CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/23
Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
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 HOUSE BILL 3474 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.

HUGHES

LEACH

CREIGHTON

VASUT

HANCOCK

MOODY

HUFFMAN

JOHNSON

WEST / On the part of the Senate

MURR On the part of the House

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.

19D 7

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3474

A BILL TO BE ENTITLED

AN ACT

relating to the operation and administration of and practices and procedures regarding proceedings in the judicial branch of state government, including the service of process and delivery of documents related to the proceedings, the administration of oaths, and the management of the Texas Indigent Defense Commission, and the composition of certain juvenile boards; establishing a civil penalty; increasing certain court costs; authorizing fees.

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

ARTICLE 1. APPELLATE AND DISTRICT COURTS

SECTION 1.001. Subchapter D, Chapter 22, Government Code, is amended by adding Section 22.3015 to read as follows:

Sec. 22.3015. EXPENSES OF APPELLATE COURT JUDGE OR JUSTICE. (a) A justice of the supreme court, a judge of the court of criminal appeals, or a justice of a court of appeals engaged in the discharge of official duties in a county other than the justice's or judge's county of residence is entitled to traveling and other necessary expenses, as provided by Chapter 660.

(b) A justice of the supreme court, a judge of the court of criminal appeals, or a justice of a court of appeals is entitled to receive from the state the actual and necessary postage, telegraph, and telephone expenses incurred in the discharge of official duties.

(c) The expenses shall be paid by the state on a sworn

itemized account showing the expenses.

SECTION 1.002. Section 24.392, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) The 213th District Court shall give preference to criminal cases.

(c) The terms of the 213th District Court begin on the first Mondays in January, April, July, and October.

(d) [~~(c)~~] In addition to other jurisdiction provided by law, the 213th District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.003. Section 24.516, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The terms of the 371st District Court begin on the first Mondays in January, April, July, and October.

(d) In addition to other jurisdiction provided by law, the 371st District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.004. Section 24.517, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The terms of the 372nd District Court begin on the first Mondays in January, April, July, and October.

(d) In addition to other jurisdiction provided by law, the 372nd District Court has concurrent original jurisdiction with the

county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.005. Section 24.541, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The terms of the 396th District Court begin on the first Mondays in January, April, July, and October.

(d) In addition to other jurisdiction provided by law, the 396th District Court has concurrent original jurisdiction with the county criminal courts and the justice courts in Tarrant County over misdemeanor cases.

SECTION 1.006. (a) Section 24.553, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The 411th District Court has concurrent jurisdiction in Polk County with the county court over all misdemeanor cases over which the county court has jurisdiction under the constitution and laws of this state. Cases in the concurrent misdemeanor jurisdiction may be filed in either court, and all cases of concurrent misdemeanor jurisdiction may be transferred between the 411th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(b) Section 24.553, Government Code, as amended by this article, applies only to a case filed or proceeding commenced on or after September 1, 2023. A case filed or proceeding commenced before September 1, 2023, is governed by the law in effect on the

date the case was filed or the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 1.007. Section 24.576, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The terms of the 432nd District Court begin on the first Mondays in January, April, July, and October.

(d) In addition to other jurisdiction provided by law, the 432nd District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.008. Section 24.591, Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Notwithstanding Section 24.030, a district court in Kendall County may sit outside the county seat in a suitable facility designated by the Kendall County Commissioners Court as an auxiliary court facility, as provided by Section 292.031, Local Government Code.

(e) A district court in Kendall County sitting in an auxiliary court facility designated by the Kendall County Commissioners Court may hear motions, arguments, nonjury trials, and jury trials for all actions and any other matter before the court and within the court's jurisdiction.

SECTION 1.009. (a) Effective January 1, 2025, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600201 to read as follows:

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

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

2025.

SECTION 1.010. Section 24.60030, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The terms of the 485th District Court begin on the first Mondays in January, April, July, and October.

(d) In addition to other jurisdiction provided by law, the 485th District Court has concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases.

SECTION 1.011. (a) Effective October 1, 2023, Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60031, 24.60032, and 24.60033 to read as follows:

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

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

Sec. 24.60032. 487TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 487th Judicial District is composed of Harris County.

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

Sec. 24.60033. 488TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 488th Judicial District is composed of Harris County.

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

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

SECTION 1.012. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60034 to read as follows:

Sec. 24.60034. 489TH JUDICIAL DISTRICT (KAUFMAN COUNTY). The 489th Judicial District is composed of Kaufman County.

(b) The 489th Judicial District is created on September 1, 2023.

SECTION 1.013. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60038 to read as follows:

Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 493rd Judicial District is composed of Collin County.

(b) The 493rd District Court shall give preference to civil cases.

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

SECTION 1.014. (a) Effective September 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60039 to read as follows:

Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 494th Judicial District is composed of Collin County.

(b) The 494th District Court shall give preference to family law matters.

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

SECTION 1.015. (a) Effective October 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60040, 24.60041, and 24.60042 to read as follows:

Sec. 24.60040. 495TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 495th Judicial District is composed of Harris County.

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

criminal cases.

Sec. 24.60041. 496TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 496th Judicial District is composed of Harris County.

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

Sec. 24.60042. 497TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) The 497th Judicial District is composed of Harris County.

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

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

SECTION 1.016. (a) Effective October 1, 2025, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60043 to read as follows:

Sec. 24.60043. 498TH JUDICIAL DISTRICT (KENDALL COUNTY). (a) The 498th Judicial District is composed of Kendall County.

(b) This section applies to all district courts in Kendall County.

(c) In addition to the other jurisdiction provided by law, the 498th District Court has concurrent jurisdiction with the other district courts in Kendall County and with the County Court of Kendall County in all civil and criminal matters over which the county court has original or appellate jurisdiction, including probate matters and proceedings under Subtitle C, Title 7, Health and Safety Code.

(d) All civil and criminal matters within the concurrent jurisdiction of the county and district courts must be filed with

the county clerk in the county court. The county clerk serves as the clerk of the district court for those matters.

(e) Notwithstanding Section 24.030, a district court in Kendall County may sit outside the county seat in a suitable facility designated by the Kendall County Commissioners Court as an auxiliary court facility, as provided by Section 292.031, Local Government Code.

(f) A district court in Kendall County sitting in an auxiliary court facility designated by the Kendall County Commissioners Court may hear motions, arguments, nonjury trials, and jury trials for all actions and any other matter before the court and within the court's jurisdiction.

(b) The 498th Judicial District is created on October 1, 2025.

SECTION 1.017. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6009 to read as follows:

Sec. 24.6009. 465TH JUDICIAL DISTRICT (BASTROP COUNTY). The 465th Judicial District is composed of Bastrop County.

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

SECTION 1.018. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60095 to read as follows:

Sec. 24.60095. 472ND JUDICIAL DISTRICT (BRAZOS COUNTY). (a) The 472nd Judicial District is composed of Brazos County.

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

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

SECTION 1.019. (a) Section 24.910, Government Code, is amended by adding Subsection (a-1) and amending Subsections (b), (c), and (e) to read as follows:

(a-1) Subchapter C applies to the Tarrant County Criminal District Court No. 1.

(b) This section applies to the Tarrant County Criminal District Courts Nos. 1, 2, [~~and~~] 3, and 4.

(c) The criminal district courts have jurisdiction of criminal cases within the jurisdiction of a district court. The criminal district courts also have concurrent original jurisdiction with the county criminal courts in Tarrant County over misdemeanor cases. The criminal district courts do not have appellate misdemeanor jurisdiction.

(e) The judge of each criminal district court or county criminal court may, on motion of the judge or the criminal district attorney, transfer misdemeanor cases between the courts by an order entered in the minutes of the transferor [~~transferring~~] court. The clerk of the transferor [~~transferring~~] court shall certify the style and number of the case to the clerk of the transferee court [~~to which it is transferred~~] and include the papers of the case with the certification. The [~~receiving~~] clerk of the transferee court shall promptly docket the transferred case. The transferee [~~receiving~~] court shall dispose of the case as if it had been originally instituted in that court.

(b) Section 24.910(f), Government Code, is repealed.

SECTION 1.020. Section 24.911, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Subchapter C applies to the Tarrant County Criminal District Court No. 2.

SECTION 1.021. Section 24.912, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Subchapter C applies to the Tarrant County Criminal District Court No. 3.

SECTION 1.022. (a) The heading to Section 24.913, Government Code, is amended to read as follows:

Sec. 24.913. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT NO. 4 [~~OF TARRANT COUNTY~~].

(b) Section 24.913, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (d-1) to read as follows:

(a) The Tarrant County Criminal Judicial District No. 4 [~~of Tarrant County~~] is composed of Tarrant County.

(d) Subchapter C applies to the Tarrant County Criminal District Court No. 4 [~~of Tarrant County~~].

(d-1) Section 24.910, relating to the Tarrant County Criminal District Court No. 1, contains provisions applicable to both that court and the Tarrant County Criminal District Court No. 4.

(c) Sections 24.913(b), (c), and (e), Government Code, are repealed.

SECTION 1.023. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.039 to read as follows:

Sec. 72.039. DISTRICT COURT CASELOAD ANALYSIS. (a) In this section:

(1) "Clearance rate" has the meaning assigned by Section 72.083.

(2) "Judicial officer" means a district judge or an associate judge, master, magistrate, or referee who conducts proceedings for district courts.

(b) The office at least once every two years shall conduct a district court caseload analysis. The analysis must concentrate on the weighted caseload of the district courts in the 30 most populous counties in this state, considering the nature and complexity of cases heard by each court, and include the following information, disaggregated by county:

(1) the number of cases filed in each district court with jurisdiction in the county in each of the preceding five state fiscal years;

(2) the clearance rate for each district court with jurisdiction in the county in each of the preceding five state fiscal years;

(3) the number of estimated full-time equivalent judicial officers serving district courts in the county in the preceding state fiscal year;

(4) the number of full-time equivalent judicial officers needed to serve the district courts in the county based on the most recent weighted caseload analysis;

(5) the calendar year for creation of the most recently created district court in the county; and

(6) any other relevant information identified by the director.

(c) Not later than October 1 of each even-numbered year, the office shall report the results of the analysis conducted under Subsection (b) to the governor, the lieutenant governor, and each member of the legislature.

SECTION 1.024. Section 659.012(b), Government Code, is amended to read as follows:

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

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

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

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

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

(2) 120 percent of the state base salary paid in accordance with Subsection (a) for the judge's or justice's position, beginning with the pay period that begins after the judge

or justice accrues eight years of:

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

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

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

ARTICLE 2. STATUTORY COUNTY COURTS

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

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

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

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

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

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

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

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

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

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

(1) family law cases and proceedings; [~~and~~]

(2) felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas; and

(3) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003.

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

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

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

(c) Bexar County also has the following statutory probate courts:

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

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

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

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

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

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

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

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

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

(p) Notwithstanding Section 25.0022(h), in the absence, disqualification, or incapacity of a statutory probate judge in Bexar County or on the judge's request, the statutory probate

judges in Bexar County may sit and act for each other in any probate matter or proceeding. A statutory probate judge in Bexar County may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The local administrative statutory county court judge

shall transfer any active probate matter that is pending in a statutory county court in Cameron County on September 1, 2023, to Probate Court No. 1 of Cameron County.

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

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

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

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

SECTION 2.009. Section 25.0732, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The County Criminal Court at Law No. 2 of El Paso County, Texas, is designated to conduct the DWI Drug Court Intervention and Treatment Program of El Paso County as a drug court program under Chapter 123 for persons arrested for, charged with, or convicted of an offense involving the operation of a motor

vehicle while intoxicated.

SECTION 2.010. Section 25.0932, Government Code, is amended by amending Subsection (a) and adding Subsection (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 Grayson County has:

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

(2) 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.

SECTION 2.011. (a) Section 25.1031(c), Government Code, is amended to read as follows:

(c) Harris County has the following statutory probate courts:

(1) Probate Court No. 1 of Harris County, Texas;

(2) Probate Court No. 2 of Harris County, Texas;

(3) Probate Court No. 3 of Harris County, Texas; [~~and~~]

(4) Probate Court No. 4 of Harris County, Texas; and

(5) Probate Court No. 5 of Harris County, Texas.

(b) Section 25.1034(j), Government Code, is repealed.

(c) The Probate Court No. 5 of Harris County, Texas, is created on September 1, 2023.

SECTION 2.012. Sections 25.1331 and 25.1332, Government

Code, are repealed.

