in a newspaper in the county in
13 which the registered office of the foreign filing entity in this
14 state is located. The notice must contain:

- 15 (1) a statement of the pendency of the action;
16 (2) the title of the court;
17 (3) the title of the action; and
18 (4) the earliest date on which default judgment may be
19 entered by the court.

20 (b) Notice under this section must be published on the
21 public information Internet website for at least two consecutive
22 weeks and in a newspaper at least once a week for two consecutive
23 weeks. Notice may be published [~~beginning~~] at any time after the
24 citation has been returned.

25 (c) The attorney general may include in a [~~one~~] published
26 notice the name of each foreign filing entity against which an
27 action for involuntary revocation is pending in the same court.

1 SECTION 10.02. Sections 11.310(a) and (b), Business
2 Organizations Code, are amended to read as follows:

3 (a) Except as provided by Section 17.032, Civil Practice and
4 Remedies Code, if [~~If~~] process in an action under this subchapter is
5 returned not found, the attorney general shall publish notice on
6 the public information Internet website maintained as required by
7 Section 72.034, Government Code, and in a newspaper in the county in
8 which the registered office of the filing entity in this state is
9 located. The notice must contain:

- 10 (1) a statement of the pendency of the action;
11 (2) the title of the court;
12 (3) the title of the action; and
13 (4) the earliest date on which default judgment may be
14 entered by the court.

15 (b) Notice under this section must be published on the
16 public information Internet website for at least two consecutive
17 weeks and in a newspaper at least once a week for two consecutive
18 weeks. Notice may be published [~~beginning~~] at any time after the
19 citation has been returned.

20 SECTION 10.03. Subchapter B, Chapter 17, Civil Practice and
21 Remedies Code, is amended by adding Section 17.032 to read as
22 follows:

23 Sec. 17.032. CITATION BY PUBLICATION. (a) Notwithstanding
24 any statute or rule requiring a person to publish citation or notice
25 on the public information Internet website maintained as required
26 by Section 72.034, Government Code, and in a newspaper of general
27 circulation, the person may publish the citation or notice only on

1 the public information Internet website if:

2 (1) the person files a statement of inability to
3 afford payment of court costs under the Texas Rules of Civil
4 Procedure;

5 (2) the total cost of the required publication exceeds
6 the greater of \$200 each week or the amount set by the supreme court
7 under Subsection (b); or

8 (3) the county in which the publication of the
9 citation or notice is required does not have any newspaper
10 published, printed, or generally circulated in the county.

11 (b) The supreme court shall adjust for inflation the maximum
12 amount of publication costs established in Subsection (a)(2).

13 SECTION 10.04. (a) Subchapter B, Chapter 17, Civil
14 Practice and Remedies Code, is amended by adding Section 17.033 to
15 read as follows:

16 Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA
17 PRESENCE. (a) If substituted service of citation is authorized
18 under the Texas Rules of Civil Procedure, the court, in accordance
19 with the rules adopted by the supreme court under Subsection (b),
20 may prescribe as a method of service an electronic communication
21 sent to the defendant through a social media presence.

22 (b) The supreme court shall adopt rules to provide for the
23 substituted service of citation by an electronic communication sent
24 to a defendant through a social media presence.

25 (b) The Texas Supreme Court shall adopt rules under Section
26 17.033, Civil Practice and Remedies Code, as added by this section,
27 not later than December 31, 2020.

1 (c) Section 17.033, Civil Practice and Remedies Code, as
2 added by this section, applies only to an action commenced on or
3 after the effective date of the rules adopted by the Supreme Court
4 of Texas under that section.

5 SECTION 10.05. Sections 51.054(a) and (b), Estates Code,
6 are amended to read as follows:

7 (a) Except as provided by Section 17.032, Civil Practice and
8 Remedies Code, citation ~~[Citation]~~ or notice to a person to be
9 served by publication shall be published one time on the public
10 information Internet website maintained as required by Section
11 72.034, Government Code, and in a newspaper of general circulation
12 in the county in which the proceeding is pending. The publication
13 must be made at least 10 days before the return day of the service,
14 excluding the date of publication.

15 (b) The date of service of citation or notice by publication
16 is the earlier of:

17 (1) the date the citation or notice is published on the
18 public information Internet website under Subsection (a); or

19 (2) the date of publication printed on the newspaper
20 in which the citation or notice is published.

21 SECTION 10.06. Section 51.103(b), Estates Code, is amended
22 to read as follows:

23 (b) Proof of service consists of:

24 (1) if the service is made by a sheriff or constable,
25 the return of service;

26 (2) if the service is made by a private person, the
27 person's affidavit;

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate or affidavit, as applicable, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

(A) an affidavit:

(i) made by the Office of Court Administration of the Texas Judicial System or an employee of the office;

(ii) that contains or to which is attached a copy of the published citation or notice; and

(iii) that states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code; and

(B)[7] an affidavit:

(i) [~~A~~] made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;

(ii) [~~B~~] that contains or to which is attached a copy of the published citation or notice; and

(iii) [~~C~~] that states the date of publication printed on the newspaper in which the citation or notice was published.

1 SECTION 10.07. Sections 1051.054(a) and (b), Estates Code,
2 are amended to read as follows:

3 (a) Except as provided by Section 17.032, Civil Practice and
4 Remedies Code, citation [~~Citation~~] or notice to a person to be
5 served by publication shall be published one time on the public
6 information Internet website maintained as required by Section
7 72.034, Government Code, and in a newspaper of general circulation
8 in the county in which the proceeding is pending. The publication
9 must be made at least 10 days before the return day of the citation
10 or notice, excluding the date of publication.

11 (b) The date of service of citation or notice by publication
12 is the earlier of:

13 (1) the date the citation or notice is published on the
14 public information Internet website under Subsection (a); or

15 (2) the date of publication printed on the newspaper
16 in which the citation or notice is published.

17 SECTION 10.08. Section 1051.153(b), Estates Code, is
18 amended to read as follows:

19 (b) Proof of service consists of:

20 (1) if the service is made by a sheriff or constable,
21 the return of service;

22 (2) if the service is made by a private person, the
23 person's affidavit;

24 (3) if the service is made by mail:

25 (A) the certificate of the county clerk making
26 the service, or the affidavit of the guardian or other person making
27 the service that states that the citation or notice was mailed and

1 the date of the mailing; and

2 (B) the return receipt attached to the
3 certificate, if the mailing was by registered or certified mail and
4 a receipt has been returned; and

5 (4) if the service is made by publication:

6 (A) an affidavit that:

7 (i) is made by the Office of Court
8 Administration of the Texas Judicial System or an employee of the
9 office;

10 (ii) contains or to which is attached a copy
11 of the published citation or notice; and

12 (iii) states the date of publication on the
13 public information Internet website maintained as required by
14 Section 72.034, Government Code; and

15 (B) ~~[7]~~ an affidavit that:

16 (i) ~~[(A)]~~ is made by the publisher of the
17 newspaper in which the citation or notice was published or an
18 employee of the publisher;

19 (ii) ~~[(B)]~~ contains or to which is attached
20 a copy of the published citation or notice; and

21 (iii) ~~[(C)]~~ states the date of publication
22 printed on the newspaper in which the citation or notice was
23 published.

24 SECTION 10.09. Section 3.305, Family Code, is amended to
25 read as follows:

26 Sec. 3.305. CITATION BY PUBLICATION. (a) Except as
27 provided by Section 17.032, Civil Practice and Remedies Code, if

1 ~~[If]~~ the residence of the respondent, other than a respondent
2 reported to be a prisoner of war or missing on public service, is
3 unknown, citation shall be published on the public information
4 Internet website maintained as required by Section 72.034,
5 Government Code, and in a newspaper of general circulation
6 published in the county in which the petition was filed. ~~[If that~~
7 ~~county has no newspaper of general circulation, citation shall be~~
8 ~~published in a newspaper of general circulation in an adjacent~~
9 ~~county or in the nearest county in which a newspaper of general~~
10 ~~circulation is published.]~~

11 (b) The notice shall be published on the public information
12 Internet website for at least two consecutive weeks before the
13 hearing and in a newspaper once a week for two consecutive weeks
14 before the hearing. Neither ~~[, but the first]~~ notice may ~~[not]~~ be
15 initially published after the 20th day before the date set for the
16 hearing.

