

BILL ANALYSIS

Senate Research Center

H.B. 3774
By: Leach et al. (Huffman)
Jurisprudence
5/18/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

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

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

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in SECTION 7.05 (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 the Texas Forensic Science Commission is modified in SECTION 10.04 (Article 38.01, Code of Criminal Procedure) of this bill.

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 15.01 (Section 22.0042, Government Code) and SECTION 20.04 of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. DISTRICT COURTS

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

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

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

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

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

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

SECTION 1.02. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60025, 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). (a) Provides that the 482nd Judicial District is composed of Harris County.

(b) Requires the 482nd District Court to give preference to criminal cases.

(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 September 1, 2022.

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 Section 24.120(b), Government Code, to provide that the 19th, 54th, 74th, 170th, 414th, and 474th district courts have concurrent jurisdiction in McLennan County.

(b) Amends Subchapter C, Chapter 24, Government Code, 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 1.08. (a) Amends Subchapter C, Chapter 24, Government Code, 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 1.09. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60099, as follows:

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

(b) Provides that the 476th Judicial District is created on the effective date of this Act.

SECTION 1.10. (a) Amends Section 24.910(b), Government Code, to provide 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, rather than Nos. 1, 2, and 3.

(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 AND CONSTITUTIONAL COUNTY COURTS

SECTION 2.01. Amends Section 25.00211(a), Government Code, as follows:

(a) Requires the state, beginning on the first day of the state fiscal year, to annually compensate each county that collects the additional fees under Section 51.704 in an amount equal to 60 percent of the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a), rather than in an amount equal to \$40,000, for each statutory probate court judge in the county.

SECTION 2.02. Amends Section 25.0172(p), Government Code, as follows:

Deletes existing text providing that an appointment of a deputy clerk of County Court at Law No. 2 or 3 takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned and the deputy clerk serves at the pleasure of the judge of the court to which he is assigned. Deletes existing text providing that a deputy clerk of a county court at law is entitled to the same amount of compensation as received by the deputy clerks of the other county courts at law in Bexar County. Deletes existing text

requiring the commissioners court to pay the salary of a deputy clerk in equal monthly installments from county funds. Makes a nonsubstantive change.

SECTION 2.03. 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. Deletes existing text providing that a deputy clerk is entitled to receive an annual salary set by the judge in an amount that does not exceed the amount paid the deputies of the county courts at law of Bexar County. Deletes existing text requiring that the salary be paid in equal monthly installments as provided by law for the payment of salaries of deputy clerks. Makes a nonsubstantive change.

SECTION 2.04. (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 2.05. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.1331 and 25.1332, as follows:

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

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

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

(2) jurisdiction in Class A and Class B misdemeanor cases, probate proceedings, disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the

remedy sought, eminent domain, and appeals from the justice and municipal courts.

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

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

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

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

SECTION 2.06. (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.

SECTION 2.07. (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 2.08. 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 2.09. (a) Amends Section 25.2071(a), Government Code, 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 2.10. Amends Section 25.2223(l), 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 2.11. (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 October 1, 2022.

SECTION 2.12. (a) Amends Sections 26.006(a) and (b), Government Code, as follows:

(a) Provides that a county judge is entitled to an annual salary supplement from the state in an amount equal to 18 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) if at least 18 percent, rather than 40 percent, of the:

(1) functions that the judge performs are judicial functions; or

(2) total hours that the judge works are in the performance of judicial functions.

(b) Requires a county judge, to receive a supplement under Subsection (a), to file with the comptroller's judiciary section an affidavit stating that at least 18 percent, rather than 40 percent, of the:

(1) functions that the judge performs are judicial functions; or

(2) total hours that the judge works are in the performance of judicial functions.

(b) Provides that the changes in law made by this section take effect on the effective date of this Act and apply only to a salary payment for a pay period beginning on or after that date. Provides that a salary payment for a pay period beginning before the effective date of this Act is governed by the law in effect on the date the pay period began, and that law is continued in effect for that purpose.

ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

SECTION 3.01. Amends Article 4.14(g), Code of Criminal Procedure, as follows:

(g) Authorizes a municipality to enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b), rather than under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code.