SECTION 2.013. Sections 25.1572(a), (d), and (e), Government Code, are amended 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 McLennan County has:

(1) concurrent jurisdiction with the district courts in state jail, third degree, and second degree felony cases and family law cases on assignment from a district judge presiding in McLennan County and acceptance of the assignment by the judge of the county court at law to:

(A) conduct arraignments;

(B) conduct pretrial hearings;

(C) accept guilty pleas and conduct sentencing;

(D) conduct jury trials and nonjury trials;

(E) conduct probation revocation hearings;

(F) conduct post-trial proceedings; and

(G) conduct family law cases and proceedings; and

(2) jurisdiction in:

(A) Class A and Class B misdemeanor cases;

(B) probate proceedings;

(C) eminent domain;

(D) appeals from the justice and municipal courts; and

(E) 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 [~~to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct probation revocation hearings in felony cases~~].

(d) A judge of a county court at law shall be paid a total [~~an~~] annual [~~base~~] salary set by the commissioners court in an amount not less than $1,000 less than the annual [~~base~~] salary received by [~~the state pays to~~] a district judge [~~as set by the General Appropriations Act in accordance with Section 659.012~~] with equivalent years of service as a [~~the~~] judge, as provided under Section 25.0005, to be paid out of the county treasury by the commissioners court. [~~A county court at law judge's and a district judge's annual base salaries do not include contributions and supplements paid by the county.~~]

(e) The district clerk serves as clerk of a county court at law in cases instituted in the district courts in which the county courts at law have [~~matters of~~] concurrent jurisdiction with the district court. The county clerk serves as the clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

SECTION 2.014. (a) Effective October 1, 2023, Section 25.1721, Government Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

(c) Effective October 1, 2023, the judge of the County Court at Law No. 2 of Montgomery County is the judge of the Probate Court No. 1 of Montgomery County. Unless otherwise removed, the judge serves until December 31, 2026, and until the judge's successor is elected and has qualified. In the 2026 general election and every four years following that election, the qualified voters of the county shall elect a judge of the Probate Court No. 1 of Montgomery County for a regular term of four years.

SECTION 2.015. (a) Effective October 1, 2023, Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.1723 to read as follows:

Sec. 25.1723. MONTGOMERY COUNTY PROBATE COURT PROVISIONS. (a) In this section, "remote proceeding" means a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, or other individual, attends the

proceeding remotely through the use of technology.

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

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

(2) declaratory judgment actions;

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

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

(c) A statutory probate court of Montgomery County has eminent domain jurisdiction, including the jurisdiction provided to a district court under Sections 21.002 and 21.003, Property Code, regardless of the amount in controversy or the remedy sought. All eminent domain actions, cases, matters, or proceedings arising under Chapter 21, Property Code, or under Section 251.101, Transportation Code, shall be filed and docketed in a statutory probate court.

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

(e) A judge of a statutory probate court in Montgomery County and a judge of a district court or statutory county court in Montgomery County may exchange benches and may sit and act for each

other in any matter pending before the court.

(f) The county clerk of Montgomery County serves as clerk of a statutory probate court.

(g) A statutory probate court of Montgomery County may appoint as a court investigator an employee of the court or another department in the county to comply with Section 25.0025.

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

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

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

(d) When a case is transferred as provided by Subsection (b) or (c) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees on all bonds and recognizances taken in and for a court from which a case is

transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before that court.

SECTION 2.016. (a) Sections 25.1892(a) and (e), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Polk County has concurrent [~~civil~~] jurisdiction with the district court in:

(1) cases and proceedings involving the collection of delinquent taxes, penalties, interest, and costs and the foreclosure of tax liens; [~~and~~]

(2) family law cases and proceedings; and

(3) felony cases to conduct arraignments and pre-trial hearings and to accept guilty pleas.

(e) The district clerk serves as clerk of a county court at law in cases of concurrent jurisdiction with the district court [~~enumerated in Subsection (a)(2)~~], and the county clerk serves as clerk in all other cases. [~~The district clerk shall establish a separate docket for a county court at law.~~]

(b) Sections 25.1892(a) and (e), Government Code, as amended by this article, apply only to a case filed or proceeding commenced on or after September 1, 2023. A case filed or proceeding commenced before September 1, 2023, is governed by the law in effect on the date the case was filed or the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 2.017. (a) Sections 25.2223(a), (i), (j), (j-2),

and (l), Government Code, are amended to read as follows:

(a) A county criminal court in Tarrant County has jurisdiction over all criminal matters and causes, original and appellate, prescribed by law for county courts, but does not have civil jurisdiction. In addition to the jurisdiction provided by Section 25.0003 and other law, a county criminal court in Tarrant County has concurrent original jurisdiction of criminal cases with a district court other than felony cases involving capital murder. The County Criminal Courts Nos. 9 [~~5~~] and 10 of Tarrant County also have concurrent jurisdiction within the county of all appeals from criminal convictions under the laws of this state and the municipal ordinances of the municipalities located in Tarrant County that are appealed from the justice courts and municipal courts in the county. [~~The County Criminal Courts Nos. 5, 7, 8, 9, and 10 of Tarrant County also have concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas.~~]

(i) The official court reporter of a county criminal court is entitled to the same fees and salary as a district court reporter and shall perform the same duties and take the oath of office as provided by law for district court reporters. [~~The official court reporter for the County Criminal Court No. 1 or 3 of Tarrant County is not required to take testimony in cases in which neither a party nor the judge demands it.~~]

(j) At least two bailiffs shall be assigned regularly to each county criminal court in [~~the County Criminal Court No. 1 of Tarrant County and the County Criminal Court No. 2 of~~] Tarrant

County. Except as provided by Subsection (j-2), each judge [~~the judges~~] of a county criminal court [~~the County Criminal Courts Nos. 1 and 2 of Tarrant County~~] shall [~~each~~] appoint one officer to act as bailiff of the judge's court, and the sheriff of Tarrant County shall appoint a bailiff for each court as prescribed by law. The bailiffs serve at the pleasure of the court and shall perform the duties required by the judge of the court to which the bailiffs are assigned.

(j-2) The judge of a county criminal court [~~listed in Subsection (j) or (j-1)~~] may authorize the sheriff to appoint all bailiffs in the judge's court. If the sheriff is authorized by a judge to make the judge's appointment under this subsection, the sheriff shall appoint at least two officers to act as bailiffs for the judge's court. A bailiff appointed under this subsection serves at the pleasure of the court and shall perform the duties required by the judge of the court to which the bailiff is assigned.

(l) The County Criminal Courts Nos. [~~Court No.~~] 5 and 6 of Tarrant County [~~and the County Criminal Court No. 6 of Tarrant County~~] shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.07(a)(2) [~~42.072~~], Penal Code.

(b) Sections 25.2223(b) and (j-1), Government Code, are repealed.

SECTION 2.018. (a) Effective October 1, 2023, Section 25.2291(c), Government Code, is amended to read as follows:

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

courts:

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

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

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

SECTION 2.019. (a) Effective October 1, 2023, Section 25.2293, Government Code, is amended by adding Subsections (d), (e), (h), and (k) to read as follows:

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

(e) The county clerk shall docket:

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

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

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

(h) The county clerk shall appoint a deputy clerk for each statutory probate court. A deputy clerk serves at the pleasure of the judge of the court to which the deputy clerk is assigned. A deputy clerk must take the constitutional oath of office, and the county clerk may require the deputy clerk to furnish a bond in an amount, conditioned and payable, as required by law. A deputy clerk acts in the name of the county clerk and may perform any other

service required by the judge of a statutory probate court. A deputy clerk shall attend all sessions of the court to which the deputy clerk is assigned.

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

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

SECTION 2.020. (a) Section 25.2391, Government Code, is amended to read as follows:

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

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

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

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

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

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

(d) This section does not affect the term of office of a judge of a court redesignated by this section. The judge, unless otherwise removed as provided by law, continues to serve for the term for which the judge was elected.

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

SECTION 2.021. Section 25.2392, Government Code, is amended by adding Subsection (b) and amending Subsection (g) to read as follows:

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

(g) The district clerk serves as clerk of a county court at law in family law cases and proceedings and as clerk of County Court at Law No. 2 in cases and proceedings in which the court has concurrent jurisdiction with the district courts as provided by the constitution and general law, including jurisdiction in felony criminal cases. The[~~, and the~~] county clerk serves as clerk of a county [~~the~~] court at law in all other cases and proceedings. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

SECTION 2.022. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2491 to read as follows:

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

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

SECTION 2.023. Section 25.2607(d), Government Code, is amended to read as follows:

(d) Notwithstanding Section 25.0015, the state shall annually compensate the administrative county of a multicounty

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

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

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

SECTION 2.024. (a) Subchapter F, Chapter 25, Government Code, is amended by adding Sections 25.2703 and 25.2704 to read as follows:

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

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

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

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

(d) If the counties served by the county court at law are unable to reach an agreement under Subsection (c) before the first day of the fiscal year for a county served by the court, each county shall pay to the court's administrative county a share of the court's administrative and operational costs for the fiscal year based on the proportion of the court's caseload originating in the county during the preceding year. A county is entitled to compensation from the state under Section 25.0015 in proportion to the amount paid under this subsection.

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

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

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

(b) The 2nd Multicounty Court at Law is created on September

1, 2023.

ARTICLE 3. JUSTICE COURTS AND CONSTITUTIONAL COUNTY COURTS

SECTION 3.001. Article 49.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) A justice of the peace may conduct an inquest:

(1) at the place where the death occurred;

(2) where the body was found; [~~or~~]

(3) by videoconference with an individual who is:

(A) designated by the justice of the peace; and

(B) present with the body for a death described by Article 49.04(a)(6) or (7); or

(4) at any other place determined to be reasonable by the justice.

SECTION 3.002. Section 26.315, Government Code, is amended to read as follows:

Sec. 26.315. STEPHENS COUNTY. (a) In addition to other jurisdiction provided by law, the [~~The~~] County Court of Stephens County has original concurrent jurisdiction with the justice courts in all civil matters in which the justice courts have jurisdiction under general law [~~the general jurisdiction of a probate court and juvenile jurisdiction as provided by Section 26.042(b) but has no other criminal or civil jurisdiction~~].

(b) The district clerk shall maintain the records of the County Court of Stephens County.

SECTION 3.003. (a) Section 92.0563(e), Property Code, is amended to read as follows:

(e) A justice court may not award a judgment under this

section, including an order of repair, that exceeds $20,000 [~~$10,000~~], excluding interest and costs of court.

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

ARTICLE 4. CRIMINAL LAW MAGISTRATES

SECTION 4.001. 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 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 magistrates appointed by the judges of the district courts and

statutory county courts in Denton County, the magistrates appointed by the judges of the district courts and statutory county courts in Grayson 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, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

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

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

1. The Court of Criminal Appeals;

2. Courts of appeals;

3. The district courts;

4. The criminal district courts;

5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;

6. The county courts;

7. All county courts at law with criminal jurisdiction;

8. County criminal courts;

9. Justice courts;

10. Municipal courts;

11. The magistrates appointed by the judges of the district courts of Lubbock County;

12. The magistrates appointed by the El Paso Council of Judges;

13. The magistrates appointed by the Collin County Commissioners Court;

14. The magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County; [~~and~~]

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

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

17. The magistrates appointed by the judges of the

district and statutory county courts of Grayson County.

SECTION 4.003. Section 54.2001(b), Government Code, is amended to read as follows:

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

SECTION 4.004. Section 54.2502(c), Government Code, is amended to read as follows:

(c) A judge of the criminal law magistrate court is entitled to the salary set by the commissioners court. The salary may not be less than the annual base salary paid to a district judge under Section 659.012(a)(1) and must include compensation for services performed on behalf of Brazoria County [~~Chapter 659~~].

SECTION 4.005. Chapter 54, Government Code, is amended by adding Subchapter RR to read as follows:

SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) The Commissioners Court of Grayson County may authorize the judges of the district and statutory county courts in Grayson County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

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

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

County, and the order must state:

(1) the magistrate's name; and

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

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

Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must be a resident of this state and:

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

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

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

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

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

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

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

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

(1) give admonishments;

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

(3) appoint legal counsel; and

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

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

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

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

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

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

SECTION 4.006. Chapter 54, Government Code, is amended by adding Subchapter SS to read as follows:

SUBCHAPTER SS. DENTON COUNTY CRIMINAL LAW MAGISTRATE COURT

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

Sec. 54.2802. APPOINTMENT; OVERSIGHT. (a) The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County shall appoint one or more judges to preside over the criminal law magistrate court. An appointed judge must:

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

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

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

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

(5) meet the qualifications under Section 54.2807.