17 SECTION 10.10. Sections 102.010(a), (b), and (e), Family
18 Code, are amended to read as follows:

19 (a) Except as provided by Section 17.032, Civil Practice and
20 Remedies Code, citation ~~[Citation]~~ may be served ~~[by publication as~~
21 ~~in other civil cases]~~ to persons entitled to service of citation who
22 cannot be notified by personal service or registered or certified
23 mail and to persons whose names are unknown by publication on the
24 public information Internet website maintained as required by
25 Section 72.034, Government Code, and in a newspaper of general
26 circulation published in the county in which the petition was
27 filed.

1 (b) Citation by publication shall be published not later
2 than the 20th day before the date set for the hearing [~~one time~~].
3 [~~If the name of a person entitled to service of citation is unknown,~~
4 ~~the notice to be published shall be addressed to "All Whom It May~~
5 ~~Concern."~~] One or more causes to be heard on a certain day may be
6 included in one notice and hearings may be continued from time to
7 time without further notice.

8 (e) In a suit filed under Chapter 161 or 262 in which the
9 last name of the respondent is unknown, the court may order
10 substituted service of citation by publication, including
11 publication by posting the citation at the courthouse door for a
12 specified time, if the court finds and states in its order that the
13 method of substituted service is as likely as citation by
14 publication on the public information Internet website maintained
15 as required by Section 72.034, Government Code, or in a newspaper in
16 the manner described by Subsection (b) to give the respondent
17 actual notice of the suit. If the court orders that citation by
18 publication shall be completed by posting the citation at the
19 courthouse door for a specified time, service must be completed on,
20 and the answer date is computed from, the expiration date of the
21 posting period. If the court orders another method of substituted
22 service of citation by publication, service shall be completed as
23 directed by the court.

24 SECTION 10.11. Effective September 1, 2019, Subchapter D,
25 Chapter 51, Government Code, is amended by adding Section 51.3032
26 to read as follows:

27 Sec. 51.3032. ELECTRONIC DISPLAY OF OFFICIAL AND LEGAL

1 NOTICES BY DISTRICT CLERK. A district clerk may post an official
2 and legal notice by electronic display, instead of posting a
3 physical document, in the manner provided for a county clerk by
4 Section 82.051, Local Government Code.

5 SECTION 10.12. Section 715.006(c), Health and Safety Code,
6 is amended to read as follows:

7 (c) Except as provided by Section 17.032, Civil Practice and
8 Remedies Code, if [If] the address or identity of a plot owner is
9 not known and cannot be ascertained with reasonable diligence,
10 service by publication shall be made on the plot owner by publishing
11 notice on the public information Internet website maintained as
12 required by Section 72.034, Government Code, and at least three
13 times in a newspaper of general circulation in the county in which
14 the cemetery is located. [If there is not a newspaper of general
15 circulation in the county in which the cemetery is located, the
16 notice may be published in a newspaper of general circulation in an
17 adjoining county.]

18 SECTION 10.13. Except as otherwise provided by this
19 article, this article takes effect June 1, 2020.

20 ARTICLE 11. NOTARIZATION REQUIREMENTS

21 SECTION 11.01. Section 31.008(d), Family Code, is amended
22 to read as follows:

23 (d) The [Notwithstanding Section 132.001, Civil Practice
24 and Remedies Code, the] waiver must be sworn before a notary public
25 who is not an attorney in the suit or conform to the requirements
26 for an unsworn declaration under Section 132.001, Civil Practice
27 and Remedies Code. This subsection does not apply if the party

executing the waiver is incarcerated.

SECTION 11.02. Section 45.107(d), Family Code, is amended to read as follows:

(d) The ~~[Notwithstanding Section 132.001, Civil Practice and Remedies Code, the]~~ waiver must be sworn before a notary public who is not an attorney in the suit or conform to the requirements for an unsworn declaration under Section 132.001, Civil Practice and Remedies Code. This subsection does not apply if the party executing the waiver is incarcerated.

ARTICLE 12. COURT GRANT PROGRAMS

SECTION 12.01. Section 22.017, Government Code, is amended to read as follows:

Sec. 22.017. GRANTS BY COMMISSIONS ESTABLISHED BY SUPREME COURT ~~[FOR CHILD PROTECTION]~~. (a) In this section:

(1) ~~[7]~~ "Children's commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(2) "Mental health commission" means the Texas Judicial Commission on Mental Health established by the supreme court.

(b) The children's commission shall develop and administer a program to provide grants from available funds for initiatives that will:

(1) improve well-being, safety, and permanency outcomes in child protection cases; or

(2) ~~[7]~~ enhance due process for the parties~~[7]~~ or ~~[increase]~~ the timeliness of resolution in ~~[child protection]~~ cases

1 involving the welfare of a child.

2 (c) The children's commission may develop and administer a
3 program to provide grants from available funds for:

4 (1) initiatives designed to prevent or minimize the
5 involvement of children in the juvenile justice system or promote
6 the rehabilitation of children involved in the juvenile justice
7 system; and

8 (2) any other initiatives identified by the children's
9 commission or the supreme court to improve the administration of
10 justice for children.

11 (d) To be eligible for a grant administered by the
12 children's commission under this section, a prospective recipient
13 must:

14 (1) use the grant money to:

15 (A) improve well-being, safety, or permanency
16 outcomes in child protection cases;

17 (B) [7] enhance due process for the parties or
18 the [7-or-increase] timeliness of resolution in [child protection]
19 cases involving the welfare of a child;

20 (C) prevent or minimize the involvement of
21 children in the juvenile justice system or promote the
22 rehabilitation of children involved in the juvenile justice system;
23 or

24 (D) accomplish any other initiatives identified
25 by the children's commission or the supreme court to improve the
26 administration of justice for children; and

27 (2) apply for the grant in accordance with procedures

developed by the children's commission and comply with any other requirements of the supreme court.

(e) The mental health commission may develop and administer a program to provide grants from available funds for initiatives that will improve the administration of justice for individuals with mental health needs or an intellectual or developmental disability.

(f) To be eligible for a grant administered by the mental health commission under this section, a prospective recipient must:

(1) use the grant money to improve the administration of justice for individuals with mental health needs or an intellectual or developmental disability; and

(2) apply for the grant in accordance with procedures developed by the mental health commission and comply with any other requirements of the supreme court.

(g) ~~[(d)]~~ If the children's commission or the mental health commission awards a grant under this section, the commission administering the grant shall:

(1) direct the comptroller to distribute the grant money; and

(2) monitor the use of the grant money.

(h) ~~[(e)]~~ The children's commission and the mental health commission may accept gifts, grants, and donations for purposes of this section. [The commission may not use state funds to provide a grant under this section or to administer the grant program.]

ARTICLE 13. CASES BROUGHT BY ATTORNEY GENERAL

SECTION 13.01. Section 231.103(a), Family Code, is amended

1 to read as follows:

2 (a) The Title IV-D agency may:

3 (1) charge a reasonable application fee;

4 (2) charge a \$35 [~~\$25~~] annual service fee; and

5 (3) to the extent permitted by federal law, recover
6 costs for the services provided in a Title IV-D case.