SECTION 3.02. 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 3.03. Amends Article 103.003, Code of Criminal Procedure, by adding Subsection (a-1), to authorize the clerk of a municipal court to collect money payable to the municipal court under Title 2 (Code of Criminal Procedure).

SECTION 3.04. Amends Article 103.0081, Code of Criminal Procedure, as follows:

Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Authorizes any officer authorized by Chapter 103 (Payment, Collection, and Recordkeeping) to collect a fine, fee, or item of cost, rather than a fee or item of cost, to request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes the defendant

is deceased, the defendant is serving a sentence for imprisonment for life or life without parole, or the fine, fee, or item of cost has been unpaid for at least 15 years.

(b) Authorizes the court, on a finding by a court that any condition described by Subsections (a)(1)-(3) is true, to order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record. Requires the officer to attach a copy of the court's order to the fee record.

SECTION 3.05. Amends Section 29.003(i), Government Code, as follows:

(i) Authorizes a municipality to enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b), rather than under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 65.003(a), Family Code.

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 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 Collin County Commissioners Court, the magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County, and the magistrates appointed by the judges of the district courts of Tom Green County to a list of courts that have jurisdiction in criminal actions.

SECTION 5.02. Amends Articles 15.03(a), (c), and (f), Code of Criminal Procedure, as follows:

(a) Authorizes a magistrate to issue a warrant of arrest or a summons:

1. In any case in which he is by law authorized to order verbally the arrest of an offender;
2. When any person is required to make oath before the magistrate or other person authorized by law to administer oaths that another has committed some offense against the laws of the State; and
3. In any case named in this Code where he is specially authorized to issue warrants of arrest.

(c) Makes a conforming change.

(f) Redefines "electronic broadcast system."

SECTION 5.03. Amends Article 18.0215(c), Code of Criminal Procedure, to require that an application for a warrant made by a peace officer be written and signed and sworn to or affirmed before the judge or other person authorized by law to administer oaths.

SECTION 5.04. (a) Amends Section 54.1501(b), Government Code, as follows:

(b) Requires the commissioners court to establish the minimum qualifications, salary, benefits, and other compensation of each magistrate position and to determine whether the position is full-time or part-time. Deletes existing text requiring the qualifications to require the magistrate to have served as a justice of the peace or municipal court judge or be an attorney licensed in this state.

(b) Amends Section 54.1502, Government Code, as follows:

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

- (1) creates this subdivision from existing text; and
- (2) a municipal court in Burnet County, if approved by a memorandum of understanding between the municipality and Burnet County.

SECTION 5.05. 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 the clerk of a district court or county court at law that refers a proceeding to a magistrate under Subchapter PP to perform the statutory duties necessary for the magistrate to perform the duties authorized by Subchapter PP.

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

Sec. 54.2511. WITNESSES. (a) Provides that a witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

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

SECTION 5.06. Amends Chapter 54, Government Code, by adding Subchapter QQ, as follows:

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

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

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

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

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

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

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

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

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

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

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

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

- (1) a negotiated plea of guilty or no contest and sentencing before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55 (Expunction of Criminal Records), Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59 (Forfeiture of Contraband), Code of Criminal Procedure;
- (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
- (10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

- (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (12) specialty court proceedings;
- (13) a waiver of extradition; and
- (14) any other matter the judge considers necessary and proper.

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

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

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

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

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

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

(b) Authorizes an order of referral to:

- (1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or only receive and report on evidence;
- (2) set the time and place for the hearing;
- (3) prescribe a closing date for the hearing;
- (4) provide a date for filing the magistrate's findings;
- (5) designate proceedings for more than one case over which the magistrate shall preside;
- (6) direct the magistrate to call the court's docket; and
- (7) provide the general powers and limitations of authority of the magistrate applicable to any case referred.

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

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on admissibility of evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5.07. Repealer: Section 54.653(b) (relating to prohibiting the salary of a full-time magistrate from exceeding a certain amount), Government Code.

ARTICLE 6. CAPITAL AND FORENSIC WRITS COMMITTEE

SECTION 6.01. Amends Section 78.002, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires the capital and forensic writs committee (committee) to provide oversight and strategic guidance to the office of capital and forensic writs, including:

(1) recommending to the Texas Court of Criminal Appeals as provided by Section 78.004 a director for the office of capital and forensic writs when a vacancy exists for the position of director;

(2) setting policy for the office of capital and forensic writs; and

(3) developing a budget proposal for the office of capital and forensic writs.

