

## **BILL ANALYSIS**

Senate Research Center  
87R10574 ANG-D

S.B. 1530  
By: Huffman  
Jurisprudence  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State of Texas continues to experience both an increase in population and shifts in where residents live and where cases are filed. As the state's population changes, the judicial needs of the various regions change. This includes impacts on the caseloads of the existing courts. Historically, the Texas Legislature has compensated for changes in population by establishing new courts or changing existing ones. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. In order to ensure that the creation of new courts and the modification of judicial jurisdictions is conducted in an orderly manner, S.B. 1530 consolidates these changes into a single omnibus bill.

As proposed, S.B. 1530 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 4.04 (Section 72.037, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Forensic Science Commission in SECTION 7.02 (Article 38.01, Code of Criminal Procedure) of this bill.

Rulemaking authority previously granted to Texas Forensic Science Commission is modified in SECTION 7.04 (Article 38.01, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. DISTRICT COURTS

SECTION 1.01. (a) Amends Subchapter C, Chapter 24, Government Code, effective January 1, 2022, by adding Section 24.60022, as follows:

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

(b) Provides that the 478th Judicial District is created on January 1, 2022.

SECTION 1.02. (a) Amends Subchapter C, Chapter 24, Government Code, 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 the effective date of this Act.

SECTION 1.03. (a) Amends Subchapter C, Chapter 24, Government Code, 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 the effective date of this Act.

SECTION 1.04. (a) Amends Section 24.910(b), Government Code, as follows:

(b) Provides that Section 24.910 (Tarrant County Criminal Judicial District No.1) applies to the Tarrant County Criminal District Courts Nos. 1, 2, 3, and 5. Makes a nonsubstantive change.

(b) Amends Subchapter E, Chapter 24, Government Code, by adding Section 24.915, as follows:

Sec. 24.915. CRIMINAL JUDICIAL DISTRICT NO. 5 OF TARRANT COUNTY. (a) Provides that the Criminal Judicial District No. 5 of Tarrant County is composed of Tarrant County.

(b) Provides that 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. 5.

(c) Provides that the Criminal Judicial District No. 5 of Tarrant County is created on the effective date of this Act.

## ARTICLE 2. STATUTORY COUNTY COURTS

SECTION 2.01. (a) Amends Sections 25.0631(b) and (c), Government Code, 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 25.0633(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.

(c) Provides that the Probate Court Number 2 of Denton County is created on the effective date of this Act.

SECTION 2.02. (a) Amends Section 25.2481, Government Code, as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Provides that Williamson County has the following statutory county courts:

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

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

- (3) County Court at Law No. 3 of Williamson County;
- (4) County Court at Law No. 4 of Williamson County; and
- (5) County Court at Law No. 5 of Williamson County.

Makes nonsubstantive changes.

(b) Provides that the County Court at Law No. 5 of Williamson County is created on the effective date of this Act.

### 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 unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.

### ARTICLE 4. TRANSFER OF CASES

SECTION 4.01. 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 (Electronic Filing System), 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 the order of transfer signed by the transferring court; and
- (3) a copy of all documents required to be transferred under rules adopted by the Office of Court Administration of the Texas Judicial System (OCA) under Section 72.037, Government Code.

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 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 4.02. Amends Section 51.3071, Government Code, as follows:

Sec. 51.3071. TRANSFER OF CASES. (a) Creates this subsection from existing text. Requires, rather than authorizes, 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, rather than in electronic or paper form:

(1) a transfer certificate and index of transferred documents, rather than a certified transcript of the proceedings held in the district court;

(2) a copy of the order of transfer signed by the transferring court, rather than the original papers filed in the district court; and

(3) a copy of all documents required to be transferred under rules adopted by the OCA under Section 72.037, rather than 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 4.03. 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, rather than in electronic or paper form:

(1) a transfer certificate and index of transferred documents, rather than a certified transcript of the proceedings held in the county court;

(2) a copy of the order of transfer signed by the transferring court, rather than the original papers filed in the county court; and

(3) a copy of all documents required to be transferred under rules adopted by OCA under Section 72.037, rather than 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, 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 4.04. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.037, as follows:

Sec. 72.037. PROCEDURE FOR TRANSFER OF CASES AND PROCEEDINGS. (a) Requires OCA to adopt rules prescribing the documents to be transferred between courts

when a transfer of a case or proceeding is ordered under Section 155.207, Family Code, or Section 51.3071 or 51.403 of this code.