7 SECTION 13.02. Section 402.006(c), Government Code, is
8 amended to read as follows:

9 (c) In a case in which the state is entitled to recover a
10 penalty or damages the attorney general is entitled, in addition to
11 any other remedy available by law and on behalf of the state, to
12 reasonable attorney's fees and court costs.

13 ARTICLE 14. VISITING JUDGES

14 SECTION 14.01. Section 25.0022, Government Code, is amended
15 by adding Subsections (v) and (w) to read as follows:

16 (v) A judge who is assigned under this section to a court in
17 a county other than the county in which the judge serves is not an
18 employee of the other county.

19 (w) A former or retired judge who is assigned under this
20 section is not an employee of the county in which the assigned court
21 is located.

22 SECTION 14.02. Section 74.061, Government Code, is amended
23 by adding Subsections (l) and (m) to read as follows:

24 (l) A judge of a district, statutory probate,
25 constitutional county, or statutory county court who is assigned
26 under this chapter to a court in a county other than the county in
27 which the judge serves is not an employee of the other county.

1 (m) A former or retired judge or an active judge or justice
2 of the supreme court, the court of criminal appeals, or a court of
3 appeals who is assigned under this chapter is not an employee of the
4 county in which the assigned court is located.

5 SECTION 14.03. Subchapter A, Chapter 75, Government Code,
6 is amended by adding Section 75.004 to read as follows:

7 Sec. 75.004. EMPLOYEE STATUS. A former or retired judge or
8 justice who is assigned under this subchapter is not an employee of
9 the county in which the assigned court is located.

10 ARTICLE 15. REPEALERS AND TRANSITIONS

11 SECTION 15.01. The following provisions of the Code of
12 Criminal Procedure are repealed:

- 13 (1) Article 103.003(b-1); and
14 (2) Article 103.0033.

15 SECTION 15.02. The following provisions of the Estates Code
16 are repealed:

- 17 (1) Section 51.054(c); and
18 (2) Section 1051.054(c).

19 SECTION 15.03. The following provisions of the Government
20 Code are repealed:

- 21 (1) Section 25.1312(b-1);
22 (2) Section 43.111(c);
23 (3) Subchapter C, Chapter 75;
24 (4) Section 832.001(b);
25 (5) Section 835.103;
26 (6) Section 837.001(b); and
27 (7) Section 840.104.

1 SECTION 15.04. The following provisions of the Local
2 Government Code are repealed:

3 (1) Section 133.058(e); and

4 (2) Section 133.103(c-1).

5 SECTION 15.05. The Office of Court Administration of the
6 Texas Judicial System is required to implement a provision of this
7 Act only if the legislature appropriates money specifically for
8 that purpose. If the legislature does not appropriate money
9 specifically for that purpose, the office may, but is not required
10 to, implement a provision of this Act using other appropriations
11 available for that purpose.

12 ARTICLE 16. EFFECTIVE DATE

13 SECTION 16.01. Except as otherwise provided by this Act,
14 this Act takes effect September 1, 2019.

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ARTICLE 1. DISTRICT COURTS

SECTIONS 1.01-1.04 amend provisions of the Government Code and set out related provisions as applicable.

SECTION 1.05. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600 to read as follows:

Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY). (a) The 456th Judicial District is composed of Guadalupe County.
(b) The 456th District Court shall give preference to civil cases.

(b) The 456th Judicial District is created on *September 1, 2019*.

SECTIONS 1.06-1.09 amend provisions of the Government Code and set out related provisions as applicable.

ARTICLE 2. STATUTORY COUNTY COURTS

SECTIONS 2.01-2.04 amend provisions of the Government Code and set out related provisions as applicable.

HOUSE VERSION (IE)

ARTICLE 1. Same as Senate version.

SECTIONS 1.01-1.04. Same as Senate version.

SECTION 1.05. (a) *Effective January 1, 2021*, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600 to read as follows:

Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY). (a) The 456th Judicial District is composed of Guadalupe County.
(b) The 456th District Court shall give preference to civil cases.
(b) Notwithstanding Section 24.026, Government Code, the initial vacancy in the office of judge of the 456th Judicial District shall be filled by election. The office exists for purposes of the primary and general elections in 2020. A vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.
(c) The 456th Judicial District is created on *January 1, 2021*.

SECTIONS 1.06-1.09. Same as Senate version.

ARTICLE 2. Same as Senate version.

SECTIONS 2.01-2.04. Same as Senate version.

CONFERENCE

ARTICLE 1. Same as Senate version.

SECTIONS 1.01-1.04. Same as Senate version.

SECTION 1.05. (a) *Effective January 1, 2021*, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600 to read as follows:

Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY). (a) The 456th Judicial District is composed of Guadalupe County.
(b) The 456th District Court shall give preference to civil cases.

(b) The 456th Judicial District is created on *January 1, 2021*.

SECTIONS 1.06-1.09. Same as Senate version.

ARTICLE 2. Same as Senate version.

SECTIONS 2.01-2.04. Same as Senate version.

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No equivalent provision.

SECTION 2.05. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0881 and 25.0882 to read as follows:

Sec. 25.0881. GILLESPIE COUNTY. Gillespie County has one statutory county court, the County Court at Law of Gillespie County.

Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Gillespie County has concurrent jurisdiction with the district court in

family law cases and proceedings,
including juvenile matters.

(b) The district clerk serves as clerk of a county court at law for family cases and proceedings, *including juvenile matters*, and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

HOUSE VERSION (IE)

SECTION 2.05. (a) Effective January 1, 2021, Section 25.0721, Government Code, is amended to read as follows:
Sec. 25.0721. ELLIS COUNTY. Ellis County has the following statutory county courts:

- (1) the County Court at Law No. 1 of Ellis County; ~~[and]~~
- (2) the County Court at Law No. 2 of Ellis County; and
- (3) the County Court at Law No. 3 of Ellis County.

(b) The County Court at Law No. 3 of Ellis County is created on January 1, 2021.

SECTION 2.06. (a) ***Effective October 1, 2019***, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0881 and 25.0882 to read as follows:

Sec. 25.0881. GILLESPIE COUNTY. Gillespie County has one statutory county court, the County Court at Law of Gillespie County.

Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Gillespie County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings; *and*
- (2) *juvenile law cases and proceedings.*

(b) The district clerk serves as clerk of a county court at law for family *law* cases and proceedings and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

CONFERENCE

SECTION 2.05. Same as House version.

SECTION 2.06. Same as House version.

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(c) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.

(b) The County Court at Law of Gillespie County is created on October 1, 2019.

No equivalent provision.

HOUSE VERSION (IE)

(c) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.

(b) The County Court at Law of Gillespie County is created on October 1, 2019.

SECTION 2.07. (a) Section 25.1101(a), Government Code, is amended to read as follows:

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

- (1) County Court at Law No. 1 of Hidalgo County;
- (2) County Court at Law No. 2 of Hidalgo County;
- (3) County Court at Law No. 4 of Hidalgo County;
- (4) County Court at Law No. 5 of Hidalgo County;
- (5) County Court at Law No. 6 of Hidalgo County;
- (6) County Court at Law No. 7 of Hidalgo County; ~~[and]~~
- (7) County Court at Law No. 8 of Hidalgo County;
- (8) County Court at Law No. 9 of Hidalgo County; and
- (9) County Court at Law No. 10 of Hidalgo County.

(b) The County Court at Law No. 9 of Hidalgo County and County Court at Law No. 10 of Hidalgo County are created on September 1, 2019.

No equivalent provision.

SECTION 2.08. (a) Section 25.1312, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Kaufman County has, except as limited by Subsection ~~[Subsections]~~

(b) ~~[and (b-1)]~~, the jurisdiction provided by the constitution and general law for district courts.

CONFERENCE

SECTION 2.07. Same as House version.

SECTION 2.08. Same as House version.