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

(1) designate to oversee the criminal law magistrate

court either:

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

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

(2) supervise the magistrate court to ensure the magistrates appointed give preference to duties under Chapters 14, 15, 16, 17, and 18, Code of Criminal Procedure.

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

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

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

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

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

(4) in which either:

(A) the defendant has not yet been charged by

information or indictment; or

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

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

(1) hear a trial on the merits of an offense, except as provided by Section 54.2811(c); or

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

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

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

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

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

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

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

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

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

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

(6) administer oaths; and

(7) perform an action on a proceeding referred to the magistrate under Section 54.2811.

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

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

(2) oversee the criminal law magistrate court; and

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

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

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

(c) A jail magistrate shall ensure timely compliance with Article 15.17, Code of Criminal Procedure, in all cases within the magistrate's jurisdiction, give preference to performing the duties of a magistrate under that article, and perform the following duties:

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

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

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

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

(5) set the conditions of bond;

(6) conduct an examining trial;

(7) issue search and arrest warrants;

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

(9) with the express authorization of a justice of the peace, exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the

precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

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

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

(1) order the release of defendant due to an extraordinary medical condition;

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

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

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

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

Sec. 54.2807. QUALIFICATIONS. To be eligible for appointment as the criminal law magistrate court associate judge, a

jail magistrate, or another magistrate in the criminal law magistrate court, a person must:

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

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

Sec. 54.2808. COMPENSATION. A criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court shall be paid a total annual salary set by the Commissioners Court of Denton County. The salary shall be paid in a manner and from a fund determined by the commissioners court.

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

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

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

criminal law magistrate court under Section 54.2802(b).

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

(1) a negotiated plea of guilty or no contest before the court;

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

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) jury selection;

(7) an occupational driver's license;

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

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

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

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

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

(13) setting, adjusting, or revoking bond;

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

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

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

(1) conduct a hearing;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on the admissibility of evidence;

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

(6) examine a witness;

(7) swear a witness for a hearing;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on pretrial motions;

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

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

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

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

(B) defer adjudication of guilt;

(14) select a jury;

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

(16) conduct a contested probation revocation hearing;

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

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

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

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

(e) A criminal law magistrate, including the criminal law magistrate court associate judge, has all of the powers of a magistrate under the laws of this state and may administer an oath

for any purpose.

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

(b) An order of referral may:

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

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

(3) prescribe a closing date for the hearing;

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

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

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

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

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

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

(2) the county clerk if associated with a Class A or

Class B misdemeanor case; or

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 54.2820. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the

same court costs for cases filed in, transferred to, or assigned to the criminal law magistrate court that are charged in the district courts.

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

SECTION 4.007. Section 54.651, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A magistrate appointed under this subchapter may not engage in the private practice of law, as defined by Section 81.101, in Tarrant County.

SECTION 4.008. Section 54.656(a), Government Code, is amended to read as follows:

(a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or nolo contendere [~~no contest~~] and sentencing before the court;

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

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

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

(8) an asset forfeiture hearing as provided by Chapter

59, Code of Criminal Procedure;

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

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

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

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the referring judge considers necessary and proper.

SECTION 4.009. Subchapter H, Chapter 54, Government Code, is amended by adding Section 54.6585 to read as follows:

Sec. 54.6585. CLERK. (a) The district clerk serves as clerk of the cases referred to a magistrate under this subchapter, except:

(1) the county clerk serves as clerk for a Class A or Class B misdemeanor case filed in a county criminal court and referred to a magistrate; and

(2) the originating justice court clerk serves as clerk for a Class C misdemeanor case filed in a justice court and referred to a magistrate.

(b) The district clerk shall establish a docket and keep the minutes for the cases referred to a magistrate under this subchapter. To facilitate the duties associated with serving as

the clerk for the cases referred to a magistrate, the district clerk and deputy district clerks may serve as deputy county clerks and deputy justice clerks at the discretion of the district clerk.

ARTICLE 5. ASSOCIATE JUDGES AND VISITING JUDGES

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

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

(1) this title;

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

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

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

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

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

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

(b) Sections 201.005(a) and (d), Family Code, as amended by this section, apply only to a suit or application filed on or after September 1, 2023. A suit or application filed before September 1,

2023, is governed by the law in effect on the date the suit or application was filed, and the former law is continued in effect for that purpose.

SECTION 5.002. Section 201.105(a), Family Code, is amended to read as follows:

(a) An associate judge appointed under this subchapter is entitled to a salary in the amount equal to 90 percent of the annual [~~state base~~] salary paid to a district judge with comparable years of service as the associate judge as set by the General Appropriations Act in accordance with Section 659.012 [~~659.012(a)~~], Government Code.

SECTION 5.003. Section 201.113, Family Code, is amended to read as follows:

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

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

(A) illness;

(B) injury;

(C) disability;

(D) personal emergency;

(E) military service;

(F) vacation; or

(G) attendance at a continuing legal education program;

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

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

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

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

(d) [~~(c)~~] A visiting associate judge assigned [~~appointed~~] under this section is subject to each provision of this chapter that applies to an associate judge serving under a regular appointment under this subchapter. A visiting associate judge assigned [~~appointed~~] under this section is entitled to compensation to be

determined by a majority vote of the presiding judges of the administrative judicial regions through use of funds under this subchapter. A visiting associate judge is not considered to be a state employee for any purpose.

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

SECTION 5.004. Section 201.205(a), Family Code, is amended to read as follows:

(a) An associate judge appointed under this subchapter is entitled to a salary in the amount equal to 90 percent of the annual [~~state base~~] salary paid to a district judge with comparable years of service as the associate judge as set by the General Appropriations Act in accordance with Section 659.012 [~~659.012(a)~~], Government Code.

SECTION 5.005. Section 201.208, Family Code, is amended to read as follows:

Sec. 201.208. ASSIGNMENT OF JUDGES AND [~~APPOINTMENT OF~~] VISITING ASSOCIATE JUDGES. (a) This chapter does not limit the authority of a presiding judge to assign a judge eligible for assignment under Chapter 74, Government Code, to assist in processing cases in a reasonable time.

(b) The [~~If an associate judge appointed under this subchapter is temporarily unable to perform the associate judge's official duties because of absence resulting from family circumstances, illness, injury, disability, or military service, or if there is a vacancy in the position of associate judge, the~~]

presiding judge of an [~~the~~] administrative judicial region [~~in which the associate judge serves or the vacancy occurs~~] may assign [~~appoint~~] a visiting associate judge to perform the duties of an [~~the~~] associate judge appointed under this subchapter only if:

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

(A) illness;

(B) injury;

(C) disability;

(D) personal emergency;

(E) military service;

(F) vacation; or

(G) attendance at a continuing legal education program;

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

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

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

(d) [~~(c)~~] A person is not eligible for assignment [~~appointment~~] under this section unless the person has served as a

master or associate judge under this chapter, a district judge, or a statutory county court judge for at least two years before the date of assignment [~~appointment~~].

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

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

SECTION 5.006. Subchapter C, Chapter 54A, Government Code, is amended by adding Section 54A.219 to read as follows:

Sec. 54A.219. VISITING ASSOCIATE JUDGES. (a) This section does not limit the authority of the presiding judge of the statutory probate courts to assign a judge under Section 25.0022 to assist with processing cases in a reasonable time.

(b) The local administrative probate judge or, for a county without a local administrative probate judge, a statutory probate court judge of the county in which an associate judge appointed under this subchapter serves may assign a visiting associate judge to perform the duties of an associate judge appointed under this subchapter only if:

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

(A) illness;

(B) injury;

(C) disability;

(D) personal emergency;

(E) military service;

(F) vacation; or

(G) attendance at a continuing legal education program;

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

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

(c) A visiting associate judge assigned under this section may be assigned to serve during the period an associate judge is unable to perform the associate judge's duties, during the period the associate judge needs assistance in managing the judge's workload, or until another associate judge is appointed to fill a vacancy in the position of associate judge.

(d) A person is not eligible for assignment under this section unless the person has served as an associate judge under this subchapter for at least two years before the date of assignment.

(e) A visiting associate judge assigned under this section is subject to each provision of this subchapter that applies to an

associate judge appointed under this subchapter. An assigned visiting associate judge is entitled to compensation equal to the salary of the associate judge, prorated for time served. A visiting associate judge is not considered a county employee for any purpose.

SECTION 5.007. Subtitle D, Title 2, Government Code, is amended by adding Chapter 54B to read as follows:

CHAPTER 54B. ASSOCIATE JUDGES IN CERTAIN COUNTIES

SUBCHAPTER A. ASSOCIATE JUDGES IN DUVAL COUNTY

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

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

(1) be a resident of this state and Duval County; and

(2) meet the requirements and qualifications to serve as a judge of the court to which the person is appointed.

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

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

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

Sec. 54B.004. PRIVATE PRACTICE. A part-time associate

judge may engage in the private practice of law, unless restricted on a finding that it is not in the public interest by the appointing judge.

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

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

Sec. 54B.006. REFERRAL OF CASE. (a) The appointing judge may refer to an associate judge any aspect of a civil or criminal case involving a matter over which the referring court has jurisdiction in Duval County.

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

(1) for a civil case, proceedings involving:

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

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

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

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

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

(F) a motion to transfer;

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

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

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

(J) a matter on which the parties agree;

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

(L) a divorce action in which a waiver of citation is on file;

(M) a friendly suit; and

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

(2) for a criminal case, proceedings involving:

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

(B) a bond forfeiture;

(C) a pretrial motion;

(D) a postconviction writ of habeas corpus;

(E) an examining trial; and

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

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

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

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

(f) An associate judge may not conduct a contested trial on the merits to terminate parental rights unless the affected parties give written consent to the contested trial by the associate judge. Unless written consent is given by the affected parties to a contested trial on the merits, any order terminating parental rights issued pursuant to an associate judge's report resulting from the contested trial is void.

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

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

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

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

(1) conduct a hearing;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) recommend the judgment to be made in a case;

(11) regulate all proceedings in a hearing before the associate judge;

(12) rule on all criminal pretrial motions; and

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

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

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

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

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

(1) all papers relating to the case; and

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

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

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

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

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

(1) at the hearing;

(2) by posting the notice inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

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

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

(1) adopt, approve, or reject the associate judge's report;

(2) hear further evidence; or

(3) recommit the matter for further proceedings as the referring court considers proper and necessary in the particular circumstances of the case.

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

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

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

(c) An appeal to the referring court shall be in writing and must specify the associate judge's findings, conclusions, and

recommendations to which the party objects. The appeal is limited to the findings, conclusions, and recommendations specified in the written appeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5.008. Section 602.007, Government Code, is amended to read as follows:

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

(1) an officer appointed by the supreme court, the

court of criminal appeals, or the State Bar of Texas; [~~and~~]

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

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

ARTICLE 6. PROSECUTING ATTORNEYS

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

Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a) Except as otherwise provided by law, a district attorney or criminal district attorney is entitled to receive from the state:

(1) annual compensation in an amount equal to at least 80 percent of the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the district attorney or criminal district attorney; and

(2) a monthly amount of longevity pay based on the district attorney's or criminal district attorney's years of service that would be paid to the district attorney or criminal district attorney under Section 659.0445 if the district attorney or criminal district attorney were a judge or justice described by Section 659.0445(a).

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

(1) a district attorney, criminal district attorney,

or county attorney; or

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

SECTION 6.002. Section 45.315, Government Code, is amended to read as follows:

Sec. 45.315. STEPHENS COUNTY. (a) The county attorney shall represent the state in all criminal cases before the County Court of Stephens County.

(b) The county attorney of Stephens County shall represent the state in all misdemeanor cases before the district court of the county.

SECTION 6.003. Section 46.003, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The state prosecuting attorney and each state prosecutor is entitled to receive from the state:

(1) a salary in an amount equal to the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the state prosecuting attorney or state prosecutor; and

(2) a monthly amount of longevity pay based on the state prosecuting attorney's or state prosecutor's years of service that would be paid to the state prosecuting attorney or state prosecutor under Section 659.0445 if the state prosecuting attorney or state prosecutor were a judge or justice described by Section 659.0445(a).