(c) Prohibits the committee from accessing privileged or confidential information.

SECTION 6.02. Amends Section 78.003, Government Code, by amending Subsections (a) and (c) and adding Subsections (a-1), (a-2), and (a-3), as follows:

(a) Provides that the committee is composed of the following seven members who are appointed as follows:

(1) three attorneys who are appointed by the executive director of the Texas Indigent Defense Commission;

(2) two attorneys who are appointed by the president of the State Bar of Texas (state bar), with ratification by the executive committee of the state bar; and

(3) two attorneys, each of whom are appointed by a majority of the deans of the public law schools in this state.

Deletes existing text providing that the committee is composed of five members who are appointed by the president of the state bar, with ratification by the executive committee

of the state bar: three attorneys who are members of the state bar and who are not employed as prosecutors or law enforcement officials, all of whom must have criminal defense experience with death penalty proceedings in this state, and two state district judges, one of whom serves as presiding judge of an administrative judicial region.

(a-1) Requires each member of the committee to be a licensed attorney and have significant experience in capital defense or indigent criminal defense policy or practice. Prohibits a member of the committee from being a prosecutor, a law enforcement official, a judge of a court that presides over criminal offenses, or an employee of the office of capital and forensic writs.

(a-2) Provides that members of the committee serve four-year terms and are authorized to be reappointed.

(a-3) Requires the appropriate appointing authority, if a vacancy occurs, to appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(c) Requires the committee to meet at the call of the presiding officer of the committee. Deletes existing text providing that the committee members serve at the pleasure of the president of the state bar, and the committee meets at the call of the presiding officer of the committee.

ARTICLE 7. TRANSFER OF CASES AND ELECTRONIC FILING SYSTEM

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. (a) Amends Section 72.031(a), Government Code, by adding Subdivision (5), to define "state court document database" for Section 72.031.

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

(b) Authorizes OCA as authorized by Supreme Court of Texas rule or order to implement an electronic filing system for use in the courts of this state, allow public access to view information or documents in the state court document database, and charge a reasonable fee for additional optional features in the state court document database.

SECTION 7.05. 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 7.06. 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) 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 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 affidavit;

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

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

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

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

(3) if the service is made by mail:

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

(B) makes no changes to this paragraph; and

(4) makes conforming changes to this subdivision.

ARTICLE 10. EVIDENCE

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

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

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

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

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

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

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

(a) Requires FSC to:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 10.05. Amends Section 4-d(b-1), Article 38.01, Code of Criminal Procedure, to authorize FSC, as part of the accreditation process established and implemented under Subsection (b) (relating to FSC conducting a certain investigation of a crime laboratory pursuant

to an allegation of professional negligence or misconduct), to establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

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

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

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

ARTICLE 11. JURY SERVICE

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

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

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

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

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

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

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

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

ARTICLE 12. SPECIALTY COURT PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 13. PROTECTIVE ORDERS

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

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

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

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

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

Makes nonsubstantive changes.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS

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

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

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

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

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

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

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

ARTICLE 15. APPELLATE COURTS

SECTION 15.01. Amends Subchapter A, Chapter 22, Government Code, by adding Section 22.0042, as follows:

Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF PROPERTY; FORM. (a) Requires the Supreme Court of Texas to adopt rules that:

(1) establish a simple and expedited procedure for a judgment debtor to assert an exemption to the seizure of personal property by a judgment creditor or a receiver appointed under Section 31.002, Civil Practice and Remedies Code;

(2) require a court to stay a proceeding, for a reasonable period, to allow for the assertion of an exemption under Subdivision (1); and

(3) require a court to promptly set a hearing and stay proceedings until a hearing is held, if a judgment debtor timely asserts an exemption under Subdivision (1).

(b) Requires that rules adopted under this section require the provision of a notice in plain language to a judgment debtor regarding the right of the judgment debtor to assert one or more exemptions under Subsection (a)(1). Requires that the notice:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court;

(2) include the form promulgated under Subsection (c);

(3) list all exemptions under state and federal law to the seizure of personal property; and

(4) provide information for accessing free or low-cost legal assistance.