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(d) A jury must be composed of 12 members in:
(1) civil cases in which the amount in controversy is
\$200,000 or more;
(2) family law cases and proceedings; and
(3) felony cases.
(b) Section 25.1312, Government Code, as amended by this Act, applies only to a cause of action filed on or after the effective date of this Act. A cause of 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.

SECTIONS 2.06-2.07 amend provisions of the Government Code and set out related provisions as applicable.

No equivalent provision.

SECTIONS 2.09-2.10. Same as Senate version.

SECTION 2.____. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:
(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court;

(A) in family law cases and proceedings;

(B) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts,

SECTIONS 2.09-2.10. Same as Senate version.

SECTION 2.11. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), and (g) and adding Subsections (b) and (f) to read as follows:
(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Reeves County has:

(1) concurrent jurisdiction with the district court;

(See Sec. 25.1972(a)(1)(D)-(E) and Sec. 25.1972(b)(4) below.)

(A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts,

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whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;
(C) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought; and
(D) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(See Sec. 25.1972(a)(1)(A) above.)

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:
(A) Chapter 462, Health and Safety Code; and
(B) Subtitles C and D, Title 7, Health and Safety Code;
(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and
(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

CONFERENCE

whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;
(B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;
(C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(D) in proceedings under Title 3, Family Code; and
(E) in any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:
(A) Chapter 462, Health and Safety Code; and
(B) Subtitles C and D, Title 7, Health and Safety Code;
(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and
(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

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(b) A county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. Appeals from justice courts and other courts of inferior jurisdiction in Reeves County must be made directly to a county court at law.

(c) A county court at law does not have jurisdiction of:
(1) felony cases, except as otherwise provided by law;
(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or
(3) contested elections.

(See Sec. 25.1972(a)(1)(A) above.)

(e)-(f).

(g) The district clerk serves as clerk of a county court at law in the [family law] cases described by Subsection (a). ***The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases described by Subsections (a)(1)(A) and (2) and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases***
[and proceedings, and the county clerk serves as clerk of the court in all other matters].

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of 6

No equivalent provision.

(b) A county court at law does not have jurisdiction of:
(1) felony cases, except as otherwise provided by law;
(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059;
(3) contested elections; or

(4) except as provided by Subsections (a)(1)(D) and (E), family law cases [and proceedings].

(e)-(f). Same as House version.

(g) The district clerk serves as clerk of a county court at law in the [family law] cases described by Subsection (a) [and proceedings],

and the county clerk serves as clerk of the court in all other matters.

No equivalent provision.

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members unless the constitution requires a 12-member jury.
Failure to object before a 6-member jury is seated and sworn
constitutes a waiver of a 12-member jury.

(i) If any cause or proceeding is lodged with the district clerk
and the district clerk files, docket, or assigns the cause or
proceeding in or to a county court at law that does not have
subject matter jurisdiction over the cause or proceeding, the
filing, docketing, or assignment of the cause or proceeding
in or to a county court at law is considered a clerical error.
That clerical error must be corrected by a judgment or order
nunc pro tunc. The cause or proceeding is considered filed,
docketed, or assigned to the district court of the local
administrative judge in the first instance rather than to the
county court at law. The judge of a county court at law who
acts in the cause or proceeding is considered assigned to the
district court of the local administrative judge for that
purpose and has all the powers of the judge of that district
court under the assignment [~~Practice in a county court at law~~
~~is that prescribed by law for county courts, except that~~
~~practice and procedure, rules of evidence, issuance of~~
~~process and writs, and all other matters pertaining to the~~
~~conduct of trials and hearings involving family law cases and~~
~~proceedings are governed by this section and the laws and~~
~~rules pertaining to district courts. If a family law case is tried~~
~~before a jury, the jury shall be composed of 12 members].~~
[FA1(12)]

No equivalent provision.

SECTION 2.____. (a) Section 25.1972, Government Code,
is amended.
(b) Section 25.1972(k), Government Code, is repealed.
[FA2]

Same as Senate version.

No equivalent provision.

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SECTION 2.08 amends provisions of the Government Code and sets out a related provision.	SECTION 2.11. Same as Senate version.	SECTION 2.12. Same as Senate version.
ARTICLE 3. MUNICIPAL COURTS	ARTICLE 3. Same as Senate version.	ARTICLE 3. Same as Senate version.
SECTION 3.01 amends provisions of the Government Code and sets out a related provision.	SECTION 3.01. Same as Senate version.	SECTION 3.01. Same as Senate version.
ARTICLE 4. SENIOR DISTRICT JUDGES	ARTICLE 4. Same as Senate version.	ARTICLE 4. Same as Senate version.
SECTIONS 4.01-4.03 amend provisions of the Government Code and set out related provisions as applicable.	SECTIONS 4.01-4.03. Same as Senate version.	SECTIONS 4.01-4.03. Same as Senate version.
ARTICLE 5. MASTERS AND MAGISTRATES	ARTICLE 5. Same as Senate version.	ARTICLE 5. Same as Senate version.
<i>No equivalent provision.</i>	SECTION 5.01. Article 2.09, Code of Criminal Procedure, is amended to read as follows: Art. 2.09. WHO ARE MAGISTRATES. Each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the	SECTION 5.01. Same as House version.

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magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the magistrates appointed by the El Paso Council of Judges, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, the magistrates appointed by the Collin County Commissioners Court, the magistrates appointed by the Fort Bend County Commissioners Court [~~as added by H.B. No. 2132, Acts of the 82nd Legislature, Regular Session, 2011~~], the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

No equivalent provision.

SECTION 5.02. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

SECTION 5.02. Same as House version.

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

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

SECTION 5.01. Chapter 54, Government Code, is amended.

No equivalent provision.

SECTION 5.02. Chapter 54, Government Code., is amended.

SECTION 5.03. Same as Senate version.

SECTION 5.04. Provides an authorization for the Commissioners Court of Collin County to appoint magistrates and sets out provisions relating to magistrates in Collin County.

SECTION 5.05. Substantially the same as Senate version.

SECTION 5.03. Same as Senate version.

SECTION 5.04. Same as House version.

SECTION 5.05. Same as House version.

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No equivalent provision.

ARTICLE 6. DISTRICT AND COUNTY ATTORNEYS

SECTIONS 6.01-6.04 amend provisions of the Government Code.

SECTION 6.05. Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 293rd, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman,

HOUSE VERSION (IE)

SECTION 5.06. Provides an authorization for the Commissioners Court of Fort Bend County to authorize the judges of the district and statutory county courts in Fort Bend County to appoint magistrates and sets out provisions relating to magistrates in Fort Bend County.

ARTICLE 6. Same as Senate version.

SECTIONS 6.01-6.04. Same as Senate version.

SECTION 6.05. *Effective September 1, 2019*, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman,

CONFERENCE

SECTION 5.06. Same as House version.

ARTICLE 6. Same as Senate version.

SECTIONS 6.01-6.04. Same as Senate version.

SECTION 6.05. Same as House version.

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Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Burleson, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 6.06. Effective January 1, 2021, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 293rd, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith,

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Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Burleson, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 6.06. Effective January 1, 2021, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith,

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SECTION 6.06. Same as House version.

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Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, <u>Medina</u> , Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and (3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, <u>Burleson</u> , Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.	Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, <u>Medina</u> , Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and (3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, <u>Burleson</u> , Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.	
No equivalent provision.	Same as Senate version. SECTION 6.07. [Deleted by FA1(2)]	Same as Senate version.
ARTICLE 7. COURT REPORTERS AND BAILIFFS	ARTICLE 7. Same as Senate version.	ARTICLE 7. Same as Senate version.
SECTION 7.01. Section 322.003, Business & Commerce Code, is amended.	SECTION 7.01. Same as Senate version.	SECTION 7.01. Same as Senate version.
SECTION 7.02. Subchapter B, Chapter 51, Civil Practice and Remedies Code, is amended.	SECTION 7.02. Same as Senate version.	SECTION 7.02. Same as Senate version.
SECTION 7.03. Chapter 52, Government Code, is amended by adding Subchapter B to read as follows: <u>SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS</u>	SECTION 7.03. Chapter 52, Government Code, is amended by adding Subchapter B to read as follows: <u>SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS</u> <u>Sec. 52.011.</u>	SECTION 7.03. Same as House version.

