

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3774
By: Leach et al. (Huffman)
Jurisprudence
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State of Texas continues to experience an increase in population and shifts in litigation trends. As a result, judicial needs across the state continue to evolve, impacting, among other things, caseloads of the existing courts.

Historically, the Texas Legislature has accounted for changes in population and litigation trends by establishing new courts or changing existing ones. Several factors are analyzed in the evaluation process, including caseloads, case backlogs, substantial population growth, and county support. In order to ensure that the creation of new courts and the modification of existing ones proceeds in an orderly manner, H.B. 3774 consolidates these changes into a single omnibus courts bill.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3774 amends current law relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in Section 7.05 of this bill.

Rulemaking authority is expressly granted to the Texas Forensic Science Commission in SECTION 10.02 (Article 38.01, Code of Criminal Procedure) of this bill.

Rulemaking authority previously granted to the Texas Forensic Science Commission is modified in SECTION 10.04 (Article 38.01, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. DISTRICT COURTS

SECTION 1.01. (a) Amends Section 24.129(b), Government Code, to add the 478th judicial district to a list of judicial districts that have concurrent jurisdiction in Bell County.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60022, as follows:

Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a) Provides that the 478th Judicial District is composed of Bell County.

(b) Provides that the terms of the 478th District Court begin on the first Mondays in January, April, July, and October.

(c) Provides that Section 24.129 (27th Judicial District (Bell and Lampasas Counties)), relating to the 27th District Court, contains provisions applicable to both that court and the 478th District Court.

(c) Provides that the 478th Judicial District is created on the effective date of this Act.

SECTION 1.02. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60027, as follows:

Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY). Provides that the 482nd Judicial District is composed of Harris County.

(b) Provides that the 482nd Judicial District is created on the effective date of this Act.

SECTION 1.03. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2022, by adding Section 24.60030, as follows:

Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) Provides that the 485th Judicial District is composed of Tarrant County.

(b) Requires the 485th District Court to give preference to criminal matters.

(b) Provides that the 485th Judicial District is created on January 1, 2022.

SECTION 1.04. (a) Amends Subchapter C, Chapter 24, Government Code, effective October 1, 2022, by adding Section 24.60025, as follows:

Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). Provides that the 480th Judicial District is composed of Williamson County.

(b) Provides that the 480th Judicial District is created on October 1, 2022.

SECTION 1.05. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2022, by adding Section 24.60026, as follows:

Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 481st Judicial District is composed of Denton County.

(b) Provides that the 481st Judicial District is created on January 1, 2022.

SECTION 1.06. (a) Amends Subchapter C, Chapter 24, Government Code, effective September 1, 2022, by adding Section 24.60028, as follows:

Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). Provides that the 483rd Judicial District is composed of Hays County.

(b) Provides that the 483rd Judicial District is created on September 1, 2022.

SECTION 1.07. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60029, as follows:

Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY). (a) Provides that the 484th Judicial District is composed of Cameron County.

(b) Requires the 484th District Court to give preference to juvenile matters under Title 3 (Juvenile Justice Code), Family Code.

(b) Provides that the 484th Judicial District is created on the effective date of this Act.

SECTION 1.08. (a) Amends Section 24.120(b), Government Code, effective October 1, 2022, to provide that the 19th, 54th, 74th, 170th, 414th, and 474th district courts have concurrent jurisdiction in McLennan County.

(b) Amends Subchapter C, Chapter 24, Government Code, effective October 1, 2022, by adding Section 24.60097, as follows:

Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY). Provides that the 474th Judicial District is composed of McLennan County.

(c) Provides that the 474th Judicial District is created on October 1, 2022.

SECTION 1.09. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2023, by adding Section 24.60098, as follows:

Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). Provides that the 475th Judicial District is composed of Smith County.

(b) Provides that the 475th Judicial District is created January 1, 2023.

SECTION 1.10. (a) Amends Subchapter C, Chapter 24, Government Code, effective September 1, 2022, by adding Section 24.60099, as follows:

Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY). Provides that the 476th Judicial District is composed of Hidalgo County.

(b) Provides that the 476th Judicial District is created on September 1, 2022.

ARTICLE 2. STATUTORY COUNTY COURTS

SECTION 2.01. Amends Section 25.0172(p), Government Code, as follows:

(p) Deletes existing text providing that an appointment of a deputy clerk of County Court at Law No. 2 or 3 takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned and the deputy clerk serves at the pleasure of the judge of the court to which he is assigned. Deletes existing text providing that a deputy clerk of a county court at law is entitled to the same amount of compensation as received by the deputy clerks of the other county courts at law in Bexar County. Deletes existing text requiring the commissioners court to pay the salary of a deputy clerk in equal monthly installments from county funds. Makes a nonsubstantive change.

SECTION 2.02. Amends Section 25.0173(g), Government Code, as follows:

(g) Deletes existing text providing that an appointment takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned.

Deletes existing text providing that a deputy clerk is entitled to receive an annual salary set by the judge in an amount that does not exceed the amount paid the deputies of the county courts at law of Bexar County.

Deletes existing text requiring that the salary be paid in equal monthly installments as provided by law for the payment of salaries of deputy clerks. Makes a nonsubstantive change.

SECTION 2.03. (a) Amends Sections 25.0631(b) and (c), Government Code, effective January 1, 2022, as follows:

(b) Provides that Denton County has certain statutory probate courts, including Probate Court Number 2 of Denton County. Makes conforming and nonsubstantive changes.

(c) Makes conforming changes to this subsection.

(b) Amends Section 25.0632(i), Government Code, as follows:

(i) Provides that a judge of a statutory probate court is subject to assignment as provided by Section 25.0022. Authorizes a judge of a statutory probate court, on request by the judge of a Denton County statutory county court, to be assigned by the regional presiding judge to the requesting judge's court pursuant to Chapter 74 (Court Administration Act). Authorizes a statutory probate court judge assigned to a statutory county court by the regional presiding judge to hear any matter pending in the requesting judge's court.

(c) Amends Section 25.0633(e), Government Code, as follows:

(e) Provides that the County Court at Law No. 2 of Denton County has jurisdiction:

(1) over all civil causes and proceedings, original and appellate, prescribed by law for county courts; and

(2) regardless of the amount in controversy sought, over eminent domain cases as provided by Section 21.001 (Concurrent Jurisdiction), Property Code, for statutory county courts, and over direct and inverse condemnation cases.