(c) Requires that rules adopted under this section include the promulgation of a form in plain language for asserting an exemption under Subsection (a)(1). Requires that a form promulgated under this subsection:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court; and

(2) include instructions for the use of the form.

(d) Requires a court to accept a form promulgated under Subsection (c) unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

SECTION 15.02. Requires the Supreme Court of Texas, not later than May 1, 2022, to adopt rules and promulgate forms under Section 22.0042, Government Code, as added by this article.

ARTICLE 16. PROCEDURES FOR CERTAIN DEFENDANTS

SECTION 16.01. Amends Article 16.22(a)(1), Code of Criminal Procedure, to delete existing text requiring the sheriff or municipal jailer, not later than 12 hours after the sheriff or municipal jailer having custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, to provide written or electronic notice to the magistrate.

SECTION 16.02. Amends Articles 16.22(b-1) and (d), Code of Criminal Procedure, to make a conforming change.

SECTION 16.03. Makes application of this article prospective.

ARTICLE 17. MISDEMEANOR CASES

SECTION 17.01. Amends Article 15.17(b), Code of Criminal Procedure, to delete existing text providing that Subsection (b) (relating to authorizing a magistrate to release the accused without bond under certain conditions) does not apply to an accused who has previously been convicted of a felony or a misdemeanor other than a misdemeanor punishable by fine only.

SECTION 17.02. Amends Article 45.016(c), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, as follows:

(c) Provides that if before the expiration of a 48-hour period following the issuance of the applicable order a defendant described by Subsection (b) (relating to prohibiting a justice or judge from requiring a defendant to give a bail bond unless certain conditions are met), rather than Subsections (b)(1) and (2) (relating to conditions by which a justice or judge is authorized to require a defendant to give a bail bond), remains in custody for a misdemeanor punishable by fine only and does not give a required bail bond, the justice or judge is required to reconsider the requirement for the defendant to give the bail bond and presume that the defendant does not have sufficient resources or income to give the bond, and is authorized to require the defendant to give a personal bond.

SECTION 17.03. Amends Article 45.031, Code of Criminal Procedure, as follows:

Art. 45.031. COUNSEL FOR STATE NOT PRESENT. (a) Creates this subsection from existing text. Authorizes the justice or judge, if the state is not represented by counsel when the case is called for trial, to postpone the trial to a date certain, appoint any competent attorney as an attorney pro tem to represent the state, notwithstanding Article 2.07 (Attorney Pro Tem), or proceed to trial. Makes a nonsubstantive change.

(b) Provides that an attorney appointed under Subsection (a) is qualified to perform the duties of the office of the attorney representing the state and is authorized to be paid a reasonable fee for performing those duties.

SECTION 17.04. Amends the heading to Article 45.0445, Code of Criminal Procedure, to read as follows:

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

SECTION 17.05. Amends Article 66.252, Code of Criminal Procedure, by adding Subsection (b-1), as follows:

(b-1) Authorizes the justice or judge of a court having jurisdiction of the case of a misdemeanor described by Subsection (b)(3) (relating to a misdemeanor punishable by fine only that involves family violence), at any time before final disposition of the case, to order a law enforcement officer to use the uniform incident fingerprint card to take the fingerprints of an offender who is charged with the misdemeanor, but was not placed under custodial arrest at the time of the offense.

SECTION 17.06. Repealer: Article 45.016(c) (relating to the certain requirement and authorization of a justice or judge in the event that a defendant does not give a required bail bond), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 17.07. Makes application of this article prospective.

SECTION 17.08. Provides that the changes in law made by this article apply only to a misdemeanor case that is initially filed in a justice or municipal court on or after the effective date of this Act, regardless of whether the offense for which the case is filed occurred before, on, or after the effective date of this Act.