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

(1) a county attorney; or

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

SECTION 6.004. Sections 41.013(a) and 46.003(a), Government Code, as amended by this article, apply beginning with the first pay period that begins on or after September 1, 2023.

ARTICLE 7. GRAND JURIES

SECTION 7.001. Article 19A.052, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 7.002. Article 19A.053, Code of Criminal Procedure, is amended to read as follows:

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

(b) The sheriff or clerk of the district court shall summon

the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately.

SECTION 7.003. Article 19A.101, Code of Criminal Procedure, is amended to read as follows:

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

(1) is at least 18 years of age;

(2) is a citizen of the United States;

(3) is a resident of this state and of the county in which the person is to serve;

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

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

(6) is able to read and write;

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

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

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

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

(11) is not a complainant in any matter to be heard by

the grand jury during the term of court for which the person has been selected as a grand juror.

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

(1) the secretary of state; and

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

SECTION 7.004. Articles 19A.052, 19A.053, and 19A.101, Code of Criminal Procedure, as amended by this article, apply only to the summoning of grand jurors on or after September 1, 2023. The summoning of grand jurors before September 1, 2023, is governed by the law in effect immediately before September 1, 2023, and the former law is continued in effect for that purpose.

ARTICLE 8. JURORS AND JURY SERVICE

SECTION 8.001. Section 61.001(a), Government Code, is amended to read as follows:

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

(1) not less than $20 [~~$6~~] for the first day or fraction of the first day the person is in attendance in court in

response to the process and discharges the person's duty for that day; and

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

SECTION 8.002. Section 61.0015(a), Government Code, is amended to read as follows:

(a) The state shall reimburse a county:

(1) $14 a day for the reimbursement paid under Section 61.001(a)(1) to a person who reports for jury service in response to the process of a court for the first day or fraction of the first day in attendance in court in response to the process; and

(2) $52 [~~$34~~] a day for the reimbursement paid under Section 61.001(a)(2) [~~61.001~~] to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

SECTION 8.003. Sections 61.003(a) and (b), Government Code, are amended to read as follows:

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

listed in this subsection of the person's daily reimbursement under this chapter to:

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

(2) the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

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

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

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

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

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

SECTION 8.004. Sections 62.001(a) and (b), Government Code, are amended to read as follows:

(a) The jury wheel must be reconstituted by using, as the

source:

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

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

(A) hold a valid Texas driver's license or a valid personal identification card or certificate issued by the department; and

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

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

SECTION 8.005. Section 62.0111(b), Government Code, is amended to read as follows:

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

(1) information that permits the court to determine whether the prospective juror is qualified for jury service under Section 62.102;

(2) information that permits the court to determine whether the prospective juror is exempt from jury service under

Section 62.106;

(3) submission of a request by the prospective juror for a postponement of or excuse from jury service under Section 62.110;

(4) information for jury assignment under Section 62.016, including:

(A) the prospective juror's postponement status;

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

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

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

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

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

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

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

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

SECTION 8.006. Section 62.012(b), Government Code, is

amended to read as follows:

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

(1) summon the prospective jurors directly in the same manner a sheriff or constable would summon a juror under Section 62.013; or

(2) deliver the jury list to:

(A) [~~(1)~~] the sheriff, for a county or district court jury; or

(B) [~~(2)~~] the sheriff or constable, for a justice court jury.

SECTION 8.007. The heading to Section 62.013, Government Code, is amended to read as follows:

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

SECTION 8.008. Sections 62.013(a) and (b), Government Code, are amended to read as follows:

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

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

(1) by an oral summons; or

(2) if the judge ordering the summons so directs, by a

written summons sent by registered mail or certified mail, return receipt requested, or by first class mail to the address on the jury wheel card or the address on the current voter registration list of the county.

SECTION 8.009. Sections 62.0131(b) and (c), Government Code, are amended to read as follows:

(b) The model must include:

(1) the option to provide:

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

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

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

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

(4) the option to:

(A) include in the jury summons the juror questionnaire required by Section 62.0132;

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

(C) in counties in which the district and criminal district judges adopted a plan for an electronic jury

selection method under Section 62.011, provide the electronic address of the court's Internet website for the prospective juror to access and complete the juror questionnaire.

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

SECTION 8.010. The heading to Section 62.0132, Government Code, is amended to read as follows:

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

SECTION 8.011. Sections 62.0132(c) and (d), Government Code, are amended to read as follows:

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

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

(2) residence address and mailing address;

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

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

(5) citizenship status and county of residence; and

(6) any electronic address.

(d) Except as provided by this subsection, a person who has received a [~~written~~] jury summons shall complete and submit a juror [~~jury summons~~] questionnaire when the person reports for jury duty. If the district and criminal district judges of a county adopt a plan for an electronic jury selection method under Section 62.011,

the county may allow a person to complete and submit a juror [~~jury summons~~] questionnaire on the court's Internet website as authorized under Section 62.0111(b)(5).

SECTION 8.012. The heading to Section 62.014, Government Code, is amended to read as follows:

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

SECTION 8.013. Section 62.014(a), Government Code, is amended to read as follows:

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

SECTION 8.014. Section 62.0145, Government Code, is amended to read as follows:

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

SECTION 8.015. Section 62.0146, Government Code, is amended to read as follows:

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

SECTION 8.016. Section 62.015(b), Government Code, is amended to read as follows:

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

SECTION 8.017. Section 62.016(d), Government Code, is amended to read as follows:

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

SECTION 8.018. Section 62.017(d), Government Code, is amended to read as follows:

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

SECTION 8.019. Section 62.0175(d), Government Code, is amended to read as follows:

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

SECTION 8.020. Section 62.106(a), Government Code, is amended to read as follows:

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

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

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

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

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

(5) is an officer or an employee of the senate, the

house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

(6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;

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

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

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

SECTION 8.021. Section 62.107(c), Government Code, is amended to read as follows:

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

claiming a permanent exemption on the basis of age is filed, the clerk of the court with whom it is filed shall have a copy delivered to the voter registrar of the county.

SECTION 8.022. Sections 62.108(a), (b), (c), and (e), Government Code, are amended to read as follows:

(a) A person who is entitled to exemption from jury service because the person is over 75 [~~70~~] years of age may establish a permanent exemption on that ground as provided by this section or Section 62.107.

(b) A person may claim a permanent exemption:

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

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

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

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

SECTION 8.023. Section 62.109(c), Government Code, is

amended to read as follows:

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

SECTION 8.024. Subchapter B, Chapter 62, Government Code, is amended by adding Section 62.115 to read as follows:

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

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

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

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

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

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

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

SECTION 8.025. Section 62.411(a), Government Code, is amended to read as follows:

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

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

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

SECTION 8.026. Section 62.412(c), Government Code, is amended to read as follows:

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

SECTION 8.027. Sections 62.0111(c) and 62.0132(b), Government Code, are repealed.

SECTION 8.028. Sections 62.106(a), 62.107(c), and 62.108(a), (b), (c), and (e), Government Code, as amended by this article, apply only to an exemption from jury service for a person who is summoned to appear for service on or after September 1, 2023. An exemption from jury service for a person who is summoned to appear for service before September 1, 2023, is covered by the law in effect when the person was summoned, and that law is continued in effect for that purpose.

ARTICLE 9. COURT REPORTERS AND INTERPRETERS

SECTION 9.001. Section 52.041, Government Code, is amended to read as follows:

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

(b) The judges of two or more courts of record that are not located in the same judicial district on agreement may jointly appoint an official court reporter to serve the courts, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census.

(c) Notwithstanding any other law, two or more judges of courts of record may appoint a certified shorthand reporter to serve each court as an official court reporter of the court, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census. A certified shorthand reporter appointed under this subsection may serve as an official court reporter for more than one county and be

an employee of more than one county.

SECTION 9.002. Section 52.055(d), Government Code, is amended to read as follows:

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

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

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

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

(4) if the judicial district contains five or more counties, the maximum reimbursement amount is $2,000 or a greater amount set by the commissioners court of the county for which the expenses were incurred.

SECTION 9.003. Section 52.056(a), Government Code, is amended to read as follows:

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

SECTION 9.004. Section 52.058(b), Government Code, is amended to read as follows:

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

SECTION 9.005. Sections 57.001(1) and (9), Government Code, are amended to read as follows:

(1) "Certified court interpreter" means an individual who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practice and Remedies Code, or is qualified in accordance with the communication access realtime translation services eligibility requirements established by the Office of Deaf and Hard of Hearing Services of the Health and Human Services Commission, [~~certified under Subchapter B by the Department of Assistive and Rehabilitative Services~~] to interpret court proceedings for a hearing-impaired individual.

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

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

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

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

SECTION 9.006. (a) Section 154.051, Government Code, is amended by amending Subsection (a) and adding Subsection (f-1) to read as follows:

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

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

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

(3) two certified shorthand [~~active official court~~] reporters actively engaged in the practice of official court [~~who have practiced shorthand~~] reporting in this state for more than the

five years immediately preceding their appointment to the advisory board;

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

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

(6) two certified shorthand reporters who:

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

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

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

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

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

(3) may recommend to the supreme court one or more of

the qualified individuals for appointment to the advisory board.

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

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

SECTION 9.007. Sections 154.105(b), (c), and (d), Government Code, are amended to read as follows:

(b) A certified shorthand reporter may administer oaths to witnesses[~~:~~

[~~(1) anywhere in this state;~~

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

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

[~~(B) the witness is or may be a witness in a case~~

~~filed in this state; and~~

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

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

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

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

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

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

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

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

(2) a statement on the record by an attorney for a party to the case, or an attorney for the witness, verifying the witness's identity;

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

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

SECTION 9.008. The heading to Section 154.112, Government Code, is amended to read as follows:

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

SECTION 9.009. Section 154.112, Government Code, is amended by amending Subsection (b) and adding Subsections (d), (e), (f), (g), and (h) to read as follows:

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

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

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

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

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

(1) collect a civil penalty in an amount not to exceed $1,000 from a person who fails to comply with Subsection (b)(1) or

(d); and

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

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

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

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

SECTION 9.010. Section 154.105(e), Government Code, is repealed.

SECTION 9.011. As soon as practicable after the effective date of this Act, the Texas Supreme Court shall revise the Texas Rules of Civil Procedure as the court determines necessary to conform to the changes in law made by this Act to Section 154.112, Government Code.

ARTICLE 10. DEPOSITION, TRANSCRIPTION, AND INTERPRETATION SERVICES

SECTION 10.001. The heading to Section 20.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 20.001. PERSONS WHO MAY TAKE A DEPOSITION ON WRITTEN QUESTIONS.

SECTION 10.002. Sections 20.001(b), (c), and (d), Civil Practice and Remedies Code, are amended to read as follows:

(b) A deposition on written questions of a witness who is alleged to reside or to be outside this state, but inside the United States, may be taken in another state by:

(1) a clerk of a court of record having a seal;

(2) a commissioner of deeds appointed under the laws of this state; or

(3) any notary public.

(c) A deposition on written questions of a witness who is alleged to reside or to be outside the United States may be taken by:

(1) a minister, commissioner, or charge d'affaires of the United States who is a resident of and is accredited in the country where the deposition is taken;

(2) a consul general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul, or consular agent of the United States who is a resident of the country where the deposition is taken; or

(3) any notary public.

(d) A deposition on written questions of a witness who is

alleged to be a member of the United States Armed Forces or of a United States Armed Forces Auxiliary or who is alleged to be a civilian employed by or accompanying the armed forces or an auxiliary outside the United States may be taken by a commissioned officer in the United States Armed Forces or United States Armed Forces Auxiliary or by a commissioned officer in the United States Armed Forces Reserve or an auxiliary of it. If a deposition on written questions appears on its face to have been taken as provided by this subsection and the deposition or any part of it is offered in evidence, it is presumed, absent pleading and proof to the contrary, that the person taking the deposition as a commissioned officer was a commissioned officer on the date that the deposition was taken, and that the deponent was a member of the authorized group of military personnel or civilians.

SECTION 10.003. Section 30.012(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Witness testimony at trial in a district or statutory county court may be conducted by electronic means only if the witness is deposed before the commencement of the trial. Neither the court nor any party may waive the requirement to depose the witness under this subsection if any party objects.