(d) Provides that the Probate Court Number 2 of Denton County is created on January 1, 2022.

SECTION 2.04. (a) Amends Subchapter C, Chapter 25, Government Code, effective October 1, 2022, by adding Sections 25.1331 and 25.1332, as follows:

Sec. 25.1331. KENDALL COUNTY. Provides that Kendall County has one statutory county court, the County Court at Law of Kendall County.

Sec. 25.1332. KENDALL COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, a county court at law in Kendall County has:

(1) concurrent jurisdiction with the district court in state jail, third degree, and second degree felony cases on assignment from a district judge presiding in Kendall County and acceptance of the assignment by the judge of the county court at law to conduct arraignments, conduct pretrial hearings, accept guilty pleas and conduct sentencing, conduct jury trials and nonjury trials, conduct probation revocation hearings, conduct post-trial proceedings, and conduct family law cases and proceedings; and

(2) jurisdiction in Class A and Class B misdemeanor cases, probate proceedings, 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, eminent domain, and appeals from the justice and municipal courts.

(b) Requires a judge of a county court at law to be paid a total annual salary set by the commissioners court in an amount that is not less than \$1,000 less than the annual salary received by a district judge with equivalent years of service as a judge, as provided under Section 25.0005 (Judge's Salary), to be paid out of the county treasury by the commissioners court.

(c) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of a county court at law in all other matters. Requires each clerk to establish a separate docket for a county court at law.

(d) Provides that the official court reporter of a county court at law is entitled to receive the same compensation and to be paid in the same manner as the court reporters of the district court in Kendall County.

(b) Provides that the County Court at Law of Kendall County is created on October 1, 2022.

SECTION 2.05. (a) Amends Section 25.1571, Government Code, as follows:

Sec. 25.1571. MCLENNAN COUNTY. Includes County Court at Law No. 3 of McLennan County amongst statutory county courts in McLennan County. Makes nonsubstantive changes.

(b) Amends Section 25.1572, Government Code, by amending Subsections (a), (d), and (i) and adding Subsections (b), (c), and (e), as follows:

(a) Provides that, 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 jurisdiction in third degree felony cases and jurisdiction to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct probation revocation hearings in felony cases.

(b) Authorizes the regional presiding judge, on request of a district judge presiding in McLennan County, to assign a judge of a county court at law in McLennan County to the requesting judge's court under Chapter 74. Authorizes a county court at law judge assigned to a district court to hear any matter pending in the requesting judge's court.

(c) Provides that a county court at law does not have jurisdiction in suits on behalf of the state to recover penalties or escheated property, misdemeanors involving official misconduct, or contested elections.

(d) Requires a judge of a county court at law to be paid an annual base salary set by the commissioners court in an amount not less than \$1,000 less than the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012 (Judicial Salaries) with equivalent years of service as the judge, rather than paid a base annual salary of not more than \$20,000. Provides that 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. Deletes existing text providing that each judge receives the same amount as salary and requiring that the salary be paid out of the county treasury by the commissioners court.

(e) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court. Provides that the county clerk serves as the clerk of a county court at law in all other matters. Requires each clerk to establish a separate docket for a county court at law.

(i) Provides that the official court reporter of a county court at law is entitled to receive a salary set by the judge of a county court at law with the approval of the commissioners court. Deletes existing text providing that the court reporter is entitled to receive the same compensation and to be paid in the same manner as the court reporters of the district courts in McLennan County.

(c) Provides that the County Court at Law No. 3 of McLennan County is created on the effective date of this Act.

SECTION 2.06. (a) Amends Section 25.1721, Government Code, as follows:

Sec. 25.1721. MONTGOMERY COUNTY. Includes County Court at Law No. 6 of Montgomery County amongst statutory county courts in Montgomery County. Makes nonsubstantive changes.

(b) Provides that the County Court at Law No. 6 of Montgomery County is created on the effective date of this Act.

SECTION 2.07. Amends Sections 25.1972(a) and (b), Government Code, as follows:

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

(1) concurrent jurisdiction with the district court:

(A) - (C) makes no changes to these paragraphs;

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

(E) in family law cases and proceedings.

Deletes existing text relating to any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator.

(b) Deletes existing text providing that a county court at law does not have jurisdiction of family law cases, except as provided by Subsections (a)(1)(D) and (E).

SECTION 2.08. (a) Amends Section 25.2071(a), Government Code, effective January 1, 2023, to include the County Court at Law No. 2 of San Patricio County amongst statutory county courts in San Patricio County. Makes conforming and nonsubstantive changes.

(b) Amends Section 25.2072, Government Code, effective January 1, 2023, by amending Subsections (a), (d), and (m) and adding Subsections (g-1) and (g-2), as follows:

(a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in San Patricio County has concurrent jurisdiction with the district court except that a county court at law does not have jurisdiction of felony criminal matters, and civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003. Deletes existing text providing that a county court at law in San Patricio County has concurrent jurisdiction with the district court in matters involving the juvenile and child welfare law of this state.

(d) Deletes existing text requiring that the judge of a county court at law be paid an annual salary in an amount of not less than \$43,000.

(g-1) Provides that the county clerk serves as clerk of a county court at law except in family law cases. Provides that, in family law cases, including juvenile and child welfare cases, the district clerk serves as clerk of a county court at law. Requires the district clerk to establish a separate family law docket for each county court at law.

(g-2) Requires the commissioners court to provide the deputy clerks, bailiffs, and other personnel necessary to operate the county courts at law.

(m) Requires a board of judges composed of the district judges and the county court at law judges for San Patricio County, rather than the presiding judge of the 36th Judicial District, if the judges of the county court and the county courts at law are unable to agree on a filing, docketing, and assignment of cases plan, to design a plan for the courts. Makes conforming changes.

(c) Provides that the County Court at Law No. 2 of San Patricio County is created January 1, 2023.

SECTION 2.09. Amends Section 25.2223(l), Government Code, effective January 1, 2023, as follows:

(l) Requires that the County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County to give preference to cases brought under Title 5 (Offenses Against the Person), Penal Code, involving family violence as defined by Section 71.004 (Family Violence), Family Code, and cases brought under Sections 25.07 (Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking or Trafficking Case), 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking or Trafficking Case), and 42.072 (Stalking), Penal Code.