ARTICLE 18. COURT REPORTERS

SECTION 18.01. Amends Article 39.03, Code of Criminal Procedure, as follows:

Art. 39.03. New heading: OFFICERS WHO MAY TAKE DEPOSITION. (a) Creates this subsection from existing text. Requires the court, on filing of the affidavit and application under Article 39.02 (Witness Deposition), to appoint, order, or designate one of the following persons before whom the deposition is required to be taken: district judge, county judge, notary public, district clerk, county clerk, or a court reporter. Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires that the order specifically name the person before whom, the time when, and the place where the deposition is required to be taken. Provides that failure of a witness to respond to the order is punishable by contempt by the court. Requires that the deposition be oral or written, as the court directs. Makes conforming and nonsubstantive changes.

SECTION 18.02. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.25, as follows:

Art. 42.25. FILING OF REPORTER NOTES. Authorizes a court reporter to comply with Rule 13.6, Texas Rules of Appellate Procedure, by electronically filing with the trial court clerk not later than the 20th day after the expiration of the time the defendant is allotted to perfect the appeal the untranscribed notes created by the court reporter using computer-aided software.

SECTION 18.03. Amends Section 52.001(a)(4), Government Code, to redefine "shorthand reporter" and "court reporter" for Chapter 52 (Court Reporters and Shorthand Reporting Firms).

SECTION 18.04. Amends Section 52.011, Government Code, as follows:

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

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

(c) Requires that the deposition certificate include:

- (1) a statement that the deposition transcript was submitted to the deponent or the deponent's attorney for examination and signature;
- (2) the date the transcript was submitted to the deponent or the deponent's attorney;
- (3) the date the deponent returned the transcript, if returned, or a statement that the deponent did not return the transcript;

- (4) a statement that any changes the deponent made to the transcript are reflected in a separate document attached to the transcript;
- (5) a statement that the transcript was delivered in accordance with Rule 203.3, Texas Rules of Civil Procedure;
- (6) the amount charged for preparing the original deposition transcript;
- (7) a statement that a copy of the certificate was served on all parties to the case; and
- (8) the date the copy of the certificate was served on the parties to the case.

SECTION 18.05. Amends Section 52.041, Government Code, as follows:

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

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

(c) Authorizes an official court reporter to remotely serve any court to which the official court reporter is appointed and to remotely serve any other court of record with the approval of an appointing court and the agreement of the court reporter.

(d) Authorizes an official court reporter to elect to serve the requesting court in person or, with the permission of the requesting court, remotely.

SECTION 18.06. Amends Section 52.042, Government Code, by adding Subsections (e) and (f), as follows:

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

(f) Authorizes a deputy court reporter to remotely serve any court to which the official court reporter is appointed and to remotely serve any other court of record with the approval of an appointing court.

SECTION 18.07. Amends Sections 52.046(b) and (d), Government Code, as follows:

(b) Authorizes an official court reporter, rather than an official court reporter of a district court, to conduct the deposition of witnesses, receive, execute, and return commissions, and make a certificate of the proceedings in any court, rather than any county that is included in the judicial district of that court.

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

SECTION 18.08. Amends Subchapter E, Chapter 52, Government Code, by adding Section 52.060, as follows:

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

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

(c) Requires OCA to develop the model interlocal agreement with the participation of the counties and courts of this state. Authorizes the model interlocal agreement to include provisions for the compensation and expenses of an official court reporter or deputy court reporter serving remotely.

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

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

SECTION 18.09. Amends Chapter 72, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. FACILITATION OF APPOINTMENT OF COURT REPORTERS TO ADDITIONAL COURTS

Sec. 72.161. DEFINITIONS. Defines "official court reporter," "shorthand reporter," and "court reporter."

Sec. 72.162. OFFICIAL COURT REPORTER DATABASES. (a) Requires OCA to develop one or more databases of official court reporters and deputy court reporters willing and authorized by an appointing court or courts to serve as a reporter in a court of this state other than the court to which the reporter is appointed when the reporter's duties to the appointing court or courts do not conflict with duties provided to the requesting court.

(b) Requires that an official reporter database include:

- (1) the court or courts served by each official court reporter and deputy court reporter;
- (2) the contact information for each court identified under Subdivision (1);
- (3) the name and contact information for each court reporter; and
- (4) whether a reporter in the database is willing to serve as a temporary court reporter only in person, only remotely, or both in person and remotely.

Sec. 72.163. COMMUNICATION FACILITATION. Requires OCA to facilitate communication between the courts of this state and official court reporters for purposes of matching court reporters with courts requesting the services of court reporters.