SECTION 10.004. Section 51.601, Government Code, is amended to read as follows:

Sec. 51.601. COURT REPORTER SERVICE FUND. (a) [~~(c)~~] The commissioners court of the county shall administer the court reporter service fund to assist in the payment of court-reporter-related services, that may include maintaining an

adequate number of court reporters to provide services to the courts, obtaining court reporter transcription services, closed-caption transcription machines, Braille transcription services, or other transcription services, including a court reporter's preparation of an appellate record under the Texas Rules of Appellate Procedure and Rule 145, Texas Rules of Civil Procedure, to comply with state or federal laws, or providing any other service related to the functions of a court reporter.

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

SECTION 10.005. Sections 52.047(c), (e), and (g), Government Code, are amended to read as follows:

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

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

(g) Notwithstanding the [~~Rule 53(j),~~] Texas Rules of Appellate Procedure, an official court reporter who is required to

prepare a transcript in a criminal case without charging a fee is not entitled to payment for the transcript from the state or county if the county paid a substitute court reporter to perform the official court reporter's regular duties while the transcript was being prepared. To the extent that this subsection conflicts with the Texas Rules of Appellate Procedure, this subsection controls. Notwithstanding Sections 22.004 and 22.108(b), the supreme court or the court of criminal appeals may not amend or adopt rules in conflict with this subsection.

SECTION 10.006. The heading to Section 57.002, Government Code, is amended to read as follows:

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

SECTION 10.007. Section 57.002, Government Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

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

(h) Each county auditor, or other individual designated by the commissioners court of a county, in consultation with the district and county clerks shall submit to the Office of Court Administration of the Texas Judicial System, in the manner prescribed by the office, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings. The information must include:

(1) the number of interpreters appointed;

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

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

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

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

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

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

SECTION 10.008. Section 154.101(f), Government Code, is amended to read as follows:

(f) Except as provided by Section 154.112 and by Section

20.001, Civil Practice and Remedies Code, all depositions conducted in this state must be reported [~~recorded~~] by a certified shorthand reporter.

SECTION 10.009. Section 406.016(a), Government Code, is amended to read as follows:

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

(1) take acknowledgments or proofs of written instruments;

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

(3) administer oaths;

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

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

SECTION 10.010. (a) This article is and shall be construed to be consistent with the procedures set forth in Rules 199.1(c) and 203.6(a), Texas Rules of Civil Procedure, as of September 1, 2023.

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

ARTICLE 11. TRANSFER OF CASES AND PROCEEDINGS

SECTION 11.001. Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are

commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall transmit the file for the proceeding in accordance with the procedures provided by Section 33.105 [~~make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form~~] to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION 11.002. Section 33.102(a), Estates Code, is amended to read as follows:

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

[~~(1) the original file in the case; and~~

[~~(2) certified copies of all entries that have been made in the judge's probate docket in the proceeding~~].

SECTION 11.003. Section 33.103(b), Estates Code, is amended to read as follows:

(b) The clerk of the court from which the probate proceeding described by Subsection (a) is transferred shall transmit the file for the proceeding in accordance with the procedures provided by

Section 33.105 to the court to which the proceeding is transferred[~~:~~

[~~(1) the original file in the proceeding; and~~

[~~(2) a certified copy of the index~~].

SECTION 11.004. Subchapter C, Chapter 33, Estates Code, is amended by adding Section 33.105 to read as follows:

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

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

(2) a copy of each final order;

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

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

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

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

(b) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form developed by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code,

when transferring a proceeding under this section.

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

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

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

(2) docket the proceeding; and

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

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

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

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

SECTION 11.005. Section 1023.006, Estates Code, is amended to read as follows:

Sec. 1023.006. TRANSFER OF RECORD. (a) Not later than the 10th working day after the date [~~When~~] an order of transfer is signed [~~made~~] under Section 1023.005, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall send, using the electronic filing system established under Section 72.031, Government Code, [~~transmit in electronic or paper form~~] to the county clerk of the county to which the guardianship was ordered transferred:

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

(2) a copy of each final order;

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

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

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

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

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

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

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

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

(2) docket the suit; and

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

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

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

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

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

(g) The clerks of both the transferee and transferring courts may each produce under Chapter 51, Government Code, certified or uncertified copies of documents transferred under

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

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

SECTION 11.006. Section 1023.007, Estates Code, is amended to read as follows:

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

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

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

SECTION 11.007. Sections 155.207(a), (b), and (e), Family Code, are amended to read as follows:

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

(1) a transfer certificate and index of transferred

documents;

(2) a copy of each final order;

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

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

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

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

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

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

SECTION 11.008. Section 51.3071, Government Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

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

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

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

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

(4) a copy of each final order;

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

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

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

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

SECTION 11.009. Section 51.403, Government Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

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

Section 72.031:

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

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

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

(4) a copy of each final order;

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

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

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

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

SECTION 11.010. Section 72.037(a), Government Code, is amended to read as follows:

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

SECTION 11.011. Section 33.103(c), Estates Code, is repealed.

SECTION 11.012. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall adopt rules and develop and make available all forms and materials required by Section 72.037, Government Code, as amended by this Act.

ARTICLE 12. CRIMINAL PROCEDURE

SECTION 12.001. (a) Section 3(b), Article 11.07, Code of Criminal Procedure, is amended to read as follows:

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

(b) Section 3(b), Article 11.07, Code of Criminal

Procedure, as amended by this section, applies only to an application for a writ of habeas corpus filed on or after September 1, 2023. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 12.002. Article 18.01(d), Code of Criminal Procedure, is amended to read as follows:

(d) Only the specifically described property or items set forth in a search warrant issued under Article 18.02(a)(10) or property, items or contraband enumerated in Article 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (12) may be seized. A subsequent search warrant may be issued pursuant to Article 18.02(a)(10) to search the same person, place, or thing subjected to a prior search under Article 18.02(a)(10) only if the subsequent search warrant is issued by a judge of a statutory county court, a district court, a court of appeals, the court of criminal appeals, or the supreme court.

SECTION 12.003. Article 18.0215(b), Code of Criminal Procedure, is amended to read as follows:

(b) A warrant under this article may be issued only by a judge, including a judge of a statutory county court, in the same judicial district as the site of:

(1) the law enforcement agency that employs the peace officer, if the cellular telephone or other wireless communications device is in the officer's possession; or

(2) the likely location of the telephone or device.

SECTION 12.004. Sections 4-c(a), (c), (d), and (e), Article

38.01, Code of Criminal Procedure, are amended to read as follows:

(a) On a determination by the commission that a license holder or crime laboratory has committed professional negligence or professional misconduct under this article, violated the code of professional responsibility under this article, or otherwise violated this article or a rule or order of the commission under this article, the commission may, as applicable:

(1) revoke or suspend the person's license or crime laboratory's accreditation;

(2) refuse to renew the person's license or crime laboratory's accreditation; or

(3) reprimand the license holder or crime laboratory.

(c) The commission shall give written notice by certified mail of a determination described by Subsection (a) to the applicable [~~a~~] license holder or crime laboratory [~~who is the subject of the determination~~]. The notice must:

(1) include a brief summary of the alleged negligence, misconduct, or violation;

(2) state the disciplinary action taken by the commission; and

(3) inform the license holder or crime laboratory of the license holder's or crime laboratory's right to a hearing before the Judicial Branch Certification Commission on the occurrence of the negligence, misconduct, or violation, the imposition of a disciplinary action, or both.

(d) Not later than the 20th day after the date the license holder or crime laboratory receives the notice under Subsection

(c), the license holder or crime laboratory may accept the disciplinary action or request a hearing by submitting a written request to the Judicial Branch Certification Commission to contest the findings of fact or conclusions of law, the occurrence of the negligence, misconduct, or violation, or the imposition of a disciplinary action, as applicable. If the license holder or crime laboratory fails to timely submit a request, the commission's disciplinary action becomes final and is not subject to review by the Judicial Branch Certification Commission.

(e) If the license holder or crime laboratory requests a hearing, the Judicial Branch Certification Commission shall conduct a hearing to determine whether there is substantial evidence to support the determination under Subsection (a) that the negligence, misconduct, or violation occurred [~~license holder committed professional misconduct or violated this article or a commission rule or order under this article~~]. If the Judicial Branch Certification Commission upholds the determination, the Judicial Branch Certification Commission shall determine the type of disciplinary action to be taken. The Judicial Branch Certification Commission shall conduct the hearing, and any appeal of that commission's decision, in accordance with the procedures provided by Subchapter B, Chapter 153, Government Code, as applicable, and the rules of the Judicial Branch Certification Commission.

SECTION 12.005. Article 42.15, Code of Criminal Procedure, is amended by adding Subsection (a-2) to read as follows:

(a-2) A defendant may waive the requirement for the inquiry

described by Subsection (a-1) to be on the record.

SECTION 12.006. (a) Section 2a(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) A person who is entitled to expunction of information contained in records and files under Article 55.01(d) may file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which:

(1) the person resides; or

(2) the offense was alleged to have occurred.

(b) Section 2a(a), Article 55.02, Code of Criminal Procedure, as amended by this section, applies to an expunction of information contained in arrest records and files relating to any criminal offense occurring before, on, or after September 1, 2023.

ARTICLE 13. PROBATE PROCEEDINGS

SECTION 13.001. Section 152.001, Estates Code, is amended to read as follows:

Sec. 152.001. APPLICATION AUTHORIZED. (a) Subject to Subsection (b), a person qualified to serve as an administrator under Section 304.001 may file an application requesting emergency intervention by a court exercising probate jurisdiction to provide for:

(1) the payment or reimbursement of the decedent's funeral and burial expenses; or

(2) the protection and storage of personal property owned by the decedent that, on the date of the decedent's death, was located in accommodations rented by the decedent.

(b) An applicant may file an application under this section

only if:

(1) an application or affidavit has not been filed and is not pending under Section 256.052, 256.054, or 301.052 or Chapter 205 or 401; and

(2) the applicant needs to:

(A) obtain funds for the payment or reimbursement of the decedent's funeral and burial expenses; or

(B) gain access to accommodations rented by the decedent that contain the decedent's personal property and the applicant has been denied access to those accommodations.

SECTION 13.002. Sections 152.002(a) and (b), Estates Code, are amended to read as follows:

(a) An emergency intervention application must be sworn and must contain:

(1) the applicant's name, address, and interest;

(2) facts showing an immediate necessity for the issuance of an emergency intervention order under Subchapter B;

(3) the decedent's date of death, place of death, and residential address on the date of death;

(4) the name and address of the funeral home holding the decedent's remains or paid by the applicant for the decedent's funeral and burial; and

(5) the names of any known or ascertainable heirs and devisees of the decedent.

(b) In addition to the information required under Subsection (a), if emergency intervention is requested to obtain funds needed for the payment or reimbursement of the decedent's

funeral and burial expenses, the application must also contain:

(1) the reason any known or ascertainable heirs and devisees of the decedent:

(A) cannot be contacted; or

(B) have refused to assist in the decedent's burial;

(2) a description of necessary funeral and burial procedures and a statement from the funeral home that contains a detailed and itemized description of the cost of those procedures; [~~and~~]

(3) the name and address of an individual, entity, or financial institution, including an employer, in possession of any funds of or due to the decedent, and related account numbers and balances, if known by the applicant; and

(4) if applicable, the amount paid by the applicant for the funeral and burial procedures described by Subdivision (2).

SECTION 13.003. Section 152.003, Estates Code, is amended to read as follows:

Sec. 152.003. ADDITIONAL CONTENTS OF APPLICATION: INSTRUCTIONS REGARDING DECEDENT'S FUNERAL AND REMAINS. (a) In addition to the information required under Section 152.002, if emergency intervention is requested to obtain funds needed for the payment or reimbursement of a decedent's funeral and burial expenses, the application must also state whether there are or were any written instructions from the decedent relating to the type and manner of funeral or burial preferred by the decedent. The applicant shall:

(1) attach the instructions, if available, to the application; and

(2) fully comply, or must have fully complied, as appropriate, with the instructions.

(b) If written instructions do not exist, the applicant may not permit or have permitted the decedent's remains to be cremated unless the applicant obtains or obtained the court's permission to cremate the remains.

SECTION 13.004. Section 152.004, Estates Code, is amended to read as follows:

Sec. 152.004. TIME AND PLACE OF FILING. An emergency intervention application must be filed:

(1) with the court clerk in the county in which:

(A) the decedent was domiciled; or

(B) the accommodations rented by the decedent that contain the decedent's personal property are located; and

(2) not earlier than the third day after the date of the decedent's death and not later than nine months [~~the 90th day~~] after the date of the decedent's death.

