

SUBJECT: Requiring a magistrate's name to be written legibly on signed orders

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

WITNESSES: For — Marc Levin, Texas Public Policy Foundation; (*Registered, but did not testify*: Nicholas Chu, Bobby Gutierrez, Carlos Lopez, and Jama Pantel, Justices of the Peace and Constables Association of Texas; Mark Russo, Rockwall County; Emily Gerrick, Texas Fair Defense Project; Donnis Baggett, Texas Press Association)

Against — Mary Elizabeth Castle, Texas Values

On — (*Registered, but did not testify*: Margie Johnson)

DIGEST: HB 93 would require any signed order issued by a magistrate and pertaining to a criminal matter to include the magistrate's name in legible handwriting, typewritten form, or stamp print in addition to the magistrate's signature.

The bill would take effect September 1, 2019, and would apply to signed orders issued on or after that date.

SUPPORTERS SAY: HB 93 would improve the transparency of signed orders issued by magistrates by allowing those affected by the orders, journalists reporting on court cases, and others to know exactly which magistrate signed an order.

Ensuring transparency and the ability to determine which magistrate signed an order serves an important public interest that outweighs the benefit some magistrates could derive from using illegible signatures that could make it difficult to determine their identities.

HB 93
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HB 93 also would prevent cases of fraud in which members of the public who were not magistrates signed illegible signatures on fake orders. The signature on an order could be matched to the magistrate's signature on record.

OPPONENTS
SAY:

HB 93 could allow people to clearly identify a magistrate who issued an order that they did not like and could allow them to more easily threaten retaliation.