Sec. 72.164. ONLINE MATCHING SERVICE. Authorizes OCA, the courts of record of this state, and official court reporters and deputy court reporters to use an online service for matching court reporters with courts requesting the services of court reporters in a database established under Section 72.162(b). Authorizes the service to be provided by a statewide trade association of court reporters with the permission of the trade association.

SECTION 18.10. Amends Section 154.001(a)(4), Government Code, to redefine "shorthand reporter" and "court reporter" for Chapter 154 (Court Reporters Certification and Shorthand Reporting Firms Registration).

SECTION 18.11. Amends Section 154.101(e), Government Code, as follows:

(e) Prohibits a person from assuming or using the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the Supreme Court of Texas. Requires that nothing in this subsection be construed to either sanction or prohibit the use of electronic court recording equipment operated by a person who engages in shorthand reporting but is not certified as a court reporter, rather than a noncertified court reporter, pursuant and according to rules adopted or approved by the Supreme Court of Texas.

SECTION 18.12. Amends Section 154.105, Government Code, by amending Subsection (b) and adding Subsections (c), (d), and (e), as follows:

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

(1) anywhere in this state;

(2) in a jurisdiction outside this state if the reporter is at the same location as the witness and if the witness is or is authorized to be a witness in a case filed in this state; and

(3) at any location authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b).

(c) Authorizes a shorthand reporter, notwithstanding Subsection (b), to administer an oath as provided under this subsection to a person who is or is authorized to be a witness in a case filed in this state without being at the same location as the witness:

(1) if the reporter is physically located in this state at the time the oath is administered; or

(2) as authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b) if the witness is at a location in the other jurisdiction and if the reporter is at a location in the same jurisdiction as the witness.

(d) Authorizes the identity of a witness who is not in the physical presence of a shorthand reporter to be proven by:

(1) a statement under oath on the record by a party to the case stating that the party has actual knowledge of the witness's identity;

(2) a statement on the record by an attorney for a party to the case, or an attorney for the witness, verifying the witness's identity;

(3) a statement on the record by a notary who is in the presence of the witness verifying the witness's identity; or

(4) the witness's presentation for inspection by the court reporter of an official document issued by this state, another state, a federal agency, or another jurisdiction that verifies the witness's identity.

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

SECTION 18.13. Amends Section 154.112, Government Code, as follows:

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

(b) Makes conforming changes to this subsection.

(c) Makes no changes to this subsection.

SECTION 18.14. (a) Provides that, except as provided by Subsection (b) of this section, the changes in law made by this article apply only to a deposition taken on or after the effective date of this Act. Provides that a deposition taken before that date is governed by the law in effect on the date the deposition was taken, and the former law is continued in effect for that purpose.

(b) Provides that Article 39.03, Code of Criminal Procedure, as amended by this article, applies only to a deposition taken in a criminal case in which an information is filed or an indictment is returned on or after the effective date of this Act. Provides that a deposition taken in a criminal case in which an information is filed or an indictment is returned before the effective date of this Act is governed by the law in effect when the information is filed or the indictment is returned, and the former law is continued in effect for that purpose.

ARTICLE 19. JUDICIAL ELECTIONS

SECTION 19.01. Amends Section 141.035, Election Code, as follows:

Sec. 141.035. APPLICATION AS PUBLIC INFORMATION. (a) Creates this subsection from existing text. Provides that an application for a place on the ballot, including an accompanying petition, is public information immediately on its filing.

(b) Authorizes the home address of a state judge, notwithstanding Subsection (a), as defined by Section 572.002(11-a), Government Code, listed on an application to only be made available to the public for in-person review at the office of the authority with whom the application for a place on the ballot is filed. Requires the authority with whom the application is filed, before a person reviews a state judge's home address, to record the person's name, whom the person represents, and the date the person reviewed the state judge's home address. Requires the authority with whom the application is filed to provide the recorded information to the state judge not later than the second day of the review. Requires the authority with whom the application is filed to retain the information for the time the authority maintains the ballot application.

SECTION 19.02. Amends Section 572.032(b), Government Code, to make conforming changes.