SECTION 13.005. Section 152.051, Estates Code, is amended to read as follows:

Sec. 152.051. ISSUANCE OF ORDER REGARDING FUNERAL AND BURIAL EXPENSES. If on review of an application filed under Section 152.001 the court determines that emergency intervention is necessary to obtain funds needed for the payment or reimbursement of a decedent's funeral and burial expenses, the court may order funds of the decedent that are being held by an individual, an

employer, or a financial institution to be paid directly to a funeral home or the applicant, as applicable, only for:

(1) reasonable and necessary attorney's fees for the attorney who obtained the order;

(2) court costs for obtaining the order; and

(3) funeral and burial expenses not to exceed $5,000 as ordered by the court to provide the decedent with or to provide reimbursement for a reasonable, dignified, and appropriate funeral and burial.

SECTION 13.006. Sections 152.001, 152.002(a) and (b), 152.003, 152.004, and 152.051, Estates Code, as amended by this article, apply only to an application requesting emergency intervention that is filed on or after September 1, 2023. An application that is filed before September 1, 2023, is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

ARTICLE 14. JUVENILE BOARDS

SECTION 14.001. Section 152.0671(a), Human Resources Code, is amended to read as follows:

(a) The Denton County Juvenile Board is composed of the county judge, the district judges in Denton County, and the judge of any county court at law [~~statutory court~~] in the county.

SECTION 14.002. Section 152.2264, Human Resources Code, is amended to read as follows:

Sec. 152.2264. TARRANT COUNTY CRIMINAL COURT ADMINISTRATOR. (a) Subject to the approval of the commissioners court, the judges of the district courts that give preference to

criminal cases, the judges of the criminal district courts, and the judges of the county criminal courts of Tarrant County [~~and county courts in Tarrant County that give preference to criminal matters~~] may use the services of a criminal courts administrator.

(b) A judge may not be subjected to a suit for, and is immune from liability for damages arising from, an act or omission committed while performing a duty under this section unless the act or omission is:

(1) committed intentionally, wilfully, or wantonly; or

(2) committed with:

(A) gross negligence; [~~or~~]

(B) conscious indifference [~~or reckless disregard~~] for the safety of others; or

(C) reckless disregard for the safety of others.

ARTICLE 15. TEXAS INDIGENT DEFENSE COMMISSION

SECTION 15.001. Effective June 1, 2023, Section 79.012(b), Government Code, is amended to read as follows:

(b) The executive director:

(1) [~~must be a licensed attorney;~~

[~~(2)~~] must demonstrate an interest in the standards for and provision of criminal defense services to indigent individuals;

(2) [~~(3)~~] may not engage in the private practice of law; and

(3) [~~(4)~~] may not accept money, property, or any other thing of value not authorized by law for services rendered under

this chapter.

ARTICLE 16. ADMINISTRATION OF OATHS

SECTION 16.001. Section 602.002, Government Code, is amended to read as follows:

Sec. 602.002. OATH MADE IN TEXAS. An oath made in this state may be administered and a certificate of the fact given by:

(1) a judge, retired judge, or clerk of a municipal court;

(2) a judge, retired judge, senior judge, clerk, or commissioner of a court of record;

(3) a justice of the peace, a retired justice of the peace, or a clerk of a justice court;

(4) an associate judge, magistrate, master, referee, or criminal law hearing officer;

(5) a notary public;

(6) a member of a board or commission created by a law of this state, in a matter pertaining to a duty of the board or commission;

(7) a person employed by the Texas Ethics Commission who has a duty related to a report required by Title 15, Election Code, in a matter pertaining to that duty;

(8) a county tax assessor-collector or an employee of the county tax assessor-collector if the oath relates to a document that is required or authorized to be filed in the office of the county tax assessor-collector;

(9) the secretary of state or a former secretary of state;

(10) an employee of a personal bond office, or an employee of a county, who is employed to obtain information required to be obtained under oath if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Code of Criminal Procedure;

(11) the lieutenant governor or a former lieutenant governor;

(12) the speaker of the house of representatives or a former speaker of the house of representatives;

(13) the governor or a former governor;

(14) a legislator or retired legislator;

(14-a) the secretary of the senate or the chief clerk of the house of representatives;

(15) the attorney general or a former attorney general;

(16) the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality;

(17) a peace officer described by Article 2.12, Code of Criminal Procedure, if:

(A) the oath is administered when the officer is engaged in the performance of the officer's duties; and

(B) the administration of the oath relates to the officer's duties; or

(18) a county treasurer.

ARTICLE 17. APPELLATE RECORD

SECTION 17.001. (a) Subchapter B, Chapter 51, Civil Practice and Remedies Code, is amended by adding Section 51.018 to

read as follows:

Sec. 51.018. APPENDIX IN LIEU OF CLERK'S RECORD. (a) Not later than the 10th day after the date that a party files a notice of appeal for a civil suit, the party may notify the trial court and the court of appeals that the party will file an appendix that replaces the clerk's record for the appeal.

(b) The party must file the appendix with the party's appellate brief. Except in an expedited proceeding or by order of the court, the brief and appendix must be filed not later than the 30th day after the later of:

(1) the date that the party provided notice under Subsection (a); or

(2) the date that a reporter's record, if any, is filed with the court of appeals.

(c) An appendix filed under this section must contain a file-stamped copy of each document required by Rule 34.5, Texas Rules of Appellate Procedure, for a civil suit and any other item the party intends to reference in the party's brief. The appendix may not contain a document that has not been filed with the trial court except by agreement of the parties to the appeal.

(d) An appendix filed in accordance with this section becomes part of the appellate record. A court clerk may not prepare or file a clerk's record or assess a fee for preparing a clerk's record if a party files an appendix in accordance with this section.

(b) Section 51.018, Civil Practice and Remedies Code, as added by this section, applies only to a party that files a notice of appeal on or after January 1, 2024. A party that files a notice

of appeal before January 1, 2024, is governed by the law in effect on the date the notice was given, and the former law is continued in effect for that purpose.

ARTICLE 18. DELIVERY OF DOCUMENTS

SECTION 18.001. The heading to Chapter 80, Government Code, is amended to read as follows:

CHAPTER 80. DELIVERY OF NOTICE, ORDERS, AND DOCUMENTS

SECTION 18.002. Section 80.001, Government Code, is amended to read as follows:

Sec. 80.001. DELIVERY OF NOTICE OR DOCUMENT. A court, justice, judge, magistrate, or clerk may send any notice or document by a method authorized by Section 80.002(a) [~~80.002~~].

SECTION 18.003. Section 80.002, Government Code, is amended to read as follows:

Sec. 80.002. [~~AUTHORIZED~~] DELIVERY OF NOTICE, ORDER, OR DOCUMENT. (a) A court, justice, judge, magistrate, or clerk may send any notice or document using mail or electronic mail. This subsection [~~section~~] applies to all civil and criminal statutes requiring delivery of a notice or document.

(b) In addition to any other delivery method required or authorized by law or supreme court rule, a statutory county court, district court, or appellate court shall deliver through the electronic filing system established under Section 72.031 to all parties in each case in which the use of the electronic filing system is required or authorized all court orders the court enters for the case.

ARTICLE 19. SERVICE OF PROCESS

SECTION 19.001. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.0035 to read as follows:

Sec. 30.0035. PERSONAL SERVICE OF PROCESS DURING LEGISLATIVE PROCEEDING PROHIBITED. A person may not serve citation or other civil process in person on a member, officer, or employee of the senate or house of representatives during any legislative proceeding. A court shall quash any service made in violation of this section. The supreme court shall revoke the certification of a process server who violates this section. This section is not subject to Section 22.004(c), Government Code.

ARTICLE 20. EFFECTIVE DATE

SECTION 20.001. (a) Except as otherwise provided by this Act and Subsection (b) of this section, this Act takes effect September 1, 2023.

(b) Article 15 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Article 15 of this Act takes effect September 1, 2023.