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SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

Sec. 52.011. **ITEMIZED STATEMENT OF TAXABLE COSTS.** A court reporting firm on request shall provide to a court reporter who prepares a deposition transcript an itemized statement of the charges that constitute the amount stated on the court reporter's certificate filed with the court as part of the deposition as required by Rule 203, Texas Rules of Civil Procedure, that the court clerk must tax as costs.

PROVISION OF SIGNED CERTIFICATION. On request of a court reporter who reported a deposition, a court reporting firm shall provide the reporter with a copy of the document related to the deposition, known as the further certification, that the reporter has signed or to which the reporter's signature has been applied.

SECTIONS 7.04-7.05 amend provisions of the Government Code.

SECTIONS 7.04-7.05. Same as Senate version.

SECTIONS 7.04-7.05. Same as Senate version.

SECTION 7.06. Section 53.009(g), Government Code, is amended to read as follows:

(g) Each bailiff appointed by a judge of the 15th, ~~or~~ 59th, or 397th district court or appointed by a statutory county court judge in Grayson County is entitled to receive from the county a salary set by the judge ~~[equal to the salary of a jailer employed by the Grayson County sheriff].~~

SECTION 7.06. Section 53.009(g), Government Code, is amended to read as follows:

(g) Each bailiff appointed by a judge of the 15th, ~~or~~ 59th, or 397th district court or appointed by a statutory county court judge in Grayson County is entitled to receive from the county a salary set by the judge within the budget guidelines established by the Commissioners Court of Grayson County ~~[equal to the salary of a jailer employed by the Grayson County sheriff].~~ [FA1(3)]

SECTION 7.06. Same as House version.

SECTIONS 7.07-7.08 amend provisions of the Government Code.

SECTIONS 7.07-7.08. Same as Senate version.

SECTIONS 7.07-7.08. Same as Senate version.

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SECTION 7.09. (a) Subchapter C, Chapter 154, Government Code, is amended by adding Sections 154.1011 and 154.1012 to read as follows:

Sec. 154.1011.

Sec. 154.1012. RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a court reporter certification **or a shorthand reporting firm registration** for an applicant after reviewing the applicant's credentials and determining the applicant holds a certification, **registration**, or license issued by another jurisdiction that has certification, **registration**, or licensing requirements substantially equivalent to those of this state.

(b) The commission shall develop and periodically update on a schedule established by the commission a list of states that have certification, **registration**, or licensing requirements for court reporters **and shorthand reporting firms** substantially equivalent to those of this state.

(c) The commission shall certify to the supreme court the name of each qualified applicant who:

(1) holds a certification, **registration**, or license to engage in court reporting issued by another state that, as determined by the commission:

(A) has certification, **registration**, or licensing requirements to engage in court reporting that are substantially equivalent to the requirements of this state for a court reporter governed by this chapter and Chapter 52; or

(B) is included on the list developed by the commission under Subsection (b); and

(2) before certification in this state:

HOUSE VERSION (IE)

SECTION 7.09. (a) Subchapter C, Chapter 154, Government Code, is amended by adding Sections 154.1011 and 154.1012 to read as follows:

Sec. 154.1011. Same as Senate version.

Sec. 154.1012. RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a court reporter certification for an applicant after reviewing the applicant's credentials and determining the applicant holds a certification or license issued by another jurisdiction that has certification or licensing requirements substantially equivalent to those of this state. [FA1(4);FA1(6A)]

(b) The commission shall develop and periodically update on a schedule established by the commission a list of states that have certification or licensing requirements for court reporters substantially equivalent to those of this state. [FA1(5);FA1(6B)]

(c) The commission shall certify to the supreme court the name of each qualified applicant who:

(1) holds a certification or license to engage in court reporting issued by another state that, as determined by the commission: [FA1(6B)]

(A) has certification or licensing requirements to engage in court reporting that are substantially equivalent to the requirements of this state for a court reporter governed by this chapter and Chapter 52; or [FA1(6B)]

(B) is included on the list developed by the commission under Subsection (b); and

(2) before certification in this state:

CONFERENCE

SECTION 7.09. Same as House version.

Senate Bill 891
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SENATE VERSION

(A) passes Part B of the examination required by Section 154.103; and

(B) provides proof acceptable to the commission that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years.

(d) A reciprocity agreement approved by the supreme court under Section 152.202(b) must require an applicant who holds a certification, **registration**, or license to engage in court reporting issued by another state and who applies for certification as a court reporter in this state to:

(1) pass Part B of the examination required by Section 154.103;

(2) provide proof acceptable to the commission that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years; and

(3) hold a certification, **registration**, or license that the commission determines is at least equivalent to the registered professional reporter designation or similar designation.

(e) A person who applies for certification as a court reporter in this state and meets the requirements under Subsection (c) is not required to meet the requirement under Subsection (d)(3).

(f) Subject to Section 152.101, the commission may adopt rules requiring the issuance of a provisional certification under Section 154.1011 to an applicant described by Subsection (c) or (d) that authorizes the applicant to serve as a court reporter in this state for a limited time and under conditions the commission considers reasonably necessary to protect the public interest.

HOUSE VERSION (IE)

(A) passes Part B of the examination required by Section 154.103; and

(B) provides proof acceptable to the commission that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years.

(d) A reciprocity agreement approved by the supreme court under Section 152.202(b) must require an applicant who holds a certification or license to engage in court reporting issued by another state and who applies for certification as a court reporter in this state to: [FA1(6C)]

(1) pass Part B of the examination required by Section 154.103;

(2) provide proof acceptable to the commission that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years; and

(3) hold a certification or license that the commission determines is at least equivalent to the registered professional reporter designation or similar designation. [FA1(6C)]

(e) A person who applies for certification as a court reporter in this state and meets the requirements under Subsection (c) is not required to meet the requirement under Subsection (d)(3).

(f) Subject to Section 152.101, the commission may adopt rules requiring the issuance of a provisional certification under Section 154.1011 to an applicant described by Subsection (c) or (d) that authorizes the applicant to serve as a court reporter in this state for a limited time and under conditions the commission considers reasonably necessary to protect the public interest.

CONFERENCE

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SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(b)

(b) Same as Senate version.

SECTIONS 7.10-7.17 amend provisions of the Government Code and set out related provisions as applicable.

SECTIONS 7.10-7.17. Same as Senate version.

SECTIONS 7.10-7.17. Same as Senate version.

SECTION 7.18. Section 154.115(b), Government Code, is amended to read as follows:

SECTION 7.18. Section 154.115, Government Code, is amended to read as follows: [FA1(7)]

SECTION 7.18. Same as House version.

Sec. 154.115. PROHIBITED CONTRACTS. (a) A court reporter or shorthand reporting firm may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

- (1) undermines the impartiality of the court reporter;***
- (2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;***
- (3) requires a court reporter to provide any service not made available to all parties to an action; [or]***
- (4) gives or appears to give an exclusive advantage to any party; or***
- (5) restricts an attorney's choice in the selection of a court reporter or shorthand reporting firm.***

(b) Subsections (a)(2) and (3) do [This section does] not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state.

(b) Subsections (a)(2) and (3) do [This section does] not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state. [FA1(8)]

ARTICLE 8. JUVENILE BOARDS

ARTICLE 8. Same as Senate version.