SECTION 2.10. (a) Amends Section 25.2481, Government Code, effective October 1, 2022, as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Includes County Court at Law No. 5 of Williamson County amongst statutory county courts in Williamson County. Makes nonsubstantive changes.

(b) Provides that the County Court at Law No. 5 of Williamson County is created on October 1, 2022.

ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

SECTION 3.01. Amends Subchapter B, Chapter 45, Code of Criminal Procedure, by adding Article 45.0241, as follows:

Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. Prohibits a justice or judge from accepting a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.

SECTION 3.02. Amends Section 292.001(d), Local Government Code, to prohibit a justice of the peace court from being housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) or 27.0515, Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 305,000 persons, rather than 275,000 persons but no more than 285,000 persons, and the county seat of which is located in the Llano Estacado region of this state.

ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

SECTION 4.01. Amends Section 51.02, Family Code, by adding Subdivision (3-a) to define "dual status child" for purposes of Title 3 (Juvenile Justice Code).

SECTION 4.02. Amends Section 51.04(h), Family Code, as follows:

(h) Authorizes a judge exercising jurisdiction over a child in a suit instituted under Subtitle E (Protection of the Child), Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), to refer any aspect of a suit involving a dual

status child, rather than the child, that is instituted under this title to the appropriate associate judge appointed under Subchapter C (Associate Judge for Child Protection Cases), Chapter 201 (Associate Judge), serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, if the associate judge consents to the referral.

SECTION 4.03. Amends Section 51.0414(a), Family Code, as follows:

(a) Authorizes the juvenile court to transfer a dual status child's case, rather than a child's case, including transcripts of records and documents for the case, to a district or statutory county court located in another county that is exercising jurisdiction over the child in a suit instituted under Subtitle E, Title 5.

SECTION 4.04. Amends Sections 107.004(d) and (e), Family Code, as follows:

(d) Requires an attorney ad litem appointed for a child in a proceeding under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child), 263 (Review of Placement of Children Under Care of Department of Family and Protective Services), or 264 (Child Welfare Services), rather than Chapters 262 and 263, except as provided by Subsection (e), to:

(1) makes no changes to this subdivision;

(2) report to the court whether the attorney ad litem complied with Subdivision (1), or requests that the court find good cause for noncompliance because compliance was not feasible or in the best interest of the child under Subsection (e). Deletes existing text requiring an attorney ad litem appointed to the child, if the child or individual is not present at the court hearing, to file a written statement with the court indicating that the attorney ad litem complied with Subdivision (1).

(e) Makes a conforming change to this subsection.

ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

SECTION 5.01. Amends Article 4.01, Code of Criminal Procedure, as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. Includes the magistrates appointed by the Collin County Commissioners Court, the magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County, and the magistrates appointed by the judges of the district courts of Tom Green County amongst courts that have jurisdiction in criminal actions.

SECTION 5.02. Amends Section 54.1502, Government Code, as follows:

Sec. 54.1502. JURISDICTION. Provides that a magistrate has concurrent criminal jurisdiction with:

(1) creates this subdivision from existing text and makes a nonsubstantive change; and

(2) a municipal court in Burnet County, if approved by a memorandum of understanding between the municipality and Burnet County.

SECTION 5.03. Amends Chapter 54, Government Code, by adding Subchapter PP, as follows:

SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

Sec. 54.2501. CREATION. Provides that the Brazoria County Criminal Law Magistrate Court is a court with the jurisdiction provided by Subchapter PP.

Sec. 54.2502. APPOINTMENT. (a) Authorizes the commissioners court of Brazoria County, on recommendation from the local administrative judge, to appoint one or more full- or part-time judges to preside over the criminal law magistrate court for the term determined by the commissioners court. Requires the local administrative judge to appoint one or more full- or part-time judges to preside over the criminal law magistrate court if the commissioners court is prohibited by law from appointing a judge.

(b) Requires a person, to be eligible for appointment as a judge of the criminal law magistrate court, to meet all the requirements and qualifications to serve as a district court judge.

(c) Provides that a judge of the criminal law magistrate court is entitled to the salary set by the commissioners court. Prohibits the salary from being less than the annual base salary paid to a district judge under Chapter 659 (Compensation).

(d) Provides that a judge appointed under this section serves at the pleasure of the commissioners court or the local administrative judge, as applicable.

Sec. 54.2503. JURISDICTION. (a) Provides that, except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for county courts at law. Provides that the criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a misdemeanor offense, other than a Class C misdemeanor, on the merits if a jury trial is demanded; or

(2) hear a trial of a misdemeanor, other than a Class C misdemeanor, on the merits if a defendant pleads not guilty.

(b) Provides that the criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. Provides that a judge of the criminal law magistrate court is a magistrate as that term is defined by Article 2.09, Code of Criminal Procedure.

(c) Provides that, except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for a district court. Provides that the criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a felony offense on the merits if a jury trial is demanded;

(2) hear a trial of a felony offense on the merits if a defendant pleads not guilty;

(3) sentence in a felony case unless the judge in whose court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence; or

(4) hear any part of a capital murder case after indictment.

(d) Provides that a criminal law magistrate court is prohibited from issuing writs of habeas corpus in felony cases but is authorized to hear and grant relief on a writ of habeas corpus issued by a district court and assigned by the district court to the criminal law magistrate court.

(e) Prohibits a felony or misdemeanor indictment or information from being filed in or transferred to the criminal law magistrate court.

(f) Requires a judge of the criminal law magistrate court to exercise jurisdiction granted by Subchapter PP over felony and misdemeanor indictments and informations only as judge presiding for the court in which the indictment or information is pending and under the limitations set out in the assignment order by the assigning court or as provided by local administrative rules.

(g) Provides that the criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in Brazoria County.

Sec. 54.2504. POWERS AND DUTIES. (a) Authorizes the criminal law magistrate court or a judge of the criminal law magistrate court to issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and to issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county. Authorizes the court and the judge to punish for contempt as provided by law for district courts. Provides that a judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

- (1) justices of the peace when acting in a Class C misdemeanor case;
- (2) county court at law judges when acting in a Class A or Class B misdemeanor case; and
- (3) district court judges when acting in a felony case.

(b) Authorizes a judge of the criminal law magistrate court to hold an indigency hearing and a *capias pro fine* hearing. Authorizes a judge of the criminal law magistrate court, when acting as the judge who issued the *capias pro fine*, to make all findings of fact and conclusions of law required of the judge who issued the *capias pro fine*. Provides that, in conducting a hearing under this subsection, the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the *capias pro fine* or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

(c) Authorizes a judge of the magistrate court to accept a plea of guilty or *nolo contendere* from a defendant charged with a misdemeanor or felony offense.

Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Authorizes the local administrative judge or a judge of the criminal law magistrate court, except as provided by Subsection (b) or local administrative rules, to transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

- (1) an unindicted felony case;
- (2) a Class A or Class B misdemeanor case if an information has not been filed; or
- (3) a Class C misdemeanor case.

(b) Prohibits a case from being transferred from or to the magistrate docket of a district court judge, county court at law judge, or justice of the peace without the consent of the judge of the court to which it is transferred.

(c) Authorizes the local administrative judge, except as provided by Subsection (d) or local administrative rules, to assign a judge of the criminal law magistrate court to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

- (1) an unindicted felony case;
 - (2) a Class A or Class B misdemeanor case if an information has not been filed; or
 - (3) a Class C misdemeanor case.
- (d) Prohibits a case from being assigned to a district court judge, county court at law judge, or justice of the peace without the assigned judge's consent.
- (e) Provides that this section applies only to the district courts, county courts at law, and justice courts in the county.

Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. Authorizes a district judge, county court at law judge, or justice of the peace to refer to a judge of the criminal law magistrate court any criminal case or matter relating to a criminal case for any proceeding other than presiding over a criminal trial on the merits, whether or not the trial is before a jury.

Sec. 54.2507. OATH OF OFFICE. Requires a judge of the criminal law magistrate court to take the constitutional oath of office prescribed for appointed officers.

Sec. 54.2508. JUDICIAL IMMUNITY. Provides that a judge of the criminal law magistrate court has the same judicial immunity as a district judge.

Sec. 54.2509. CLERK. Requires the clerk of a district court or county court at law that refers a proceeding to a magistrate under Subchapter PP to perform the statutory duties necessary for the magistrate to perform the duties authorized by Subchapter PP.

Sec. 54.2510. SHERIFF. Requires the county sheriff, either in person or by deputy, to attend the criminal law magistrate court as required by the judge of that court.

Sec. 54.2511. WITNESSES. (a) Provides that 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) Authorizes a referring court to fine or imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.

SECTION 5.04. Amends Chapter 54, Government Code, by adding Subchapter QQ, as follows:

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

Sec. 54.2601. APPOINTMENT. (a) Requires the judges of the district courts of Tom Green County, with the consent and approval of the commissioners court of Tom Green County, to jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by Subchapter QQ.

(b) Requires that each magistrate's appointment be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) Requires each magistrate, if the number of magistrates is less than the number of district judges, to serve equally in the courts of those judges.

Sec. 54.2602. QUALIFICATIONS. Requires a person, to be eligible for appointment as magistrate, to be a resident of this state, and have been licensed to practice law in this state for at least four years.

Sec. 54.2603. COMPENSATION. (a) Provides that a full-time magistrate is entitled to the salary determined by the commissioners court of Tom Green County. Prohibits the salary from being less than an amount equal to the salary, supplements, and allowances paid to a justice of the peace of Tom Green County as set by the annual budget of Tom Green County.

(b) Provides that a magistrate's salary is paid from the county fund available for payment of officers' salaries.

(c) Provides that the salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. Provides that the per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. Requires the judges of the courts trying criminal cases in Tom Green County to approve the number of hours for which a part-time magistrate is to be paid.

Sec. 54.2604. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.2605. TERMINATION OF SERVICES. (a) Provides that a magistrate who serves a single court serves at the will of the judge.

(b) Authorizes the services of a magistrate who serves more than one court to be terminated by a majority vote of all the judges whom the magistrate serves.

Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) Authorizes a judge to refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

- (1) a negotiated plea of guilty or 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 (Expunction of Criminal Records), Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59 (Forfeiture of Contraband), 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 guilty;
- (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 judge considers necessary and proper.

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

(c) Authorizes a magistrate to accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) Authorizes a magistrate to select a jury. Prohibits a magistrate from presiding over a criminal trial on the merits, whether or not the trial is before a jury.

(e) Prohibits a magistrate from hearing a jury trial on the merits of a bond forfeiture.

(f) Authorizes a judge of a designated juvenile court to refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Sec. 54.2607. ORDER OF REFERRAL. (a) Requires a judge, to refer one or more cases to a magistrate, to issue an order of referral specifying the magistrate's duties.

(b) Authorizes an order of referral to:

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

(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 is required to preside;

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

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

Sec. 54.2608. POWERS. (a) Authorizes a magistrate to whom a case is referred, except as limited by an order of referral, to:

(1) conduct hearings;

(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) rule on a pretrial motion;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (14) select a jury;
- (15) accept a negotiated plea on probation revocation;
- (16) conduct a contested probation revocation hearing;
- (17) sign a dismissal in a misdemeanor case;
- (18) in any case referred under Section 54.656(a)(1), accept a negotiated plea of guilty or no contest and enter a finding of guilty and impose or suspend the sentence, or defer adjudication of guilty; and
- (19) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) Authorizes a magistrate to sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and to consider adjudicated cases at sentencing under Section 12.45, Penal Code.

(c) Provides that a magistrate has all the powers of a magistrate under the laws of this state and authorizes a magistrate to administer an oath for any purpose.

Sec. 54.2609. COURT REPORTER. Requires the court, at the request of a party in a felony case, to provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2610. WITNESS. (a) Provides that a witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

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

Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. Requires a magistrate, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2612. JUDICIAL ACTION. (a) Authorizes a referring court to modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) Provides that, if the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) Requires the referring court, at the conclusion of each term during which the services of a magistrate are used, to enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2613. MAGISTRATE. (a) Authorizes the judge referring the case, if a magistrate appointed under Subchapter QQ is absent or unable to serve, to appoint another magistrate to serve for the absent magistrate.

(b) Provides that a magistrate serving for another magistrate under this section has the powers and is required to perform the duties of the magistrate for whom the magistrate is serving.

Sec. 54.2614. CLERK. Requires the clerk of a district court that refers a proceeding to a magistrate under Subchapter QQ to perform the statutory duties necessary for the magistrate to perform the duties authorized by Subchapter QQ.

SECTION 5.05. Repealer: Section 54.653(b) (relating to prohibiting the salary of a full-time magistrate from exceeding a certain amount), Government Code.