House Bill 3474
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
ARTICLE 1. APPELLATE AND DISTRICT COURTS	ARTICLE 1. Same heading as House version.	ARTICLE 1. Same heading as House version.
SECTION 1.001. Subchapter D, Chapter 22, Government Code, is amended.	SECTION 1.001. Same as House version.	SECTION 1.001. Same as House version.
SECTION 1.002. (a) Effective January 1, 2025, Section 24.275, Government Code, is amended to read as follows: Sec. 24.275. 216TH JUDICIAL DISTRICT ([~~GILLESPIE AND~~] KERR COUNTY [~~COUNTIES~~]). The 216th Judicial District is composed of [~~Gillespie and~~] Kerr County [~~counties~~]. (b) The local administrative district judge shall transfer all cases from Gillespie County that are pending in the 216th District Court on January 1, 2025, to the 499th District Court. (c) When a case is transferred from a district court to another district court as provided by Subsection (b) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.	***No equivalent provision.*** SECTION 1.002. [Deleted by FA1(1A)]	Same as Senate version.
SECTIONS 1.003-1.006	SECTIONS 1.003-1.006. Same as House version.	SECTIONS 1.002-1.005. Same as House version.
No equivalent provision.	SECTION 1.007. (a) Section 24.553, Government Code, is amended by adding Subsection (c) to read as follows:	SECTION 1.006. Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	(c) The 411th District Court has concurrent jurisdiction in Polk County with the county court over all misdemeanor cases over which the county court has jurisdiction under the constitution and laws of this state. Cases in the concurrent misdemeanor jurisdiction may be filed in either court, and all cases of concurrent misdemeanor jurisdiction may be transferred between the 411th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred. (b) Section 24.553, Government Code, as amended by this article, applies only to a case filed or proceeding commenced on or after September 1, 2023. A case filed or proceeding commenced before September 1, 2023, is governed by the law in effect on the date the case was filed or the proceeding was commenced, and the former law is continued in effect for that purpose.	
SECTIONS 1.007-1.008	SECTIONS 1.008-1.009. Same as House version.	SECTIONS 1.007-1.008. Same as House version.
SECTION 1.009. (a) Effective January 1, 2025, the heading to Section 24.596, Government Code, is amended to read as follows: Sec. 24.596. 452ND JUDICIAL DISTRICT ([~~EDWARDS, KIMBLE,~~] MCCULLOCH, MASON, AND MENARD COUNTIES). (b) Effective January 1, 2025, Section 24.596(a), Government Code, is amended to read as follows:	***No equivalent Provision.*** SECTION 1.002. [Deleted by FA1(1B)]	Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
(a) The 452nd Judicial District is composed of [~~Edwards, Kimble,~~] McCulloch, Mason, and Menard Counties. (c) The local administrative district judge shall transfer all cases from Edwards and Kimble Counties that are pending in the 452nd District Court on January 1, 2025, to the 499th District Court. (d) When a case is transferred from a district court to another district court as provided by Subsection (c) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the case is transferred.		
SECTIONS 1.010-1.0012.	SECTIONS 1.011-1.013. Same as House version.	SECTIONS 1.09-1.011. Same as House version.
SECTION 1.013. (a) ***Effective January 1, 2024,*** Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60034 to read as follows: Sec. 24.60034. 489TH JUDICIAL DISTRICT (KAUFMAN COUNTY). The 489th Judicial District is composed of Kaufman County. (b) The 489th Judicial District is created on ***January 1, 2024***.	SECTION 1.014. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60034 to read as follows: Sec. 24.60034. 489TH JUDICIAL DISTRICT (KAUFMAN COUNTY). The 489th Judicial District is composed of Kaufman County. (b) The 489th Judicial District is created on ***September 1, 2023.***	SECTION 1.012. Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 1.014. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60038 to read as follows: Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY). The 493rd Judicial District is composed of Collin County.	SECTION 1.015. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60038 to read as follows: Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 493rd Judicial District is composed of Collin County.	SECTION 1.013. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60038 to read as follows: Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 493rd Judicial District is composed of Collin County.
No equivalent provision.	(b) The 493rd District Court shall give preference to civil cases. [FA1(2)]	(b) Same as Senate version.
(b) The 493rd Judicial District is created on September 1, 2023.	***No equivalent provision.***	(b) Same as House version.
SECTION 1.015. (a) Effective September 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60039 to read as follows: Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY). The 494th Judicial District is composed of Collin County.	SECTION 1.016. (a) Effective September 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60039 to read as follows: Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 494th Judicial District is composed of Collin County.	SECTION 1.014. (a) Effective September 1, 2024, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60039 to read as follows: Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 494th Judicial District is composed of Collin County.
No equivalent provision.	(b) The 494th District Court shall give preference to family law matters. [FA1(3)]	(b) Same as Senate version.
(b) The 494th Judicial District is created on September 1, 2024.	***No equivalent provision.***	(b) Same as House version.
SECTIONS 1.016-1.017	SECTIONS 1.017-1.018. Same as House version.	SECTIONS 1.015-1.016. Same as House version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 1.018. (a) Effective January 1, 2025, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60044 to read as follows: Sec. 24.60044. 499TH JUDICIAL DISTRICT (EDWARDS, GILLESPIE, AND KIMBLE COUNTIES). The 499th Judicial District is composed of Edwards, Gillespie, and Kimble Counties. (b) The 499th Judicial District is created on January 1, 2025.	***No equivalent provision.*** [Deleted by FA1(1C)]	Same as Senate version.
SECTIONS 1.019-1.025	SECTIONS 1.020-1.026. Same as House version.	SECTIONS 1.017-1.023. Same as House version.
No equivalent provision.	SECTION 1.___. (a) Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.040. [FA2]	Same as House version.
SECTION 1.026. Section 659.012(b), Government Code, is amended.	SECTIONS 1.027. Same as House version.	SECTIONS 1.024. Same as House version.
ARTICLE 2. STATUTORY COUNTY COURTS	ARTICLE 2. Same heading as House version.	ARTICLE 2. Same heading as House version.
SECTIONS 2.001-2.014	SECTIONS 2.001-2.014. Same as House version.	SECTIONS 2.001-2.014. Same as House version.
SECTION 2.015. (a) Effective October 1, 2023, Subchapter C, Chapter 25, Government Code, is amended. Among other provisions, 25.1723(a) is added to read as follows: (a) In this section, "remote proceeding" means a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, ***court reporter***, or other individual, attends the proceeding remotely through the use of technology.	SECTION 2.015. (a) Same as House version but omits "court reporter" from the definition of "remote proceeding."	SECTION 2.015 (a) Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
(b) – (d) Transition provisions.	(b) – (d) Same as House version.	(b) – (d) Same as House version.
No equivalent provision.	SECTION 2.016. (a) Sections 25.1892(a) and (e), Government Code, are amended to read as follows: (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Polk County has concurrent [~~civil~~] jurisdiction with the district court in: (1) cases and proceedings involving the collection of delinquent taxes, penalties, interest, and costs and the foreclosure of tax liens; [~~and~~] (2) family law cases and proceedings; and (3) felony cases to conduct arraignments and pre-trial hearings and to accept guilty pleas. (e) The district clerk serves as clerk of a county court at law in cases of concurrent jurisdiction with the district court [~~enumerated in Subsection (a)(2)~~], and the county clerk serves as clerk in all other cases. [~~The district clerk shall establish a separate docket for a county court at law.~~] (b) Sections 25.1892(a) and (e), Government Code, as amended by this article, apply only to a case filed or proceeding commenced on or after September 1, 2023. A case filed or proceeding commenced before September 1, 2023, is governed by the law in effect on the date the case was filed or the proceeding was commenced, and the former law is continued in effect for that purpose.	SECTION 2.016. Same as Senate version.
SECTIONS 2.016-2.020	SECTIONS 2.017-2.021. Same as House version.	SECTIONS 2.017-2.021. Same as House version.
SECTION 2.021. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Section 25.2491 to read as follows:	SECTION 2.022. Substantially the same as House version.	SECTION 2.022. Substantially the same as House version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
Sec. 25.2491. WILSON COUNTY. Wilson County has one statutory county court, the County Court at Law of Wilson County. (b) The County Court at Law of Wilson County is created on September 1, 2023.		
SECTIONS 2.022-2.023	SECTIONS 2.023-2.024. Same as House version.	SECTIONS 2.023-2.024. Same as House version
ARTICLE 3. JUSTICE COURTS AND CONSTITUTIONAL COUNTY COURTS	ARTICLE 3. Same as House version.	ARTICLE 3. Same as House version.
ARTICLE 4. CRIMINAL LAW MAGISTRATES	ARTICLE 4. Same heading as House version.	ARTICLE 4. Same heading as House version.
SECTIONS 4.001-4.008	SECTIONS 4.001-4.008. Same as House version.	SECTIONS 4.001-4.008. Same as House version.
SECTION 4.009. Subchapter H, Chapter 54, Government Code, is amended by adding Section 54.6585 to read as follows: Sec. 54.6585. CLERK. (a) The district clerk serves as clerk of the cases referred to a magistrate under this subchapter, except: (1) the county clerk serves as clerk for a Class A or Class B misdemeanor case filed in a county criminal court and referred to a magistrate; and (2) the originating justice court clerk serves as clerk for a Class C misdemeanor case filed in a justice court and referred to a magistrate. (b) The district clerk shall establish a docket and keep the minutes for the cases referred to a magistrate under this subchapter. ***The local administrative judge shall ensure the duties required under this subsection are performed.*** To	SECTION 4.009. Subchapter H, Chapter 54, Government Code, is amended by adding Section 54.6585 to read as follows: Sec. 54.6585. CLERK. (a) The district clerk serves as clerk of the cases referred to a magistrate under this subchapter, except: (1) the county clerk serves as clerk for a Class A or Class B misdemeanor case filed in a county criminal court and referred to a magistrate; and (2) the originating justice court clerk serves as clerk for a Class C misdemeanor case filed in a justice court and referred to a magistrate. (b) The district clerk shall establish a docket and keep the minutes for the cases referred to a magistrate under this subchapter. To facilitate the duties associated with serving as the clerk for the cases referred to a magistrate, the district	SECTION 4.009. Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
facilitate the duties associated with serving as the clerk for the cases referred to a magistrate, the district clerk and deputy district clerks may serve as deputy county clerks and deputy justice clerks at the discretion of the district clerk.	clerk and deputy district clerks may serve as deputy county clerks and deputy justice clerks at the discretion of the district clerk.	
ARTICLE 5. ASSOCIATE JUDGES AND VISITING JUDGES	ARTICLE 5. Same heading as House version.	ARTICLE 5. Same heading as House version.
SECTION 5.001. Sections 201.005(a) and (d), Family Code, are amended.	SECTION 5.001. Same as House version.	SECTION 5.001. Same as House version.
No equivalent provision.	SECTION 5.___. Section 201.105(a), Family Code, is amended to read as follows: (a) An associate judge appointed under this subchapter is entitled to a salary in the amount equal to 90 percent of the annual [~~state base~~] salary paid to a district judge with comparable years of service as the associate judge as set by the General Appropriations Act in accordance with Section 659.012 [~~659.012(a)~~], Government Code. [FA1(4)]	SECTION 5.002 Same as Senate version.
SECTION 5.002. Section 201.113, Family Code, is amended.	SECTION 5.002. Same as House version.	SECTION 5.003. Same as House version.
No equivalent provision.	SECTION 5.___. Section 201.205(a), Family Code, is amended to read as follows: (a) An associate judge appointed under this subchapter is entitled to a salary in the amount equal to 90 percent of the annual [~~state base~~] salary paid to a district judge with comparable years of service as the associate judge as set by	SECTION 5.004. Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	the General Appropriations Act in accordance with Section 659.012 [~~659.012(a)~~], Government Code. [FA1(4)]	
SECTIONS 5.003-5.006	SECTIONS 5.003-5.006. Same as House version.	SECTIONS 5.005-5.008. Same as House version.
ARTICLE 6. PROSECUTING ATTORNEYS	ARTICLE 6. Same heading as House version.	ARTICLE 6. Same heading as House version.
SECTION 6.001. Section 41.013, Government Code, is amended to read as follows: Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a) Except as otherwise provided by law, a district attorney or criminal district attorney is entitled to receive from the state annual compensation in an amount equal to at least 80 percent of the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the district attorney or criminal district attorney.	SECTION 6.001. Section 41.013, Government Code, is amended to read as follows: Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a) Except as otherwise provided by law, a district attorney or criminal district attorney is entitled to receive from the state: (1) annual compensation in an amount equal to at least 80 percent of the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the district attorney or criminal district attorney; ***and*** ***(2) a monthly amount of longevity pay based on the district attorney's or criminal district attorney's years of service that would be paid to the district attorney or criminal district attorney under Section 659.0445 if the district attorney or criminal district attorney were a judge or justice described by Section 659.0445(a).***	SECTION 6.001. Same as Senate version
(b) For purposes of this section, the years of service of a district attorney or criminal district attorney include any years of service as: (1) a district attorney, criminal district attorney, or county attorney; or (2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.	(b) For purposes of this section, the years of service of a district attorney or criminal district attorney include any years of service as: (1) a district attorney, criminal district attorney, or county attorney; or (2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.	

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 6.002. Section 45.315, Government Code, is amended to read as follows: Sec. 45.315. STEPHENS COUNTY. (a) The county attorney shall represent the state in all cases before the County Court of Stephens County. (b) The county attorney of Stephens County shall represent the state in all misdemeanor cases before the district court of the county.	SECTION 6.002. Section 45.315, Government Code, is amended to read as follows: Sec. 45.315. STEPHENS COUNTY. (a) The county attorney shall represent the state in all ***criminal*** cases before the County Court of Stephens County. (b) The county attorney of Stephens County shall represent the state in all misdemeanor cases before the district court of the county.	SECTION 6.002. Same as Senate version
SECTION 6.003. Section 46.003, Government Code, is amended by adding Subsection (a-1) to read as follows: (a-1) For purposes of this section, the years of service of the state prosecuting attorney or a state prosecutor include any years of service as: (1) a county attorney; or	SECTION 6.003. Section 46.003, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows: ***(a) The state prosecuting attorney and each state prosecutor is entitled to receive from the state:*** ***(1) a salary in an amount equal to the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the state prosecuting attorney or state prosecutor; and*** ***(2) a monthly amount of longevity pay based on the state prosecuting attorney's or state prosecutor's years of service that would be paid to the state prosecuting attorney or state prosecutor under Section 659.0445 if the state prosecuting attorney or state prosecutor were a judge or justice described by Section 659.0445(a).*** (a-1) For purposes of this section, the years of service of the state prosecuting attorney or a state prosecutor include any years of service as: (1) a county attorney; or	SECTION 6.003. Same as Senate version