ARTICLE 8. Same as Senate version.

No equivalent provision.

SECTION 8.____. Section 152.0811, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d) to read as follows:

SECTION 8.01. Same as House version.

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CONFERENCE

- (a) The juvenile board of Fayette County is composed of:
- (1) the county judge;
 - (2) ~~and~~ the judge of each [a] district court in Fayette County;
 - (3) the judge of each statutory county court in Fayette County; and
 - (4) a public member only if the total number of board members described by Subdivisions (1)-(3) is fewer than three or is an even number ~~[as determined by the commissioners court]~~.
- (a-1) A public member who serves on the board must be appointed by a majority of the other members of the board. The public member serves a two-year term.
- (b) The commissioners court may pay the juvenile board members ~~[additional annual]~~ compensation of ~~[not more than]~~ \$1,200 annually for the ~~added~~ duties imposed on the members. The ~~[additional]~~ compensation shall be paid in equal monthly installments from the general fund or any other available fund of the county.
- (d) The board member who has the greatest number of years of judicial service and is willing to serve is the chair of the board. [FA1(13)]

SECTIONS 8.01-8.03 amend provisions of the Human Resources Code.

SECTIONS 8.01-8.03. Same as Senate version.

SECTIONS 8.02-8.04. Same as Senate version.

ARTICLE 9. THE OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL SYSTEM

ARTICLE 9. Same as Senate version.

ARTICLE 9. Same as Senate version.

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SECTIONS 9.01-9.04 amend provisions of the Government Code and set out related provisions as applicable.

SECTION 9.05. Section 121.002, Government Code, is amended by amending Subsections (c) and (d) and adding Subsections (f) and (g) to read as follows:

(c)-(d)

- (f) The Office of Court Administration of the Texas Judicial System shall:
(1) on request provide technical assistance to the specialty court programs;
(2) coordinate with an entity funded by the criminal justice division of the governor's office that provides services to specialty *courts*;
(3) monitor the specialty court programs for compliance with programmatic best practices as required by Subsection (d); and
(4) notify the criminal justice division of the governor's office if a specialty court program fails to comply with programmatic best practices as required by Subsection (d).

(g)

SECTION 9.06. Procedural provision.

ARTICLE 10. ELECTRONIC PUBLICATION AND
DISPLAY OF LEGAL DOCUMENTS

HOUSE VERSION (IE)

SECTIONS 9.01-9.04. Same as Senate version.

SECTION 9.05. Section 121.002, Government Code, is amended by amending Subsections (c) and (d) and adding Subsections (f) and (g) to read as follows:

(c)-(d) Same as Senate version.

- (f) The Office of Court Administration of the Texas Judicial System shall:
(1) on request provide technical assistance to the specialty court programs;
(2) coordinate with an entity funded by the criminal justice division of the governor's office that provides services to specialty *court programs*; [FA1(9)]
(3) monitor the specialty court programs for compliance with programmatic best practices as required by Subsection(d)(1); and [FA1(10)]
(4) notify the criminal justice division of the governor's office if a specialty court program fails to comply with programmatic best practices as required by Subsection(d)(I). [FA1(11)]

(g) Same as Senate version.

SECTION 9.06. Same as Senate version.

ARTICLE 10. ELECTRONIC PUBLICATION,
SERVICE, AND DISPLAY OF LEGAL DOCUMENTS

CONFERENCE

SECTIONS 9.01-9.04. Same as Senate version.

SECTION 9.05. Same as House version.

SECTION 9.06. Same as Senate version.

ARTICLE 10. Same as House version.

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SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTIONS 10.01-10.02 amend provisions of the Business Organizations Code.	SECTIONS 10.01-10.02. Same as Senate version.	SECTIONS 10.01-10.02. Same as Senate version.
SECTION 10.03 amends provisions of the Civil Practice and Remedies Code.	SECTION 10.03. Same as Senate version.	SECTION 10.03. Same as Senate version.
<i>No equivalent provision.</i>	<p>SECTION 10.04. (a) Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.033 to read as follows:</p> <p><u>Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA PRESENCE. (a) If substituted service of citation is authorized under the Texas Rules of Civil Procedure, the court, in accordance with the rules adopted by the supreme court under Subsection (b), may prescribe as a method of service an electronic communication sent to the defendant through a social media presence.</u></p> <p><u>(b) The supreme court shall adopt rules to provide for the substituted service of citation by an electronic communication sent to a defendant through a social media presence.</u></p> <p>(b) The Texas Supreme Court shall adopt rules under Section 17.033, Civil Practice and Remedies Code, as added by this section, not later than December 31, 2020.</p> <p>(c) Section 17.033, Civil Practice and Remedies Code, as added by this section, applies only to an action commenced on or after the effective date of the rules adopted by the Supreme Court of Texas under that section.</p>	SECTION 10.04. Same as House version.
SECTIONS 10.04-10.07 amend provisions of the Estates Code.	SECTIONS 10.05-10.08. Same as Senate version.	SECTIONS 10.05-10.08. Same as Senate version.

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SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTIONS 10.08-10.09 amend provisions of the Family Code.	SECTIONS 10.09-10.10. Same as Senate version.	SECTIONS 10.09-10.10. Same as Senate version.
SECTION 10.10. Effective September 1, 2019, Subchapter D, Chapter 51, Government Code, is amended.	SECTION 10.11. Same as Senate version.	SECTION 10.11. Same as Senate version.
SECTION 10.11. Section 715.006(c), Health and Safety Code, is amended.	SECTION 10.12. Same as Senate version.	SECTION 10.12. Same as Senate version.
SECTION 10.12. Except as otherwise provided by this article, this article takes effect June 1, 2020.	SECTION 10.13. Same as Senate version.	SECTION 10.13. Same as Senate version.
ARTICLE 11. NOTARIZATION REQUIREMENTS	ARTICLE 11. Same as Senate version.	ARTICLE 11. Same as Senate version.
SECTIONS 11.01-11.02 amend provisions of the Family Code.	SECTIONS 11.01-11.02. Same as Senate version.	SECTIONS 11.01-11.02. Same as Senate version.
<i>No equivalent provision.</i>	ARTICLE 12. COURT GRANT PROGRAMS	ARTICLE 12. Same as House version.
<i>No equivalent provision.</i>	SECTION 12.01.	SECTION 12.01.
	(a) Section 22.017, Government Code, is amended.	Section 22.017. Same as House version.
	(b) As soon as practicable after September 1, 2019, the Texas Supreme Court shall establish the Texas Judicial Commission on Mental Health.	<i>No equivalent provision.</i>
ARTICLE 12. REPEALERS AND TRANSITIONS	ARTICLE 13. Same as Senate version.	ARTICLE 15. Same as Senate version.
<i>No equivalent provision.</i>	SECTION 13.____. The following provisions of the Code of Criminal Procedure are repealed:	SECTION 15.01. Same as House version.

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HOUSE VERSION (IE)

CONFERENCE

SECTION 12.01. The following provisions of the Estates Code are repealed:

- (1) Section 51.054(c); and
- (2) Section 1051.054(c).

SECTION 12.02. The following provisions of the Government Code are repealed:

- (1) Section 43.111(c);
- (2) Subchapter C, Chapter 75;
- (3) Section 832.001(b);
- (4) Section 835.103;
- (5) Section 837.001(b); and
- (6) Section 840.104.

No equivalent provision.

SECTION 12.03. Procedural provision.

No equivalent provision.

- (1) Article 103.003(b-1); and
- (2) Article 103.0033. [FA1(15)]

SECTION 13.01. Same as Senate version.

SECTION 13.02. The following provisions of the Government Code are repealed:

- (1) Section 25.1312(b-1);**
- () Section 25.1972(k);** [FA1(14)]
- () Section 74.055(f);** [FA1,3rd(2)]
- (3) Subchapter C, Chapter 75;
- (4) Section 832.001(b);
- (5) Section 835.103;
- (6) Section 837.001(b); and
- (7) Section 840.104.