ARTICLE 6. ELECTRONIC FILING SYSTEM

SECTION 6.01. Amends Section 72.031(a), Government Code, by adding Subdivision (5) to define "state court document database" for purposes of Section 72.031 (Electronic Filing System).

SECTION 6.02. Amends Section 72.031(b), Government Code, as follows:

(b) Authorizes the Office of Court Administration of the Texas Judicial System (OCA), as authorized by Supreme Court of Texas rule or order, to:

- (1) implement an electronic filing system for use in the courts of this state;
- (2) allow public access to view information or documents in the state court document database; and
- (3) charge a reasonable fee for additional optional features in the state court document database.

ARTICLE 7. TRANSFER OF CASES

SECTION 7.01. Amends Section 155.207, Family Code, as follows:

Sec. 155.207. TRANSFER OF COURT FILES. (a) Requires the clerk of the court transferring a proceeding, not later than the 10th working day after the date an order of transfer is signed, to 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.

Deletes existing text requiring the clerk of the court transferring a proceeding to send to the proper court in the county to which the transfer is being made the pleadings in the pending proceeding and any other document specifically requested by a party, certified copies of all entries in the minutes, and a certified copy of each final order. Makes conforming and nonsubstantive changes.

(a-1) Requires the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form created by OCA under Section 72.037, Government Code, when transferring a proceeding under this section.

(b) Requires the clerk of the transferring court to keep a copy of transferred pleadings. Deletes existing text requiring the clerk of the transferring court to keep a copy of other requested documents and requiring the clerk, if the transferring court retains jurisdiction of another child who was the subject of the suit, to send a copy of the pleadings and other requested documents to the court to which the transfer is made and to keep the original pleadings and other requested documents.

(c) Requires the clerk of the transferee court to:

(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.

Deletes existing text requiring the clerk of the transferee court, on the receipt of the pleadings, documents, and orders from the transferring court, to notify the judge of the transferee court that the suit has been docketed. Makes nonsubstantive changes.

(c-1) Provides that the clerk of the transferee court is required to physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but is prohibited from physically or electronically marking or stamping any other document transferred under Subsection (a).

(d) Requires the clerk of the transferring court to send a certified copy of the order directing payments to the transferee court:

(1) to any party, rather than to any party or employer, 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) to an employer affected by the order electronically or by first class mail.

Makes nonsubstantive changes.

(e) Provides that the clerks of both the transferee and transferring courts are authorized to each produce under Chapter 51 (Clerks), Government Code, certified or uncertified copies of documents filed in a case transferred under this section, but are required to also include a copy of the transfer certificate and index of transferred documents with each document produced.

(f) Provides that Sections 80.001 (Delivery of Notice or Document) and 80.002 (Authorized Delivery of Notice or Document), Government Code, do not apply to the transfer of documents under this section.

SECTION 7.02. Amends Section 51.3071, Government Code, as follows:

Sec. 51.3071. TRANSFER OF CASES. (a) Creates this subsection from existing text. Requires the clerk of a district court, if a case is transferred from a district court to a county court, to send to the county clerk 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.

Deletes existing text authorizing the clerk of the district court, if a case is transferred from a district court to a county court, to send to the county clerk in electronic or paper form a certified transcript of the proceedings held in the district court, the original papers filed in the district court, and a bill of the costs that have accrued in the district court.

(b) Requires the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form created by OCA under Section 72.037 when transferring a case under this section.

(c) Requires the clerk of the transferee court to accept documents transferred under Subsection (a) and docket the case.

(d) Provides that the clerk of the transferee court is required to physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but is prohibited from physically or electronically marking or stamping any other document transferred under Subsection (a).

(e) Provides that Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.03. Amends Section 51.403, Government Code, as follows:

Sec. 51.403. TRANSFER OF CASES. (a) Requires the clerk of the county court, if a case is transferred from a county court to a district court, to send to the district clerk 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 documents from each previous transfer; and

(6) a bill of any costs that have accrued in the transferring court.

Deletes existing text requiring the clerk of a county court, If a case is transferred from a county court to a district court, to send to the district clerk in electronic form a certified transcript of the proceedings held in the county court, the original papers filed in the county court, and a bill of the costs that have accrued in the county court.

(a-1) Requires the clerk of the transferring court to use the standardized transfer certificate and index of transferred documents form created by OCA under Section 72.037 when transferring a case under this section.

(a-2) Requires the clerk of the transferee court to accept documents transferred under Subsection (a) and docket the case.

(a-3) Provides that clerk of the transferee court is required to physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (a-2), but is prohibited from physically or electronically marking or stamping any other document transferred under Subsection (a).

(b) Requires the clerk of the county court, if civil or criminal jurisdiction of a county court is transferred to a district court, to send using the electronic filing system established under Section 72.031, rather than in electronic or paper form, a certified copy of the judgments rendered in the county court that remain unsatisfied to the district clerks of the appropriate counties.

(c) Provides that Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.04. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.037, as follows:

Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED DOCUMENTS FORM. (a) Requires OCA to 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 Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.

(b) Requires OCA, in developing a form under this section, to consult with representatives of county and district clerks.

SECTION 7.05. Requires OCA, as soon as practicable after the effective date of this Act, to adopt rules and develop and make available all forms and materials required by Section 72.037, Government Code, as added by this Act.

ARTICLE 8. HABEAS CORPUS

SECTION 8.01. Amends Section 3(b), Article 11.07, Code of Criminal Procedure, as follows:

(b) Requires that 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, be filed with the clerk of the court in which the conviction being challenged was obtained, and the clerk is required to assign the application to that court. Requires that when the application is received by that court, a writ of habeas corpus, returnable to the Court of Criminal Appeals, issue by operation of law. Requires the clerk of that court to 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 is required to answer the application not later than the 30th day, rather than the 15th day, after the date the copy of the application is received. Provides that matters alleged in the application not admitted by the state are deemed denied.

SECTION 8.02. Amends Section 5(a), Article 11.072, Code of Criminal Procedure, as follows:

(a) Requires the applicant, immediately on filing an application for a writ of habeas corpus, to serve a copy of the application on the attorney representing the state by:

(1) and (2) creates these subdivisions from existing text and makes nonsubstantive changes; or

(3) electronic service through the electronic filing manager authorized by Rule 21, Texas Rules of Civil Procedure, or

(4) a secure electronic transmission to the attorney's e-mail address with the electronic filing system as required under Section 80.003 (Electronic Mail Address), Government Code.