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
(2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.	(2) an appellate court justice, district judge, judge of a statutory county court, judge of a multicounty statutory county court, or judge or justice of a statutory probate court.	
No equivalent provision.	SECTION 6.004. Sections 41.013(a) and 46.003(a), Government Code, as amended by this article, apply beginning with the first pay period that begins on or after September 1, 2023.	SECTION 6.004. Same as Senate version
ARTICLE 7. GRAND JURIES	ARTICLE 7. Same as House version.	ARTICLE 7. Same as House version.
ARTICLE 8. JURORS AND JURY SERVICE	ARTICLE 8. Same as House version.	ARTICLE 8. Same as House version.
ARTICLE 9. COURT REPORTERS AND INTERPRETERS	ARTICLE 9. Same heading as House version.	ARTICLE 9. Same heading as House version.
SECTION 9.001. Section 52.041, Government Code, is amended to read as follows: Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a) Each judge of a court of record shall appoint an official court reporter. An official court reporter is a sworn officer of the court and holds office at the pleasure of the court. (b) The judges of two or more courts of record that are not located in the same judicial district on agreement may jointly appoint an official court reporter to serve the courts, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census.	SECTION 9.001. Section 52.041, Government Code, is amended to read as follows: Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a) Each judge of a court of record shall appoint an official court reporter. An official court reporter is a sworn officer of the court and holds office at the pleasure of the court. (b) The judges of two or more courts of record that are not located in the same judicial district on agreement may jointly appoint an official court reporter to serve the courts, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census.	SECTION 9.001. Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
(c) Notwithstanding any other law, two or more judges of courts of record may appoint a certified shorthand reporter to serve each court as an official court reporter of the court, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census. A certified shorthand reporter appointed under this subsection may serve as an official court reporter for more than one county and be an employee of more than one county. ***(d) An official court reporter may remotely serve any court to which the official court reporter is appointed.***	(c) Notwithstanding any other law, two or more judges of courts of record may appoint a certified shorthand reporter to serve each court as an official court reporter of the court, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census. A certified shorthand reporter appointed under this subsection may serve as an official court reporter for more than one county and be an employee of more than one county.	
SECTION 9.002. Section 52.042, Government Code, is amended by adding Subsection (e) to read as follows: (e) A deputy court reporter may remotely serve any court to which the official court reporter is appointed.	***No equivalent provision.***	Same as Senate version.
SECTIONS 9.003-9.012	SECTIONS 9.002-9.011. Same as House version.	SECTIONS 9.002-9.011. Same as House version.
ARTICLE 10. DEPOSITION, TRANSCRIPTION, AND INTERPRETATION SERVICES	ARTICLE 10. Same heading as House version.	ARTICLE 10. Same heading as House version.
SECTIONS 10.001-10.002	SECTIONS 10.001-10.002. Same as House version.	SECTIONS 10.001-10.002. Same as House version.
No equivalent provision.	SECTION 10.___. Section 30.012(b), Civil Practice and Remedies Code, is amended to read as follows: (b) Witness testimony at trial in a district or statutory county court may be conducted by electronic means only if the witness is deposed before the commencement of the trial. Neither the court nor any party may waive the requirement	SECTION 10.003. Same as Senate version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	to depose the witness under this subsection if any party objects. [FA1(5)]	
SECTIONS 10.003-10.009	SECTIONS 10.003-10.009. Same as House version.	SECTIONS 10.004-10.010. Same as House version.
ARTICLE 11. TRANSFER OF CASES AND PROCEEDINGS	ARTICLE 11. Same as House version.	ARTICLE 11. Same as House version.
ARTICLE 12. CRIMINAL PROCEDURE	ARTICLE 12. Same as House version.	ARTICLE 12. Same as House version.
ARTICLE 13. PROBATE PROCEEDINGS	ARTICLE 13. Same as House version.	ARTICLE 13. Same as House version.
ARTICLE 14. JUVENILE BOARDS	ARTICLE 14. Same as House version.	ARTICLE 14. Same as House version.
ARTICLE 15. TEXAS INDIGENT DEFENSE COMMISSION	ARTICLE 15. Same heading as House version.	ARTICLE 15. Same heading as House version.
SECTION 15.001. Section 79.012(b), Government Code, is amended to read as follows: (b) The executive director: (1) [~~must be a licensed attorney;~~ [~~(2)~~] must demonstrate an interest in the standards for and provision of criminal defense services to indigent individuals; (2) [~~(3)~~] may not engage in the private practice of law; and (3) [~~(4)~~] may not accept money, property, or any other thing of value not authorized by law for services rendered under this chapter.	SECTION 15.001. ***Effective June 1, 2023,*** Section 79.012(b), Government Code, is amended to read as follows: (b) The executive director: (1) [~~must be a licensed attorney;~~ [~~(2)~~] must demonstrate an interest in the standards for and provision of criminal defense services to indigent individuals; (2) [~~(3)~~] may not engage in the private practice of law; and (3) [~~(4)~~] may not accept money, property, or any other thing of value not authorized by law for services rendered under this chapter.	SECTION 15.001. Same as Senate version.
ARTICLE 16. ADMINISTRATION OF OATHS	ARTICLE 16. Same as House version.	ARTICLE 16. Same as House version.

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
ARTICLE 17. APPELLATE RECORD	ARTICLE 17. Same as House version.	ARTICLE 17. Same as House version.
ARTICLE 18. DELIVERY OF DOCUMENTS	ARTICLE 18. Same as House version.	ARTICLE 18. Same as House version.
ARTICLE 19. SERVICE OF PROCESS	ARTICLE 19. Same as House version.	ARTICLE 19. Same as House version.
ARTICLE 20. EFFECTIVE DATE	ARTICLE 20. Same heading as House version.	ARTICLE 20. Same heading as House version.
SECTION 20.001. Except as otherwise provided by this Act, this Act takes effect September 1, 2023.	SECTION 20.001. (a) Except as otherwise provided by this Act ***and Subsection (b) of this section,*** this Act takes effect September 1, 2023. ***(b) Article 15 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Article 15 of this Act takes effect September 1, 2023.***	SECTION 20.001. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 27, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3474** by Leach (Relating to the operation and administration of and practices and procedures regarding proceedings in the judicial branch of state government, including the service of process and delivery of documents related to the proceedings, the administration of oaths, and the management of the Texas Indigent Defense Commission, and the composition of certain juvenile boards; establishing a civil penalty; increasing certain court costs; authorizing fees.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3474, Conference Committee Report : a negative impact of ($7,767,086) through the biennium ending August 31, 2025.

In addition, the bill would have a negative indeterminate fiscal impact to General Revenue Funds because there would be compensation changes for certain judges or prosecutors where prior service time would be counted towards requirements for inclusion in higher compensation tiers; however, the number of judges or prosecutors this would apply to and the related changes in tiers and compensation is unknown.

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*
2024	($3,348,873)
2025	($4,418,213)
2026	($4,718,046)
2027	($4,734,205)
2028	($4,733,905)

All Funds, Five-Year Impact:

Fiscal Year	**Probable Savings/(Cost) from** *General Revenue Fund* **1**	**Probable Savings/(Cost) from** *Jury Service Fund* **328**	*Change in Number of State Employees from FY 2023*
2024	($3,348,873)	($5,311,591)	6.7
2025	($4,418,213)	($5,311,591)	11.4
2026	($4,718,046)	($5,311,591)	12.9
2027	($4,734,205)	($5,311,591)	13.0
2028	($4,733,905)	($5,311,591)	13.0

Fiscal Analysis

The bill would amend various chapters of the Government Code as it relates to district courts, statutory county courts, multicounty courts, justice courts, and criminal magistrates. The bill would create additional courts. The bill would also allow the State to reimburse certain appellate court judges or justices for certain expenses incurred while on official duties in counties other than their county of residence.

The bill would amend the Government Code to create new judicial districts in: Denton County, the 477th Judicial District created on January 1, 2025; Harris County, the 486th, 487th, and 488th Judicial Districts created on September 1, 2023; Kaufman County, the 489th Judicial District created on September 1, 2023; Collin County, the 493rd Judicial District created on September 1, 2023, and the 494th Judicial District created on September 1, 2024; Harris County, the 495th, 496th, and 497th Judicial Districts created on September 1, 2024; Bastrop County, the 465th Judicial District created on September 1, 2023; Brazos County, the 472nd Judicial District created on September 1, 2023; Kendall County, the 498th Judicial District created on October 1, 2025; and Edwards, Gillespie, and Kimball Counties, the 499th Judicial District created on January 1, 2025.

The bill would create Probate Court No. 2 of Travis County on October 1, 2023, and would give the court primary responsibility for mental health matters. The bill would create Probate Court No. 5 of Harris County on September 1, 2023. The bill would create Probate Court No. 3 of Bexar County on September 1, 2023. The bill would create County Court at Law No. 2 of Waller County on September 1, 2023, and would provide the court's jurisdiction. The bill would create County Court at Law of Wilson County on September 1, 2023. The bill would create the 2nd Multicounty Court at Law composed of Bee, Live Oak, and McMullen Counties on September 1, 2023, with Bee County serving as the administrative county for the court. The bill would set court jurisdictions, clerk assignments, and financial obligations for the court.

The bill would amend various sections of the Government Code related to the salaries of certain judges and prosecutors. For certain judges, district attorneys, and prosecutors, the bill would include years of service as a district attorney, criminal district attorney, or county attorney in determining judicial salary for the groups. For certain prosecutors, the bill would include as years of service any service as a district attorney, criminal district attorney, county attorney, an appellate court justice, district judge, statutory county court judge, multicounty statutory county court judge, or statutory probate court judge or justice. The bill would amend Government Code Section 46.003 to include as years of service of the state prosecuting attorney or a state prosecutor any years of service as a county attorney, an appellate court justice, district judge, statutory county court judge, multicounty statutory county court judge, or statutory probate court judge or justice. The bill would also amend the salaries of state employed associate judges appointed under Subchapters B and C of the Family Code (children's court associate judges) to provide compensation for these judges at 90.0 percent of the state salary of a district judge with comparable years of service instead of being compensated at 90.0 percent of a district judge's state base pay regardless of their years of service under current law.

The bill would require the Office of Court Administration (OCA) to conduct a district court caseload analysis at least once every two years and report the findings as required by the bill.

The bill would increase the reimbursement for jurors for the first day or fraction of the day to $20 and $58 for each day or fraction thereafter. Under current law the amounts are $6 and $58 respectively. In addition, the bill would increase the amount that the state reimburses counties for payments made to persons who report to jury duty from $34 to $52. The bill would require the state to reimburse a county in the amount of $14 for the first day or fraction of the first day for a person who reports for jury service and $52 each day for every day after.

Methodology

State judicial compensation is traditionally met through a mix of General Revenue 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 these purposes.

Under the provisions of the bill, the justices of the state appellate courts would be entitled to reimbursement of

costs for postage, telegraph, and telephone expenses incurred in the discharge of official duties. This estimate assumes that these costs can be absorbed using available resources.

This estimate uses personnel costs based on the current base salary for a district judge as set forth in the General Appropriations Act, Article IV for determining costs associated with court creation. The state contributes 60.0 percent of a district judge's base pay of $140,000 ($84,000) for a county court at law judge and for each statutory probate court. Fiscal year amounts for select courts with creation dates in the middle of a fiscal year are prorated.

Under current law, state judges and justices and state prosecutors receive state compensation and certain county judge and prosecutor positions receive a state supplement that is determined based on their years of service falling within compensation ranges as defined in the Government Code. These years of service tiers determine the amount of compensation for that position relative to a district judge's base salary of $140,000 by 100.0 percent, 110.0 percent, or 120.0 percent depending on the years of service.

Under various sections of the bill, prior service as certain judges or prosecutor positions would contribute to determining the state compensation tier applicable to compensation and salary supplements for certain state and county judge and prosecutor positions. This estimate assumes a negative indeterminate fiscal impact to General Revenue Funds would be realized because there would be compensation changes for certain judges or prosecutors where prior service time would be counted towards requirements for inclusion in higher compensation tiers; however, the number of judges or prosecutors this would apply to and the related changes in tiers and compensation is unknown.

This estimate assumes any costs related to the district court caseload analysis can be absorbed with existing resources.

Based on expenditures from March 2022 through February 2023 from the Jury Service Fund No. 328 and information provided by OCA, this analysis assumes that changes to juror reimbursement as provided in the bill would increase the state's contribution to jury costs as funded through Jury Service Fund No. 328 (Other Funds) by $5,311,591 each fiscal year.

According to the OCA, the cost of the longevity pay for prosecutors provided by the bill would be $403,200 in fiscal year 2024 and $411,600 in fiscal year 2025. This is based on data submitted to the Judicial Compensation Commission by the Texas District and County Attorneys Association for the prosecutors covered under Sec. 46.003. It is estimated that on September 1, 2024, 48 prosecutors will be eligible for the longevity pay under this bill and 49 will be eligible on September 1, 2025. Given an absence of estimated costs for out-years, this analysis holds the $411,600 constant for fiscal years 2026-2028. This analysis also assumes that costs resulting from the provision of longevity pay to associate judges can not be determined at this time due to an insufficient amount of data.

According to the OCA, the cost for changing the salaries of OCA employed children's court associate judges to provide compensation at 90.0 percent of the state salary of a district judge with comparable years of service instead of the compensation of 90.0 percent of the state base pay of a district judge regardless of years of service under current law would result in an increase in General Revenue of $1,010,331 for fiscal year 2024 and $1,214,955 for fiscal years 2025-2028.

According to the Texas Ethics Commission (TEC), the bill would require justices of the peace to file an annual report disclosing the total of all fees, commissions, or payments received for performing marriages, acting as a registrar for the Bureau of Vital Statistics, or acting as an ex officio notary public. Based on information provided by TEC, General Revenue costs of $82,500 in fiscal year 2024, would be necessary for programming changes to the agency's electronic filing system. Programming costs reflect an anticipated 550 hours of work billed at $150 an hour.

The 13 new judges would be members of Judicial Retirement System Plan 2 (JRS-2) administered by the Employees Retirement System (ERS). The cost to JRS-2 is the cumulative state salary of the judges, estimated by the OCA to be $945,000 in fiscal year 2024 and $1,598,333 in fiscal year 2025, multiplied by a state contribution of 19.25 percent. The resulting cost is $181,913 in fiscal year 2024 and $307,679 in fiscal year 2025 in General Revenue funds.

Technology

General Revenue costs of $82,500 in fiscal year 2024, would be necessary for programming changes to TEC's electronic filing system. The costs are based on 550 hours of programming work at $150 an hour.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 327 Employees Retirement System

LBB Staff: JMc, CMA, MW, JPa, KDw, JPO