SECTION __. __. The following provisions of the Local Government Code are repealed:

- (1) Section 133.058(e); and
- (2) Section 133.103(c-1). [FA1(15)]

SECTION 13.03. Same as Senate version.

ARTICLE __. CASES BROUGHT BY ATTORNEY GENERAL [FA1(16)]

SECTION 15.02. Same as Senate version.

SECTION 15.03. Same as Senate version, except also repeals Section 25.1312(b-1), Government Code.

SECTION 15.04. Same as House version.

SECTION 15.05 Same as Senate version.

ARTICLE 13. Same as House version, except as follows:

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SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

Same as Senate version.

SECTION 13.01. Section 231.103(a), Family Code, is amended to read as follows:
(a) The Title IV-D agency may:
(1) charge a reasonable application fee;
(2) charge a \$35 [~~\$25~~] annual service fee; and
(3) to the extent permitted by federal law, recover costs for the services provided in a Title IV-D case.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

No equivalent provision.

SECTION __.01. Section 402.006(c), Government Code, is amended to read as follows:
(c) In a case in which the state is entitled to recover a penalty or damages the attorney general is entitled, in addition to any other remedy available by law and on behalf of the state, to reasonable attorney's fees and court costs.

SECTION 13.02. Same as House version.

No equivalent provision.

ARTICLE __. VISITING JUDGES [FA1(16)]

ARTICLE 14. Same as House version.

No equivalent provision.

SECTION __.01. Section 25.0022, Government Code, is amended by adding Subsections (v) and (w) to read as follows:
(v) A judge who is assigned under this section to a court in a county other than the county in which the judge serves is not an employee of the other county.
(w) A former or retired judge who is assigned under this section is not an employee of the county in which the assigned court is located. [FA1(16)]

SECTION 14.01. Same as House version.

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SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
<i>No equivalent provision.</i>	SECTION __.02. Section 74.061, Government Code, is amended by adding Subsections (l) and (m) to read as follows: <u>(l) A judge of a district, statutory probate, constitutional county, or statutory county court who is assigned under this chapter to a court in a county other than the county in which the judge serves is not an employee of the other county.</u> <u>(m) A former or retired judge or an active judge or justice of the supreme court, the court of criminal appeals, or a court of appeals who is assigned under this chapter is not an employee of the county in which the assigned court is located.</u> [FA1(16)]	SECTION 14.02. Same as House version.
<i>No equivalent provision.</i>	SECTION __.03. Subchapter A, Chapter 75, Government Code, is amended by adding Section 75.004 to read as follows: <u>Sec. 75.004. EMPLOYEE STATUS. A former or retired judge or justice who is assigned under this subchapter is not an employee of the county in which the assigned court is located.</u> [FA1(16)]	SECTION 14.03. Same as House version.
<i>No equivalent provision.</i>	ARTICLE __. RETIRED AND FORMER JUDGES [FA1,3rd(1)]	Same as Senate version.
<i>No equivalent provision.</i>	SECTION __.01. Section 74.055(c), Government Code, is amended.	Same as Senate version.
<i>No equivalent provision.</i>	SECTION __.02. sets out the applicability of Section 74.055(c), Government Code, as amended by this Act. [FA1,3rd(1)]	Same as Senate version.

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SENATE VERSION

ARTICLE 13. EFFECTIVE DATE

SECTION 13.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

HOUSE VERSION (IE)

ARTICLE 14. Same as Senate version.

SECTION 14.01. Same as Senate version.

CONFERENCE

ARTICLE 16. Same as Senate version.

SECTION 16.01. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB891 by Huffman (Relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; increasing and imposing fees; creating a criminal offense.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB891, Conference Committee Report: a positive impact of \$9,145,823 through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	\$4,700,571
2021	\$4,445,252
2022	\$4,362,882
2023	\$4,595,468
2024	\$4,835,870

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2019
2020	\$4,660,571	\$40,000	5.0
2021	\$4,405,252	\$40,000	8.9
2022	\$4,322,882	\$40,000	10.0
2023	\$4,555,468	\$40,000	10.0
2024	\$4,795,870	\$40,000	10.0

Fiscal Analysis

The bill would amend the Government Code to create new judicial districts in: Medina County, the 454th Judicial District created September 1, 2019; Travis County, the 455th Judicial District created October 1, 2020; Guadalupe County, the 456th Judicial District created January 1, 2021; Montgomery County, the 457th Judicial District created September 1, 2019; Brazoria County, the 461st Judicial District created September 1, 2019; Comal County, the 466th Judicial District created January 1, 2021; Denton County, the 467th Judicial District created January 1, 2021; Collin County, the 468th Judicial District created September 1, 2019; and Collin County, the 471st Judicial District created September 1, 2019.

The bill would amend the Government Code to create new statutory courts: Chambers County Court at Law created January 1, 2021; Comal County Court at Law #3 created September 1, 2019; Ellis County Court at Law #3 created January 1, 2021; Gillespie County Court at Law created October 1, 2019; Hidalgo County Court at Law #9 created September 1, 2019; Hidalgo County Court at Law #10 created September 1, 2019; Liberty County Court at Law #2 created September 1, 2019; and Rockwall County Court at Law #2 created September 1, 2019.

The bill would amend the Government Code within the Professional Prosecutors Act to add the state prosecutor of the 24th Judicial District and the county attorney position in Burleson County effective September 1, 2019 and the Medina County Criminal District Attorney effective January 1, 2021. The county attorney of Burleson County would be prohibited from the private practice of law. The bill would abolish the county attorney position for Medina County, would establish the Criminal District Attorney of Medina County, and would include this state prosecutor position within the Professional Prosecutors Act effective January 1, 2021. The bill would also include the state prosecutor of the 293rd Judicial District within the Professional Prosecutors Act effective January 1, 2025.

The bill would amend the Government Code to require the Judicial Branch Certification Commission (JBCC) to develop and periodically update a list of states that have substantially equivalent requirements for the court reporting profession to those of this state and to certify those reporters who hold a license in one of those states and meet certain other criteria, set out the requirements for reciprocity agreements, require shorthand reporting firms to pay only a registration or renewal fee in lieu of a separate fee for a certified court reporter if the court reporter owns more than 50 percent of the firm and maintains actual control of the firm, require the JBCC to require each court reporter and at least one person who has management responsibility for a shorthand reporting firm to complete continuing education, remove "other sufficient cause" and add repeatedly failing to appear for scheduled court reporting services as a reason for a court reporter to be disciplined, and create a Class A misdemeanor offense for providing unlicensed court reporting services.

The bill would amend the Business Organizations Code to require the Office of Court Administration (OCA) to develop and maintain a public information website that would allow a person or OCA to publish citations, other public or legal notice that a person, including a party to a cause of action is required to publish under statute or rule, on the website. The bill would require this website to be easily accessible and searchable by users. The Supreme Court of Texas would be responsible for establishing the procedures for submitting information for publication on the website.

The bill would amend the Government Code to transfer notification requirements for the reporting of specialty courts from the Criminal Justice Division within the Office of the Governor to OCA, require these courts to report certain information as described in the bill to the Texas Judicial Council in addition to the Criminal Justice Division, and require OCA to provide certain services to specialty courts and to notify the Criminal Justice Division if a specialty court fails to comply with programmatic best practices.

The bill would amend the Government Code to transfer responsibilities for the payment of travel expenses and other incidental costs related to convening a special three-judge district court from OCA to the Judiciary Section, Comptroller's Office.

