

BILL ANALYSIS

Senate Research Center
87R21313 ANG-D

C.S.S.B. 1530
By: Huffman
Jurisprudence
4/22/2021
Committee Report (Substituted)

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.

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

C.S.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 7.04 (Section 72.037, Government Code) 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 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, 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 1.03. (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 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 1.05. (a) Amends Subchapter C, Chapter 24, Government Code, 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 the effective date of this Act.

SECTION 1.06. (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, Family Code.

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

SECTION 1.07. (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) Requires that the initial vacancy in the office of judge of the 475th Judicial District, notwithstanding Section 24.026 (Appointment of Initial Judge), Government Code, be filled by election. Provides that the office exists for purposes of the primary and general elections in 2022. Provides that a vacancy after the initial vacancy is filled as provided by Section 28 (Vacancy in Judicial Office), Article V, Texas Constitution.

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

SECTION 1.08. (a) Amends Section 24.120(b), Government Code, to add the 474th district court to a list of district courts that have concurrent jurisdiction in McLennan County.

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

SECTION 1.09 (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 Section 25.0172(p), Government Code, to delete 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. Makes a nonsubstantive change.

(b) Amends Section 25.0173(g), Government Code, to delete 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. Makes a nonsubstantive change.

SECTION 2.02. (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 25.0632(i), Government Code, to provide 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, upon 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 the effective date of this Act.

SECTION 2.03. (a) Amends Section 25.1571, Government Code, as follows:

Sec. 25.1571. MCLENNAN COUNTY. Adds County Court at Law No. 3 of McLennan County to a list of statutory courts included in McLennan County. Makes a nonsubstantive change.

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

(c) 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 (Jurisdiction) 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 that a judge of a county court at law 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 an 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.

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

SECTION 2.04. (a) Amends Section 25.1721, Government Code, as follows:

Sec. 25.1721. MONTGOMERY COUNTY. Adds County Court at Law No. 6 of Montgomery County to a list of statutory county courts in Montgomery County. Makes a nonsubstantive change.

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

SECTION 2.05. 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 2.06. (a) Amends Section 25.2071(a), Government Code, effective January 1, 2023, to add the County Court at Law No. 2 of San Patricio County to a list of statutory courts in San Patricio County. Makes conforming and nonsubstantive changes.

(b) Amends Section 25.2072, Government Code, 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 2.07. Amends Section 25.2223(1), Government Code, as follows:

(l) Requires that the County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County give preference to cases brought under Title 5, 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 2.08. (a) Amends Section 25.2481, Government Code, as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Adds County Court at Law No. 5 of Williamson County to a list of 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 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.

SECTION 3.02. Amends Section 292.001(d), Local Government Code, as follows:

(d) Prohibits 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) (relating to a justice of the peace of a precinct in a county with a population of under 30,000) or 27.0515 (Location for Court Proceedings and Terms and Sessions of Court Following Certain Disasters), 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 and the county seat of which is located in the Llano Estacado region of this state, rather than a population of at least 275,000 persons but no more than 285,000 persons.

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."

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 relating 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.

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. Adds the magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County to a list of courts that have jurisdiction in criminal actions.

SECTION 5.02. 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, 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 that 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.

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."

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 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 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 (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 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 7.02. 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 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 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, 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 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. 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 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 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 email address filed with the electronic filing system as required under Section 80.003 (Electronic Mail Address), Government Code.

Makes nonsubstantive changes.

SECTION 8.02. 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 statement, rather than 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, 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 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) 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 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;

(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 treatment court 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), 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 district judge to draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. Authorizes 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.

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 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. TRANSITION

SECTION 14.01. 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.

SECTION 14.02. Provides that OCA 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, OCA is authorized, but is not required, to implement a provision of this Act using other appropriations available for that purpose.

ARTICLE 15. EFFECTIVE DATE

SECTION 15.01. Effective date, except as otherwise provided by this Act: September 1, 2021.