Makes nonsubstantive changes.

SECTION 8.03. Makes application of Section 3(b), Article 11.07, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 8.04. Makes application of Section 5(a), Article 11.072, Code of Criminal Procedure, as amended by this Act, prospective.

ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

SECTION 9.01. Amends Section 64.101(c), Civil Practice and Remedies Code, as follows:

(c) Requires that the citation for receivership for certain missing persons, except as provided by Section 17.032 (Citation by Publication), be published on the public information Internet website maintained as required by Section 72.034 (Public Information Internet Website), Government Code, as added by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular Session, 2019, and in a newspaper of general circulation:

(1) once in the county in which the missing person resides; and

(2) once in each county in which property of the missing person's estate is located.

SECTION 9.02. Amends Section 51.103(b), Estates Code, as follows:

(b) Provides that proof of service of a citation or notice consists of:

(1) makes no changes to this subdivision;

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

(3) and (4) makes conforming changes to these subdivisions.

SECTION 9.03. Amends Section 1051.153(b), Estates Code, as follows:

(b) Provides that proof of service of a citation or notice consists of:

(1) and (2) makes no changes to these subdivisions;

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the statement of the guardian or other person making the service that states that the citation or notice was mailed and the date of the mailing; and

(B) makes no changes to this paragraph; and

(4) makes conforming changes to this subdivision.

ARTICLE 10. EVIDENCE

SECTION 10.01. Amends Section 2, Article 38.01, Code of Criminal Procedure, by adding Subdivision (4-a), to define "forensic examination or test not subject to accreditation" in Article 38.01 (Texas Forensic Science Commission).

SECTION 10.02. Amends Article 38.01, Code of Criminal Procedure, by adding Section 3-b, as follows:

Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY. (a) Requires the Texas Forensic Science Commission (FSC) to adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article.

(b) Requires FSC to publish the code of professional responsibility adopted under Subsection (a).

(c) Requires FSC to adopt rules establishing sanctions for code violations.

(d) Requires FSC to update the code of professional responsibility as necessary to reflect changes in science, technology, or other factors affecting the persons, laboratories, facilities, and other entities regulated under this article.

SECTION 10.03. Amends Sections 4(a), (a-1), (b-1), and (c), Article 38.01, Code of Criminal Procedure, as follows:

(a) Requires FSC to:

(1) and (2) makes no changes to these subdivisions; and

(3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of:

(A) the results of a forensic analysis conducted by a crime laboratory;

(B) an examination or test that is conducted by a crime laboratory and that is a forensic examination or test not subject to accreditation; or

(C) testimony related to an analysis, examination, or test described by Paragraph (A) or (B).

(a-1) Authorizes FSC to initiate, rather than initiate for educational purposes, an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint submitted through the reporting system implemented under Subsection (a)(1), if FSC determines by a majority vote of a quorum of the members of FSC that an investigation of the analysis, rather than forensic analysis, examination, or test would advance the integrity and reliability of forensic science in this state. Deletes existing text authorizing FSC to initiate the investigation without receiving

a complaint that contains an allegation of professional negligence or professional misconduct involving the forensic analysis conducted if certain conditions are met.

(b-1) Authorizes the investigation, if FSC conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation involves a forensic examination or test not subject to accreditation, to include the preparation of a written report that contains:

(1) observations of FSC regarding the integrity and reliability of the applicable analysis conducted, rather than of the forensic analysis, examination, or test conducted;

(2) and (3) makes no changes to these subdivisions.

Deletes existing text relating to an investigation conducted pursuant to an allegation involving a forensic method or methodology that is not an accredited field of forensic science.

(c) Authorizes FSC by contract to delegate the duties described by Subsections (a)(1) and (3) and Sections 4-d(b)(1), (b-1), and (d) to any person FSC determines to be qualified to assume those duties.

SECTION 10.04. Amends Section 4-a(c), Article 38.01, Code of Criminal Procedure, to authorize FSC by rule to establish voluntary licensing programs for forensic examinations or tests not subject to accreditation, rather than for forensic disciplines that are not subject to accreditation under this article.

SECTION 10.05. Amends Section 4-d(b-1), Article 38.01, Code of Criminal Procedure, to authorize FSC, as part of the accreditation process established and implemented under Subsection (b) (relating to FSC conducting a certain investigation of a crime laboratory pursuant to an allegation of professional negligence or misconduct), to establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

SECTION 10.06. Amends Article 38.01, Code of Criminal Procedure, by adding Section 14, as follows:

Sec. 14. FUNDING FOR TRAINING AND EDUCATION. Authorizes FSC to use appropriated funds for the training and education of forensic analysts.

SECTION 10.07. Amends Section 2254.002(2), Government Code, to redefine "professional services" in Subchapter A (Professional Services) to include services, within the scope of the practice, as defined by state law, of forensic science and services provided in connection with the professional employment or practice of a person who is licensed or registered as a forensic analyst or forensic science expert.

ARTICLE 11. JURY SERVICE

SECTION 11.01. Amends Sections 61.003(a) and (c), Government Code, as follows:

(a) Requires each person who reports for jury service to be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement under Chapter 61 (General Provisions) to a veterans county service office established by the commissioners court as provided by Subchapter B (Veterans County Service Offices), Chapter 434 (Veteran Assistance Agencies). Makes nonsubstantive changes.

(c) Requires the county treasurer to send all donations made under Subsection (a)(3), (a)(4), or (a)(6), rather than Subsection (a)(3) or (a)(4), directly to the program or office, as applicable, specified on the form letter signed by the person who reported for jury service.

SECTION 11.02. Amends Section 62.202(b), Government Code, to authorize the judge to spend a reasonable amount, rather than not more than \$3, per meal for a juror serving on a jury in a civil case.

SECTION 11.03. Amends Section 434.032, Government Code, by adding Subsection (c), as follows:

(c) Provides that the commissioners court of a county that maintains a veterans county service office:

(1) is prohibited from considering a juror's donation to the office of the juror's daily reimbursement under Section 61.003 for purposes of determining the county's budget for the office; and

(2) is authorized to use donations described by Subdivision (1) only to supplement, rather than supplant, amounts budgeted by the county for the office.