The bill would amend the Government Code to transfer responsibilities for the identification and creation of a list of each law enacted by the Legislature and signed by the Governor that imposes or changes a court cost or fee collected by a clerk of a court from the Comptroller of Public Accounts to OCA no later than August 1st after the end of the legislative session in which the change was enacted and require OCA to prepare and publish a list of new and amended court costs and fees biennially.

The bill would amend the Government Code to require OCA to contract with the National Center for State Courts (NCSC) to provide a weighted caseload study that would determine the need for new district courts and county courts at law. The study would be required to be submitted to OCA by NCSC no later than December 1, 2020, and OCA would be required to provide a report on the study to the Governor and legislature no later than January 1, 2021.

The bill would amend the Family Code relating to the Title IV-D Annual Child Support service fee.

The bill would amend the Government Code to authorize both the Permanent Judicial Commission for Children, Youth, and Families, or "Children's Commission", and the Judicial Commission on Mental Health to make grants from available funds, which would include state funds.

The bill would amend the Code of Criminal Procedure and Local Government Code to eliminate the Collection Improvement Program.

The bill would take effect September 1, 2019.

Methodology

The annual salary provided by the state for a district judge is \$140,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$38,505 each fiscal year. The total annual salary and benefits cost for a district judge is estimated to be \$178,505 each fiscal year.

In addition, the costs for creation of the following district courts are prorated due to creation dates that fall within a fiscal year: the 455th District Court in Travis County is prorated for 11 months in fiscal year 2021 because this court would be created on October 1st; the 456th District Court in Guadalupe County, the 466th District Court in Comal County, and the 467th District Court in Denton County are prorated for 8 months in fiscal year 2021 because these courts would be created on January 1st. Total costs for the 2020-21 biennium for creation of these district courts is estimated to be \$2,305,695 in General Revenue. The addition of these new district courts would include an increase of 5.0 FTEs in fiscal year 2020, a prorated amount of 8.2 FTEs in fiscal year 2021, and 9.0 FTEs beginning in 2022 and for each subsequent year.

For county courts at law, the annual recurring cost to the state would be \$84,000 from General Revenue due to the state providing a county court-at-law judge a salary supplement up to 60 percent of the state salary of a district judge. Total costs for the 2020-21 biennium for creation of these county courts at law are estimated to be \$945,000 in General Revenue. In addition, the costs for creation of the Chambers County Court at Law and Ellis County Court at Law #3 are prorated for 8 months in fiscal year 2021 because these court would be created on January 1st and the Gillespie County Court at Law is prorated for 11 months in fiscal year 2020 because this court would be created on October 1st.

The annual salary for a district attorney listed in the Professional Prosecutors Act is \$140,000 from the state plus benefits which are estimated to be \$29,877 each fiscal year, or \$169,877 in total. According to the Comptroller of Public Accounts, the state is currently compensating the district attorneys for the 24th and 293rd Judicial Districts an annual salary of \$112,000 plus \$24,466 in benefits for a total of \$136,466. Therefore, the state's obligations for listing these positions in the Professional Prosecutors Act would be \$33,411 for each position for each applicable fiscal year.

The state is currently providing a county attorney supplement for the Burleson county attorney position of \$35,000. Therefore, the state's obligations for listing the Burleson county attorney position in the Professional Prosecutors Act would be \$162,377 each fiscal year with an increase of 1.0 FTE each fiscal year. This includes \$27,500 for office expenses.

The state is currently providing a county attorney supplement for the Medina county attorney position of \$23,333; a position which the bill abolishes. These savings would be offset by the state's obligations for creation of the Medina County Criminal District Attorney position and including this position within the Professional Prosecutors Act which would have an annual cost of \$174,044 with an increase of 1.0 FTE each fiscal year. This includes \$27,500 for office expenses. This cost is prorated at \$116,029 in fiscal year 2021 because this provision is effective January 1, 2021.

Total costs for the 2020-21 biennium for these state prosecutor position changes are estimated to be \$507,607 in General Revenue with an additional 1.0 FTE in fiscal year 2020, a prorated 1.7 FTEs in fiscal year 2021, and 2.0 FTEs each subsequent fiscal year.

These costs are traditionally met through a mix of General Revenue Fund and Judicial Fund No. 573 funding, however for the past several fiscal years Judicial Fund No. 573 revenues have not been sufficient to meet all judicial salary obligations. Due to this, General Revenue funding has been used to meet the remaining obligations. Therefore, this estimate assumes General Revenue funding would be needed to cover the full state obligations for any additional new courts created by the 86th Legislature.

Based on information provided by OCA, this estimate assumes that OCA would be required to

contract for the services of a programmer and project manager to develop and maintain the public website for the inventorying of public citations and other legal notices with one-time costs estimated to be \$66,640 in General Revenue in fiscal year 2020.

Based on a comparison of costs for similar studies previously developed by OCA, this estimate assumes that \$300,000 in General Revenue in fiscal year 2020 would be necessary to contract with the NCSC for development of a weighted caseload study within timeframes identified in the bill.

Under current law, the JBCC collects a \$200 fee on 315 court reporting businesses, or \$63,000, for a two year registration. Since the bill would prohibit the collection of those fees, this analysis assumes there would be a similar revenue reduction realized in every subsequent two year period. The table above does not reflect the reduction in revenue because the JBCC is statutorily required to generate revenue in amounts sufficient to cover all of its operating costs each fiscal year. In addition, OCA estimates that additional technology costs of \$40,000 would be required each fiscal year in licensing fees for the software utilized by the JBCC to add two additional license classifications to the current system. Accordingly, this analysis assumes that fees would be adjusted as necessary to reflect revenue losses and cover additional costs.

Based on information provided by OCA, elimination of the Collection Improvement Program would result in the agency needing 1.0 fewer Auditor position for annual salary savings of \$88,858 in General Revenue funding each fiscal year.

Based on analysis by the Office of the Attorney General, the provisions of the bill increasing the Title Title IV-D Child Support annual service fee from \$25 to \$35 would result in a positive impact to General Revenue during the 2020-21 biennium of \$13.2 million. This estimate is based on avoiding federal fines and increased collections resulting from changing the fee.

According to OCA and the Comptroller of Public Accounts, duties and responsibilities associated with implementing the remaining provisions of the bill could be accomplished by utilizing existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. Additional details are provided in the Criminal Justice Impact Statement.

Technology

OCA estimates that additional technology costs of \$40,000 each fiscal year would be required for the software utilized by the JBCC to add two additional license classifications to the current system. In addition, OCA would be required to contract for the services of a programmer and project manager to develop and maintain the public website for the inventorying of public citations and other legal notices with one-time costs estimated to be \$66,640 in fiscal year 2020.

Local Government Impact

The bill would establish new courts, which would require annual costs for personnel and operating expenses and may require one-time costs, such as furniture, to establish.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of

the Attorney General, 304 Comptroller of Public Accounts

LBB Staff: WP, SLE, MW, GDz, JMO, CMa, SPa, AF, LCO, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB891 by Huffman (Relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; increasing and imposing fees; creating a criminal offense.), **Conference Committee Report**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend various codes as they relate to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government. Under the provisions of the bill, a witness appearing before a master or magistrate is subject to the penalties of perjury. Perjury is currently punishable as a Class A misdemeanor and aggravated perjury is punishable as a third degree felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in a county jail for a term not to exceed one year, or both.

Expanding the circumstances of a criminal offense is expected to result in additional demands on the correctional resources of the counties or of the State due to either an increase in individuals placed or longer periods of time under community supervision, an increase in individuals sentenced to or longer terms of confinement within state correctional institutions, or placed under parole supervision. In fiscal year 2018, for aggravated perjury, 27 people were arrested, fewer than ten were placed under felony community supervision, and fewer than ten were admitted into a state correctional institution. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Source Agencies:

LBB Staff: WP, LM, SPa

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on SB891 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.


(name)

5/25/19
(date)