

**SUBJECT:** Creating new courts, modifying court procedures, judicial administration

**COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended

**VOTE:** 9 ayes — Leach, Davis, Dutton, Julie Johnson, Krause, Middleton,  
Moody, Schofield, Smith

0 nays

**WITNESSES:** For — (*Registered, but did not testify*: M. Paige Williams for Dallas  
Criminal District Attorney John Creuzot; Steve Bresnen, Texas Court  
Reporters Association; Amy Bresnen, Texas Family Law Foundation)

Against — None

On — (*Registered, but did not testify*: David Slayton, Office of Court  
Administration)

**BACKGROUND:** Each session the Legislature traditionally considers a bill creating new  
courts, changing court jurisdiction, and making other changes related to  
judicial administration.

**DIGEST:** CSHB 3774 would make revisions to district courts, statutory county  
courts, justice and municipal courts, certain magistrate courts, and  
juvenile justice and family courts. The bill also would revise the duties of  
the capital and forensic writs committee, standardize the court case  
transfer process, and make other changes, including revisions to the  
Forensic Science Commission, specialty court programs, and the  
protective order registry.

**District courts.** CSHB 3774 would amend the Government Code to  
create six new district courts as follows:

- 478th District Court composed of Bell County;
- 480th District Court composed of Williamson County (effective  
October 1, 2022);

- 481st District Court composed of Denton County;
- 482nd District Court composed of Harris County;
- 484th District Court, composed of Cameron County (preference to juvenile matters); and
- 474th District Court, composed of McLennan County.

The bill would create the Criminal Judicial District No. 5 composed of Tarrant County and would make provisions relating to the Tarrant County Criminal District Court No. 1 applicable to the new court.

**Statutory county courts.** The bill would create the following statutory county courts:

- County Court at Law No. 3 of McLennan County;
- County Court at Law No. 6 of Montgomery County;
- County Court at Law No. 2 of San Patricio;
- County Criminal Court No. 6 of Tarrant County; and
- County Court at Law No. 5 of Williamson County.

The bill would revise the jurisdiction of the statutory county court in Reeves County as it relates to family law cases and the jurisdiction of a statutory county court in San Patricio County as it relates to certain concurrent jurisdiction with the district court and to certain felony and civil matters. The bill also would remove provisions setting the minimum salary of a county courts at law judge in San Patricio County and would establish provisions relating to the clerks and other personal needed to operate the county courts at law in San Patricio County. The bill would include a board composed of the district judges and the county court at law judges for San Patricio County among those who would design a plan for the courts if necessary.

The bill would create Probate Court Number 2 of Denton County and revise the jurisdiction of the County Court at Law No. 2 of Denton County.

The bill would revise how the state annually compensates counties that

collect certain fees in statutory probate courts. The amount would change from \$40,000 for each statutory probate court judge to be 60 percent of the annual base salary paid to a state district judge for each statutory probate court judge.

CSHB 3774 also would revise provisions relating to the appointment of certain deputy clerks in Bexar County.

**Justice and municipal courts.** The bill would prohibit a justice or judge in a justice or municipal court from accepting a guilty or no contest plea in a criminal proceeding unless it appeared that the defendant was mentally competent and the plea was free and voluntary.

**Juvenile justice and family courts.** The bill would define a "dual status child" and establish provisions about transferring cases involving a dual status child.

The bill would include requirements for appointed attorney ad litem to meet with a child before court hearings to appointments for child welfare proceedings and would revise provisions relating to attorney ad litem filing certain statements with the court about meeting with a child.

**Magistrates and magistrate courts.** CSHB 3774 would give jurisdiction in criminal actions to magistrates appointed by the Collin County Commissioners Court and by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County.

The bill would create the Brazoria County Criminal Law Magistrate Court and would authorize the county commissioners court to appoint one or more full-time or part-time judges to preside over the court for a term determined by the commissioners and requires the local administrative judge to appoint one or more full or part-time judges to preside over the court if the commissioners court is prohibited by law from appointing a judge. The bill establishes several provisions relating to the court, including provisions on its jurisdiction, powers, duties, and operations.

**Capital and forensic writs committee.** The bill would revise the duties of the capital and forensic writ committee to include providing oversight and strategic guidance to the Office of Capital and Forensic Writs, including setting policy for the office and developing a budget proposal for it. The composition of the committee and requirements for its members would be revised.

**Transfer of cases.** CSHB 3774 would require the Office of Court Administration to adopt rules relating to the transfer of certain documents and cases between courts and would revise provisions governing court clerks handling and sending such documents.

**Habeas corpus.** The bill would allow applicants for writs of habeas corpus the option of using secure electronic mail to serve a copy of the application on the state's attorney. This would apply only to writs filed on or after the bill's effective date.

**Publication of citation for receivership.** Citations for a receivership for certain missing persons would have to be posted on the Office of Court Administration's website.

**Evidence.** The bill would make several revisions to the statutes governing the Forensic Science Commission. The commission would be required to adopt a code of professional responsibility to regulate the conduct of persons, labs, facilities, and other entities and to adopt rules establishing sanctions for code violations. The commission would be required to update the code of professional responsibility to reflect changes in science, technology, or other factors.

The bill would make other changes to the statutes governing the commission, including revising its duty to investigate certain allegations and authorizing it to delegate certain duties.

**Jury service.** The bill would expand the places where jurors may donate their daily reimbursement to include veterans county service offices, and would remove a cap on the meal reimbursement that can be given to jurors

in certain courts and replace it with a stipulation that judges can spend a reasonable amount for meal reimbursement.

**Specialty courts.** CSHB 3774 would allow a judge or magistrate of a district court or statutory county court who is authorized to hear criminal cases to be appointed to preside over a certain regional specialty court program if:

- the local administrative district and statutory county court judges of each county participating in the program approved the appointment; and
- the presiding judges of each of the administrative judicial regions in which the participating counties were located granted the appointment.

The bill also would establish authority of judges or magistrates in such courts to hear cases properly transferred to the court.

CSHB 3774 would establish an option for certain defendants to participate in veterans treatment courts in counties adjacent to the county where they worked or resided.

**Protective orders.** The bill would expand the protective order registry maintained by the Office of Court Administration to include certain protective orders relating to sexual assault or abuse, stalking, trafficking. It also would revise which information on the registry relating to protective orders that were vacated was publicly accessible.

**Effective date.** The bill generally would take effect September 1, 2021. State agencies would be required to implement provisions of the bill only if appropriated funds specifically for its purpose. If the Legislature did not appropriate money specifically for a purpose, the state agency may, but is not required to, implement a provision of the bill using other appropriations available for that purpose.

NOTES: According to the Legislative Budget Board, the bill would have a negative

impact of about \$3.7 million to general revenue through fiscal 2023.