ARTICLE 12. SPECIALTY COURT PROGRAMS

SECTION 12.01. Amends Chapter 121, Government Code, by adding Sections 121.003 and 121.004, as follows:

Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE FOR REGIONAL SPECIALTY COURT PROGRAM. Authorizes a judge or magistrate of a district court or statutory county court who is authorized by law to hear criminal cases to be appointed to preside over a regional specialty court program recognized under Subtitle K (Specialty Courts) only if:

(1) the local administrative district and statutory county court judges of each county participating in the program approve the appointment by majority vote or another approval method selected by the judges; and

(2) the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) Authorizes a judge or magistrate appointed to preside over a regional specialty court program to hear any misdemeanor or felony case properly transferred to the program by an originating trial court participating in the program, regardless of whether the originating trial court and specialty court program are in the same county. Authorizes the appointed judge or magistrate to exercise only the authority granted under this subtitle.

(b) Authorizes the judge or magistrate of a regional specialty court program to, for a case properly transferred to the program:

(1) enter orders, judgments, and decrees for the case;

(2) sign orders of detention, order community service, or impose other reasonable and necessary sanctions;

(3) send recommendations for dismissal and expunction to the originating trial court for a defendant who successfully completes the program; and

(4) return the case and documentation required by this subtitle to the originating trial court for final disposition on a defendant's successful completion of or removal from the program.

(c) Provides that a visiting judge assigned to preside over a regional specialty court program has the same authority as the judge or magistrate appointed to preside over the program.

SECTION 12.02. Amends Section 124.003(b), Government Code, to require a veterans treatment court program established under Chapter 124 to make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program, rather than in the county or counties in which those defendants reside.

SECTION 12.03. Amends Sections 124.006(a) and (d), Government Code, to make conforming changes.

SECTION 12.04. (a) Makes application of Section 121.003, Government Code, as added by this Act, prospective.

(b) Provides that Section 121.004, Government Code, as added by this Act, applies to a case pending in a regional specialty court program on or after the effective date of this Act.

ARTICLE 13. PROTECTIVE ORDERS

SECTION 13.01. Amends Section 72.151(3), Government Code, to redefine "protective order" in Subchapter F (Protective Order Registry).

SECTION 13.02. Amends Section 72.152, Government Code, as follows:

Sec. 72.152. APPLICABILITY. Provides that Subchapter F applies only to:

(1) an application for a protective order filed under certain sections, including under Subchapter A (Protective Order for Victims of Sexual Assault or Abuse, Stalking, or Trafficking), Chapter 7B (Protective Orders), Code of Criminal Procedure; and

(2) a protective order issued under certain sections, including under Subchapter A, Chapter 7B, Code of Criminal Procedure.

Makes nonsubstantive changes.

SECTION 13.03. Amends Sections 72.154(b) and (d), Government Code, as follows:

(b) Deletes existing text requiring that publicly accessible information regarding each protective order consist of the date the protective order was vacated, if applicable, among other information. Makes nonsubstantive changes.

(d) Prohibits OCA from allowing a member of the public to access through the registry any information related to a protective order issued under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83 (Temporary Ex Parte Orders), Family Code, or a protective order that was vacated.

SECTION 13.04. Amends Section 72.155(a), Government Code, to require that the registry include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including an expired order, or a vacated order other than an order that was vacated as the result of an appeal or bill of review from a district or county court. Makes conforming and nonsubstantive changes.

SECTION 13.05. Amends Section 72.157, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires the clerk of the applicable court, except as provide by Subsection (b-1), for a protective order that is vacated or that has expired, to modify the record of the order in the registry to reflect the order's status as vacated or expired. Requires the clerk to ensure that a record of a vacated order is not accessible by the public.

(b-1) Requires the clerk of the applicable court, for a protective order that is vacated as the result of an appeal or bill of review from a district or county court, to notify OCA not later than the end of the next business day after the date the protective order was vacated. Requires OCA to remove the record of the order from the registry not later than the third business day after the date the notice from the clerk was received.

SECTION 13.06. Amends Section 72.158(a), Government Code, to make conforming changes.

SECTION 13.07. Makes application of Section 72.152, Government Code, as amended by this Act, prospective.

SECTION 13.08. Requires OCA, as soon as practicable after the effective date of this Act, to:

(1) remove the record of any protective orders that have been vacated as the result of an appeal or bill of review from a district or county court from the protective order registry established under Subchapter F, Chapter 72, Government Code, as amended by this Act; and

(2) ensure that the records of vacated orders, other than orders described by Subdivision (1) of this section that are removed from the registry, are not accessible by the public.

ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS

SECTION 14.01. Amends Section 43.137, Government Code, by adding Subsections (c) and (d), as follows:

(c) Provides that, in addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in the district and inferior courts in Ector County in all criminal cases, juvenile matters under Title 3, Family Code, and matters involving children's protective services.

(d) Provides that the district attorney has no power, duty, or privilege in any civil matter, other than civil asset forfeiture and civil bond forfeiture matters.

SECTION 14.02. Amends Subchapter B, Chapter 45, Government Code, by adding Section 45.168, as follows:

Sec. 45.168. ECTOR COUNTY. (a) Provides that it is the primary duty of the county attorney in Ector County to represent the state, Ector County, and the officials of the county in all civil matters, other than asset forfeiture and bond forfeiture matters for which the district attorney is responsible, pending before the courts of Ector County and any other court in which the state, Ector County, or the county officials have matters pending.

(b) Provides that the county attorney has no power, duty, or privilege in Ector County relating to criminal matters, juvenile matters under Title 3, Family Code, or matters involving children's protective services.

SECTION 14.03. Makes application of Section 43.137, Government Code, as amended by this Act, and Section 45.168, Government Code, as added by this Act, prospective.

ARTICLE 15. MISDEMEANOR CASES

SECTION 15.01. Amends the heading to Article 45.0445, Code of Criminal Procedure, to read as follows:

Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR COSTS.

ARTICLE 16. COURT REPORTERS

SECTION 16.01. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.25, as follows:

Art. 42.25. FILING OF REPORTER NOTES. Authorizes a court reporter to comply with Rule 13.6, Texas Rules of Appellate Procedure, by electronically filing with the trial court clerk not later than the 20th day after the expiration of the time the defendant is

allotted to perfect the appeal the untranscribed notes created by the court reporter using computer-aided software.

SECTION 16.02. Amends Section 52.001(a)(4), Government Code, to redefine "shorthand reporter" and "court reporter" for Chapter 52 (Court Reporters and Shorthand Reporting Firms).