(b) Requires that rules adopted under this section require the transfer of the following documents relating to a transferred case or proceeding:

(1) a copy of the original papers filed in the transferring court;

(2) a copy of each final order;

(3) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

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

(c) Requires OCA to develop and make available a standardized transfer certificate and 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.

(d) Requires OCA, in adopting rules and developing forms under this section, to consult with representatives of county and district clerks.

SECTION 4.05. 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 5. HABEAS CORPUS

SECTION 5.01. 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) the secure electronic mail the attorney has on file with the electronic filing system as required under Section 80.003 (Electronic Mail Address), Government Code, or another form of secure electronic transmission.

Makes nonsubstantive changes.

SECTION 5.02. Makes application of Section 5(a), Article 11.072, Code of Criminal Procedure, as amended by this Act, prospective.

#### ARTICLE 6. PUBLICATION OF CITATION FOR RECEIVERSHIP

SECTION 6.01. 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, 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 6.02. 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 statement, rather than the person's affidavit; and
- (3) and (4) makes conforming changes to these subdivisions.

SECTION 6.03. 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, rather than the affidavit, 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 7. EVIDENCE

SECTION 7.01. 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 7.02. 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 7.03. 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) creates this paragraph from existing text and makes a nonsubstantive change;

(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 the 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, rather than of the forensic analysis, examination, or test conducted; or

(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 7.04. 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 7.05. 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 profession negligence or misconduct), to establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

SECTION 7.06. 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 7.07. 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.

## ARTICLE 8. JURY SERVICE

SECTION 8.01. Amends Sections 61.003(a) and (c), Government Code, read 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 court treatment program, rather than a veterans court program, established by the commissioners court as provided by Chapter 124 (Veterans Treatment Court Program) or 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) directly to the program or office, as applicable, specified on the form letter signed by the person who reported for jury service.

#### ARTICLE 9. SPECIALTY COURT PROGRAMS

SECTION 9.01. 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 9.02. 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 9.03. Amends Sections 124.006(a) and (d), Government Code, to make conforming changes.

SECTION 9.04. (a) Makes application 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 10. PROTECTIVE ORDERS

SECTION 10.01. Amends Section 72.151(3), Government Code, to redefine "protective order" in Subchapter F (Protective Order Registry).

SECTION 10.02. 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 10.03. 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.

SECTION 10.04. Amends Section 72.155(a), Government Code, to make a conforming change.

SECTION 10.05. 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, for a protective order that has expired, rather than that is vacated or has expired, to modify the record of the order in the registry to reflect the order's status as expired, rather than vacated or expired.

(b-1) Requires the clerk of the applicable court, for a protective order that is vacated, to remove the record of the order from the registry.

SECTION 10.06. Amends Section 72.158(a), Government Code, to make a conforming change.

SECTION 10.07. Makes application of Section 72.152, Government Code, as amended by this Act, prospective.

SECTION 10.08. Requires OCA, as soon as practicable after the effective date of this Act, to remove the record of any protective orders that have been vacated from the protective order registry established under Subchapter F, Chapter 72, Government Code, as amended by this Act.

#### ARTICLE 11. TRANSITION

SECTION 11.01. 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 12. EFFECTIVE DATE

SECTION 12.01. Effective date, except as otherwise provided by this Act: September 1, 2021.