SECTION 19.03. Amends Section 145.007(b), Local Government Code, to make conforming changes.

ARTICLE 20. REMOTE PROCEEDINGS

SECTION 20.01. Amends Section 21.009, Government Code, by adding Subdivision (5), to define "remote proceeding" in Title 2 (Judicial Branch).

SECTION 20.02. Amends Chapter 21, Government Code, by adding Section 21.013, as follows:

Sec. 21.013. OPTION FOR REMOTE PROCEEDING. (a) Authorizes a court in this state as the court determines appropriate, notwithstanding any other law and except as limited by the United States Constitution, the Texas Constitution, rules adopted by the Supreme Court of Texas, or this section, on the court's own motion or on the motion of any party, to:

(1) conduct a hearing or other proceeding as a remote proceeding; and

(2) allow or require a judge, party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition, hearing, trial, or other proceeding.

(b) Requires a court that elects to conduct a remote proceeding to:

(1) provide adequate notice of the remote proceeding to the parties to the proceeding;

(2) allow a party to file with the court a motion objecting to the remote proceeding and requesting an in-person proceeding not later than the 10th day after the date the party receives the notice; and

(3) provide a method for a person described by Subsection (a)(2) to notify the court that the person is unable to participate in the remote proceeding because the person is a person with a disability, lacks the required technology, or shows other good cause and provide an alternate method for the person to participate that accommodates the disability, lack of technology, or other situation; allow the person to appear in person; or conduct the proceeding as an in-person proceeding.

(c) Requires the court, on the court's receipt from any party to a proceeding of a motion objecting to the conduct of the proceeding as a remote proceeding and requesting an in-person proceeding, to consider the motion and grant the motion for good cause shown.

(d) Requires the prosecutor and defendant, in any contested adversarial or contested evidentiary criminal proceeding for an offense punishable by confinement, to each agree for the proceeding to be conducted as a remote proceeding. Prohibits the proceeding from being held as a remote proceeding if the prosecutor or defendant does not agree.

(e) Prohibits a district court, statutory county court, statutory probate court, or county court from conducting a jury trial as a remote proceeding unless each party to the proceeding agrees to conduct the proceeding as a remote proceeding.

(f) Requires the court, for a jury trial that is to be conducted as a remote proceeding in a justice or municipal court, to consider on the record any motion or objection related to proceeding with the trial not later than the seventh day before the trial date, except that if the motion or objection is made later than the seventh day before the trial date, the court is required to consider the motion or objection on the record as soon as practicable.

(g) Requires a court that conducts a jury trial as a remote proceeding to ensure all prospective jurors have access to the technology necessary to participate in the remote proceeding.

(h) Requires a court that conducts a remote proceeding at a location other than the location the court regularly conducts proceedings to provide to the public reasonable notice of the location of the remote proceeding and an opportunity to observe the remote proceeding.

(i) Requires OCA to provide guidance and assistance to the extent possible to a court conducting a remote proceeding.

(j) Provides that, for purposes of any law requiring notice or citation of the time and place for a proceeding, notice of the remote means by which the proceeding will be conducted and the method for accessing the proceeding through that remote means constitutes notice of the place for the proceeding.

SECTION 20.03. Repealer: Section 30.012(b) (relating to authorizing witness testimony at trial to be conducted by electronic means only if the witness is deposed before the commencement of the trial), Civil Practice and Remedies Code.

Repealer: Section 54.012(b) (relating to prohibiting a detention hearing from being held using video equipment unless certain conditions are met), Family Code.

SECTION 20.04. Requires the Supreme Court of Texas, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement the changes in law made by this article. Requires the Supreme Court of Texas, before adopting the rules, to consult with interested parties, including prosecutors, criminal defense attorneys, judges, and representatives from the State Bar of Texas and Disability Rights Texas.

SECTION 20.05. Requires the Texas Legislative Council, with the assistance of OCA, to prepare for consideration by the 88th Legislature a nonsubstantive revision of the statutes of this state as necessary to reflect the changes in law made by this article.

ARTICLE 21. TRANSITION

SECTION 21.01. 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 22. EFFECTIVE DATE

SECTION 22.01. Effective date, except as otherwise provided by this Act: September 1, 2021.