SECTION 16.03. Amends Section 52.011, Government Code, as follows:

Sec. 52.011. New heading: PROVISION OF SIGNED DEPOSITION CERTIFICATE; CERTIFICATE REQUIREMENTS. (a) Requires a court reporting firm representative or a court reporter who reported a deposition for a case to complete and sign a deposition certificate, known as the further certification.

(b) Creates this subsection from existing text. Requires a court reporting firm, on request of a court reporter who reported a deposition for a case, to provide the reporter with a copy of the deposition certificate, rather than a document related to the deposition, known as the further certification, that the reporter has signed or to which the reporter's signature has been applied.

(c) Requires that the deposition certificate include:

- (1) a statement that the deposition transcript was submitted to the deponent or the deponent's attorney for examination and signature;
- (2) the date the transcript was submitted to the deponent or the deponent's attorney;
- (3) the date the deponent returned the transcript, if returned, or a statement that the deponent did not return the transcript;
- (4) a statement that any changes the deponent made to the transcript are reflected in a separate document attached to the transcript;
- (5) a statement that the transcript was delivered in accordance with Rule 203.3, Texas Rules of Civil Procedure;
- (6) the amount charged for preparing the original deposition transcript;
- (7) a statement that a copy of the certificate was served on all parties to the case; and
- (8) the date the copy of the certificate was served on the parties to the case.

SECTION 16.04. Amends Section 52.041, Government Code, as follows:

Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a) Creates this subsection from existing text. Requires each judge of a court of record to appoint an official court reporter. Provides that an official court reporter is a sworn officer of the court and holds office at the pleasure of the court.

(b) Authorizes a certified shorthand reporter, notwithstanding any other law, to be appointed by more than one judge of a court of record to serve more than one court. Authorizes a certified shorthand reporter appointed to serve as an official court reporter by more than one judge of a court of record to be an employee of more than one county or to serve more than one county as an official court reporter under contract with a county.

SECTION 16.05. Amends Section 52.042, Government Code, by adding Subsection (e), as follows:

(e) Authorizes a certified shorthand reporter to be appointed by more than one judge of a court of record to serve as a deputy court reporter serving more than one court. Authorizes a certified shorthand reporter appointed to serve as a deputy court reporter by more than one judge of a court of record to be an employee of more than one county or to

serve more than one county as a deputy court reporter under contract with a county and the agreement of the court reporter.

SECTION 16.06. Amends Section 52.046(d), Government Code, as follows:

(d) Requires a judge of a county court or county court at law to appoint a shorthand reporter, rather than a certified shorthand reporter, to report the oral testimony given in any contested probate matter in that judge's court.

SECTION 16.07. Amends Subchapter E, Chapter 52, Government Code, by adding Section 52.060, as follows:

Sec. 52.060. MODEL INTERLOCAL AGREEMENT REGARDING COMPENSATION AND EXPENSES OF MULTI-COURT OFFICIAL COURT REPORTERS. (a) Defines "office."

(b) Requires OCA to coordinate the development of a model interlocal agreement that is authorized to be used by counties or courts to share the compensation and expenses of an official court reporter or deputy court reporter who serves more than one court of record under Section 52.041 (Appointment of Official Court Reporter) or 52.042 (Deputy Court Reporter), whether the deputy court reporter serves as an employee of one or more counties or courts or under contract to one or more counties or courts.

(c) Requires OCA to develop the model interlocal agreement with the participation of the counties and courts of this state.

(d) Provides that a county or court is not required to use the model interlocal agreement developed under Subsection (b) and is authorized to enter into agreements as the counties or courts determine appropriate.

(e) Provides that, in the event of a conflict between Subchapter E (Compensation and Expenses) and a model interlocal agreement or any other agreement between counties or courts for the compensation and expenses of official court reporters or deputy court reporters serving more than one court, Subchapter E prevails.

SECTION 16.08. Amends Section 154.001(a)(4), Government Code, to redefine "shorthand reporter" and "court reporter" for Chapter 154 (Court Reporters Certification and Shorthand Reporting Firms Registration).

SECTION 16.09. Amends Section 154.101(e), Government Code, as follows:

(e) Prohibits a person from assuming or using the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the Supreme Court of Texas. Requires that nothing in this subsection be construed to either sanction or prohibit the use of electronic court recording equipment operated according to rules adopted or approved by the Supreme Court of Texas.

SECTION 16.10. Amends Section 154.105, Government Code, by amending Subsection (b) and adding Subsections (c), (d), and (e), as follows:

(b) Authorizes a shorthand reporter to administer oaths to witnesses:

(1) anywhere in this state;

(2) in a jurisdiction outside this state if the reporter is at the same location as the witness and if the witness is or is authorized to 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) Authorizes a shorthand reporter, notwithstanding Subsection (b), to administer an oath as provided under this subsection to a person who is or is authorized to 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 the witness is at a location in the other jurisdiction and if the reporter is at a location in the same jurisdiction as the witness.

(d) Authorizes the identity of a witness who is not in the physical presence of a shorthand reporter to 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.

(e) Requires a shorthand reporter to which Section 154.105 (Title; Oaths) applies to state on the record and certify in each transcript of the deposition the physical location of the witness, and the reporter.

SECTION 16.11. Amends Section 154.112, Government Code, as follows:

Sec. 154.112. New heading: EMPLOYMENT OF NONCERTIFIED PERSON FOR SHORTHAND REPORTING. (a) Authorizes a person who is not certified as a court reporter, rather than a noncertified shorthand reporter, to be employed to engage in shorthand reporting until a certified shorthand reporter is available.

(b) Makes conforming changes to this subsection.

(c) Makes no changes to this subsection.

SECTION 16.12. (a) Provides that the changes in law made by this article apply only to a deposition taken on or after the effective date of this Act. Provides that a deposition taken before that date is governed by the law in effect on the date the deposition was taken, and the former law is continued in effect for that purpose.

ARTICLE 17. TRANSITION

SECTION 17.01. Provides that a state agency subject to this Act is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that, if the legislature does not appropriate money specifically for that purpose, the state agency is authorized, but is not required, to implement a provision of this Act using other appropriations available for that purpose.

ARTICLE 18. EFFECTIVE DATE

SECTION 18.01. Effective date, except as otherwise provided by this Act: September 1, 2021.